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MARIAM SAFI & RAJESHWARI KRISHNAMURTHY

COUNTERING THE
TALIBAN'S GENDER
APARTHEID REGIME:

LEGAL AND POLICY PATHWAYS

د خپرونو او پراختیا بنسټ

نهاد پژوهش و توسعه



DROPS

ORGANIZATION FOR POLICY RESEARCH
& DEVELOPMENT STUDIES

Countering the Taliban's Gender Apartheid Regime: Legal and Policy Pathways

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Preface

It is now some twenty years since I first met a woman from Afghanistan. Listening to how difficult life was for them there, I wanted to help. Over the intervening years, with encouragement, the courageous women came forward to take their rightful place in every sphere of life in Afghanistan.

Since the Taliban's return to power in Afghanistan in 2021, women have systematically been erased from society and public life. It is outrageous that in the 21st century there is a country that forbids women secondary and tertiary education and allows husbands to beat their wives! Women have been pushed back into their homes, unable to have any kind of autonomy, unable to go out without a male relative accompanying them, and unable to play any part in the future of their country.

This latest volume of the Women and Public Policy Journal published by the Organization for Policy Research and Development Studies, edited by Mariam Safi and Rajeshwari Krishnamurthy, and themed 'Countering the Taliban's Gender Apartheid Regime: Legal and Policy Pathways', offers us unique insight into life for women there, with each chapter written by a woman with deep understanding of the current situation reinforced with evidence from Afghan women across the country.

The Volume brings together Afghan scholars, practitioners, and global experts, with an effort to combine legal analysis, policy insight, and lived realities. The work is grounded in the voices and analysis of Afghan women, who remain central to both understanding the crisis and shaping responses, while at the same time, seeking to go beyond documentation by offering legal,

policy, and strategic pathways grounded in international law and comparative experience.

The central focus running through is on the term 'gender apartheid'. What is happening in Afghanistan goes beyond just violence against women and unfair societal attitudes. It is an institutionalized and systematic form of the removal of the rights of women and girls. This is having a devastating effect on half the population, the women.

None of the present legal terminologies really address what is happening in Afghanistan and thus there has been growing use of the term 'gender apartheid' to recognise the structural nature of the oppression of women. A growing movement led by Afghan women's rights defenders, international legal scholars, and civil society organizations has called for the codification of gender apartheid as a crime against humanity under international law.

How can the Taliban be held to account, and how do we move from mere condemnation to holding them accountable? Five years on, and the international community do not really have the answers. However, this Volume engages with pathways for moving from condemnation to accountability, including the use of international legal mechanisms such as the International Court of Justice and existing frameworks like the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention against Torture. The question is whether the international community will have the appetite for pursuing this approach. The United Nations Assistance Mission in Afghanistan only renewing its mandate for three months does not send a strong message of hope.

I simply cannot imagine what it must be like as a woman living in Afghanistan right now. With all the conflicts and crises in the world today, there is a tendency for the media spotlight to move on. However, we must ensure that five years on we do not forget what is happening in Afghanistan—nowhere else in the world are women facing such horrific systematic cruel subjugation simply for being female!

It is hard not to be carried away with emotion when thinking of their plight, an approach easy for politicians and policy makers to dismiss. However, through painstaking qualitative and quantitative research, the value of this Volume is that it is based on hard facts, hard facts that cannot simply be disregarded. We owe it to the women in Afghanistan to ensure that their voices are not ignored!

Fiona Hodgson

Baroness Hodgson of Abinger, CBE

10 April 2026

Editorial Note

Since the Taliban's return to power in Afghanistan in August 2021, the country has become the site of one of the most severe and systematic backlashes against women's rights in modern history. Within months of seizing power, the Taliban dismantled Afghanistan's constitutional and institutional protections for women and replaced them with a growing body of decrees, laws and administrative practices that exclude women and girls from education, employment, public life, and freedom of movement. Individually and collectively, these measures form not merely a collection of discriminatory policies but also an increasingly coherent system of governance grounded in gender-based segregation, oppression, and domination. For many scholars, legal experts, and human rights advocates, this system can best be described as gender apartheid, a term that encapsulates the systematic and ideological character of the Taliban's rule.

Evidence from Afghan women themselves reinforces this assessment. Data collected through Bishnaw, a digital research platform operated by the Organization for Policy Research and Development Studies (DROPS), provides rare insight into how women across Afghanistan understand the nature of these restrictions. In a survey of 3,640 women across 24 provinces, 67% of the respondents identified the Taliban's restrictions as systematic oppression and domination of women and girls, while 61% believed these policies are intended to create a society in which women are subordinate to men. Importantly, 64% of the respondents stated that the term "gender apartheid" accurately describes the current conditions women face in Afghanistan, and 60% expressed support for the United Nations formally

adopting the term to characterize the situation.

These findings underscore that the concept of gender apartheid is not only an analytical or legal framing but also one that resonates strongly with the lived realities and political perceptions of Afghan women themselves.

The growing use of the term gender apartheid reflects an emerging recognition that existing international legal frameworks struggle to capture the structural nature of the oppression unfolding in Afghanistan. International law already recognizes crimes such as gender persecution and discrimination. Yet the Taliban's policies go beyond individual acts of repression. They represent the deliberate construction of a political and social order designed to exclude women from civic, economic, and political life. In this sense, the term gender apartheid describes not simply the violation of women's rights but the institutionalization of gender-based domination as a central organizing principle of governance.

In parallel with these developments inside Afghanistan, international legal debates surrounding the recognition of gender apartheid as a crime against humanity have accelerated. A growing movement led by Afghan women's rights defenders, international legal scholars, and civil society organizations has called for the codification of gender apartheid as a crime against humanity under international law. Recent legal proposals define gender apartheid as inhumane acts committed within an institutionalized regime of systematic oppression and domination by one gender group over another, carried out with the intent to maintain that regime¹. Codifying the crime would address a significant accountability gap within international law by recognizing systems of gender-based domination that extend beyond individual acts of persecution or discrimination. Momentum behind this effort has grown

1. This definition is a paraphrased synthesis of the definition of apartheid in Article 7(2)(h) of the Rome Statute, as adapted in recent legal proposals and advocacy efforts to define 'gender apartheid'. See: *Rome Statute of the International Criminal Court*. Article 7(2)(h) [online] Available at: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>. Also see: recent proposals to codify gender apartheid under international law, which adapt this definition to gender-based systems of domination.

steadily to advocate for the inclusion of gender apartheid within the draft UN Crimes Against Humanity Convention currently under negotiation.

This has also been reinforced by civil society-led accountability initiatives. Most notably, the People's Tribunal for Women of Afghanistan, co-convened in Madrid (October 2025) and the Hague (December 2025) under the auspices of the Permanent Peoples' Tribunal. The Tribunal heard testimonies from Afghan women and expert witnesses documenting the Taliban's systematic repression. It concluded that the Taliban's governance system constitutes a form of gender apartheid and urged the international community to accelerate efforts toward legal recognition and accountability. These developments highlight the growing convergence between grassroots advocacy, legal scholarship, and international policymaking, underscoring the urgency of developing stronger legal mechanisms capable of addressing institutionalized gender-based oppression.

The Taliban's policies reveal a coherent strategy aimed at removing women from all forms of public life while consolidating male authority across both public and private spheres. Through successive decrees restricting access to education, employment, healthcare, justice, and mobility, the Taliban's *de facto* regime has developed an extensive enforcement architecture supported by state institutions, religious policing mechanisms, and social control within households and by community members. These policies have transformed gender discrimination into a governing framework that regulates everyday life across Afghan society.

Despite the scale of these developments, international responses have been uneven, delayed and frequently ineffective. Governments and multilateral institutions have issued repeated condemnations and imposed sanctions while attempting to channel humanitarian assistance through international organizations. Yet these measures have done little to alter the Taliban's policy. In some cases, economic restrictions have exacerbated Afghanistan's humanitarian crisis while leaving the Taliban's governing structures largely

unaffected. Simultaneously, geopolitical interests, regional security concerns, and competing diplomatic priorities have produced divergent strategies of engagement with the Taliban, further weakening international leverage.

For Afghan women themselves, the question of how the international community responds carries profound implications. Participants in Bishnaw's focus groups noted that formal recognition of gender apartheid as a crime by international institutions could increase pressure on the Taliban and create pathways for legal accountability. At the same time, many also expressed concern that international action could provoke further restrictions or retaliation by the Taliban *de facto* authorities. These perspectives illustrate both the urgency of international engagement and the complex risks faced by Afghan women advocating for global action.

This gap between the scale of the crisis and the coherence of international responses raises fundamental questions about the capacity of existing legal and political mechanisms to address systemic gender-based oppression. It also underscores the need for new approaches that combine legal innovation, diplomatic coordination, and sustained engagement with Afghan civil society.

This volume of the *Women Public Policy Journal* (WPPJ) seeks to contribute to these debates by bringing together Afghan scholars, practitioners, and advocates whose work examines the legal, political, and social dimensions of gender apartheid in Afghanistan. The contributions collectively analyze the ideological foundations of the Taliban's policies, assess the effectiveness of international responses, and explore potential pathways for strengthening accountability through international law and multilateral cooperation.

Essays in this volume focus on the conceptual and legal foundations of gender apartheid. **Palwasha Mirbacha** examines the operative elements of gender apartheid under Taliban rule, demonstrating how the regime's policies of segregation, exclusion, and enforcement collectively constitute a systematic structure of gender domination embedded within the state apparatus. Complementing this legal analysis, **Madina Qati Musadiq** interrogates

the ideological foundations of the Taliban's approach to women's rights, contrasting the group's interpretations with international legal standards and broader Islamic principles. Emphasizing the centrality of specific intent in international law, in a candid interview, **Professor Karima Bennoune** cautions on how the failure to name and analyze gender-based persecution risks obscuring the full scope and gravity of crimes under Taliban rule.

Other contributions examine the international political landscape surrounding the Taliban's rule. **Oma Seddiq** analyzes the responses of Western and regional powers, arguing that inconsistent strategies and competing geopolitical interests have weakened efforts to exert meaningful pressure on the Taliban. **Sofia Ramyar** extends this discussion by examining competing models of engagement with the Taliban, distinguishing between "principled" approaches grounded in human rights commitments and pragmatic strategies shaped by security and geopolitical considerations.

The volume also explores potential legal avenues for accountability. **Naheed Ahmadi Farid** examines the potential role of the International Court of Justice (ICJ) as a forum for challenging Taliban policies under international human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture (CAT).

Several essays also foreground the agency and resilience of Afghan women themselves. **Negina Yari** documents the diverse forms of resistance that have emerged among Afghan women and civil society actors, while **Nazila Jamshidi** examines the international advocacy coalitions working to codify gender apartheid as a crime under international law. Drawing on the South Africa's experience, Yalda Bari distills lessons from women-led resistance and coalition-building experienced during the country's anti-apartheid struggle, offering transferable strategies to confront and dismantle gender apartheid in Afghanistan.

This volume of the WPPJ ends with a comprehensive review of the Karen

Bartlett's book, *Escape from Kabul: The Afghan Women Judges Who Fled the Taliban and Those They Left Behind*, where **Marwa Raufi** highlights how everyday acts of defiance and resilience by Afghan women coalesce into collective memory, shaping narratives of resistance and laying the groundwork for enduring social change.

Ultimately, the situation in Afghanistan represents more than a national human rights crisis. It poses a profound test for the international system itself. If gender apartheid is allowed to consolidate without meaningful accountability, it risks eroding global commitments to gender equality and weakening the credibility of international law. Conversely, confronting this system through coordinated legal, diplomatic, and civil society efforts offers an opportunity not only to defend the rights of Afghan women but also to strengthen international norms against gender-based systems of domination.

Mariam Safi

Executive Director

Organization for Policy Research and Development Studies (DROPS)

April 2026

Deconstructing the Taliban's Stances and Attitudes Regarding Women's Rights

By Madina Qati Musadiq¹

The Taliban's conception of women's rights is based on a narrow, specific and cherry-picked interpretation and application of Islamic sharia law combined with selective application of certain customary practices such as those in ethnic Pashtun tribal codes from their native heartlands in Afghanistan. Consequently, since the Taliban's takeover of Afghanistan in August 2021, women's rights in the country have been severely restricted due to the Taliban's worldview, which has in turn not only caused and exacerbated various crises for women across the country but has also drawn harsh criticism and condemnation both inside and outside the country.

This essay explores the core principles that shape the Taliban's stances on women's rights and contrasts them with foundational principles that underpin modern civil rights and as well as key Islamic principles to demonstrate how the Taliban's behavior violates both. Section 1 summarizes the Taliban's stances on women's rights. Section 2 compares the Taliban's views on women's rights with international legal frameworks that govern women's rights. Section 3 critiques the Taliban's stances in relation to Islamic principles and history. Section 4 summarizes patterns discernible in the Taliban's outlook and efforts to dismantle women's rights. Finally, the essay concludes with four policy

1. **Madina Qati Musadiq** is an Afghan social researcher and women's rights advocate, known for her work on girls' education, gender equality, and social change in Afghanistan.

recommendations. To do so, this essay relies on primary and secondary sources including extant research, international legal instruments, news articles, perspectives from Islamic legal and social history, and the Taliban's own statements and edicts.

Taliban's Policy Positions on Women's Rights

The Taliban's edicts, statements, and actions as seen since the 1990s but also specifically since the group's August 2021 takeover of Afghanistan, reveal clear, traceable patterns regarding the ideological moorings that underpin the group's views on women's rights. Those stances and patterns can be summarized as follows:

- **Restricted Engagement in Public Life:** The Taliban has placed limitations on women's participation in public life because they think that a woman's place is primarily in the home. This covers limitations on public transportation, work, and education. Much like what they did during their first regime (1996 to 2001), since their return to power in August 2021, the Taliban have imposed sweeping prohibitions on women's employment in many sectors and have prohibited women and girls from pursuing education beyond primary schooling.
- **Restricted Freedom of Movement:** The Taliban have imposed limitations on women's freedom of movement, mandating that they must only leave their homes if accompanied by a *mahram* (an 'eligible' close male relative chaperone). This demonstrates the level of importance the Taliban place on entrenching male authority within the home and in society more broadly.
- **Reinterpretation of Rights:** The Taliban often argue that their treatment of women is founded on a protective position, and that their actions are in line with Islamic teachings. They frequently dispute

criticism from the international community, claiming that Islamic law does not always align with Western ideas of women's rights.

- **Limitations on Girls' Education:** Immediately after seizing power in August 2021, the Taliban placed severe limitations on female education. In the Taliban worldview, secondary schools are off-limits to girls. The Taliban *de facto* authorities (DFA) repeatedly state that these institutions will stay closed until a proper setting is established. This position indicates a conviction that girls' education should strictly follow their interpretation of Islamic norms and is not a priority.
- **Gender Segregation:** The Taliban have imposed strict gender segregation in educational institutions. Because of their worldview that boys and girls should not interact or study together, mixed-gender schools have been shut down, and in some cases, separate facilities for boys and girls have been established.
- **Curriculum Control:** The Taliban have placed a strong emphasis on wielding authority over the substance of education, supporting curricula that reflect their interpretation of Islamic teachings and cultural norms.² This frequently entails eliminating content that they deem improper or un-Islamic. They want to support curricula that give Islamic education precedence over subjects taught in secular schools like natural and social sciences.
- **Emphasis on Vocational Training:** The Taliban have proposed emphasizing vocational training and madrasa education that they considered as being 'suitable' for women as an alternative to formal schooling. Increasingly, the Taliban are making *madrasa* education

2. Amiry, S. (2024). Inside Taliban religious schools: What girls are taught. *Amu TV*. [online] 2 Oct. Available at: <https://amu.tv/127523/>.

(Islamic religious education) the only option for girls' schooling.³ This suggests that the group may be in favor of educational programs that primarily prepare women for responsibilities in the home or in limited and specific sectors like healthcare. Girls' access to comprehensive education is still severely limited, though. Moreover, the Taliban have not only prohibited male doctors and other male medical professionals like nurses from treating female patients but have simultaneously also banned Afghan women from medical education to become nurses or midwives.⁴ This shows that the Taliban not only want women to be under the complete control of and dependent on male authority but also view women's basic wellbeing and healthcare as expendable in their quest to achieve and entrench such a control.

Women's Rights: International Legal Frameworks v. Taliban Interpretations

In their public statements and rhetoric, the Taliban often claim that they respect women's rights. But their claim is misleading because the way the Taliban conceptualize women's rights is extremely and fundamentally different from the way established international legal frameworks conceptualize and interpret women's rights. These frameworks are primarily defined by treaties and declarations that prioritize the rights to education, employment, and gender equality, among other things. Summarized below is a concise comparison of how these differences manifest in different spheres of life:

3. Ibrahim, S. and Habibyar, H. (2025). 'Send your daughters or you get no aid': the Taliban are making religious schools girls' only option. *Zan Times*. [online] 21 Sep. Available at: <https://zantimes.com/2025/09/21/send-your-daughters-or-you-get-no-aid-the-taliban-are-making-religious-schools-girls-only-option/>.

4. Drury, F. and Gharanai, T. (2024). Afghan women 'banned from midwife courses' in latest blow to rights. *BBC*. [online] 3 Dec. Available at: <https://www.bbc.com/news/articles/cwy3l1035nlo>.

Education

Article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁵ upholds women's and girls' rights to an education, highlighting parity in curriculum, athletics, and education. It holds that everyone, irrespective of gender, has the right to education, and education should be focused on fostering the complete development of the human personality, according to Article 26 of the Universal Declaration of Human Rights (UDHR). However, despite Afghanistan being a signatory to the CEDAW, the Taliban explicitly violate these international agreements by prohibiting girls' education beyond primary school. In defiance of CEDAW recommendations, Taliban laws restrict girls' access to school by claiming that women do not need the same amount of education as males.

Employment

Articles 11 and 14 of the CEDAW guarantee equal employment opportunities and the abolition of workplace discrimination against women, while also promoting women's rights to employment. Similarly, several International Labour Organization conventions support gender parity in the realm of employment and workplace rights. As a state party, Afghanistan has been a member of the ILO since 1934. Among others, it has also ratified five fundamental ILO Conventions: Equal Remuneration Convention (1951); Abolition of Forced Labour Convention (1957); Discrimination (Employment and Occupation) Convention (1958); Minimum Age Convention (1973); and Worst Forms of Child Labour Convention (1999).⁶

Ideologically, the Taliban view women performing paid work as a potential threat to the authority of males in the family and social norms of seclusion, and

5. Convention on the Elimination of All Forms of Discrimination against Women. (1979). [online] UN Office of the High Commissioner for Human Rights. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

6. International Labour Organisation (n.d.). *Ratifications for Afghanistan*. [online] NORMLEX Information System on International Labour Standards. Available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102945.

frame women's economic dependence on male relatives as being religiously proper and not discrimination. The Taliban-imposed ban on women's employment in most sectors, especially those requiring public appearances or interaction with men, violate international labor norms. In contravention to CEDAW directives and Afghanistan's obligations under ILO conventions, the Taliban's position restricts women's financial autonomy and increases women's economic dependency on men.

Mobility

The right to freedom of movement both inside and outside of a nation is affirmed in Article 13 of the UDHR. Similarly, CEDAW promotes the elimination of obstacles that impede women from using their freedom of movement rights. In severe breach of these principles, the Taliban have enforced severe restrictions on women's freedom of movement, imposing a requirement under which women are only permitted to leave their houses if accompanied by a male guardian. The Taliban have often justified their restrictions on women's mobility by resorting to safety and protection related rhetoric. However, their behavior indicates that they view male guardianship, not the woman herself, as the primary rights-holder wherein movement is a privilege rather than a right, and which is arbitered by male relatives and constrained by collective notions of honor and protection. The severe mobility limitations enforced by the Taliban gravely impair women's internationally recognized right to freedom of movement.

Public Life

Equal participation of women in public life, including voting rights, political involvement and representation, and public service, is required under Article 7 of the CEDAW. Articles 25 and 26 of the International Covenant on Civil and Political Rights (ICCPR) also guarantee the equal right and opportunity to participate in public affairs, including in public office roles, and prohibit

discrimination on several grounds including sex.⁷ Similarly, the Convention on the Political Rights of Women (CPRW)⁸ of 1953—the first international legal instrument designed to protect women’s political rights—women’s right to partake in their national governments, affirms women’s right to vote, and guarantees women’s right to stand for election to all publicly elected bodies without any discrimination. Having ratified the ICCPR in 1983 and the CPRW in 1966, Afghanistan is obligated to uphold these commitments.⁹

However, under the Taliban rule, women are virtually unrepresented in, and excluded from, both political and non-political decision-making processes as a direct result of the group’s gender-discriminatory policies. In their discourse and narrative justifications, the Taliban do not frame women as independent political or social actors with agency. Rather, they frame any female political participation as inherently immodest, un-Islamic, and destabilizing. The group only allows severely limited, symbolic, or functional roles (that too under strict male oversight), such as for enforcing their morality policing edicts on other women or allowing female doctors to treat women patients etc.—i.e., roles that do not pose any challenge to male (and especially Taliban) monopoly over public decision-making. The Taliban’s prohibition on women entering the political sphere, holding public office, or engaging in other public activities runs blatantly counter to Afghanistan’s obligations under CEDAW, the ICCPR, and other international norms.

Health and Well-Being

Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirms the right to the best possible level of health,

7. International Covenant on Civil and Political Rights. (1966). [online] UN Office of the High Commissioner for Human Rights. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

8. Convention on the Political Rights of Women. (1953). [online] United Nations Treaty Collection. Available at: https://treaties.un.org/doc/treaties/1954/07/19540707%2000-40%20am/ch_xvi_1p.pdf.

9. UN Treaty Body Database. (n.d.). *Ratification Status for Afghanistan*. [online] Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN.

including the provision of essential healthcare services. Similarly, CEDAW highlights how crucial it is for women to have access to healthcare services, especially during pregnancy, childbirth, and post childbirth. The Taliban do not argue against women receiving healthcare, but they nevertheless place greater importance on male guardianship, skewed morality codes, and female subordination over (and often at the cost of) women's healthcare needs, access, and services. For example, there is a shortage of female medical professionals in the country (especially in rural areas), but male doctors and nurses are prohibited from treating female patients, and women are required to have a male guardian accompany them on trips to medical services. This is further compounded by the fact that female doctors, nurses, and other healthcare professionals are also required to be accompanied by a male guardian to travel to their female patients' houses. This situation directly affects women's ability to seek and receive healthcare in a timely, professional manner, which exacerbates an increase in otherwise preventable mortality and illnesses. Thus, women's right to health services are undermined by the Taliban's regulations that limit female access to healthcare, especially when those restrictions are linked to movement and the need for male guardianship.

Discriminatory Treatment

The CEDAW offers a thorough framework protecting women from discrimination in all contexts. Similarly, the UDHR's core precepts are equality and freedom from discrimination for all. The systemic and regulated gender-based discrimination practiced by the Taliban is in effect an operationalization of a larger ideological position that devalues women. Such ideological positions and practices contradict the fundamental non-discrimination provisions of international human rights law and norms.

Overall, the Taliban's articulation of women's rights is situated within a prescriptive, gender-segregated framework grounded in their doctrinal and selective interpretation of Islamic jurisprudence. Within this normative structure, women are envisioned principally as the bearers of duties, most

notably, obedience to male guardians, observance of Taliban–codified standards of modesty, and spatial confinement to the domestic sphere, except under circumscribed conditions the Taliban deem ‘necessary’. Such an ideological formulation runs categorically contrary to prevailing international legal and human rights instruments, which enshrine substantive equality before the law and guarantee women the unencumbered exercise of civil, political, educational, and occupational rights free from gender–based discrimination.

Women’s Rights: Islamic Principles v. The Taliban’s Interpretations

In justifying their discriminatory stances and practices on women’s rights, the Taliban repeatedly claim that their views on women’s rights are based on Islamic ideals. However, a growing corpus of academics, activists, and interpretations of Islamic teachings have debunked such claims and have contended that the group’s actions run counter to Islam’s central beliefs about justice, compassion, and gender parity. The Taliban’s interpretation is compared to more general Islamic principles below.

Women’s Right to Education

According to several *hadiths*,¹⁰ it is the obligation of all Muslims to acquire knowledge. This argument is made by several scholars of Islam. For example, Hadith 224 in *Sunan Ibn Majah* states that Prophet Muhammad himself declared that “seeking knowledge is an obligation upon every Muslim.” It is understood that both men and women are included in its scope. Historically too, Muslim women have made substantial contributions to education and scholarship throughout history. Women played an active role in education throughout the Islamic Golden Age (800 CE to 1300 CE), as evidenced

10. A *hadith* is a record of the sayings and actions attributed to Prophet Muhammad. *Hadiths* typically serve as a secondary source of Islamic law and guidance, after the Quran.

by individuals such as Fatima al-Fihri, who founded the University of Al-Qarawiyyin, in 859 CE, in present-day Morocco, which is widely regarded as the oldest continuously operational university in the world. However, citing misreadings of Islamic modesty and gender responsibilities, the Taliban has imposed significant limits on women's education, prohibiting women's education beyond primary schooling. This behavior runs counter to Islamic teachings that promote education as a universal right for people of all genders.¹¹

Employment

Islamic writings do not forbid women from employment and holding paid positions. Khadijah, the first wife of Prophet Muhammad, was a successful businesswoman herself. Moreover, according to Islamic jurisprudence, men and women are both expected to contribute to the financial security of their families. In their seminal works, academics like Asma Barlas and Amina Wadud have demonstrated how Islamic law allows and promotes women's participation in productive economic endeavors that benefit society.¹² The Taliban's restrictions on women's employment in a variety of sectors thus not only restrict women's ability to participate in the workforce but also run counter to Islamic beliefs that value women's contributions to the economy.

Mobility

Islamic writings typically support people's freedom to travel. The Quran states that "He is the one who has made the earth habitable for you, so travel its regions and eat the food which He has provided."¹³ Additionally, although there are rules on modesty and safety, academics contend that limiting

11. Siddique, A. (2023). Islam Does Not Ban Girls' Education. So Why Does The Taliban? *RFE/RL*. [online] 13 Aug. Available at: <https://www.rferl.org/a/taliban-girls-education-islam-takeover-anniversary/32546094.html>.

12. Wadud, A. (1999). *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*. Oxford: Oxford University Press.; Also see: Barlas, A. (2002). *'Believing Women' in Islam: Unreading Patriarchal Interpretations of the Qur'an*. Austin: University of Texas Press.

13. Quran 67:15 (Surah Al-Mulk, Ayah 15)

women's movement is more a reflection of cultural norms than of true Islamic principles that endorse individual autonomy.¹⁴ The Taliban impose severe mobility limitations on women that go against the more general Islamic precepts of individual autonomy and independence by requiring women to be escorted by male guardians.

Public Engagement and Life

Islam promotes involvement in both local and national affairs. Even in the early years of Islamic history like during Prophet Muhammad's lifetime, women like Umm Salama¹⁵ actively participated in political discourse and decision-making. Islamic beliefs support the idea that everyone in the community, including women, should be able to express their views and take part in decision-making. This is demonstrated by Prophet Muhammad's discussions with his female companions. Additionally, according to historical literature such as *al-Muhalla bil-Athar* and *Fath al-Bari*,¹⁶ Caliph Umar appointed Al-Shifa bint Abdullah as the supervisor of a market in Medina, to oversee commerce and enforce standards,¹⁷ and later appointed another woman, Samra bint Nuhayk, to a similar role in Mecca. These appointments are often cited as evidence of women holding public authority roles in early Islamic society. They also affirm women's fitness for public authority roles from an Islamic historical perspective. The Taliban's total ban on women's participation in politics and the group's disregard for historical examples of women in active roles in society clearly conflict with these interpretations of

14. Ibid. (Siddique, 2023)

15. Decker, D. (2017). Weibliche Politik im Frühislam am Beispiel von Muhammads Frau Umm Salama ['Female politics in early Islam using the example of Muhammad's wife Umm Salama']. *Marburg Journal of Religion*, [online] 19(1). Available at: <https://archiv.ub.uni-marburg.de/ep/0004/article/view/7253/7410>.

16. *Al-Muhalla bil-Athar* is an encyclopaedic work of Islamic jurisprudence by Ibn Hazm, in which he presents and critiques various scholarly opinions using evidence from the Quran and the Sunnah. *Fath al-Bari* by Ibn Hajar al-Asqalani is a renowned and authoritative commentary on Sahih al-Bukhari, considered one of the most authentic *hadith* collections. In this work, al-Asqalani explains the meanings and implications of the *hadiths*, often citing different legal opinions and their evidence.

17. Salahi, A. (2011). Al-Shifa bint Abdullah: The market controller. *Arab News*. [online] 27 Oct. Available at: <https://www.arabnews.com/node/396260>.

Islamic teachings.

Wellbeing and Health

Islamic teachings place a strong emphasis on the value of health and wellbeing for both men and women. Prophet Muhammad himself was concerned about women's health and recognized their requirements, particularly during childbirth. The Quran emphasizes caring for the weak and showing compassion towards them, which includes making sure that women have access to essential healthcare. The Taliban's imposition of obstacles to women receiving healthcare, especially the mandatory *mahram* requirement and the exclusion of women from the healthcare industry—such as via bans on women's education in the medical sector—run counter to Islamic values of altruism and concern for the welfare of all people.

In contrast to the more expansive and progressive teachings contained in Islamic doctrine, the Taliban's interpretations and applications of women's rights frequently reflect a restricted and conservatively dogmatic version of Islam that is more in line with particularistic cultural traditions. The emphasis on equality, education, involvement, and welfare for both genders is reflected in scholarly interpretations, historical antecedents, and fundamental Islamic values. This approach empowers women rather than limits them.

Patterns in the Taliban's Outlook and Efforts to Dismantle Women's Rights

A comparison of the Taliban's understanding of women's rights with Islamic precepts and modern legal frameworks on this topic reveals that the group's views are shaped by a blend of political ideology, societal norms, and selective religious interpretations.

■ **Emphasis on Rigid Compliance with Conventional Interpretations of Sharia**

The Taliban place a strong emphasis on a limited and narrow interpretation of Sharia law, which they see as requiring rigid imposition of gender norms. This understanding is frequently based on certain *hadith*, or the sayings of Prophet Muhammad, and specific local customs that prioritize the dominance of men over women. The Taliban themselves have stated¹⁸ that they adhere to a stringent interpretation of Sharia that they feel requires women to cover up completely when they are in public and to always be accompanied by a male guardian. The Taliban frequently cite the necessity of these actions in their legal writings as being consistent with their interpretation of Islamic law.

■ **Willful Misinterpretation of Gender Roles**

The Taliban view women, and encourage women to see themselves, primarily as wives and mothers,¹⁹ which restricts their participation in higher education and the workforce. Rather than being based on widely acknowledged Islamic teachings, this perspective is the result of cultural interpretations. The Taliban's conviction in conventional gender roles is demonstrated by their statement, "Women are to be mothers and housewives, raising the children to become good Muslims."²⁰

■ **A Focus on Feminine Purity and Modesty**

The Taliban heavily emphasize 'modesty', which they see as entailing women to adhere to rigid dress regulations as well as limitations on their travel and

18. Ibrahim, A. (2022). In Afghanistan, Taliban diktat sparks debate about women's attire. *Al Jazeera*. [online] 26 Jan. Available at: <https://www.aljazeera.com/news/2022/1/26/holdafghan-women-denounce-talibans-burqa-campaign>.

19. Graham-Harrison, E. and Makoi, A.M. (2021). Evidence contradicts Taliban's claim to respect women's rights. *The Guardian*. [online] 3 Sep. Available at: <https://www.theguardian.com/world/2021/sep/03/afghanistan-women-defiant-amid-taliban-crackdown>.

20. Valizadeh (2024). نابلط تاضق لایضاق بباتک رد نانز هاگیاج [The position of women in the book 'Qazi al-Quzat' by the Taliban]. *Hasht-e Sobh*. [online] 8 Mar. Available at: <https://8am.media/fa/the-position-of-women-in-the-book-of-qazi-al-qadat-taliban/>.

relationships with men outside of their households.

The group places strong emphasis on modesty and the ‘defense of women’s honor’ in its statements mandating strict dress codes and male chaperones for women. For example, on 7 May 2022, the Taliban’s Ministry for the Propagation of Virtue and Prevention of Vice announced that it is “required for all respectable Afghan women to wear a hijab”, or headscarf, and that “[i]f a woman is caught without a hijab, her mahram (a male guardian) will be warned. The second time, the guardian will be summoned [by Taliban officials], and after repeated summons, her guardian will be imprisoned for three days.”²¹

■ Dismissal of Western Models

The Taliban view ideas of gender equality and Western education as perverse and wicked, and as being antithetical to Islamic principles. Their policies are frequently presented as a shield against the alleged moral decay of Western culture. For example, a high-ranking Taliban official stated that “[w]e do not want Western education, which has brought moral decay,”²² indicating that they disagree with the egalitarian ideas that are typically promoted in Western discussions on women’s rights.

■ Control Using Islamic Justifications

The Taliban base their policies on particular *hadiths* and verses from the Quran. They frequently quote scriptures that address men’s and women’s

21. Kumar, R. and Noori, H. (2022). Afghan women deplore Taliban’s new order to cover faces in public. Al Jazeera. [online] 8 May. Available at: <https://www.aljazeera.com/news/2022/5/8/taliban-make-burqa-mandatory-for-afghan-women>.

22. Payandeh, S. (2023). تساهل نابلطی ژولوی دی ازا هتس اخب یاه سردمړی غ ش زوم اب زی تیس [The fight against non-formal education stems from Taliban ideology]. *Hasht-e Sobh*. [online] 11 Jun. Available at: <https://8am.media/fa/the-struggle-with-non-school-education-originates-from-the-ideology-of-the-taliban/>.

duties in the home, leaving out larger contexts that highlight shared rights and obligations. For example, the Taliban, may cite passages from the Quran such as Surah An-Nisa (4:34), which addresses men's duty as women's guardians and maintainers, to bolster their claims of male guardianship and authority over women's liberties, while overlooking other passages that affirm women's rights in a broader sense.²³

■ **Emphasizing Patriarchal Authority**

A patriarchal system that places men in positions of control over women in both social and familial situations is fundamental to the Taliban's ideology. Certain interpretations of religious texts support this idea. Citing their authoritarian interpretation of Quranic scriptures emphasizing male guardianship, the Taliban have repeatedly said in public that "Islam gives men authority over women."²⁴ The Taliban prioritize the upholding of traditional gender roles and modesty while opposing what they consider to be Western impositions. Their perception of women's rights is informed by a combination of stringent religious interpretations, cultural traditions, and political views. They frequently justify their policies—all of which promote female inequality and run counter to more general Islamic teachings that favor education and the rights of all people—by using selective readings of Islamic literature.

Conclusion

Politically, the Taliban's conceptualization of women's rights reflects an ideological project aimed at legitimizing and consolidating patriarchal authority within a theocratic governance framework. Their interpretation

23. Girls' Education and Islam: A Divine Command with Historical Precedent. (2022). [online] Washington, DC: Georgetown Institute for Women, Peace and Security. Available at: <https://giwps.georgetown.edu/wp-content/uploads/2022/08/Girls-Education-and-Islam.pdf>.

24. 'Men and women are not equal': Taliban education minister. (2023). *The Times of India*. [online] 1 Oct. Available at: <https://timesofindia.indiatimes.com/world/south-asia/men-and-women-are-not-equal-taliban-education-minister/articleshow/104090692.cms>

of Islamic jurisprudence functions as a tool of political control, grounding social order in religious orthodoxy and reinforcing male dominance as a pillar of regime stability. The regulation of women's mobility, dress, and public presence thus operates as a moral directive as well as an instrument of statecraft, aligning civic identity and power structures with patriarchal religious doctrine.

The Taliban's discourse on women's rights also reveals a systematic construction of gender hierarchy that naturalizes women's subordination through religious and cultural narratives. By codifying obedience, modesty, and domestic confinement as moral imperatives, this framework transforms gender difference into a mechanism of structural inequality. The erasure of women from public, employment, and educational spheres constitutes a broader epistemic violence, which not only silences women's voices but also redefines social value in explicitly masculinist terms.

The Taliban's treatment of women's rights also constitutes a fundamental rejection of established international legal norms. The Taliban's policies directly contravene obligations under treaties like the CEDAW and the ICCPR, among others. The systematic exclusion of women from education, employment, and political participation is both a violation of individual human rights and an affront to the principles of *jus cogens* that underpin universal human dignity and equality before the law.

The Taliban's stances on women's rights exhibit a combination of authoritarian governance, patriarchal ideology, and legal exceptionalism. Politically, the Taliban regime is instrumentalizing religious doctrine to maintain authority. Socially, it is entrenching gendered subordination through cultural and moral rationalizations. Legally, it is positioning itself outside the normative bounds of the international order. This shows that the Taliban's conceptualization of women's rights is not merely a local cultural variation, but a deliberate mode of governance that mobilizes gender oppression as a central apparatus of power.

Policy Recommendations

- **International Recognition of Institutionalized Gender Oppression:** The international community should formally recognize that the Taliban's governance model constitutes a system of institutionalized gender oppression, in which religious doctrine is deliberately instrumentalized to legitimize patriarchal authority and political control. This system systematically excludes women from education, employment, public life, and political participation, transforming gender subordination into a central mechanism of governance. Such recognition is essential not only for accurately framing the nature of the crisis in Afghanistan, but also for preventing the normalization of gender-based exclusion under the guise of cultural or religious difference. Recognizing this structure enables stronger legal, diplomatic, and normative responses grounded in international human rights law.

- **Strengthen International Accountability and Documentation Mechanisms:** The United Nations and relevant international bodies should strengthen and adequately resource independent mechanisms mandated to document, monitor, and preserve evidence of gender-based discrimination and human rights violations against women in Afghanistan. These mechanisms should focus on the role of Taliban edicts, enforcement institutions, and governance practices that operationalize women's exclusion and subordination. Comprehensive and gender-disaggregated documentation is critical for future accountability processes, including international legal action, targeted sanctions, and sustained international pressure. Without systematic documentation, the Taliban's practices risk becoming entrenched and normalized within the international system.

- **Condition Engagement on Measurable Women's Rights Benchmarks:** Any form of diplomatic engagement, humanitarian

coordination, or political dialogue with the Taliban authorities should be explicitly conditioned on clear, measurable, and verifiable improvements in women's rights. These benchmarks must include the restoration of women's access to education at all levels, the right to work without male guardianship, and freedom of movement. Engagement absent enforceable conditions risks legitimizing the Taliban's gender hierarchy and undermining the universality of international human rights norms. Conditional engagement ensures that international interaction does not function as implicit endorsement of systemic gender discrimination.

- **Protect Women's Agency, Education, and Socioeconomic Participation:** International actors should prioritize policies and programs that preserve Afghan women's agency and capacity to participate in social, educational, and economic life despite restrictive conditions. This includes supporting alternative and transnational education initiatives, safeguarding women's access to professional pathways particularly in critical sectors such as healthcare and education—and providing sustained support to women-led civil society organizations. Protecting women's educational and professional trajectories is essential to preventing long-term societal degradation and ensuring that women remain active agents rather than passive subjects within authoritarian governance structures.

Policy Brief

Beyond Condemnation: The ICJ as a Legal Avenue to Hold the Taliban's Gender Apartheid Regime Accountable

by Naheed Ahmadi Farid¹

The rights of women and girls in Afghanistan have come under an unprecedented and brutal attack since the Taliban's August 2021 return to power. These violations are not isolated incidents. They represent a deliberate, systematic campaign to erase women from public life, deny them their most basic freedoms, and strip away their dignity. Under the Taliban's oppressive rule, Afghan women have been barred from education, forced out of the workforce, and prohibited from moving freely in their own country. They are subjected to a suffocating crackdown that controls every aspect of their existence—from their appearance to their right to speak out against injustice.

Despite global outrage and repeated condemnations, the international community has failed to take concrete legal action to address these violations. As the world watches in horror, the Taliban's repressive policies continue to intensify, targeting the very core of Afghan society: its women and girls. This crisis is not just a national tragedy; it is a global affront to the principles of human rights, equality, and justice. The Taliban's actions, which many

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now officially call² “gender apartheid,” are an urgent wake-up call for the international community to move beyond rhetoric and put advocacy in action.

The Taliban's gender apartheid demands an urgent, robust, and unified response from global institutions. The failure to act is not just a failure to protect Afghan women—it is a failure to uphold the very principles of human rights and international law. Therefore, this policy brief examines the avenues available to address the Taliban's crimes by leveraging International Court of Justice (ICJ) and stresses the pressing need for new legal precedent/s that can meet the unique challenges posed by the Taliban's ongoing campaign of gender apartheid. To do so, the policy brief relies on primary and secondary sources, including extant research, and legal precedents and texts.

The policy brief is structured as follows: Section 1 briefly summarizes the context of the Taliban-imposed gender apartheid in Afghanistan. Section 2 situates the purpose and relevance of the International Court of Justice (ICJ). Section 3 discusses why invoking the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention Against Torture (CAT) at the ICJ in relation to the situation of women and girls in Afghanistan is not only crucial but also essential. Section 4 discusses how the case against the Taliban imposed gender apartheid can be pursued at the ICJ without legitimizing the Taliban's *de facto* regime. Section 5 outlines the strategic and tactical advantages of pursuing this case at the ICJ. Section 6 discusses viable approaches to develop a comprehensive case to hold the Taliban accountable via the ICJ. Section 7 outlines specific measures needed to mitigate risks that could jeopardize the case against the Taliban. Section 8 discusses the immediate and long-term impact potential of (filing) a case at the ICJ, following which the findings and big picture aspects are summarized in the concluding section.

2. Induce Taliban to End 'Gender Apartheid' in Afghanistan through All Available Means, Speakers Urge Security Council, Alarmed by Growing Oppression of Women, Girls. (2023). *United Nations*. [online] 26 Sep. Available at: <https://press.un.org/en/2023/sc15421.doc.htm>.

In Context: Gender Apartheid in Afghanistan

The concept of gender apartheid refers to the systematic segregation and subjugation of women based on their gender, a practice that the Taliban has institutionalized since their return to power. The term, which has its roots in the racial apartheid of South Africa, aptly describes the Taliban's policies, which have stripped Afghan women and girls of their rights to education, employment, and public participation. The Taliban's vision of complete subjugation of women is legally characterized by two defining features: a regime of systematic oppression and an intent to sustain that regime through brutal enforcement of discriminatory policies.

The Taliban's 2024 'Law on Promoting Virtue and Preventing Vice' (PVPV)—which is a compilation of over 150 edicts, orders, and precedents since their takeover in August 2021—provides a clear legal framework for these oppressive measures.³ This law enforces strict regulations on women's behavior, including requiring women to fully cover their bodies, prohibiting them from traveling without an 'eligible' male chaperone, and restricting their access to public spaces and education. Experts call these restrictions as direct manifestations of gender apartheid, and institutionalized gender-based segregation and discrimination that effectively exclude women from public and professional life.

The ICJ: A Platform For Resolute Action

The International Court of Justice (ICJ), commonly known as the 'World Court', is the principal judicial body of the United Nations (UN). Based in the Hague, the Netherlands, the ICJ's primary role is to adjudicate legal disputes between states, applying international law to resolve these conflicts. States voluntarily bring their disputes to the Court, which then examines the

3. Butt, J. (2024). *The Propagation of Virtue and Prevention of Vice Law, translated into English*. [online] Afghanistan Analysts Network. Available at: <https://www.afghanistan-analysts.org/en/reports/political-landscape/the-propagation-of-virtue-and-prevention-of-vice-law-translated-into-english/>.

facts, interprets the applicable laws, and issues binding verdicts with which countries must comply.⁴

In addition to resolving disputes, the ICJ also provides advisory opinions on legal questions referred to it by authorized UN bodies and specialized agencies.⁵ Though non-binding, these opinions carry significant influence in shaping international legal norms. The ICJ is composed of 15 judges, each from different countries, representing a broad spectrum of legal systems and traditions. This diversity ensures that the Court's decisions are grounded in a broad-based understanding of international law. Proceedings at the ICJ are public and often live-streamed, ensuring transparency in its decision-making process.

Unlike criminal courts, the ICJ does not prosecute individuals.⁶ Its mandate is focused solely on legal disputes between states, such as territorial ownership, border delineation, and the interpretation and application of international treaties. The Court does not require a prosecutor to initiate cases; instead, states themselves must file complaints. Once a case is submitted and falls within the Court's jurisdiction, the ICJ is obligated to hear it and render a decision.

The Value and Significance of Utilizing CEDAW and CAT at the ICJ

Bringing a case against Afghanistan under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁷ opens a unique legal pathway to address the Taliban's systemic gender-based oppression.

4. International Court of Justice. (n.d.). *Frequently Asked Questions*. [online] Available at: <https://www.icj-cij.org/press-room/frequently-asked-questions>.

5. Ibid (International Court of Justice, n.d.)

6. Ibid (International Court of Justice, n.d.)

7. Convention on the Elimination of All Forms of Discrimination against Women. (1979). [online] United Nations Office of the High Commissioner for Human Rights. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

While the CEDAW Committee is limited by Afghanistan's refusal to ratify the Optional Protocol, the ICJ can directly hear cases brought by states under CEDAW. In *The Gambia v. Myanmar* (2022),⁸ The Gambia used a similar mechanism under the Genocide Convention (1948) to hold Myanmar accountable for atrocities against the Rohingyas.

Afghanistan has also ratified the Convention Against Torture (CAT),⁹ which offers another potential legal avenue. A case under CAT could address broader human rights violations, expanding the scope of accountability. In *Belgium v. Senegal* (2012),¹⁰ the ICJ ruled on Senegal's obligations under CAT, setting a precedent for how state responsibilities under international human rights treaties can be enforced. This approach could similarly be applied to Afghanistan, offering a parallel pathway to address violations beyond gender discrimination.

If a case were brought against the Taliban under the CEDAW, it would be one of the first significant uses of CEDAW in an international court to challenge a government for systemic violations of women's rights. While CEDAW has been used extensively as a framework for reporting and reviewing state compliance with women's rights through the CEDAW Committee, it has not yet been widely utilized to initiate legal proceedings against a government in a high-profile case at the ICJ.

This would mark a historic moment for international law, using CEDAW to hold a state accountable for institutionalized gender-based discrimination, potentially setting a precedent for future cases involving systemic violations of women's rights. This action would demonstrate that the international

8. *The Gambia v. Myanmar: 7 States intervening* (2022) International Court of Justice, case 178. Available at: <https://www.icj-cij.org/case/178>

9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (1984). [online] United Nations Office of the High Commissioner for Human Rights. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

10. *Belgium v. Senegal* (2012) International Court of Justice, case 144. Available at: <https://www.icj-cij.org/case/144>

community is no longer content with symbolic condemnations but is committed to enforcing the rights of Afghan women through binding legal means. By utilizing both CEDAW and CAT, the international community can hold Afghanistan accountable for a wide range of abuses, from gender apartheid to torture, creating a comprehensive legal strategy to address the Taliban's human rights violations.

This is not just about Afghanistan—it is about establishing a global standard for gender justice. States committed to human rights must bring this case to the ICJ and set the stage for future action against regimes that systematically oppress women. It is time to enforce the rights enshrined in CEDAW and to show the world that gender apartheid will be met with the full weight of international law.

That said, given as the Taliban regime is not recognized as the legitimate government of Afghanistan by any country in the world, would bringing a case against Afghanistan at the ICJ risk legitimizing the Taliban regime? No, it would not. The following section demonstrates—with tangible examples and precedents—how it is possible to pursue accountability via the ICJ route without legitimizing the Taliban rule.

Challenging Afghanistan at the ICJ: Pursuing Accountability Without Legitimizing the Taliban

Filing a case at the ICJ against the Taliban—a regime that is not recognized nationally and internationally—does not amount to legitimizing or officially recognizing the Taliban as the country's government. The ICJ focuses on holding the state accountable under international law, regardless of which group or entity is in control.¹¹

There is strong precedent for this.

11. Ibid (International Court of Justice, n.d.)

- In *Nicaragua v. United States* (1984),¹² for instance, the ICJ proceeded despite the US not recognizing the Sandinista government in Nicaragua, focusing on the state's violations rather than government recognition. Similarly, in *Georgia v. Russia* (2011),¹³ the ICJ took up Georgia's case against Russia, even though Russia recognized South Ossetia and Abkhazia as independent, reinforcing that recognition issues do not prevent legal accountability.
- The ICJ has also handled cases involving significant internal instability, as seen in *Democratic Republic of the Congo [DRC] v. Uganda* (2005),¹⁴ where the ICJ ruled against Uganda despite the political turmoil in the DRC. Likewise, in *Palestine v. United States* (2018),¹⁵ the ICJ accepted the case despite the US not recognizing Palestine as a sovereign state. This further illustrates that the Court adjudicates state responsibility, not the legitimacy of governments.
- Similarly, in *North Macedonia v. Greece* (2011),¹⁶ the ICJ ruled in favor of North Macedonia despite Greece's refusal to acknowledge its name, focusing on the legal obligations between the states.

In all these cases, the ICJ clarified that its proceedings involve countries, not specific governments. This means that even if the Taliban functions as Afghanistan's *de facto* authority (DFA), a case against Afghanistan would hold the state of Afghanistan accountable, without legitimizing the Taliban.

12. *Nicaragua v. United States of America* (1984) International Court of Justice. Available at: <https://www.icj-cij.org/case/70>

13. *Georgia v. Russian Federation* (2011) International Court of Justice, case 140. Available at: <https://www.icj-cij.org/case/140>

14. *Democratic Republic of the Congo v. Uganda* (2005) International Court of Justice, case 116. Available at: <https://www.icj-cij.org/case/116>

15. *Palestine v. United States of America* (2018) International Court of Justice, case 176. Available at: <https://www.icj-cij.org/case/176>

16. *The former Yugoslav Republic of Macedonia v. Greece* (2011) International Court of Justice, case 142. Available at: <https://www.icj-cij.org/case/142>

Moreover, an ICJ ruling highlighting Afghanistan's breaches of international obligations, particularly under the CEDAW, could impede the Taliban's pursuit of international recognition. The Taliban's legitimacy on the global stage is tied to its compliance with international law. An ICJ ruling would reinforce the stance that recognition hinges on Afghanistan's fulfillment of its treaty obligations, including respect for women's rights, thereby presenting a legal and diplomatic barrier to the Taliban's quest for legitimacy.

Given how cases against the Taliban are also being pursued at other avenues such as the International Criminal Court (ICC), the following section demonstrates how bringing a case before the ICJ is crucial to buttress those efforts and also to help maximize the pursuit of justice and accountability on a global scale.

Why Pursue a Case at the ICJ: A Tactical and Strategic Move to Amplify Justice

Far from detracting from other avenues of action, the ICJ offers a unique and complementary path that strengthens international efforts to address grave violations, such as those being committed by the Taliban against Afghan women and girls. The ICJ serves as a vital tool in the broader arsenal of accountability mechanisms, providing a judicial avenue that operates alongside initiatives like UN investigations, the ICC, and global advocacy efforts.

The case of *The Gambia v. Myanmar* (2022) is a prime example of how an ICJ case can complement existing mechanisms. Despite the ongoing work of the UN's Independent Investigative Mechanism and the ICC's investigation into Myanmar's crimes, *The Gambia* brought a case under the Genocide Convention (1948)¹⁷ to the ICJ. This legal move reinforced international

17. Convention on the Prevention and Punishment of the Crime of Genocide. (1948). [online] *United Nations*. Available at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

attention, increased pressure on Myanmar, and demonstrated how the ICJ can serve as a powerful judicial complement to investigative and prosecutorial efforts. Similarly, *Ukraine v. Russia (2024)*¹⁸ utilized multiple international legal platforms, with Ukraine bringing a case to the ICJ under the Genocide Convention (1948) while other proceedings were ongoing in various other forums, including at the European Court of Human Rights.

Pursuing justice via the ICJ not only strengthens the global push for accountability but also allows for a broader range of evidence and testimonies to be considered. Unlike the ICC, which requires a higher burden of proof to establish individual criminal liability beyond a reasonable doubt, the ICJ focuses on state responsibility, which allows for a more flexible approach to evidence evaluation. For instance, the ICJ can consider reports from international organizations, statements from officials, and patterns of violations, even when direct perpetrators are unidentified. This enables a wider array of voices to be heard and contributes to documenting human rights violations in a way that can later support criminal prosecutions. For example, in *Bosnia and Herzegovina v. Serbia and Montenegro (1996)*,¹⁹ the ICJ's proceedings documented violations and preserved critical evidence of genocide, which later supported prosecutions in criminal courts like the International Criminal Tribunal for the Former Yugoslavia (ICTY). This demonstrates how ICJ rulings can serve as a foundation for subsequent legal action, reinforcing accountability mechanisms at multiple levels.

Moreover, the ICJ has been used in multifaceted legal strategies across different regions. In *Palestine v. Israel (2004)*,²⁰ the ICJ's advisory opinion on the construction of the wall in the Occupied Palestinian Territory contributed significantly to the legal and diplomatic discourse surrounding the Israel-

18. *Ukraine v. Russian Federation (2024)* International Court of Justice, case 182. Available at: <https://www.icj-cij.org/case/182>

19. *Bosnia and Herzegovina v. Serbia and Montenegro (1996)* International Court of Justice, case 91. Available at: <https://www.icj-cij.org/case/91>

20. *Palestine v. Israel (2004)* International Court of Justice, case 131. Available at: <https://www.icj-cij.org/case/131>

Palestine conflict, adding weight to ongoing advocacy and international efforts. Similarly, *Costa Rica v. Nicaragua (2015)*²¹ demonstrated how the ICJ's decisions can complement environmental and territorial claims, adding legal backing to other diplomatic efforts.

The ICJ's role in these cases highlights its ability to build upon and enhance existing accountability frameworks. By tapping into evidence gathered by human rights organizations, UN bodies, and other actors, an ICJ case can advance without the need to restart investigations. This integration of efforts, as seen in the case of South Africa's legal actions against Israel, ensures that justice is pursued from multiple angles, with the ICJ serving as an essential part of a wider strategy.

In essence, an ICJ case is not a replacement for other efforts—it enriches them. It is a powerful and complementary strategy that elevates the cause of Afghan women and girls on the global stage, ensuring that the fight for justice is pursued on all possible fronts. By leveraging the Court's authority, countries can send a clear message that human rights violations will not go unanswered, reinforcing the global framework for accountability and justice.

■ ***Synergy with Criminal Courts and Other International Bodies***

An ICJ case would complement other accountability mechanisms, creating a more comprehensive approach to holding the Taliban accountable. While criminal courts like the ICC focus on prosecuting individuals for specific crimes, the ICJ can address state-level violations. This is crucial for addressing broader systemic abuses that may not be covered in individual prosecutions. In *Georgia v. Russia (2011)*, for example, the ICJ's broader mandate allowed it to address issues that went beyond the scope of criminal trials.

Furthermore, the ICJ can deliver more immediate results through

21. *Costa Rica v. Nicaragua (2015)* International Court of Justice, case 150. Available at: <https://www.icj-cij.org/case/150>

provisional measures, which could order Afghanistan to cease specific discriminatory practices quickly. In *Costa Rica v. Nicaragua* (2015), the ICJ issued provisional measures within months, providing relief while the main case was still being decided. A similar approach in an Afghanistan case could lead to the immediate suspension of some of the Taliban's most oppressive policies, such as restrictions on women's education and freedom of movement.

Evidence gathered through ICJ proceedings could also aid in future criminal prosecutions. In *Bosnia and Herzegovina v. Serbia and Montenegro* (1996), ICJ findings were used to support prosecutions at the ICTY. Similarly, evidence collected in an ICJ case against Afghanistan could assist ICC investigations or national prosecutions under universal jurisdiction, reinforcing global efforts to hold the Taliban accountable.

■ ***Operational Significance of ICJ Observations, Rulings, and Provisional Measures***

The ICJ, being a civil court, cannot issue criminal penalties. Instead, it can make rulings that compel Afghanistan to stop its violations of women's and girls' rights under CEDAW. These rulings could include a formal declaration that Taliban has breached its obligations under the treaty, detailing specific violations such as barring women from work and restricting their freedom of movement. The Court can also order Afghanistan to comply with CEDAW by removing discriminatory policies and ensuring equal access to education, healthcare, and other public services.

Additionally, the ICJ can require the Taliban to give assurances and guarantees of non-repetition, which may include repealing harmful laws and adopting preventative measures. Another possible order

would instruct the Taliban to preserve evidence related to these violations, ensuring that no documents are destroyed and cooperation with investigations is maintained. Despite the possibility of lengthy proceedings, the ICJ's ability to issue provisional measures can ensure that critical issues, like protecting the rights of Afghan women and girls, can be addressed early on, mitigating further harm while the case is being resolved.

Developing a Comprehensive and Inclusive Approach to Holding the Taliban's Gender Apartheid Regime Accountable at the ICJ

Gender apartheid, as practiced by the Taliban, refers to the systematic exclusion and segregation of women based solely on their gender, stripping them of fundamental rights such as education, employment, and freedom of movement. Framing the Taliban's policies as gender apartheid by ICJ demonstrates that these actions are part of a systematic regime of oppression enforced at the state level.

The ICJ can play a pivotal role in addressing these violations under existing international treaties, such as the CEDAW, to which Afghanistan is a signatory.²² Even though gender apartheid is not yet codified as a specific crime under international law, by using the lens of gender apartheid, the ICJ can contextualize the Taliban's violations within a broader legal framework that resonates with the global consensus on crimes against humanity.

- A relevant precedent is *The Gambia v. Myanmar* (2019) case, where Gambia brought charges of genocide against Myanmar for the systematic persecution of the Rohingya people. Although Myanmar denied the accusations, the ICJ framed the violations under established international human rights laws, issuing provisional measures to protect the Rohingya

22. UN Treaty Body Database. (n.d.). *Ratification Status for CEDAW - Convention on the Elimination of All Forms of Discrimination against Women*. [online] Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en.

people. This case illustrates how the ICJ can address systematic human rights violations even when specific legal terms or frameworks are not yet officially codified. Even though genocide is codified as a war crime and a crime against humanity, this case involved legal arguments that extended beyond the conventional understanding of genocide. The ICJ had to consider acts such as state-enforced displacement, systemic discrimination, and denial of basic rights as part of a broader genocidal campaign, even though these specific elements were not explicitly detailed in the Genocide Convention. This was significant because the legal framework of genocide typically focuses on mass killings, but The Gambia successfully argued that Myanmar's persecution of the Rohingyas—including forced expulsion, widespread sexual violence, and destruction of villages—constituted acts intended to destroy the group 'in whole or in part'. The case thus set a precedent for interpreting state actions as genocide based on patterns of systemic oppression rather than solely on large-scale executions, thereby expanding the applicability of international legal standards to contemporary human rights violations. Similarly, framing the Taliban's actions as gender apartheid would allow the ICJ to tackle these systemic violations through existing legal norms.

- Another example is the *Bosnia and Herzegovina v. Serbia and Montenegro* (1996) case. Although the term "ethnic cleansing" was not formally codified as a legal concept at the time, the ICJ used broader frameworks, such as the Genocide Convention and crimes against humanity, to examine the systematic persecution in Bosnia. This approach set important legal precedents and shaped international legal discourse on human rights abuses. In the same way, the ICJ can address the Taliban's gender apartheid by linking it to broader international human rights laws, laying the groundwork for future codification of gender apartheid as a crime against humanity in international law.

- Moreover, the ongoing effort²³ to codify gender apartheid within the Crimes Against Humanity Convention (CAHC) provides a significant backdrop for this case. Building a case through the ICJ that demonstrates the Taliban's systematic violation of women's rights can push for its formal recognition. Much like the international legal efforts that led to the criminalization of racial apartheid, an ICJ ruling on Taliban as the *de facto* regime in Afghanistan can establish crucial precedents that influence future international law and provide the momentum needed to codify gender apartheid as a crime against humanity.

Mitigating Risks that Could Jeopardize the Case Against the Taliban

- ***Follow Every Procedural Requirement to the T***

A lack of consensus among international actors, particularly pushing the case forward in the absence of women of Afghanistan, risks repeating the outcome of the failed case²⁴ brought by Canada and the Netherlands against Syria at the ICJ. Filed on 8 June 2023, the case faltered due to a combination of procedural missteps and substantive shortcomings.²⁵ In their attempt to hold Syria accountable for violations of the Convention Against Torture, the plaintiffs were met with procedural challenges that ultimately led to the case's collapse.

Syria successfully argued that Canada and the Netherlands had failed to follow the necessary procedural steps outlined in Article 30 of the Convention. This provision mandates a strict process of negotiation and arbitration before

23. Radhakrishnan, A. and Yamamoto, A. (2024). More States Open to Considering Gender Apartheid for Draft Crimes Against Humanity Treaty. *Just Security*. [online] 24 May. Available at: <https://www.justsecurity.org/96096/gender-apartheid-crimes-against-humanity-treaty/>.

24. World Court Rules Against Syria in Torture Case. (2023). *Human Rights Watch*. [online] 16 Nov. Available at: <https://www.hrw.org/news/2023/11/16/world-court-rules-against-syria-torture-case>.

25. Bergin, Jr., M.G. (2023). ICJ Issues Order for Provisional Measures in Canada and the Netherlands v. Syrian Arab Republic. *The American Society of International Law*. [online] 17 Nov. Available at: <https://www.asil.org/ILIB/icj-issues-order-provisional-measures-canada-and-netherlands-v-syrian-arab-republic>.

a case can escalate to the ICJ. By bypassing these essential steps, the plaintiffs rendered their application inadmissible. Additionally, Syria underscored that the plaintiffs had imposed preconditions, demanding acknowledgment of Syria's liability without engaging in substantive dialogue. Moreover, Syria contended that no genuine dispute existed, pointing to its willingness to engage in discussions and multiple meetings aimed at resolving the concerns. Further weakening the plaintiffs' case, Syria highlighted that many of the alleged violations occurred years earlier, undermining any claim for provisional measures on grounds of urgency.

To avoid a similar fate, any country or coalition of countries seeking to bring a case against the Taliban for gender apartheid at the ICJ must tread carefully and ensure that all procedural requirements are meticulously adhered to.

■ ***Strengthen the Petitioning Coalition***

A coalition of Muslim-majority states, alongside other countries committed to defending human rights, must step forward as the most effective actors to spearhead this effort. Such a coalition would not only broaden the case's legitimacy but also mitigate perceptions of a Western-driven agenda, thereby enhancing its cultural and legal credibility. States with significant geopolitical influence and a commitment to Islamic values—are well-positioned to lead such an effort. Involving the Organization of Islamic Cooperation (OIC) could further solidify the coalition, ensuring that the case reflects a united front from within the Muslim world.

While the OIC has been largely passive in condemning the Taliban, member states with strong geopolitical influence—such as Saudi Arabia, Qatar, the United Arab Emirates (UAE), Turkey, and Indonesia—could be encouraged to take a leadership role in advocating for women's rights within an Islamic framework. Additionally, leveraging existing human rights mechanisms within the OIC and engaging progressive Islamic scholars and legal experts could provide the necessary theological and legal backing to push for more active participation. Sustained engagement through bilateral and

multilateral diplomatic efforts, as well as public pressure from civil society within OIC member states, could also compel the organization to take a stronger stance in holding the Taliban accountable.

- ***Expand the Case’s Scope Beyond Women’s Education and Ensure Afghan Women’s Voices are at the Heart of Legal Action***

The case against the Taliban should not limit itself to isolated issues like women’s education either. A narrow focus on education alone would overlook the Taliban’s broader, systemic violations of Afghan women’s fundamental human rights, weakening the legal argument. The case must instead emphasize the Taliban’s comprehensive campaign of repression, including the torture, rape, and persecution of women protesters, the forced exclusion of women from the workforce and public life, the denial of basic rights such as freedom of movement, and restrictions on personal appearance. Framing these violations as gender apartheid provides a powerful and unifying legal argument, which resonates with the global understanding of systemic oppression as a crime against humanity.

Furthermore, Afghan women’s voices must be at the heart of the legal action—both symbolically and procedurally. Their testimonies, lived experiences, and leadership must form the backbone of the legal strategy, ensuring that the case authentically reflects the realities of those who are directly oppressed by the Taliban’s gender apartheid. This is not merely about legal technicalities; it is about centering the voices of Afghan women and girls, whose rights and futures are being systematically destroyed by the Taliban regime.

- ***Crucial Steps to Initiating an ICJ Case Against Afghanistan***

To bring a case against the Taliban at the ICJ for violations of the CEDAW, a few procedural steps²⁶ are required. First, one or more countries must notify the Taliban, typically through a diplomatic note, alleging that Afghanistan has

26. Johnson, A. (2024). Afghanistan: potential ICJ case a step towards justice for Afghan women. International Bar Association. [online] 24 Oct. Available at: <https://www.ibanet.org/afghanistan-icj>.

violated CEDAW. Taliban may either respond or remain silent. If Afghanistan disagrees or does not respond, this establishes a formal “dispute” between the countries. A “genuine attempt” must then be made by the involved states to resolve the issue through direct negotiations.

If the attempt at resolution fails, the countries are expected to pursue arbitration, which provides a legally binding judgment outside of the court. However, if Taliban does not agree to arbitration within six months or ignores the attempts, the countries can proceed by taking the case to the ICJ. This structured approach ensures that the ICJ case follows proper diplomatic procedures and meets international legal standards before proceeding to the Court.

To avoid the procedural pitfalls that undermined the case against Syria, it is imperative that any legal action against the Taliban follows the proper sequence outlined by international law. This process must begin with formal diplomatic channels, as has already²⁷ been attempted. The argument must be highlighted that the negotiations with the Taliban have taken place, and that the regime has consistently shown that they are not in compliance with international demands, particularly regarding women’s rights. The Taliban’s repeated refusal to meet even the most basic human rights standards clearly demonstrates that negotiations have failed and it’s time for further legal steps. Only after demonstrating that these genuine efforts at negotiation have already been exhausted should the case proceed to the ICJ.

Immediate and Long-Term Impact Potential of (Filing) an ICJ Case Against Taliban

Filing an ICJ case against the Taliban would not only highlight the urgency of

27. Bringing a Case Before the International Court of Justice for the Rights of Afghan Women and Girls (Q&A Briefing). (2024). [online] Open Society Justice Initiative. Available at: <https://www.justiceinitiative.org/uploads/77b7185d-7ba6-4ef9-8fa5-a7155234b0de/Q&A-Litigating-for-the-Rights-of-Afghan-Women-and-Girls-Before-the-ICJ-Final.pdf>.

addressing the Taliban's violations but also create multiple layers of legal and diplomatic pressure that could lead to immediate and long-term impacts, both domestically and internationally.

- ***Diplomatic and Legal Ramifications***

Filing a case against the Taliban at the ICJ can have significant immediate effects in the diplomatic, legal, and political arenas. The act of initiating legal proceedings demonstrates that the international community is committed to taking formal action against the human rights violations suffered by Afghan women and girls. Unlike public condemnations or symbolic gestures, bringing a case to the ICJ introduces a binding legal process that elevates the issue's seriousness.

A notable example is again *The Gambia v. Myanmar*, where Gambia filed a case accusing Myanmar of genocide against the Rohingya people. This ICJ filing not only amplified global attention but also led to provisional measures ordering Myanmar to protect the Rohingya, even before a final ruling was issued. Similarly, an ICJ case against Afghanistan could prompt the Court to issue provisional measures, compelling the Taliban to halt their discriminatory actions while the case is ongoing. Filing the case also strengthens advocacy efforts by human rights groups and international bodies, as seen in South Africa's case against Israel,²⁸ where legal action reinforced global calls for accountability and pressured other countries involved in human rights violations.

- ***Stalling the Taliban's International Recognition***

Bringing the case to the ICJ could slow or even block the Taliban's efforts to gain international recognition. The ICJ's involvement could impose legal conditions that require the Taliban to adhere to international treaties, such as the CEDAW. For example, in Bosnia and Herzegovina

28. South Africa v. Israel [Ongoing] International Court of Justice, case 192. Available at: <https://www.ici-cij.org/case/192>

v. Serbia and Montenegro (1996), the ICJ's provisional orders and ongoing scrutiny helped delay Serbia's international legitimacy until there was compliance with international law. Similarly, an ICJ case against Afghanistan could present a formidable legal and diplomatic hurdle for the Taliban, linking their recognition to adherence to global norms on women's rights.

■ ***Enforcing ICJ Rulings***

Under the UN Charter, Afghanistan, like all UN member states, is legally obligated to comply with ICJ rulings. Failure to do so allows the filing country to seek enforcement through the UN Security Council (UNSC). The UNSC has the power to impose sanctions, travel bans, and other measures to ensure compliance. For example, in *Nicaragua v. United States* (1986), when the US refused to comply with the ICJ's judgment, Nicaragua brought the issue to the Security Council, which imposed significant diplomatic pressure on the US, despite the case's geopolitical challenges.

Additionally, even if the Taliban does not immediately comply with an ICJ ruling, the decision itself can influence diplomatic negotiations and be used by other UN bodies to push for changes. In *Georgia v. Russia* (2008), although compliance was slow, the ICJ ruling provided legal leverage for future diplomatic engagements and continued pressure on Russia to adjust its policies.

■ ***Non-Compliance and International Pressure***

If the Taliban refuse to comply with an ICJ ruling, international mechanisms can be activated to apply further pressure. While the ICJ does not have direct enforcement capabilities, the UN Charter provides pathways to ensure compliance. Article 94 allows the UNSC to act, including via sanctions and other measures. Even the threat of such measures can impact state behavior, as seen in *Libya v. United Kingdom*

(1992)²⁹ when Libya faced UNSC sanctions after refusing to extradite suspects in the Lockerbie bombing case, ultimately leading to Libya's compliance with international law.

Moreover, non-compliance can galvanize international pressure from the global community. For instance, after the ICJ's ruling in the *Bosnia and Herzegovina v. Serbia and Montenegro* case, international sanctions and diplomatic isolation were key factors in compelling Serbia to comply with the ruling. Similar international pressure could influence the Taliban's policies, even if they initially resist ICJ orders.

- ***Global Attention and Diplomatic Leverage***

An ICJ case against Afghanistan can have a substantial impact, even without immediate enforcement. Filing such a case would bring renewed global attention to the suffering of Afghan women and girls, amplifying advocacy efforts and mobilizing international support. In *The Gambia v. Myanmar* (2019), for instance, the ICJ case significantly increased international scrutiny of Myanmar's treatment of the Rohingya population, keeping the issue alive on the global stage and prompting stronger diplomatic pressure.

Similarly, an ICJ case against the Taliban could sustain international attention on the Taliban's abuses for years, as the case unfolds. The proceedings can serve as a platform for Afghan women's voices and highlight their plight globally. This visibility can galvanize political pressure, as seen in South Africa's case against Israel, where the ICJ case brought greater attention to human rights issues and raised the profile of South Africa's stance on Israel's policies.

29. *Libyan Arab Jamahiriya v. United Kingdom* (1998) International Court of Justice, case 88. Available at: <https://www.icj-cij.org/case/88>

■ ***Shaping International Relations and Influencing the Taliban's Actions***

ICJ rulings can also influence how other countries engage with the Taliban. Countries may base future diplomatic relations, trade agreements, or foreign aid on Afghanistan's adherence to international human rights standards. This dynamic was evident in *Bosnia and Herzegovina v. Serbia and Montenegro* (1996), where the ICJ's involvement delayed international recognition of Serbia until it took steps to comply with international law. An ICJ ruling against Afghanistan could similarly make it harder for the Taliban to gain legitimacy, particularly if it shows the Taliban's systematic violations of women's rights under international law.

In addition, the threat of UNSC sanctions for non-compliance with an ICJ ruling could pressure the Taliban to repeal oppressive laws or prevent the implementation of new ones. In *Nicaragua v. United States* (1986), the pressure of an ICJ ruling, combined with global diplomatic pressure, compelled the US to shift its policies despite initially refusing to comply. The Taliban, facing similar diplomatic isolation and sanctions, may reconsider its policies toward women under such pressure.

Conclusion

As the above discussion demonstrates, pursuing a case at the ICJ to hold Afghanistan accountable for gender apartheid is a powerful and complementary strategy that elevates the cause of Afghan women and girls on the global stage, ensuring that the fight for justice is pursued on all possible fronts. By leveraging the Court's authority, countries can send a clear message that human rights violations will not go unanswered, reinforcing the global framework for accountability and justice.

An ICJ ruling would carry the weight of international law, compelling global institutions and states to hold the Taliban accountable. Furthermore,

the UNSC could be engaged to enforce any ICJ judgment, applying sanctions or other measures to ensure compliance. The time is ripe for action, but success will depend on strategic coordination, procedural precision, and a unified global stance. Through this approach, the international community can bring the Taliban's crimes against Afghan women to the forefront of global justice, ensuring that these heinous acts do not go unanswered.

Collaborative Strategies to Address the Taliban–Imposed Gender Apartheid in Afghanistan

By Nazila Jamishidi¹

Since seizing power in Afghanistan in August 2021, the Taliban have imposed increasingly harsh restrictions on the rights and freedoms of Afghan women, girls, and others, issuing over 100 edicts that limit their mobility, public gatherings, access to healthcare, education, employment, sport, and recreational activities. The actions of the Taliban *de facto* authorities (DFA) have effectively created a regime of gender apartheid, where women and girls are treated as second–class citizens solely based on their gender. The secretary general of the United Nations (UN) has highlighted the gender–based apartheid emerging in Afghanistan, and the executive director of UN Women has called for an “intergovernmental process” to formally codify gender apartheid as a crime in international law.² Drawing on the experience of the anti–apartheid movement in South Africa, this essay argues that meaningful collaborations, international legal advocacy, and increased engagement with international human rights mechanisms are critical steps for building the political will necessary for the recognition of gender apartheid in Afghanistan.

This essay explores the efforts being undertaken to address the Taliban–

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2. Guterres, A. (2023). The Secretary-General’s remarks to the Security Council on the Promotion and Strengthening of the Rule of Law in the Maintenance of International Peace and Security: The Rule of Law Among Nations. United Nations. [online] 12 Jan. Available at: <https://www.un.org/sg/en/content/sg/statements/2023-01-12/the-secretary-generals-remarks-the-security-council-the-promotion-and-strengthening-of-the-rule-of-law-the-maintenance-of-international-peace-and-security-the-rule-of>.

imposed gender apartheid in Afghanistan and examines collaborative strategies that can help end gender apartheid in the country. Section 1 provides a contextual overview of the efforts currently being undertaken to end the Taliban-imposed gender apartheid in Afghanistan. Section 2 discusses the need for, and pathways to, recognize the current circumstances in the country as gender apartheid. Section 3 argues that developing meaningful collaborative efforts would help develop and implement tangible, measurable actions to end gender apartheid in Afghanistan. The concluding section summarizes the findings and the essay concludes with three policy recommendations.

Contextual Overview: Current Efforts to End the Taliban-Imposed Gender Apartheid in Afghanistan

To address the intensifying gender apartheid situation in Afghanistan, human rights defenders both within and outside of Afghanistan, alongside global human rights institutions, including Atlantic Council's Project Litigation and Open Society are taking coordinated actions to facilitate codification of gender apartheid as a crime against humanity. For instance, in March 2023, numerous Afghan and global human rights advocates launched the grassroots End Gender Apartheid Campaign. By October 2023, over 100 prominent jurists, public figures, academics, and civil society leaders had urged the international community to incorporate gender apartheid as a crime in the Draft Crimes against Humanity Convention currently being discussed by the UN General Assembly.³ Several global institutions and organizations are actively engaged in discussions and efforts to codify gender apartheid as a crime against humanity. These include:

3. The End Gender Apartheid Campaign. (n.d.). *End Gender Apartheid*. [online] Available at: <https://endgenderapartheid.today/>.

1. **United Nations (UN):**

The UN, through its various bodies, has played a significant role in raising awareness of gender apartheid, especially in Afghanistan. The UN secretary general has voiced concern about gender-based apartheid under the Taliban. Additionally, the executive director of UN Women has called for an intergovernmental process to explicitly codify gender apartheid in international law.⁴

2. **UN General Assembly:**

The Draft Crimes Against Humanity Convention, currently under consideration by the UN General Assembly, has been proposed as a vehicle for formally recognizing and codifying gender apartheid as a specific crime.⁵

3. **International Criminal Court:**

Under the Rome Statute, the International Criminal Court (ICC) has jurisdiction over crimes against humanity. Although “gender apartheid” is not yet formally recognized as a distinct crime, advocates are working to have it included as part of the broader category of crimes against humanity, under “persecution” or “inhumane acts” targeting gender.⁶

4. **Office of the UN High Commissioner for Human Rights:**

The Office of the United Nations High Commissioner for Human Rights (OHCHR) monitors human rights violations globally and reports on gender-based discrimination, often providing detailed assessments of situations where gender apartheid may be occurring, such as in

4. Ibid (Guterres, 2023)

5. Draft articles on prevention and punishment of crimes against humanity [Recommendations from the Working Group on discrimination against women and girls]. (2024). [online] New York: UN General Assembly. Available at: <https://docs.un.org/en/A/HRC/WG.11/40/1>.

6. Morioka, S. (2023). Bennouna Addresses UN Security Council on Gender Apartheid in Afghanistan. *University of Michigan, School of Law*. [online] 27 Sep. Available at: <https://michigan.law.umich.edu/news/bennouna-addresses-un-security-council-gender-apartheid-afghanistan>.

Afghanistan.⁷

5. UN Human Rights Council:

The UN Human Rights Council (UNHRC) has the authority to investigate and report on human rights abuses, including gender-based discrimination and apartheid. Through their reports and statements, UN Special Rapporteurs on violence against women and on the situation in Afghanistan have highlighted the systemic violations of women's rights in the country.⁸

These institutions are integral to the ongoing process of defining and incorporating gender apartheid as a crime against humanity into international legal frameworks, with advocacy efforts aimed at holding the Taliban accountable for systemic gender-based discrimination.

Significant efforts have been made by Afghan women and their international allies to facilitate the recognition of the current conditions in Afghanistan as gender apartheid. However, the campaign is still in its early stages and requires further coordinated efforts to achieve its deserved outcome. Drawing on the experience of the anti-apartheid movement in South Africa, this paper argues that international legal advocacy and increased engagement with international human rights mechanisms are critical steps toward building the political will necessary for the recognition of gender apartheid in Afghanistan.

Nonetheless, recognition—of gender apartheid as a crime against humanity—alone is insufficient. This paper also contends that developing and implementing tangible, measurable actions to end gender apartheid

7. Gender apartheid must be recognised as a crime against humanity, UN experts say. (2024). *Office of the High Commissioner for Human Rights*. [online] 20 Feb. Available at: <https://www.ohchr.org/en/press-releases/2024/02/gender-apartheid-must-be-recognised-crime-against-humanity-un-experts-say>.

8. Special Rapporteur on the situation of human rights in Afghanistan (2024). A/HRC/55/80: *Situation of human rights in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan (Advance edited version)*. [online] Office of the High Commissioner for Human Rights. Available at: <http://ohchr.org/en/documents/country-reports/ahrc5580-situation-human-rights-afghanistan-report-special-rapporteur>.

in Afghanistan must be prioritized by human rights defenders and global actors alike. These actions include applying diplomatic pressure, supporting grassroots movements, and providing humanitarian and legal assistance to Afghan women. Collaborative global efforts are essential for transforming recognition into concrete changes on the ground.

Facilitating the Recognition of Current Conditions as Gender Apartheid

Afghan women and international human rights advocates are pressing for the recognition of gender apartheid as a crime against humanity due to its deeply entrenched and systemic nature. Apartheid is characterized by the intentional establishment of a regime designed to oppress and control a specific group, while enabling the dominant group to benefit from this subjugation. This oppressive structure permeates every aspect of the marginalized group's political, economic, and social lives, making it exceedingly difficult for them to escape their subjugation.⁹

Unlike general acts of discrimination, the purpose of apartheid is to sustain a governance system rooted in systemic domination. This is what distinguishes gender apartheid from other forms of gender-based persecution under international law—the focus is on preserving the oppressive system itself, not just denying individuals rights because of their identity.¹⁰ This distinction is critical in understanding why gender apartheid is viewed as separate from other types of gender persecution.

Codifying gender apartheid as a crime against humanity would create legal avenues to hold the Taliban accountable for their actions. This formal recognition would also enhance global solidarity by drawing attention to the gravity of the situation in Afghanistan and stigmatizing the Taliban's

9. [Press Release] Global: Gender apartheid must be recognised as a crime under international law. (2024). *Amnesty International*. [online] 17 Jun. Available at: <https://www.amnesty.org.uk/press-releases/global-gender-apartheid-must-be-recognised-crime-under-international-law>.

10. Ibid (Morioka, 2023)

oppressive regime. By classifying gender apartheid as a crime, the international community can adopt a unified and strategic approach, using a combination of international and domestic legal mechanisms to address the systemic violations faced by Afghan women and girls.¹¹ For Afghan women and their international allies, achieving this legal recognition is a shared objective.

These collective efforts should not only continue but efforts like international legal advocacy, leveraging media and public awareness campaigns, and further engagement with international human rights mechanisms need to be undertaken.

International Legal Advocacy: A crucial strategy for human rights defenders is advancing legal advocacy to achieve international recognition of Afghanistan's situation as gender apartheid. While gender apartheid is not yet a formally codified crime under international law, it aligns with the broader framework of crimes against humanity as outlined by the Rome Statute. Some international non-government organizations (NGO) have begun this work. For instance, organizations like the Atlantic Council and the Global Justice Center are actively advocating for the recognition of gender apartheid as an international crime, with a specific focus on Afghanistan. Their efforts involve drafting legal arguments and advocacy strategies in collaboration with experts and endorsing joint letters and briefs to governments.

These organizations propose defining gender apartheid based on the established crime of racial apartheid, drawing strong parallels between the Taliban's systemic oppression of women, girls, and LGBTQI individuals in Afghanistan and the conditions that characterized racial apartheid.¹² This

11. Halaimzai, S., Mehran, M. and Theros, M. (n.d.). *Inside Afghanistan's gender apartheid: Listen as women reveal the impact of the Taliban's oppressive decrees*. [online] Atlantic Council [Civic Engagement Project]. Available at: <https://www.atlanticcouncil.org/in-depth-research-reports/report/inside-afghanistans-gender-apartheid-listen-as-women-reveal-the-impact-of-the-talibans-oppressive-decrees/>.

12. Mohammad, A.R. (2024). Why the Taliban's persecution of women meets the bar of a crime against humanity. *Atlantic Council*. [online] 14 Mar. Available at: <https://www.atlanticcouncil.org/blogs/new-atlanticist/taliban-persecution-of-women-crime-against-humanity/>.

advocacy underscores the urgency for international action.

It is also essential that human rights defenders (Afghans and non-Afghans) collaborate and work alongside international legal experts and organizations to draft proposals aimed at bodies like the UNHRC, urging formal recognition of the Taliban's actions in Afghanistan as gender apartheid. NGOs can further support Afghan human and women's rights advocates by facilitating their engagement with the UN's legal offices and organizing discussions with South African experts to draw on lessons from the counter-racial apartheid movement. Coordinated international action, like that of the UN's response to South Africa's racial apartheid, is essential for addressing gender apartheid in Afghanistan effectively.

Leveraging Media and Public Awareness Campaigns: Human rights organizations and the public are launching targeted media campaigns to raise awareness about gender apartheid in Afghanistan. Initiatives like Women Post, End Gender Apartheid, and *Zan TV*, primarily driven by Afghan female advocates, are utilizing social media to draw attention to the urgent plight of Afghan women and the necessity of recognizing gender apartheid as a crime against humanity.¹³ Additionally, organizations such as the Malala Fund are amplifying the voices of Afghan women and girls by documenting their experiences with severe gender-based discrimination.¹⁴ These campaigns, to some degree, have successfully shaped global narratives and influenced policymakers to acknowledge the Taliban's policies as gender apartheid.¹⁵ For instance, in September 2024, 26 countries expressed their support for a legal initiative to hold the Taliban accountable at the International Court of Justice for systematic human rights violations against women and girls in

13 @EGACampaign [End Gender Apartheid]. X [formerly Twitter] (n.d.). Available at: <https://x.com/EGACampaign>

14. Tretler, M. (2024). Malala Fund works to end gender apartheid in Afghanistan. *Malala Fund*. [online] 6 Mar. Available at: <https://malala.org/news-and-voices/malala-fund-works-to-end-gender-apartheid-in-afghanistan>.

15. Joseph, J. (2024). Canada, Australia, Germany, and the Netherlands set to initiate legal proceedings against Taliban at ICJ. *JURISTnews*. [online] 25 Sep. Available at: <https://www.jurist.org/news/2024/09/canada-australia-germany-and-the-netherlands-set-to-initiate-legal-proceedings-against-taliban-at-icj/#>.

Afghanistan.¹⁶

The Anti-Apartheid Movement (AAM) effectively utilized media and public awareness campaigns to garner international support and pressure governments to act against racial apartheid in South Africa. Through initiatives like boycotts, mass demonstrations, and targeted media campaigns, the AAM raised global awareness of the injustices faced by Black South Africans under apartheid.¹⁷ Notable campaigns included the international sports boycott and cultural sanctions, which were widely publicized and highlighted the moral imperative for action. The AAM also worked with mainstream media and alternative press outlets to maintain a steady stream of information, making apartheid a regular topic of international concern.¹⁸

Engaging with International Human Rights Mechanisms: Human rights defenders must collaborate with UN agencies, NGOs, and international human rights bodies to present reports and data on gender-based discrimination in Afghanistan. Currently, several Afghan-led and international NGOs, such as Rawadari, Amnesty International, and the UN, are documenting human rights violations with the aim of establishing an international accountability mechanism.¹⁹ Given the severe restrictions placed on both local and international media in Afghanistan, the work of documenting and reporting on the gender apartheid situation is crucial for the anti-gender apartheid campaign.

Sustained Funding: Sustained political and financial backing is essential to ensure these efforts continue. International NGOs must secure the necessary

16. Launch of an initiative on accountability for Afghanistan's violations of CEDAW declaration. (2024). *German Federal Foreign Office*. [online] 26 Sep. Available at: <https://www.auswaertiges-amt.de/en/newsroom/news/2677760-2677760>.

17. Thörn, H. (2006). *Anti-Apartheid and the Emergence of a Global Civil Society*. New York: Palgrave Macmillan.

18. Fieldhouse, R. (2014). The British Anti-Apartheid Movement: A Brief History. *Imperial & Global Forum*. [online] 27 Jan. Available at: <https://imperialglobalexeter.com/2014/01/27/the-british-anti-apartheid-movement-a-brief-history/>.

19. Rawadari. (2025). *Afghanistan Human Rights Situation Report 2024*. [online] Available at: <https://rawadari.org/reports/afghanistan-human-rights-situation-report-2024/>.

resources to maintain uninterrupted documentation. Submitting these reports to UN special rapporteurs on violence against women and human rights in Afghanistan, as well as to the OHCHR, can help apply pressure on these institutions to officially recognize gender apartheid in Afghanistan. This recognition could heighten diplomatic pressure on the Taliban and potentially lead to sanctions or other punitive measures.

Building Alliances: Activists and human rights defenders must forge strong alliances with global civil society organizations, particularly women's rights groups. Building coalitions is vital for coordinated advocacy to gain recognition of gender apartheid in Afghanistan. A powerful example from the anti-racial apartheid campaign is the role of international coalitions such as the AAM, which was instrumental in pressuring governments and international bodies to act against apartheid in South Africa. Founded in 1959 in London, the AAM brought together various civil society organizations, including trade unions, student groups, and women's rights organizations, to create a global network advocating for sanctions and boycotts against the apartheid era South African regime.²⁰ The organization successfully lobbied national governments and international bodies, including the UN and the Commonwealth of Nations, to impose sanctions on South Africa and recognize apartheid as a crime against humanity.

The Women's Committee of the AAM played a significant role in linking the oppression of women under apartheid to broader human rights struggles, demonstrating the importance of gender advocacy within the broader anti-apartheid movement. These coalitions helped build a united front that spanned across nations and social movements, making international solidarity a key component in dismantling the apartheid regime.²¹ Thus, forging similar alliances between Afghan women's rights groups and global civil society organizations can mirror the strategies that proved effective in raising

20. Ronson, J. (2014). The Anti-Apartheid Movement. *Archives Hub*. [online] 29 Jul. Available at: <https://blog.archiveshub.jisc.ac.uk/2014/07/29/the-anti-apartheid-movement/>.

21. Ibid (Fieldhouse, 2014)

awareness and achieving international recognition of racial apartheid.

Fostering Meaningful Collaborations to Implement Tangible, Measurable Actions to End Gender Apartheid in Afghanistan

Recognizing gender apartheid as a crime allows the international community to develop a coordinated and complementary response, utilizing a variety of international and domestic legal tools to address the ongoing suffering of women and girls in Afghanistan comprehensively and effectively.²² However, recognition alone is insufficient. Human rights defenders, alongside global actors, must work collaboratively to implement concrete, measurable actions that push toward the end of gender apartheid in Afghanistan. This includes applying diplomatic pressure, supporting grassroots movements, and providing humanitarian and legal assistance to Afghan women.

International Diplomatic Pressure: One significant example of international diplomatic pressure that helped dismantle racial apartheid in South Africa was the imposition of economic sanctions and arms embargoes by various governments and international organizations. The UN played a key role by passing resolutions like UN General Assembly Resolution 1761 in 1962, which called for economic sanctions against South Africa. The UN Security Council later imposed a mandatory arms embargo with Resolution 418 in 1977, and many countries implemented their own trade embargoes, divestments, and travel bans targeting South Africa's apartheid government.²³ Such diplomatic efforts are needed to end gender apartheid in Afghanistan but they must also be complemented by international advocacy campaigns and public awareness efforts that pressured governments to act.

Supporting Grassroots Movements in Afghanistan: While many women's

22. Ibid (Halaimzai, Mehran and Theros, n.d.)

23. UN. General Assembly (17th sess. : 1962) (1963). [A/RES/1761(XVII)] *The policies of apartheid of the Government of the Republic of South Africa*. [online] United Nations. Available at: <https://digitallibrary.un.org/record/204274?ln=en&v=pdf>.

rights defenders inside Afghanistan face persecution, there are still brave grassroots organizations and activists who continue to work for change. Human rights defenders abroad should provide support to these groups through funding, training, and resources. Similarly, organizations working on humanitarian aid in Afghanistan must prioritize programs that empower women and girls, such as education initiatives, healthcare services, and psychosocial support for victims of gender-based violence. Donor agencies and governments providing aid to Afghanistan should ensure that their funding supports projects that are explicitly aimed at addressing gender inequality. Furthermore, measurable indicators, such as the number of women receiving education or healthcare services, can be used to track the effectiveness of these programs.

Engaging the Afghan Diaspora and Global Advocacy Networks:

Diaspora played an important role in the movement against racial apartheid. South Africans who had fled the country due to political oppression became prominent advocates for international efforts to dismantle apartheid. These exiled activists collaborated with global civil society groups, engaged in lobbying, and spoke at international events to highlight the struggles of Black South Africans under apartheid. Oliver Tambo, a key figure in the African National Congress (ANC), played a central role in these efforts.²⁴ As leader of the ANC's external mission, Tambo worked to influence the foreign policies of countries like the UK and the US, pushing for increased economic sanctions and diplomatic pressure on the South African regime. His work was instrumental in securing international support for the anti-apartheid movement.²⁵

Afghan diaspora, given their access to various resources and networks, can contribute to raising awareness through partnerships with local activist groups and to help steer national and international public opinion against gender

24. Tambo, A. (1987). *Preparing for Power: Oliver Tambo Speaks*. London: Heinemann Educational Books.

25. Allen, J. (2006). *Rabble-Rouser for Peace: The Authorized Biography of Desmond Tutu*. New York: Free Press.

apartheid. They can act as spokespeople and leverage their international presence to ensure that gender apartheid remains a central issue in global human rights discussions.

Conclusion

Addressing the Taliban-imposed gender apartheid in Afghanistan requires a multifaceted approach, combining legal advocacy, diplomatic pressure, and strong grassroots efforts. Human rights defenders must continue working toward formal recognition of the Taliban's policies as gender apartheid, following the model of past successful campaigns such as the anti-apartheid movement in South Africa. Legal recognition of gender apartheid would not only help hold the Taliban accountable for their actions but also create a foundation for coordinated international intervention. Global advocacy efforts should focus on pushing the international community, including the UN and the ICC, to formally codify gender apartheid as a crime against humanity. This recognition would significantly bolster efforts to impose sanctions and other punitive measures on the Taliban regime.

Beyond legal recognition, the implementation of practical, measurable actions is essential to ending gender apartheid. These actions include diplomatic efforts aimed at pressuring the Taliban, supporting Afghan grassroots movements, and engaging the Afghan diaspora to amplify the voices of Afghan women on the international stage. Drawing on the experiences of South African activists who played a critical role in mobilizing global opinion against racial apartheid, the Afghan diaspora can serve as key advocates, influencing foreign policy and ensuring that gender apartheid in Afghanistan remains a prominent international issue. Through these collaborative efforts, both local and international actors can work together to bring about meaningful change and restore the fundamental rights of Afghan women and girls.

Policy Recommendations

■ **Apply Coordinated International Diplomatic Pressure:**

Governments and international organizations must use diplomatic channels to pressure the Taliban regime. This pressure can come in various forms, including sanctions, travel bans, or freezing the assets of Taliban leaders and members. These measures should be tied specifically to the regime's treatment of women and girls, signaling that their continued exclusion from society will not be tolerated. Furthermore, diplomatic efforts should aim at reopening negotiations on human rights conditions in Afghanistan, focusing on the rights of women as non-negotiable. Such diplomatic efforts are needed to end gender apartheid in Afghanistan, but they must also be complemented by international advocacy campaigns and public awareness efforts that pressure governments to act.

■ **Support Grassroots (Women's) Movements in Afghanistan:** While many women's rights defenders inside Afghanistan face persecution, there are still brave grassroots organizations and activists who continue to work for change. Human rights defenders abroad should provide support to these groups through funding, training, and resources. This support must be provided carefully to ensure the safety of local activists while empowering them to continue their work. International organizations can help provide secure communication tools, legal aid, and even financial support through encrypted platforms. Similarly, organizations working on humanitarian aid in Afghanistan must prioritize programs that empower women and girls, such as education initiatives, healthcare services, and psychosocial support for victims of gender-based violence.

■ **Engage the Afghan Diaspora and Global Advocacy Networks:** The Afghan diaspora plays a vital role in advocating for the rights of women in Afghanistan. By engaging with the diaspora and global advocacy networks, human rights defenders can ensure that the voices of Afghan women are amplified on the international stage. Afghan women who

have fled the country are often vocal advocates and can serve as key spokespeople for the cause. They can also work to influence the foreign policy of countries where they have resettled, pushing for stronger international responses to the Taliban's gender apartheid policies. Afghan diaspora, given their access to various resources and networks, can contribute to raising awareness through partnerships with local activist groups and to help steer national and international public opinion against gender apartheid. They can act as spokespeople and leverage their international presence to ensure that gender apartheid remains a central issue in global human rights discussions.

Forms and Effectiveness of the Afghan Peoples' Resistance to the Taliban Rule

By Negina Yari¹

Since the Taliban recaptured control of Afghanistan on 15 August 2021, the group's policies and have upended governance and civil liberties, foremost by systematically targeting the rights and freedoms of Afghan women and girls and by imposing gender apartheid. Afghan women and girls have faced severe restrictions under a regime that enforces gender apartheid. The Taliban announced 150 decrees, 98 of which directly targeted the rights of women and girls in Afghanistan. A month after the Taliban takeover, the group kept secondary schools open for boys but banned it for girls. They shut the Ministry of Women's Affairs and replaced it with the Ministry for the Propagation of Virtue and the Prevention of Vice. In December 2022, the Taliban banned women from working with local non-government organizations (NGO) and banned women working in beauty salons, disenfranchising an estimated 60,000 women who were employed in this sector. In April 2023, they further banned Afghan women from working for the United Nations (UN). In September, the Taliban banned national female staff from entering UN compounds.² In November, the Taliban demanded that all women, including patients and all women staff, from cleaners to surgeons, wear a burqa to

1. **Negina Yari** is a dedicated Afghan civil society leader and advocate for women's rights, peace, and equality, with over 14 years of experience promoting women's empowerment, leadership, and protection of human rights.

2. UN in Afghanistan calls for lifting of restrictions on female staff accessing UN premises. (2025). *United Nations Assistance Mission in Afghanistan*. [online] 11 Sep. Available at: <https://unama.unmissions.org/en/un-afghanistan-calls-lifting-restrictions-female-staff-accessing-un-premises>.

enter medical facilities in Herat. Despite the oppressive environment inside Afghanistan, Afghan women and girls have not remained silent. They have shown remarkable resilience and resistance, employing various strategies to challenge the regime's restrictions.

This essay examines these forms of resistance to the Taliban rule that have emerged inside and outside Afghanistan since August 2021 and their effectiveness in pushing back against the Taliban's oppressive policies. To that end, the essay begins by situating the nature and impact of the Taliban's wide-ranging restrictions on women's private and public lives. Section 2 provides an overview of the ways in which women in Afghanistan have exhibited resistance and resilience in the face of these restrictions. Section 3 contextualizes the nature and forms of resistance—often led by women—that have emerged inside and outside Afghanistan to push back against the Taliban-imposed gender apartheid in Afghanistan and the outcomes of these efforts. The concluding section summarizes the findings and ends with five policy recommendations. In doing so, this essay relies on extant research, news reports, and first-hand observations.

Impact of the Taliban's Gender Apartheid on Women's Autonomy and Agency

Through repressive policies and practices, the Taliban have systematically erased the rights of women and girls in Afghanistan. Their actions categorically reflect not just a political ideology but an extreme form of gender apartheid that curtails autonomy, agency, and fundamental human rights. In December 2022, the Taliban banned girls from attending secondary schools, effectively nullifying their right to education. This ban has extended to universities, educational institutes and private classes too. Female students have also been barred from enrolling or attending medical midwifery and nursing studies.³

3. Fetrat, S. (2024). Afghanistan's Taliban Ban Medical Training for Women. *Human Rights Watch*. [online] 3 Dec. Available at: <https://www.hrw.org/news/2024/12/03/afghanistans-taliban-ban-medical-training-women>.

The loss of educational opportunities limits the Afghan women and girl's capacity for personal and professional development. Additionally, it directly causes and amplifies a severe mental health crisis among young women and girls.⁴ For the few private educational institutions that remain operational for girls from Grade 1 to 6, the Taliban has imposed strict guidelines on curriculum content. Educational materials are censored to ensure they conform to the Taliban's interpretation of Islamic teaching, often excluding any materials that promote gender equality or women's empowerment from all educational system at private schools, educational institutions and non-government organizations (NGO).⁵ On 22 December 2022, the Taliban imposed laws prohibiting women from working in NGOs too.⁶

This policy not only strips women of financial independence but also limits women's access to humanitarian aid distribution, healthcare services, leadership roles, and undermines women's representation in public life and decision-making processes. In the rare cases where the Taliban permits women to work, it does so only subject to extremely specific rules and regulations such as the mandatory obligation to have a *mahram*⁷ accompany them at all times. This also limits the prospects of employment and mobility for those women who do not have a *mahram* even in those specific sectors in which the Taliban permit women to work (e.g., healthcare and certain private sector jobs).

4. Safi, M. and Rivas, A.-M. (2023). *The mental health crisis among Afghan women and girls*. [online] London: ODI. Available at: https://media.odi.org/documents/The_mental_health_crisis_among_Afghan_women_and_girls_mh6O2uX.pdf.

5. Sirat, S. (2025). Taliban remove 51 subjects from school curriculum: Sources. AmuTV. [online] 11 Sep. Available at: <https://amu.tv/198724/>.

6. Loft, P. (2023). *Afghanistan: Ban on female aid workers and future of UK aid*. [online] [UK] House of Commons Library. Available at: <https://commonslibrary.parliament.uk/afghanistan-ban-on-female-aid-workers-and-future-of-uk-aid/#:~:text=Since%20capturing%20the%20Afghan%20capital,extended%20to%20local%20UN%20workers.>

7. An 'eligible' male relative chaperone.

These sweeping restrictions have been implemented with severity in all provinces but considerably more so in certain provinces. For example, in Paktia and Paktika provinces, male shopkeepers are not selling goods to female customers who are not accompanied by their *mahrms* and in most provinces, women are not able to take taxis without their *mahram* in tow.⁸ In situations where women do take taxis without being accompanied by their *mahrms*, the Taliban punishes the taxi driver and the male family members of the female passenger.⁹ Women are fundamentally disenfranchised from leaving their homes without a *mahram*, which has created a climate of fear and isolation. This restriction not only impacts their mobility but also perpetuates dependency on male family members for every basic need, including visiting doctors or receiving the humanitarian aid services. Women's access to justice is also a major casualty of Taliban policies, as they have fired all female judges, and Taliban courts typically do not accept cases women wish to file.¹⁰

In 2021, the Taliban issued their '11 Media Rules' edict, which prohibit criticism of Islam, Taliban leaders, policies, privacy violations etc., including prohibition of publishing material that would result in a 'negative impact on public opinion'.¹¹ This prevents the press from doing its job—i.e., objectively reporting facts. Afghan national and provincial media professionals operate under immense pressure and risk. Additionally, local journalists working Afghan media outlets based overseas operate underground amid risk of arrests and torture, and social media users risk arrest and torture for

8. AFP (2021). No long-distance travel for women without male relative: Taliban. *Al Jazeera*. [online] 26 Dec. Available at: <https://www.aljazeera.com/news/2021/12/26/afghanistan-long-distance-travel-women-without-male-escort-taliban>.

9. Atef, S. and Safi, M. (2023). Taliban directive: Women belong in a taxi's trunk, not its passenger seats. *Zan Times*. [online] 14 Aug. Available at: <https://zantimes.com/2023/08/14/taliban-directive-women-belong-in-a-taxis-trunk-not-its-passenger-seats/>.

10. Afghanistan's Taliban have 'weaponized' the judicial system to oppress women, U.N. expert says. (2025). *NBC News*. [online] 7 Oct. Available at: <https://www.nbcnews.com/world/afghanistan/afghanistans-taliban-weaponized-judicial-system-oppress-women-rcna223555>.

11. The Taliban's Directives on Freedom of Media and Access to Information. (2023). *Afghanistan Journalists Center*. [online] 4 Dec. Available at: <https://afjc.media/english/index.php/killed/the-taliban-s-13-directives-on-freedom-of-media-and-access-to-information>.

expressing dissent.¹² Meanwhile, since August 2021, Afghan women have boldly protested against the Taliban-imposed restrictions on women in cities including (but not limited to) Herat and Kabul, demanding rights to government, education, and employment. Taliban reprisals have been brutal: beatings with rifle butts, whips, tasing, tear gas, and arrests leading to torture (electric shocks, gang rape, genital beatings), forced disappearances, and harassment of protestors' family members. Many protesters and journalists have faced detention, injury, torture, or even death.¹³

Such actions serve to silence dissent and create a chilling effect on civil society movements, undermining the ability of women to advocate for their rights publicly. The Taliban's policies to enforce gender apartheid are deeply intertwined with both legal and social frameworks. For instance, the Taliban have issued decrees that institutionalize gender discrimination, erasing any legal framework for women's rights. They have systematically removed all the previously existing protections under the Afghanistan constitution that which guaranteed women and girls Rights.

The Taliban's policies are not only against Islamic rules and Afghanistan's international human rights obligations but also promotes a deeply patriarchal ideology that confines women to traditional roles of homemakers and caretakers. Additionally, the enforced limitations on women's mobility and the requirement of male guardianship—including for visiting doctors, markets, traveling within cities, and commuting via taxis—diminish women's visibility in public life, effectively excluding Afghan women from social, political, and economic spheres.

12. Media Freedom in Afghanistan. (2024). [online] Kabul: United Nations Assistance Mission in Afghanistan. Available at: https://unama.unmissions.org/sites/default/files/unama_report_on_media_freedom_in_afghanistan.pdf.

13. Protesters and their families mistreated and tortured by Taliban: Human Rights Watch. (2022). *Zan Times*. [online] 20 Oct. Available at: <https://zantimes.com/2022/10/20/protesters-and-their-families-mistreated-and-tortured-by-taliban-human-rights-watch/>. Also see: Khorasani, A. (2024). From Sexual Assault to Torture: Women's Plight in Taliban Prisons Across Northeastern Provinces of Afghanistan. *Hasht-e Sobh*. [online] 6 Feb. Available at: <https://8am.media/eng/from-sexual-assault-to-torture-womens-plight-in-taliban-prisons-across-northeastern-provinces-of-afghanistan/>.

This absence means that the needs and perspectives of women and girls are marginalized in policymaking processes and processes for shaping the future of the country. The constant threat of violence, harassment, and legal repercussions contributes to a climate of fear, which can lead to mental health crisis, depression, anxiety, and a loss of self-worth among women. The Taliban's policies have systematically entrenched gender apartheid, defining and perpetuating a rigid structure of control over women's rights and agency.

Forms of Resistance and Resilience Exhibited by Afghan Women

Despite the bans on girls' education, activists, human rights and women's rights defenders, and various organizations inside and outside Afghanistan have, based on their own abilities, organized underground schools, online learning platforms, and applications where girls can learn in safe spaces.¹⁴ They distribute educational materials, and sometimes even hold classes in private homes or secluded areas.¹⁵

Social media has emerged as a valuable tool for Afghan women and girls to raise awareness about the Taliban's oppressive policies, bolster advocacy messaging, and to amplify their voices globally. These efforts include the organization of online spaces, publication of videos, testimonials, digital advocacy campaigns like the 'End Gender Apartheid Campaign'.¹⁶ These efforts have drawn international attention, urging foreign governments to hold the Taliban accountable for human rights violations. Starting soon after the Taliban takeover of the country, Afghan women and girls have bravely

14. Amini, F. (2025). Resisting Erasure: Afghan Women's Struggle for Education and Agency in Post-2021 Afghanistan. *Global South Forum*. [online] 14 Nov. Available at: <https://globalsouthforum.org/article/resisting-erasure-afghan-womens-struggle-for-education-and-agency-in-post-2021-afghanistan/>.

15. Jenny, F. (2025). Education in Secret: How NGOs Provide Hope to Girls and Women in Afghanistan. *NORRAG Global Education Centre*. [online] 30 Sep. Available at: <https://www.norrageducation.org/education-in-secret-how-ngos-provide-hope-to-girls-and-women-in-afghanistan/>.

16. The End Gender Apartheid Campaign. (n.d.). *End Gender Apartheid*. [online] Available at: <https://endgenderapartheid.today/>.

organized protests and demonstrations across the country,¹⁷ with young women risking the lives and safety of themselves and those of their families to assert and defend their rights.

Notable protests include those conducted in Kabul where women took to the streets and demanded justice and access to basic rights, including the right to education, employment, and other civil liberties, like mobility.¹⁸ Afghan diaspora journalists and human rights defenders, organizations, and other international partners have documented the crimes and abuses of the Taliban.¹⁹

Their efforts to record testimonies and report on the situation in Afghanistan aim to preserve evidence and draw attention to ongoing violations. Women rights defenders and organizations have also conducted high level advocacy work and awareness raising meetings/briefings about the situation of Afghan women and girls at the UN Human Rights Council, UN Security Council, and other international platforms.²⁰ Through the access and engagement of women and girls at the international level, members states, Afghan women leaders, and women's rights organizations have highlighted the plight of Afghan women in policy discussions, leading to increased pressure on international bodies to prioritize gender rights in Afghanistan within humanitarian aid and diplomatic conversations.

Afghan women and girls have continued to raise their voices and advocate for their rights and have shown extraordinary resilience in the face of gender apartheid enforced by the Taliban. Through strategic advocacy work, social

17. Afghan girls stage protest, demand Taliban reopen schools. (2022). *Al Jazeera*. [online] 26 Aug. Available at: <https://www.aljazeera.com/news/2022/3/26/afghan-girls-protest-demanding-taliban-to-reopen-schools>.

18. Amiri, S. and Madwar, S. (2024). In Afghanistan, Women Haven't Given Up. *The Walrus*. [online] 9 Dec. Available at: <https://thewalrus.ca/in-afghanistan-women-havent-given-up/>.

19. Afghan journalist Zahra Nader: Creating a platform for Afghan women's voices to be heard. (2022). *UN Women*. [online] 9 Nov. Available at: <https://www.unwomen.org/en/news-stories/feature-story/2022/11/afghan-journalist-zahra-nader-creating-a-platform-for-afghan-womens-voices-to-be-heard>.

20. December 2024 Monthly Forecast. (2024). [online] New York: Security Council Report. Available at: <https://www.securitycouncilreport.org/monthly-forecast/2024-12/afghanistan-27.php>.

media engagement, public protests, and cultural expression, women and girls of Afghanistan are actively challenging the oppressive Taliban regime inside and outside Afghanistan.

Outcomes of Afghan Women's Responses to the Taliban's Gender Apartheid

In the face of the Taliban's oppressive regime, Afghan women have refused to be silenced. Instead, they have formed support networks, sharing resources and information, and strategies to navigate daily restrictions, and have established local coalitions. These local coalitions often include legal aid, psychological support, and financial assistance programs through online platforms, underground activities, home-based education, home-based businesses etc., which help women assist other women, including who are facing legal or domestic issues by the Taliban's policies.

Demonstrations, art, poetry, and literature have become powerful mediums for Afghan women to voice their dissent and preserve their cultural identities. Through artistic expression, many have sought to document their experiences and convey messages of resilience, often using social media to reach wider audiences both nationally and internationally.²¹ Afghan women human rights defenders, civil society activists, human rights experts and female lawyers are documenting incidents of oppression and violation; women's rights defenders are determinedly pushing for and lobbying at the international level for an accountability mechanism for Afghanistan. Testimonies of women and girls, often shared via social media, international advocacy platforms like UN Human Rights Council briefings, and UN Security Council meetings, or

21. Alexandra, R. (2021). Artists In and Outside of Afghanistan Depict the Agony of the Taliban Takeover. *KQED*. [online] 17 Aug. Available at: <https://www.kqed.org/arts/13901335/artists-in-and-outside-of-afghanistan-depict-the-agony-of-the-taliban-takeover>.

through NGO partnerships, serve to raise global attention on Afghanistan.²²

Afghan women activists and experts have taken part in virtual conferences, and dialogues with policymakers to advocate for the inclusion of women's rights in international discussions about Afghanistan and to support the legal international initiative including to support the Afghanistan Special Rapporteur's recommendations on the 'All Tools' approach.²³ Many Afghan women and advocates have lobbied international governments for the safe evacuation and resettlement of Afghan women and girls at risk, and the urgent need for protections and asylum options for those facing persecution based on their gender.²⁴ Afghan women's response to the oppressive measures imposed by the Taliban exemplifies resilience, courage, and unwavering commitment to their rights and freedoms.

As result of the women's movements' persistence, the international community has taken some initial steps to push back against the Taliban. For instance, in September 2024, Australia, Canada, Germany, and the Netherlands formally called upon Afghanistan to cease what these countries describe as violations of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).²⁵ This marks the beginning of the process for the four countries to file a case with the UN's International Court of Justice (ICJ). In support of these four countries, 26 other countries have expressed their backing for a legal initiative aimed at holding the Taliban accountable

22. WILPF International Secretariat (2025). HRC58 Side Event: Afghan Women's Demands for Justice and Accountability – Key Takeaways . *Women's International League for Peace and Freedom*. [online] 31 Aug. Available at: <https://www.wilpf.org/hrc58-side-event-afghan-womens-demands-for-justice-and-accountability-key-takeaways/>.

23. Afghanistan: 'All tools' approach needed to end systematic gender oppression, says UN expert. (2024). *UN Office of the High Commissioner for Human Rights*. [online] 18 Jun. Available at: <https://www.ohchr.org/en/press-releases/2024/06/afghanistan-all-tools-approach-needed-end-systematic-gender-oppression-says>.

24. Cone, D. (2022). 'Now, There is Nothing Safe': A Roadmap for Investing in Afghan Women and Girls. [online] Washington, DC: Refugees International. Available at: https://01216324-8f38-4c70-902c-5f33d3e28a69.filesusr.com/ugd/36b462_412b2694d9d94b5ab0ed9931874eb377.pdf.

25. Women foreign ministers' statement on the ongoing and systematic violations of human rights in Afghanistan. (2025). *Global Affairs Canada*. [online] 15 Feb. Available at: <https://www.canada.ca/en/global-affairs/news/2025/02/women-foreign-ministers-statement-on-the-ongoing-and-systematic-violations-of-human-rights-in-afghanistan.html>.

at the ICJ for systematic human rights violations against women and girls in Afghanistan. In a joint statement, these countries condemned Taliban policies that have severely curtailed the rights of Afghan women and girls since the Taliban regained control of the country in 2021.²⁶

On 28 November 2024, six State Parties—namely Chile, Costa Rica, Spain, France, Luxembourg, and Mexico—referred the situation in Afghanistan to the International Criminal Court (ICC).²⁷ In their referral, the States Parties expressed concern about the severe deterioration of the human rights situation in Afghanistan, especially regarding women and girls, and requested that the Office of the Prosecutor (OTP) consider the crimes committed against them following the Taliban takeover in 2021. According to the Rome Statute of the ICC, a State Party may refer the Prosecutor to a situation in which one or more crimes within the Court's jurisdiction appear to have been committed.²⁸

The six State Parties called on the OTP to ensure that the situation of women and girls receives the attention it deserves, and concluded their submission with the following statement:

“The recent measures taken by the Taliban, including the enactment of the ‘Law on the Promotion of Virtue and Prevention of Vice,’ reinforce and expand existing discriminatory policies, such as mandatory dress codes requiring women to cover their bodies completely, the segregation of men and women in public spaces, and the prohibition of women from singing or speaking outside their homes, among others. These actions demonstrate a complete

26. Joint statement regarding the Convention on the Elimination of All Forms of Discrimination Against Women. (2024). *Global Affairs Canada*. [online] 26 Sep. Available at: https://www.international.gc.ca/world-monde/international_relations-relations_internationales/un-onu/statements-declarations/2024-09-26-women-femme.aspx?lang=eng.

27. Gender Persecution and Justice in Afghanistan – ICC Fact Sheet. (2025). [online] Civic Engagement Project. Available at: <https://afghanistanjustice.org/resources/gender-persecution-and-justice-in-afghanistan-icc-fact-sheet/>.

28. Embassy of Chile in the Kingdom of the Netherlands (2024). *Referral of the Situation in the Islamic Republic of Afghanistan*. [online] The Hague: International Criminal Court. Available at: https://www.icc-cpi.int/sites/default/files/2024-11/Referral_Afghanistan_Embassy-of-Chile_28-November-2024.pdf.

disregard for women's dignity and indicate that the de facto authorities will continue to infringe upon the fundamental rights of women and girls in an attempt to erase them from existence.”²⁹

On 23 January 2025, ICC Prosecutor Karim AA Khan KC announced that his Office filed two applications for warrants of arrest for the crime against humanity of persecution on gender grounds, under Article 7(1)(h) of the Rome Statute, against the Supreme Leader of the Taliban, Haibatullah Akhundzada, and the Chief Justice of the Taliban, Abdul Hakim Haqqani.³⁰ The legal action from the ICC requires expedited processing and the support of other states that are parties to the ICC and ICJ. Afghan women and girls are encouraging the Organization of Islamic Cooperation (OIC) to support the legal initiatives by the ICC and ICJ that will help women and girls achieve justice and freedom, as the situation for women and girls in Afghanistan clearly reflects gender apartheid.

The Taliban's responses have been marked by violence, torture, kidnappings, honor killings, arbitrary detentions, and propaganda aimed at consolidating their dictatorial power and preventing Afghan women and girls from having any rights. In response to Taliban edicts, rules and policies, Afghan women have shown incredible adaptability, and cultural expressions to advocate for women's identities and continue pushing for all their rights and freedom.

In early 2026, the Taliban approved a formal penal code (119 articles) that now serves as the country's criminal law framework. It was enacted without public consultation and replaces earlier informal rulings. Legal and rights experts say it legalises broad repression including punishments for dissent, vague “moral” offenses, and enforcement of loyalty to the Taliban leadership.

29. Afghanistan: Condemnation for new Taliban 'virtue and vice' order targeting women. (2024). *UN News*. [online] 27 Aug. Available at: <https://news.un.org/en/story/2024/08/1153631>.

30. Facts and Figures. (2025). [online] The Court Today [International Criminal Court]. Available at: https://www.icc-cpi.int/sites/default/files/2025-03/TheCourtToday-Eng_0.pdf.

Critics call it codification of gender apartheid because it embeds systemic discrimination and restrictions directly into law.³¹ The Taliban's penal code and accompanying decrees systematically target women and girls by criminalizing ordinary aspects of daily life, including movement without male permission and personal decisions such as visiting family, while also extending punishment to relatives accused of "aiding" disobedience.

At the same time, the legal framework offers women profoundly unequal protection, recognizing domestic violence only in limited circumstances, imposing minimal penalties for severe abuse, and granting husbands authority to discipline their wives under the pretext of enforcing morality. These measures reinforce earlier bans on girls' education beyond primary school, women's participation in most forms of employment, and independent travel without a male chaperone, collectively stripping women of autonomy, mobility, and economic independence. Beyond material restrictions, the laws suppress women's voices through mandated dress codes, criminalization of dissent, and pressure to remain invisible in public life, fostering deep social isolation. The cumulative effect is a pervasive climate of fear, psychological distress, and normalized exclusion that erodes women's rights, dignity, and sense of self, while reshaping Afghan society around institutionalized gender inequality.

Without sustained international pressure, accountability, and direct support for Afghan women's resistance and survival strategies, the Taliban's system of gender apartheid will continue to deepen, with irreversible consequences for Afghanistan's future. If UN bodies and international mechanisms fail to take decisive action, this system of repression will stand unchallenged, setting a dangerous precedent that could embolden other authoritarian and extremist regimes to normalize discrimination, gender-based oppression,

31. Mohammadi, H. (2026). EU lawmaker says Taliban penal code codifies 'gender apartheid'. *Amu TV*. [online] 29 Jan. Available at: <https://amu.tv/223751/>. **Also see:** Ahmadi, B. (2026). The Taliban's New Criminal Regulation Legalizes Slavery, Violence, and Repression of Women. *Georgetown Institute for Women, Peace and Security*. [online] 30 Jan. Available at: <https://giwps.georgetown.edu/2026/01/30/taliban-regulation-legalizes-slavery-violence-repression-women/>.

and the erosion of fundamental human rights in their own countries.

The struggle for women's rights both inside and outside Afghanistan is a difficult and dangerous journey, but through their refusal to passively accept the circumstances and by standing up for themselves, Afghan women have kept alive the hope for a future where women and girls enjoy from the freedom of movement, access to education, right to hold political power, participate in the economic growth of the country, where women can sing a song, experience a society free from violence and discrimination, and build a country where women shape the future of women girls. The unwavering spirit of resistance of Afghan women in Afghanistan serves as a beacon of hope. Ensuring that their voices are heard and that women rights are upheld remains an essential responsibility of the global community.

Conclusion

Regionally and internationally, Afghan women have built advocacy coalitions that shaped the language of "gender apartheid" and "gender persecution" now used by UN mechanisms and civil society campaigns, and have engaged in strategic testimony before international bodies, media, and academic forums. Tangibly, this has contributed to keeping women's rights central in debates on recognition and sanctions; stiffening some states' reluctance to normalize Taliban rule without conditions; and supporting moves toward accountability, such as evidence-preservation mechanisms and exploratory work on gender-based international crimes. Yet, thus far, these gains have not yet prompted a reversal of even a single anti-women core Taliban edict inside Afghanistan. This suggests that while women's resistance has so far clearly had a norm- and agenda-setting effect, its policy-changing effects on the ground has proven to be a more difficult affair. This points to the urgent need to remedy the gap between symbolic support and the hard political and economic leverage needed to significantly alter the Taliban's behavior and

gender apartheid policies.

Policy Recommendations

The Taliban regime not only violates fundamental human rights but also cripples the potential for societal growth and equity. The international community must remain responsive to, and advocate for, the rights and freedoms of Afghan women and to calling for accountability against such oppressive practices. Without collective action and support, the cycle of gender-based oppression is likely to persist, further entrenching inequality in Afghanistan.

- **Hold the Taliban Accountable at the ICC and the ICJ:** Violations of international law, including systematic abuses of women's human rights, must trigger clear and credible consequences. Member states should pursue accountability for the actions of Taliban leaders through both the International Criminal Court and the International Court of Justice and ensure that the newly established independent investigative mechanism is fully funded, technically supported, and politically protected. In line with the demands of Afghan women, states should work toward the recognition of gender apartheid as a crime under international law. Governments should impose and rigorously enforce targeted sanctions, including asset freezes and travel bans, against individuals responsible for grave violations against women and girls, and refrain from lifting sanctions or granting travel exemptions to those implicated in such abuses. The Taliban should not be granted diplomatic recognition, nor afforded a seat at the United Nations or other international or regional forums.
- **Establish a Unified Conditionality Framework:** International actors should establish a unified conditionality framework that ties all diplomatic engagement, technical cooperation, and financial assistance to Afghanistan to a common set of minimum human-rights

benchmarks. These benchmarks must include the immediate reopening of secondary and higher education for girls, the lifting of bans on women's employment across all sectors, and the repeal or suspension of penal code provisions that criminalize women's movement, expression, and personal autonomy. A coordinated framework of this kind would limit the Taliban's ability to exploit divisions among states, strengthen international leverage, and ensure that engagement does not normalize or entrench gender apartheid.

- **Prioritize Sustained and Comprehensive Support for Afghanistan's Women's Rights Defenders:** The international community should prioritize sustained and comprehensive support for Afghanistan's women human rights defenders, both inside the country and in exile. Governments should establish and expand expedited and accessible resettlement, humanitarian visa and emergency relocation pathways for women at imminent risk, including activists, journalists, educators, lawyers, and former public officials, with provisions for family reunification.

- **Provide Predictable and Long-term Funding for Women-focused Organizations:** Donors should provide predictable, long-term, and flexible funding to women-led and women-focused organizations to enable continuity of programming, institutional survival, and strategic planning, rather than short-term project-based assistance. In parallel, international actors must ensure meaningful, regular, and safe consultation with Afghan women human rights defenders and civil society networks in the design, implementation, and evaluation of policies and programs related to Afghanistan. Centering Afghan women's expertise is essential to developing effective responses and preventing policies that inadvertently legitimize or reinforce gender-based repression.

- **Ensure Substantive Participation of Women in All Discussions Concerning Afghanistan's Future:** The international community must insist that Afghan women are guaranteed meaningful and substantive participation in all discussions concerning Afghanistan's future, including high-level negotiations such as the Mosaic Process. Their inclusion should not be symbolic or tokenistic; women must have decision-making power, equal representation, and a direct role in shaping political, security, and social outcomes. Any engagement or normalization of the Taliban that excludes women's voices undermines legitimacy and violates fundamental principles of human rights and democratic governance.

A Critical Review of International Responses to the Taliban-Imposed Gender Apartheid

By Oma Seddiq¹

Since recapturing power in August 2021, the Taliban has systematically stripped women of their rights in Afghanistan. The group has issued over 80 edicts that have methodically eliminated women's personal autonomy, and their freedoms and rights to education, employment, mobility, and participation in public life.² This institutionalized discrimination amounts to what many human rights scholars have described as gender apartheid, necessitating global cooperation and action to defend international human rights law and the women of Afghanistan.³

Despite the severity of the Taliban's oppression, the international response has been fragmented and ineffective. Barring Russia, which recognized the Taliban in 2025, no state has officially recognized the Taliban *de facto* authorities (DFA) as the government of Afghanistan. Many Western governments, including the United States (US), the United Kingdom (UK), and European Union (EU) member states have condemned the Taliban's treatment of women and sanctioned the group. Conversely, regional actors, including China, Russia, and Pakistan have taken an ambivalent approach,

1. **Oma Seddiq** is a news reporter with an undergraduate degree in journalism from Northwestern University.

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>.

3. Induce Taliban to End 'Gender Apartheid' in Afghanistan through All Available Means, Speakers Urge Security Council, Alarmed by Growing Oppression of Women, Girls. (2023). *United Nations*. [online] 26 Sep. Available at: <https://press.un.org/en/2023/sc15421.doc.htm>.; **Also see:** United Nations (1948). *Universal Declaration of Human Rights*. [online] Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

balancing criticisms of the Taliban with diplomatic engagement. This essay examines how these global and regional powers—critical relationships to Afghanistan—have responded politically, economically, and legally to the Taliban's rule.

This essay argues that the international community's disparate and dampened responses have emboldened the Taliban's rule and weakened efforts to restore women's rights in Afghanistan. To do so, this essay answers the following questions: how have states responded to the Taliban-imposed gender apartheid? To what extent have these actions improved women's rights in Afghanistan? This paper emphasizes that states must uniformly recognize the Taliban-imposed gender apartheid and adopt an alternative, actionable strategy to support international law and the women of Afghanistan. In this regard, Section 1 examines the Western responses to the Taliban rule. Regional responses to the Taliban rule are analyzed in Section 2. Section 3 explores the policy proposals that have been floated thus far. The concluding section summarizes the findings, following which the essay ends with five policy recommendations.

Western Responses

The US, UK, and EU have taken a somewhat punitive approach to the Taliban's rule. These governments have issued sanctions and public condemnations designed to pressure the Taliban to lift its restrictions against women. These Western countries have also attempted to skirt the Taliban's control to provide humanitarian support for Afghan women. But these measures have altogether failed to influence the Taliban's policies toward women in any significant measure, calling into question their effectiveness and enforcement, highlighting the urgency for reform.

For decades, the US, UK, and the EU have designated the Taliban as a terrorist organization and imposed sanctions against the group.⁴ Once the Taliban recaptured power in August 2021, Western governments upheld their existing sanctions regime to penalize the group and expanded some of its scope. Key restrictions have included freezing Afghanistan's banking assets and prohibiting economic activity with Taliban entities. Afghanistan's economy—heavily dependent on foreign aid—has suffered a massive collapse since the Taliban takeover. However, the Taliban have managed to survive the financial upheaval, generating revenue through new sources by improving regional trade and boosting domestic industries, including mining and infrastructure.⁵ The sanctions, intended to harm Taliban leaders, have arguably been counterproductive, contributing to a humanitarian crisis for Afghans that has disproportionately impacted women and children.⁶

To offset the economic turmoil, these countries have coordinated with UN agencies and international non-governmental organizations (NGO) to funnel humanitarian aid to Afghanistan, including funding for food, healthcare, and educational and vocational programs for women. Between 2022 and 2024, the US, UK, and the European Commission cumulatively contributed around

4. "Office of Foreign Assets Control (n.d.). *Afghanistan-Related Sanctions*. [online] US Department of Treasury. Available at: <https://ofac.treasury.gov/faqs/topic/8126>; **Also see:** Office of Financial Sanctions Implementation (2022). *Afghanistan financial sanctions: list of asset-freeze targets*. [online] HM Treasury [UK]. Available at: <https://www.gov.uk/government/publications/financial-sanctions-afghanistan>; **Also see:** General Secretariat of the Council (n.d.). *Afghanistan [EU Response]*. [online] Council of the EU and the European Council. Available at: <https://www.consilium.europa.eu/en/policies/afghanistan-eu-response/>.

5. Mansfield, D. and Alcis (2022). *Changing the rules of the game: How the Taliban has upended political and economic power in Afghanistan*. [online] XCEPT. Available at: <https://www.xcept-research.org/wp-content/uploads/2022/07/20220713-XCEPT-Afghanistan-PUBLIC-Report-FINAL.pdf>; **Also see:** Trading Economics. (n.d.). *Afghanistan Exports*. [online] Available at: [https://tradingeconomics.com/afghanistan/exports#:~:text=Afghanistan%20main%20exports%20are%3A%20carpets,and%20Russia%20\(9%20percent\)](https://tradingeconomics.com/afghanistan/exports#:~:text=Afghanistan%20main%20exports%20are%3A%20carpets,and%20Russia%20(9%20percent)).

6. Margesson, R. and Thomas, C. (2022). *Afghanistan: Humanitarian Crisis, Economic Collapse, and U.S. Sanctions*. [online] Congressional Research Service. Available at: <https://www.congress.gov/crs-product/IF12039>; **Also see:** Thomas, C. (2024). *Afghan Women and Girls: Status and Congressional Action*. [online] Congressional Research Service. Available at: <https://www.congress.gov/crs-product/IF11646>; **Also see:** Runde, D.F., Pforzheimer, A., Bryja, T. and Smutny, C. (2024). *The Future of Assistance for Afghanistan: A Dilemma*. [online] Center for Strategic & International Studies. Available at: https://csis-website-prod.s3.amazonaws.com/s3fs-public/2024-06/240612_Runde_Assistance_Afghanistan_0.pdf?VersionId=m1v4USwXnUubY6i9OQY076181AkHtXda.

USD 3.6 billion in aid to Afghanistan.⁷ However, some scholars argue that humanitarian aid can inadvertently buttress, rather than weaken, authoritarian control.⁸ Despite attempts to bypass the Taliban's control, the group's prohibitions on women's employment have undermined the success of these aid initiatives. In April 2024, Samantha Power, a former director of the US Agency for International Development (USAID) testified that in some cases, agencies have suspended aid because of the Taliban's diversions of aid.⁹

Moreover, the UN Security Council, under resolution 1988 adopted in 2011, imposed travel bans on senior Taliban leaders. But enforcement has been inconsistent and the sanctioned list of individuals has not been updated since 2015.¹⁰ Many Taliban authorities have successfully won travel exemptions from the UN since 2021, frequently visiting countries including Saudi Arabia, Russia, China, and Qatar.¹¹ Non-sanctioned Taliban authorities have also traveled across the region, as well as to EU countries, including Germany and the Netherlands. Countries have largely justified hosting Taliban officials citing the need to address humanitarian concerns and engage in diplomatic meetings.¹²

Research suggests that sanctions are historically unsuccessful at influencing authoritarian regimes.¹³ These leaders tend to adapt to restrictions and escalate

7. United Nations Office for the Coordination of Humanitarian Affairs (n.d.). *Afghanistan Humanitarian Response Plan 2022*. [online] Financial Tracking Service. Available at: <https://fts.unocha.org/plans/1100/summary>.

8. Baissa, D. and Cammett, M. (2022). External Support and Persistent Authoritarianism in the Middle East. *SSRN*. [online] Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4015909.

9. US House Committee on Foreign Affairs (2024). *[Hearing] USAID's Foreign Policy and International Development Priorities in the Era of Great Power Competition*. Available at: <https://foreignaffairs.house.gov/committee-activity/hearings/usaid-s-foreign-policy-and-international-development-priorities-in-the-era-great-power-competition>.

10. UN Security Council. (n.d.). *Sanctions and Other Committees*. [online] Available at: <https://main.un.org/securitycouncil/en/content/repertoire/sanctions-and-other-committees>.

11. Gonnella-Platts, N., Torres, A. and Ludwig, J. (2025). *Taliban Travel Tracker*. [online] George W. Bush Presidential Center. Available at: <https://www.bushcenter.org/publications/taliban-travel-tracker>; **Also see:** UN Security Council. (n.d.). *Travel exemptions in effect*. [online] Available at: <https://main.un.org/securitycouncil/en/sanctions/1988/exemptions/travel-exemptions-in-effect>.

12. *Ibid.* (Gonnella-Platts, Torres and Ludwig, 2025)

13. Escribà-Folch, A. and Wright, J. (2010). Dealing with tyranny: International sanctions and the survival of authoritarian rulers. *International Studies Quarterly*, 54(2), pp.335–359.

their oppressive domestic policies in retaliation.¹⁴ The Taliban's resilience to Western-imposed sanctions exemplifies these points. Although sanctions have signaled the West's opposition to the Taliban's rule, the unintended consequences have raised concerns and cast doubt over their implementation and consistency. Moreover, these sanctions have failed to meaningfully change the Taliban's behavior toward women, ultimately falling short of their desired outcomes.

Senior officials from the US, UK, and the EU have also explicitly denounced the Taliban's treatment of women. Former US Secretary of State Antony Blinken repeatedly decried the Taliban's rule and called for a reversal of its anti-women edicts, warning in December 2022 that the group "cannot expect to be a legitimate member of the international community until they respect the rights of all in Afghanistan."¹⁵ Yet these public condemnations have been largely symbolic rather than substantive, failing to shape the Taliban's behavior or produce an actionable strategy that improves the situation of women in Afghanistan. This inaction diminishes the credibility of these countries' purported commitments to upholding democratic values.

Despite these global pressure tactics, the Taliban has continued its restrictive policies against women. This underscores how Western responses to the Taliban's rule have been ineffective at reinstating women's rights in Afghanistan. The US, UK, and the EU are aligned in their goals to support women's rights but are failing to meet binding human rights law. The ongoing Taliban-imposed gender apartheid sends a dire message to Western actors to acknowledge their shortcomings and revise their strategy to erode the group's standing. As Afghan women's rights activist Mahbouba Seraj told world leaders in February 2023 at the Munich Security Conference, "is there a plan?"

14. Ibid. (Escribà-Folch and Wright, 2010)

15. Standing with Afghanistan's Women and Girls [Press Statement by Antony J. Blinken, Secretary of State]. (2022). *US Embassy Italy*. [online] 20 Dec. Available at: <https://it.usembassy.gov/standing-with-afghanistans-women-and-girls/>.

Or are you just going to sit down and have meetings after meetings and talk about it and not get anywhere?”¹⁶

Regional Responses

Compared to Western countries’ responses, regional actors have assumed a different response to the Taliban—which has only benefited the group. While these countries have condemned the Taliban’s exclusion of women, they have focused more on building diplomatic and economic ties with Taliban leaders.¹⁷

However, these political relationships have not influenced the Taliban to undo its anti-women policies. Rather, the region’s posture has helped empower and normalize the Taliban as the *de facto* government of Afghanistan. Regional powers have taken what can be considered a realist approach, prioritizing national security, economic, and geopolitical interests over international obligations to protect human rights.¹⁸ This subdued response has neglected Afghan women and their plea for a restoration of their rights.

Since the Taliban recaptured power in August 2021, global powers like Russia and China have strengthened relations with Taliban officials and have even accepted Taliban-appointed diplomats to their countries.¹⁹ Beijing and

16. Munich Security Conference (2023). *Talibanned: Prospects for Afghanistan*. Available at: <https://securityconference.org/en/msc-2023/agenda/event/talibanned-prospects-for-afghanistan/>.

17. Joint Statement by the Current and Incoming Security Council Signatories of the Statement of Shared Commitments for the Principles of Women, Peace and Security. (2024). *United States Mission to the United Nations*. [online] 3 Dec. Available at: <https://usun.usmission.gov/joint-statement-by-the-security-council-signatories-of-the-statement-of-shared-commitments-for-the-principles-of-women-peace-and-security/>.

18. Brick Murtazashvili, J. (2022). China’s Activities and Influence in South and Central Asia. *U.S.-China Economic and Security Review Commission*. [online] 12 May. Available at: https://www.uscc.gov/sites/default/files/2022-05/Jennifer_Brick_Murtazashvili_Testimony.pdf; **Also see:** Korab-Karpowicz, W.J. (2023). Political Realism in International Relations. *Stanford Encyclopedia of Philosophy*. [online] 9 Oct. Available at: <https://plato.stanford.edu/entries/realism-intl-relations/>.

19. Foreign Minister Sergey Lavrov’s update on the events around Afghanistan. (2022). *The Ministry of Foreign Affairs of the Russian Federation*. [online] 29 Apr. Available at: https://www.mid.ru/en/foreign_policy/news/1811428/; **Also see:** Director-General of the Department of Asian Affairs of the Foreign Ministry Liu Jinsong Meets with Ambassador of Afghanistan to China Mawlawi Asadullah ‘Bilal Karimi’. (2025). *Ministry of Foreign Affairs People’s Republic of China*. [online] 24 Sep. Available at: https://www.fmprc.gov.cn/mfa_eng/xw/wjbxw/202511/t20251125_11759712.html.

Moscow have called on Western leaders to reverse the sanctions imposed on Taliban and to directly engage with the group's leaders to address concerns about women's rights.²⁰ In a January 2024 press conference, Wang Wenbin, a former spokesperson of China's foreign ministry, urged for international engagement with the Taliban to support the group's reconstruction and counterterrorism efforts.²¹

Likewise, in a July 2024 press conference, Russian President Vladimir Putin emphasized cooperation with the Taliban for counter terrorism purposes.²² In July 2025, Russia formally recognized the Taliban as Afghanistan's government, becoming the first (and thus far, only) state to do so.²³ Qatar has played the role of a mediator, often hosting Taliban leaders to the country and facilitating talks between the group and the broader international community.²⁴ Afghanistan's neighbor Pakistan has long maintained ties with Taliban leaders that have persisted since the group recaptured power. Russia, China, and Pakistan have also strengthened trade and business ties with

20. Security Council Condemns Decision by Taliban to Ban Afghan Women from Working for United Nations in Afghanistan, Unanimously Adopting Resolution 2681 (2023). (2023). *UN Meetings Coverage and Press Releases*. [online] 27 Apr. Available at: <https://press.un.org/en/2023/sc15271.doc.htm>.

21. Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on January 31, 2024. (2024). *Ministry of Foreign Affairs People's Republic of China*. [online] 31 Jan. Available at: https://www.mfa.gov.cn/eng/xw/fyrbt/lxzh/202405/t20240530_11347691.html.

22. Answers to Russian media questions. (2024). *President of Russia*. [online] 4 Jul. Available at: <http://en.kremlin.ru/events/president/news/74469>.

23. Drury, F. and Wilson, T. (2025). Russia becomes first state to recognise Afghanistan's Taliban government. *BBC*. [online] 4 Jul. Available at: <https://www.bbc.com/news/articles/c78n4wely9do>.

24. The Deputy Prime Minister and Minister of Foreign Affairs Meets Head of the Political Office of the Taliban Movement. (2021). *Ministry of Foreign Affairs, State of Qatar*. [online] 14 Aug. Available at: <https://mofa.gov.qa/en/qatar/latest-articles/latest-news/details/1443/01/06/the-deputy-prime-minister-and-minister-of-foreign-affairs-meets-head-of-the-political-office-of-the-taliban-movement>.

Taliban authorities, announcing new investments in oil production, mining, and infrastructure.²⁵

Regional governments have engaged with Taliban leaders and have resisted enacting punitive measures in response to the group's rollback of women's rights. Instead, these countries have improved relationships with the Taliban to achieve what they view as a protection of their sovereign interests of domestic and economic security. However, research shows that women's access to education, employment, and equal participation in society helps strengthen economies and domestic security.²⁶

Yet, as former deputy speaker of Afghanistan's parliament and women's rights activist Fawzia Koofi said at the Nobel Peace Conference in September 2024, "...the world has ignored and tried to deliberately de-link the relationship between women's rights and security," which also highlights the need to reassess this "unprincipled and continued engagement" that has failed to create change for Afghans.²⁷

Policy Proposals

Ultimately, the Taliban have benefited from these diverging responses between Western and regional actors. While Western governments pursue diplomatic and economic isolation, regional actors pursue diplomatic and economic cooperation with the Taliban. The Taliban have endured as the two strategies demonstrably contradict and undermine each other. The group has

25. Taliban sets up investment consortium with firms from Russia, Iran. (2023). *Reuters*. [online] 22 Feb. Available at: <https://www.reuters.com/world/middle-east/taliban-sets-up-investment-consortium-with-firms-russia-iran-2023-02-22/>; **Also see:** Najafizada, E. (2023). Chinese Firm Signs Deal With Taliban to Produce Oil in Afghanistan. *Bloomberg*. [online] 5 Jan. Available at: <https://www.bloomberg.com/news/articles/2023-01-05/china-firm-signs-deal-with-taliban-to-produce-oil-in-afghanistan>.

26. Holland, D. and Ell, K. (2023). Close the Gender Gap to Unlock Productivity Gains. [online] Moody's Analytics. Available at: <https://www.moody's.com/web/en/us/insights/resources/close-the-gender-gap-to-unlock-productivity-gains.pdf>.

27. Nobel Peace Center. (2024). *Nobel Peace Conference 2024 - Woman Life Freedom*. [online] Available at: <https://www.nobelpeacecenter.org/en/woman-life-freedom>.

exploited the international community's divisions to maintain its authority and continue curtailing women's rights.

The Taliban's ongoing oppression of women highlights the failure of current international actions and demands a coherent strategy that compels the group to ease its restrictions. Human rights organizations and defenders say *status quo* efforts are insufficient and have petitioned the international community to consider new tools to influence the Taliban's authority and support the women of Afghanistan.

In this regard, one vital move would be to codify gender apartheid as a crime in international law—which scholars and Afghan women's rights activists have repeatedly called for.²⁸ The International Criminal Court's January 2025 arrest warrant requests filed for two Taliban leaders on gender persecution charges was a significant step, they argue, but expanding the legal framework to recognize the systematic oppression of women as a crime against humanity would be indispensable to strengthen the effort to hold violators accountable.²⁹ Recognition of gender apartheid as a crime could also mobilize and unify countries to take collective action against Taliban authorities. As Koofi said at the Nobel Peace Conference, "...it's time for us—for the global community—to step back and fix our mistakes. We owe it to the people of Afghanistan."³⁰

Policy experts and activists have also implored the international community to prioritize engagement with Afghan women as key stakeholders and condition talks with the Taliban to impel the group to restore women's rights.³¹ Another

28. Fong, C. and James, N. (2024). How the Taliban's Rule Is Fueling the Movement to End Gender Apartheid. *Council on Foreign Relations*. [online] 21 Aug. Available at: <https://www.cfr.org/in-brief/how-talibans-rule-fueling-movement-end-gender-apartheid>.

29. Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in Afghanistan. (2025). *International Criminal Court*. [online] 23 Jan. Available at: <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-afghanistan>.

30. [Speech] Fawzia Koofi – Nobel Peace Conference: Woman - Life - Freedom. (2024). Nobel Peace Center. Available at: https://www.youtube.com/watch?v=EJr7w79_52A.

31. Yousaf, F. (2022). *Bringing Afghan Women to the Table: How to Negotiate with the Taliban*. [online] German Institute for Global and Area Studies. Available at: <https://www.giga-hamburg.de/en/publications/giga-focus/bringing-afghan-women-to-the-table-how-to-negotiate-with-the-taliban>.

tool is to expand targeted, multilateral sanctions on Taliban officials and increase enforcement mechanisms to impede their authority. In a March 2023 address to the UN Security Council, Afghan women's rights activist Zubaida Akbar demanded there be no unconditional engagement with the Taliban, including high-level visits with UN officials, until women's rights are met.³²

Coordination between Western and regional players is of utmost importance to ensure that measures to hold the Taliban accountable succeed, and to ensure the Taliban complies with international law. The US, UK, and the EU should increase collaboration with regional actors, including China, Russia, and Pakistan in attempts to apply greater pressure on the Taliban *de facto* authorities.³³ These states' stances are critical for influencing the Taliban, and the international community must recognize its leverage. Such policy measures, if not at least attempted, could deepen women's inequality, deny future generations basic human rights, and weaken Afghanistan's economy and security.

Conclusion

The Taliban has flouted international law and hardened its repressive regime against women since 2021. The international community has offered a mix of political, economic, and legal responses to the Taliban's rule since 2021. Global and regional actors have prioritized their domestic goals and have undermined international human rights law in the process. The fractured response to the Taliban can be characterized as cautious and neglectful rather than proactive and targeted to reinstate women's rights in Afghanistan. The lack of cohesion has only emboldened the Taliban whereas Afghan women

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

33. The International Institute for Strategic Studies (2024). Towards the Reintegration of Afghanistan into the International Community. In: *The Armed Conflict Survey 2024*. [online] New York: Routledge, pp.286–291. Available at: https://www.iiss.org/globalassets/media-library---content---migration/files/publications---free-files/acs-2024/acs2024_05_asia-spotlight.pdf.

have been left suffering.

Afghan women have urged for reform and called on the world for help, but the international community has done little to successfully create or enable change. Western powers have issued sanctions and public condemnations of Taliban leaders and disbursed humanitarian aid to Afghans. Regional actors have established relations with Taliban leaders that have failed to influence the group's rule. In any event, the Taliban has expanded its restrictions against women, effectively erasing them from public life and completely disenfranchising them even in their private lives.

Ignoring serious violations of international human rights law sets a dangerous precedent, especially in today's era of increased threat of authoritarianism. Lack of ramifications or accountability incentivizes bad actors to flout human rights. Policy actions dictated solely by narrow sovereign interests can weaken global peace and stability and undermine the legitimacy of international charters and obligations. A reversal from the current trajectory is crucial. Addressing the Taliban's gender apartheid is not a standalone challenge, but a global one, and requires collective, coordinated action to support the women of Afghanistan and ensure their freedoms for generations to come.

Policy Recommendations

- The international community must expand international law to recognize and codify gender apartheid as a crime against humanity in international law. This is an essential step for developing and enforcing a comprehensive legal arsenal to counter the Taliban-imposed gender apartheid.
- The international community must coordinate a unified international response to align against the Taliban and weaken its authority.

- All diplomatic engagement with the Taliban must be subject to the condition that women's rights in Afghanistan are restored.
- The international community must increase diplomatic engagement with Afghan women to ensure their voices are heard. Alongside this, they must create opportunities to support Afghan women, i.e. through remote education, training.
- The international community must apply stricter, multilateral, targeted sanctions to ensure all Taliban authorities are covered under those sanctions. This must be coupled with strengthening enforcement and oversight of sanctions and other mechanisms.

Gender Apartheid and Its Operative Elements

By Palwasha Mirbacha¹

Since the Taliban takeover of Afghanistan in August 2021, Afghan women and girls have once again been held hostage to the group's puritanical theocratic rulings—matched only by their previous period in power (1996 to 2001). Through both rhetoric and practice—manifested in edicts, public statements, formal and informal adjudications—the Taliban have systematically stripped away fundamental human liberties and have erased women from public life as they anchor their justification in 14 centuries-old practices in Islam. This has rendered Afghanistan the only country in the world where women are legally barred from education.

The Taliban's oppression of Afghan women is systematic, regressive, and violative of international law. Taliban's rulings, after dismantling the constitution and judicial system, are in accordance with their specific interpretation of Islamic jurisprudence. In this milieu, removing women from society happens blatantly in service of specific strategic objectives and within a coherent system of discrimination and segregation anchored on patriarchal practices. This becomes evident after a cursory review of the Taliban's edicts, in which four out of every 10 edicts specifically target women's rights and liberties.² Moreover, the Taliban regime has dedicated enormous resources

1. **Palwasha Mirbacha** is an education economist and development practitioner with nearly two decades of experience across South Asia, primarily with the World Bank, and is a former fellow with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law.

2. Taliban Edicts Against Afghan Women and Girls. (n.d.). Feminist Majority Foundation. [online] Available at: <https://feminist.org/our-work/afghan-women-and-girls/taliban-edicts/>.

to organize an entire state apparatus for policing women and enforcing the anti-women decrees. Additionally, the regime enforces its edicts by imposing liability on male family members for women's behavior, thus, effectively extending regime's surveillance and punishment system into the private sphere of the household. Senior UN analysts attribute this state oppression of the Afghan women as institutionalized gender apartheid.³

This essay begins by unpacking the Taliban's subjugation of women and its multiple facets. It then attempts to situate and define gender apartheid in the Taliban's understanding of, and approach to, women and girls in the Afghan society. The essay concludes by arguing for the codification of gender apartheid into the Convention on the Prevention and Punishment of Crimes Against Humanity as the sole venue to criminalize gender-specific state-level institutional discrimination to hold the Taliban and potential future perpetrators accountable. This is especially salient given the current regime's systematic restrictions and dystopian rulings pertaining to Afghan women and the country's recent historical inability to fully institutionalize and enforce legal commitments designed to safeguard and advance women's rights. The essay ends with three policy recommendations.

The Subjugation of Women Under the Taliban Regime

“The Taliban's institutionalized system of discrimination is most visible through its relentless issuance and enforcement of edicts, decrees, declarations and orders that in and of themselves constitute severe deprivation of human rights and violations of international laws.”

— **Richard Bennett**, UN Special Rapporteur on the situation of human rights in Afghanistan.⁴

3. Bennett, R. (2024). *Report of the Special Rapporteur on the situation of human rights in Afghanistan ('The phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls')*. [online] UN General Assembly. Available at: <https://docs.un.org/en/A/HRC/56/25>.

4. Bennett, R. (2024). *Report of the Special Rapporteur on the situation of human rights in Afghanistan ('The phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls')*. [online] UN General Assembly. Available at: <https://docs.un.org/en/A/HRC/56/25>.

This section breaks down the Taliban's apartheid-like style of governance by analyzing its constituent elements:

- a. restricting and barring women's access to health and education services;
- b. limiting women's freedom of movement and the right to employment;
- c. punishing the expression of opinion; *and*
- d. undermining citizens' right to justice.

In the absence of a functional judicial system and the Taliban's reliance solely on sharia law, the Taliban, as *de facto* authorities (DFA), are accountable to international laws to which the state of Afghanistan is a signatory. Universally, and under the Universal Declaration of Human Rights (UDHR), the most fundamental right is the right to life, which is essential for the person's enjoyment of all other rights and freedoms. Thus, the rights to access health services and education are directly related to the right to life. The universality of human rights means that they apply to all men and women equally under all circumstances.

*“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he/she lives in; the school or college he/she attends; the factory, farm, or office where he/she works.”*⁵

— **Eleanor Roosevelt**, humanitarian and principal architect of the UDHR, 1958.

Immediately after their takeover of the country in August 2021, the Taliban suspended girls' education under the pretext of religion and Afghan customs. The ban ignored the fact that close to 10 million children, including nearly 2

5. Speech delivered on 27 March 1958 during the presentation of *In Your Hands: A Guide for Community Action*, at the 10th anniversary of the UDHR, at the United Nations in New York.

million adolescent girls were attending schools with the society's consent and within the Islamic principles neatly integrated in the state's constitution and its education law. There is no single report or record of any group or individual declaring the Afghan education system un-Islamic or contradictory to Afghan culture. Nor was there any case of families being forced to send their daughters to school against their will. Education was freely available and enjoyed by all willing citizens of Afghanistan irrespective of their gender and socio-economic status.

Thus, at present, the Taliban are depriving women and girls of their right to education under a false pretext. They have closed learning opportunities, starting with the indefinite suspension of girls' education post-primary school level. The secondary school ban was followed by restricting women from attending universities. Then, girls were banned from attending private schools and learning institutions. The Taliban's edicts and rulings in education cause mass deprivation as a form of institutionalized discrimination based on gender. This entrenches the Taliban's ideological belief that women should not have the same opportunities as men to lead their own lives.

The Taliban's gender discrimination is systemic as they close universities to prevent women entering the job market and to curtail their access to (economic and social) independence. Furthermore, barring women and girls from education confines them to customary home-bound roles and malpractices like early marriages and dependence on men. The Taliban are also systemic in their approach to counter defiance and to closing loopholes. Since 2021, they have successively placed men in positions of power and have demanded compliance with their rulings, through intimidation. In 2022, after university students demanded that their female classmates be allowed to appear for final exams, the Taliban demanded all male students in Herat province to submit their full profile to the state security services with signed guarantee letters

from two active male government employees as their guarantor.⁶ These events reveal the Taliban's determination to imprison women within households while simultaneously silencing men and extinguishing any internal solidarity with women.

The transgenerational impact of Taliban's institutionalized exclusion of women will be enormous, irreversible, and enduring. Suspending girls' education post grade six leaves girls at the mercy of their family's socio-economic status and trapped in a perpetual cycle of poverty. All this is the basis for resentment and a fertile ground for traditional and customary malpractices.

Just like in the education sector, the Taliban's male-dominated governance structures exacerbate challenges to women's and girls' access to health services. Women report being denied access to health facilities due to lack of an accompanying *mahram*⁷ and gender segregation of the medical professionals, all of which limit access to expert diagnoses. The Taliban have strictly banned the sale of contraceptives,⁸ which violates women's conscious management of their reproductive and overall health.

The Taliban are not only robbing women and girls of their prospects in the future but are also removing them from public spaces. Under the Taliban regime, women are barred from accessing recreational facilities and beauty salons and are not allowed to work. They are limited to teaching only in primary schools or become midwives, nurses, or doctors in specific fields like gynecology through knowledge they acquired during the Republic era. This severely limits women's access to dignified sources of earning and increases their dependence on male members of the family, ultimately shrinking

6. 'Teach Everyone Or No One': Afghan Men Join In Protests Against Taliban's Ban On Women's Education. (2022). *RFE/RL*. [online] 29 Dec. Available at: <https://www.rferl.org/a/afghanistan-taliban-ban-women-university-protests-men/32199112.html>.

7. An 'eligible' close male relative chaperone.

8. Taliban have banned the sale of contraceptives. (2023). *Rukshana Media*. [online] 9 Feb. Available at: <https://rukshana.com/en/taliban-have-banned-the-sale-of-contraceptives/>.

households' income base with a devastating impact on socio-economic situation of the country.

In the public sector, women constituted over 50% of the workforce during the Republic era. Almost immediately after capturing power in Afghanistan, the Taliban instructed female government employees to stay at home and to send their male family members to work instead. Taliban Chief Haibatullah Akhundzada set a flat rate of Afs. 5000/- per month for all government employees who were sent home regardless of their seniority, profession, or the actual employment contract.⁹ Women-led non-government organizations (NGO) have been asked to designate a male as a precondition for their license renewal and international humanitarian agencies, national NGOs and the UN are strictly banned from employing women. Most recently, the Taliban announced a total curtailment of women's public-sector earnings, compounding their prior exclusion from legitimate employment.¹⁰

Women who dare resisting the regime's gender apartheid practices face severe retribution. Women protestors face beatings, arrests, forced disappearance, and (custodial) rape.¹¹ In many cases, male family members and minor children of female protestors have been detained to pressure female activists into submission and silence. Anyone criticizing the group's supreme leader is punishable by death.¹² Furthermore, the Taliban have delegated the enforcement of their anti-women decrees to male members of their households.¹³ Many arbitrary arrests of women protestors and human rights defenders end with behind-the-scenes written declarations by male

9. Shayan, Y. (2024). Taliban reduces salaries of female public servants confined to their homes to \$70. *Amu TV*. [online] 8 Jul. Available at: <https://amu.tv/109007/>.

10. Mohammadi, H. (2026). Taliban end pay for women kept on payroll but barred from offices, sources say. *Amu TV*. [online] 17 Jan. Available at: <https://amu.tv/221724/>.

11. Von Hein, S. (2024). Afghanistan: Women in Taliban prisons face abuse, rape. *Deutsche Welle*. [online] 30 Jul. Available at: <https://www.dw.com/en/afghanistan-women-tortured-raped-in-taliban-prisons/a-69807005>.

12. Taliban's edict on resistance to supreme leader's edicts

13. Halaimzai, S., Mehran, M. and Theros, M. (n.d.). *Inside Afghanistan's gender apartheid: Listen as women reveal the impact of the Taliban's oppressive decrees*. [online] Atlantic Council [Civic Engagement Project]. Available at: <https://www.atlanticcouncil.org/in-depth-research-reports/report/inside-afghanistans-gender-apartheid-listen-as-women-reveal-the-impact-of-the-talibans-oppressive-decrees/>.

family members taking full responsibility if the woman is caught in act of defiance again.¹⁴ Female activists and protectors are imprisoned with their male family members as a deliberate tool of collective punishment, social control, and deterrence. This practice is rooted in the Taliban's patriarchal interpretation of social order, where women are not treated as autonomous individuals but as dependents under male guardianship. Ultimately, detaining male family members functions as coercion and intimidation. It inserts pressure to silent the women as their individual act would have collective and social consequences.

The Taliban have been able to maintain their reign of intimidation and institutional discrimination because they have completely dismantled the judicial system, replacing judges with Sunni theologians possessing nearly no legal education. Citizens are effectively barred from seeking justice and holding perpetrators of abuse and violence accountable. Informal justice systems accept women's petitions only through their male counterparts, and these platforms often issue verdicts favoring the man and perpetuate social practices that are oppressive and biased against women.¹⁵ This is a tremendous hurdle for women seeking justice when judicial systems are male dominated and a major cultural stigma exists against women seeking formal justice.

The Taliban regime seeks to establish dominance directly through their discriminatory rulings and indirectly through reinforcement and emboldenment of the masculinist power structure in society. The Taliban are implicating Afghan men for upholding their edicts, which cements the group's misogynistic state apparatus. All this results in a two-tier enforcement of gender-biased state rulings that have long-term socioeconomic, political,

14. [Press Release] Afghanistan: Taliban's arbitrary arrests and detention of women and girls over dress code must end immediately, UN experts say. (2024). *Office of the UN High Commissioner for Human Rights*. [online] 2 Feb. Available at: <https://www.ohchr.org/en/press-releases/2024/02/afghanistan-talibans-arbitrary-arrests-and-detention-women-and-girls-over>.

15. Timory, A.S., Mutasem, M.H., Saeed, L. and Pasarlay, S. (2025). *Status of Constitutionalism and Rule of Law in Afghanistan*. [online] Geneva: Center for Dialogue and Progress, p.25. Available at: <https://cdpg.ch/wp-content/uploads/Status-of-Constitutionalism-and-Rule-of-Law-in-Afghanistan.pdf>.

and cultural implications comparable to those of South Africa's erstwhile apartheid regime.

Gender Apartheid: Definition and Codification

This section examines the Taliban's violations against women under various international legal frameworks. It then analyzes the justification for codifying gender apartheid as a crime against humanity based on the severity, enduring impact, and entrenched nature of the Taliban's state-level gender-biased policies and extensive institutionalization of sex-based discrimination. Building on these findings, this section argues that the core principles of humanity and equality are at risk unless gender apartheid is condemned as strongly as racial apartheid, slavery, and genocide.

There are several existing legal frameworks and conventions of international law that can be used to uphold Afghan women's rights and liberties while holding the Taliban accountable. As the DFA, the Taliban are legally obligated to respect and fulfil the conventions and legal instruments to which Afghanistan is state party. Those laws and conventions specific to guarding women's rights are:

Universal Declaration of Human Rights

The UDHR outlines fundamental human rights principles as universally applicable, including the right to freedom, equality, and non-discrimination. Article 2 of the UDHR states that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction on any grounds, including race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, it specifies that no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, be it independent, trust, non-self-governing, or under any other limitation of sovereignty. The UDHR establishes the universality

of human dignity by the principle of non-discrimination and equality. Contravening it violates both fundamental norms on women's human rights and equality.

The Taliban's state apparatus and policies directly violate the very core principle of the UDHR in the case of women's rights and access to education, healthcare, employment, and mobility. The Taliban are persecuting women and girls by intentionally and severely depriving them of their fundamental rights by reasons found upon group identity, i.e., their sex/gender. These crimes have enduring social economic and political implications for the country and beyond.

Rome Statute

Adopted in 1998 (and effective as of 2002), the Rome Statute is the foundational treaty establishing the permanent International Criminal Court (ICC) to prosecute individuals for the most serious crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. The Rome Statute applies to the criminal persecution of women by the Taliban based on gender beyond the purview of rape, murder and extermination and criminalizes collective targeting with gender as the basis for the systemic deprivation or isolation of women and girls. Article 7(2)(g) of the Rome Statute, defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity” when committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”¹⁶ The Taliban's violations of the rights of women and girls and enforcing mass deprivation from their fundamental rights are subjects that can be interpreted under the “other inhuman acts” of the Rome Statute as crime borne out of gender persecution.

16. Rome Statute of the International Criminal Court. (n.d.). Available at: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf> (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3.

The ICC, under Article 21(3) of the Rome Statute, has confirmed that it will include the intent to “consider not only acts of violence and discrimination based on sex, but also those related to socially constructed gender roles.”¹⁷ This paves the ground for prosecuting the Taliban for crimes and violations inflicted based on socially constructed gender norms. The Rome Statute provides the framework for prosecution of crimes of apartheid that are institutionalized regime oppression of its subjects. The Rome Statute specifies apartheid as a crime against humanity over which the ICC has jurisdiction and has the ability to bring perpetrators to justice.

Convention on the Elimination of all Forms of Discrimination Against Women

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the mother instrument for the protection of women’s rights, unequivocally and comprehensively focusing on ending discriminatory treatment of women. It serves as an established yardstick for measuring a state’s efforts and commitment to the most comprehensive women’s rights and liberties. The CEDAW contains several relevant provisions, requiring states to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation and to ensure, through law and other appropriate means, the practical realization of this principle.

The CEDAW explicitly requires combating gender-based biases in areas of right to political participation and access to public space, the right to education, employment, health and equality before the law and the right to participate in recreational activities and all aspects of cultural life. Article 5(a) of the

17. Policy Paper on Sexual and Gender-Based Crimes. (2014). [online] The Hague: International Criminal Court, p.16. Available at: https://www.icc-cpi.int/sites/default/files/iccdocs/otp/Policy_Paper_on_Sexual_and_Gender-Based_Crimes-20_June_2014-ENG.pdf. Also see: de Silva de Alwis, R. (2024). Holding the Taliban Accountable for Gender Persecution: The Search for New Accountability Paradigms under International Human Rights Law, International Criminal Law and Women, Peace, and Security. *German Law Journal*, 25(2), pp.289–334. doi: <https://doi.org/10.1017/glj.2023.113>.

CEDAW requires state parties to take all measures to modify the social and cultural practices to eliminate prejudices, customs, and all other practices that are based on the idea of the inferiority or the superiority of either sex. Each of the anti-women measures imposed by the Taliban since they captured power in Afghanistan violates a number of core institutional and systemic protection mechanisms for women. This includes the dismantling of Afghanistan's 2004 constitution that held men and women equal under the law, the judicial system that had multiple components promising protection and support to women for their civic and fundamental rights, and the Afghanistan Independent Human Rights Commission that had a vast network of human and women's right defenders across the country.

The Taliban's governance system, based on subordination of women and institutionalization of gender-based discrimination by the state's political, cultural and legal infrastructure, necessitates a different counter strategy. For example, it is essential to recognize the potential of using the crime of gender-based persecution as defined in the Rome Statute may not fully capture the institutionalized and ideological nature of the Taliban's abuses against women. Moreover, despite ratifying CEDAW in 2003 without reservation, Afghanistan faced significant political and religious contestation that inhibited the development and enforcement of the legal and institutional mechanism for CEDAW's effective implementation.¹⁸ Subsequently, the 2009 Elimination of Violence Against Women (EVAW) Law, informed by CEDAW and other international human rights commitments of Afghanistan, encountered intense parliamentary resistance prior to 2021, underscoring the tension between formal legal reform and the enduring authority of religious and cultural power structures in Afghanistan.¹⁹

Thus, a legal conceptualization of gender apartheid, like the framework used to

18. Convention on the Elimination of All Forms of Discrimination against Women. (1979). [online] United Nations Treaty Collection. Available at: https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtmsg_no=iv-8&chapter=4&clang=en.

19. The Associated Press (2013). Afghan legislators block law protecting women. *CBC*. [online] 18 May. Available at: <https://www.cbc.ca/news/world/afghan-legislators-block-law-protecting-women-1.1377987>.

address racial apartheid in South Africa, could provide a more comprehensive and effective approach to addressing the Taliban's violation of women's rights. Criminalization of gender apartheid under the purview of the (draft) Convention on Crimes Against Humanity would raise the status of sex-based discrimination to the status of *jus cogens*, also known as "peremptory norms," which refers to fundamental principles of international law that are universally recognized and accepted by the international community. These norms are considered so essential that they cannot be violated or overridden by any state, regardless of its consent to these norms. They form the highest hierarchy in international law, meaning that any conflicting treaty or customary international law is considered void if it contravenes a *jus cogens* norm.

The Significance of Defining and Codifying Gender Apartheid as a Crime Against Humanity

The codification of gender apartheid as a crime against humanity will permanently protect women's right universally and not make it subject to caveats of individual conventions and legal instruments in the global legal system. Other examples of *jus cogens* norms are the prohibition of genocide, slavery and human trafficking, torture and degrading punishments, and the right to self-determination. Concurrently, the global commitment to gender equality and equity of sexes embedded in multiple global legal frameworks and the development objectives set by the UN require universal protection of all achievements and progress pertaining to women and criminalizing any act of reversal or retrogression like that of Taliban's.

Although there is no formal legal definition yet, at present, gender apartheid is best defined as a system of governance based on laws and/or policies, which impose systemic segregation of women and men and may also systemically

exclude women from public space and sphere.²⁰ In practice, gender apartheid codifies subordination of women in violation of the fundamental principles recognized under international laws. It intentionally and systemically works towards the erasure of women's status as equal humans, and controls and scrutinizes all aspects of women's lives, both private and public.²¹

The Taliban's system of institutionalized gender-based discrimination that is further reinforced by their state apparatuses and existing social constructs of gender is pervasive and methodical against the entire population of the country. The breadth and depth of violations is unprecedented, and therefore its massive nature requires a more defined legal framework to prosecute it and not just interpretation of augmented clauses of existing legal instruments. The world should exhibit that their conscience cannot accept indifference toward actions, normalization, or tolerance of gender persecution and systemic discrimination of women in Afghanistan and anywhere else in the world.

“The failure to codify gender apartheid perpetuates an accountability vacuum that leaves many victims and survivors without remedy or reparation. The crime of gender apartheid is unique in animus and intent. It is distinct from other international crimes, including gender persecution, due to its dystopian ambition to maintain an institutionalized regime of systematic oppression and domination, where the underclass is subjugated for the dominant group's benefit and survival, dehumanized, and cut off from the resources and access needed to overcome their choreographed oppression. The Taliban's ever deepening and institutionalized oppression of Afghan women and girls is a case in point. The codification of gender apartheid will assist victims and survivors holding perpetrators to account for the totality of crimes

20. Bennoune, K. (2022). The International Obligation to Counter Gender Apartheid in Afghanistan. *Columbia Human Rights Law Review*, [online] 54(1), pp.1–88. Available at: <https://hrlr.law.columbia.edu/files/2022/12/Bennoune-Finalized-12.09.22.pdf>.

21. Ibid. (Bennoune, 2022)

committed against them."²²

- Joint Call to Amend the Draft Crimes Against Humanity Convention to Encompass Gender Apartheid

The effort to codify gender apartheid as a crime in the current draft of the Convention on the Prevention and Punishment of Crimes Against Humanity (currently under deliberation) presents a pivotal moment for states and global governance bodies to act and recognize extreme, institutionalized genderbased discrimination as a crime.

Afghan Women's Cause and its Significance

The world has witnessed Afghan women resist and protest the elaborate and systemic regime of oppression since the Taliban's return to power in Afghanistan since August 2021. This unwavering commitment to reject the Taliban comes from the deeply held convictions of gender equality, education and the Afghan women's experiences under the Taliban's previous regime (1996–2001) that is still engraved in the Afghan nation's memory for its dystopian and most repressive nature. The people of Afghanistan, especially women, have always known and highlighted that the Taliban's claims of having changed is nothing but a ruse. Global advocates of Afghan women's lived realities under the Taliban's institutionalized discrimination must unite their voices and support to aid Afghan women's resistance to the regime's gender apartheid.

Today, we have an indigenous movement by a worthy and determined group of human and women's rights activists, disengaged from politics and purely

22. Joint Call to Amend the Draft Crimes Against Humanity Convention to Encompass Gender Apartheid. (2023). [online] End Gender Apartheid Campaign. Available at: <https://endgenderapartheid.today/download/2025/EGA%20Joint%20Letter%20to%20Amend%20the%20Draft%20Crimes%20Against%20Humanity%20Convention%20-%20English.pdf>. **Also see:** Ashraph, S., Radhakrishnan, A., Nia, G., Sarkarati, N., Bennoune, K. and Hioureas, C. (2025). [Legal Brief] Amending the Crime Against Humanity of Apartheid to Recognize and Encompass Gender Apartheid. [online] End Gender Apartheid Campaign. Available at: <https://endgenderapartheid.today/download/2025/EGA%20Legal%20Brief.pdf>.

dedicated to their commitment to a fair world for Afghan women and all those women in the world with the aspiration to protect hard won gains of women's rights regardless of their race, religion, or background in Afghanistan and elsewhere in the world. It is the moral obligation of the conscientious people and governments of the world to assist and provide the necessary tools for the cause of Afghan women's rights and ultimately those at risk of sex-based discrimination and gender apartheid.

Conclusion

The Taliban are aggressively and pervasively institutionalizing a system of gender-based oppression, whilst implicating men in every household. The denial of fundamental human rights for women constitutes a core aspect of the Taliban's governance structure. The Taliban sustain their regime through mass deprivation of women of their fundamental human rights. These represent a distinct and deeply alarming system of gender persecution, unprecedented globally, amounting to gender apartheid. Depriving Afghan society from future female leaders, bureaucrats, engineers, politicians, and poets, among others, is at the core of the Taliban's model of governance. The Taliban's discrimination and misogynistic policies remove role models for the future generation of men and women, amounting to gender apartheid.

Criminalizing gender-based discrimination by the state as gender apartheid will allow for not viewing women's lived experience and gender related oppression as being limited to the private domain, which is the loophole often exploited in the persecution of gender-based violations in courts of justice. More importantly, criminalizing the Taliban's gender-discriminatory state policies and rulings will ensure that all states are held responsible for, and deterred from, siding with the relativist argument of specifying Afghan women's situation as being specific to their country and context without any further implication for the world. Criminalization of gender-based discrimination under the draft Convention on the Prevention and Punishment

of Crimes Against Humanity will spur the necessary coordination and harmony of approach in forcing the Taliban to immediately address contravention of multiple human rights.

Policy Recommendations

- **Elevate Gender Apartheid to *Jus Cogens* Status:** The arsenal of existing international legal instruments provides the framework for condemning and countering the Taliban's institutionalized system of gender discrimination and persecution. However, Taliban's apartheid system of governance requires a much more coherent and comprehensive approach and legal framework, such as criminalization of gender apartheid and lifting it into a *jus cogens* status. This way, gender apartheid will be more strongly challenged, legally outlawed, and internationally condemned without exception. This is fundamentally crucial for women globally and for the development agenda of establishing a harmonious system based on equality and equity. More importantly, this is essential for preventing the global reversal of women's emancipatory progress and inhibiting other state and non-state actors from emulating such regressive practices. Like in case of racial apartheid in South Africa, the recognition and criminalization of gender apartheid will be invaluable to enable mobilization against, and demand accountability based on, specific violations of the international law immediately and swiftly.
- **Build a United Global Front Against Gender Apartheid:** The international community should act decisively to counter Taliban's retrogression on women's rights. Countering the Taliban's adamant and pervasive gender-discriminatory state regime requires a robust and very specific international framework such as the one that helped combat racial apartheid in South Africa. Codification of gender apartheid in the (forthcoming) Convention on the Prevention and

Punishment of Crimes Against Humanity would provide the necessary consolidation of ongoing efforts for a united global front. This is essential for urgently and decisively addressing the Taliban-imposed gender apartheid in Afghanistan. This is also essential for ultimately providing a platform for women and girls in other countries to unify and accelerate the fight against gender apartheid by marshalling resources and international commitment to stop the Taliban.

- **Mobilize (Global) Support for Afghan Women:** The rigorous global campaign for codification and ending gender apartheid under the banner of End Gender Apartheid Today²³ should be unwaveringly supported by all actors and all. This is crucial to ensure that every iota of progress made towards gender equality and equity is preserved and enhanced. Indigenous platforms like Defenders of Equality, Freedom and Advancement for Women (DEFAW),²⁴ an initiative focused on amplifying the voices of Afghan women and girls, advocating for their education, freedom, and empowerment, should work closely with the Muslim bloc of countries like Albania and Tunisia for their mentorship and companionship because of similarity of background and religious contexts and form a uniform and large global front against unfair treatment of women. Afghan women have proven that they are trustworthy companions by showing self-determination to safeguard their most basic rights and liberties and they can serve as beacon for the global cause of codification of gender apartheid as a crime in draft Convention on the Prevention and Punishment of Crimes Against Humanity and thus help make the whole world safer for women and girls irrespective of their background, religion, and identity.

23. The End Gender Apartheid Campaign. (n.d.). *End Gender Apartheid*. [online] Available at: <https://endgenderapartheid.today/>.

24. Defenders of Equality, Freedom and Advancement for Women (DEFAW). (n.d.). *About Us*. [online] Available at: <https://defaw.org/about-us/>.

Scope and Operative Elements of What ‘Principled’ and ‘Non-Principled’ International Engagement With the Taliban Entails in Theory and Practice

By Sofia Ramyar¹

Since August 2021, international engagement with the Taliban has remained a contentious issue. While the international community, including the United Nations (UN), has argued that engagement is essential to alleviate the problem of hunger and to prevent large scale starvation, opponents of this approach believe that engagement with the Taliban and the resulting supply of aid stands to strengthen the draconian regime. This essay articulates the elements of a ‘principled’ approach, based on commitments to human rights, respect for women’s rights, and the interests of Afghanistan over the individual interests of countries. In contrast, a ‘non-principled’ engagement prioritizes individual approaches to dealing with the Taliban that have been driven by their own interests without a commitment to addressing the situation of women and gender equality in Afghanistan.

This essay explores the scope and consequences of both engagement and non-engagement policies of the world with Afghanistan. It also discusses whether this engagement should be principled or non-principled, or whether a different approach should be taken. Finally, the paper unpacks three terms: principled, non-principled, and pragmatic. To that end, Section 1 provides a contextual overview of the situation and the questions this essay considers. Section 2 discusses the objectives of the Taliban, and those of

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regional countries and Western countries. Section 3 analyzes the potential impact of engagement and no engagement with the Taliban on the people of Afghanistan. The concluding section summarizes the discussions and ends with six policy recommendations.

Immediately after militarily capturing power in Afghanistan in August 2021, the Taliban unilaterally declared the country as the 'Islamic Emirate of Afghanistan' (IEA) and their *de facto* regime as the legitimate governing authority. However, since then, neither Western countries nor regional countries have recognized the Taliban *de facto* authorities (DFA) as the legitimate government of Afghanistan.

Although the Taliban DFA have not been formally recognized by any country in the world (except Russia, which did so in 2025),² various Western and regional countries, as well as international bodies, have engaged with the Taliban DFA in different ways and for a variety of reasons that seem to serve their own interests. The priorities of countries in Afghanistan's neighborhood have been security, economics, and refugee issues, whereas the West has prioritized the release of US nationals held hostage by the Taliban; counterterrorism and intelligence gathering; and humanitarian emergency response, and women's rights crises.

The lack of formal recognition for the DFA stems in large part from the Taliban's continued violations of international law, such as oppressive and unjust treatment of women, including denying women the right (and access) to education, employment, and freedom of expression. Additionally, the Taliban have failed to fulfill their promises to form a government in which all of Afghanistan's diverse ethnicities, languages, and tribes are represented and are actively involved in policymaking and governance.

2. Drury, F. and Wilson, T. (2025). Russia becomes first state to recognise Afghanistan's Taliban government. *BBC*. [online] 4 Jul. Available at: <https://www.bbc.com/news/articles/c78n4wely9do>.

Given the world's varied strategies and approaches for engagement with the Taliban, this essay considers the following questions:

- What are the primary objectives driving regional powers and the international community to engage with the Taliban, and what are the Taliban's goals in these interactions?
- What are the impacts of these engagements for the people of Afghanistan, particularly women, who are extremely affected by the Taliban's oppressive regime, confined to their homes, and deprived of their fundamental rights?

Understanding the Objectives

■ *What are the Taliban's objectives?*

Since assuming power, the Taliban have proclaimed that they rightfully deserve authority. They base this claim on the fact that they conquered Afghanistan by force, which they believe is the result of 20 years of struggle and their sacred jihad against the US occupation of Afghanistan.³ Furthermore, the Taliban believe that such victory was only possible with support from local communities. Additionally, the Taliban describe these political gains as divine. Consequently, they consider themselves to be Afghanistan's sole representatives and demand diplomatic relationships and international recognition.

Following the Taliban's power capture in August 2021, several Western countries, including the US, shut down their diplomatic missions in the country and refrained from establishing formal ties with the Taliban administration. Additionally, Taliban-appointed representatives have been denied permission

3. Semple, M. (2014). *Rhetoric, Ideology, and Organizational Structure of the Taliban Movement*. [online] Washington, DC: United States Institute of Peace. Available at: <https://www.files.ethz.ch/isn/187121/PW102-Rhetoric-Ideology-and-Organizational-Structure-of-the-Taliban-Movement.pdf>.

to inherit Afghanistan's seat at the UN at least twice so far.⁴ In their first press conference in Kabul in August 2021, Taliban Spokesperson Zabihullah Mujahid, said, “[w]e desire positive relations, a strong economy, robust trade, and effective diplomacy.”⁵ However, despite their demands, four years have passed and the group has not received any formal recognition from the wider international community.

That said, at present, the Taliban does have *de facto* recognition. The US describes its relations with the Taliban as “pragmatic engagement”⁶ necessary to pursue its interests in Afghanistan. US officials hold diplomatic meetings with the Taliban at various assemblies and functions, and Washington DC remains the largest financial contributor to the country. The UN has taken a step further and maintained open offices in Afghanistan.

Moreover, despite initial reservations, countries like China, Iran, Pakistan, and Russia are among the those that have welcomed Taliban-appointed diplomats and have hosted their representatives for talks and meetings in their territories.⁷ Several other countries, including Turkey, India, Iran, and Russia, have also taken significant steps toward normalized relations with the Taliban's *de facto* administration through partnerships on projects and by reopening their embassies in Kabul.⁸ As of February 2024, there were

4. Gladstone, R. (2021). U.N. Seats Denied, for Now, to Afghanistan's Taliban and Myanmar's Junta. *The New York Times*. [online] 1 Dec. Available at: <https://www.nytimes.com/2021/12/01/world/americas/united-nations-taliban-myanmar.html>.

5. The Taliban's Neighbourhood: Regional Diplomacy with Afghanistan. (2024). [online] International Crisis Group. Available at: <https://www.crisisgroup.org/asia/south-asia/afghanistan/337-talibans-neighbourhood-regional-diplomacy-afghanistan>.

6. U.S. Relations With Afghanistan [Bilateral Relations Fact Sheet]. (2022). *U.S. Department of State*. [online] 15 Aug. Available at: <https://www.state.gov/u-s-relations-with-afghanistan/>.

7. Dawi, A. (2024). China's President Accepts Credentials From Afghan Representative. *VOA*. [online] 30 Jan. Available at: <https://www.voanews.com/a/china-s-president-receives-afghan-ambassador-taliban-seek-recognition-from-russia-iran-/7463837.html>.

8. Kumar, R. (2024). Why has China recognised Taliban's envoy to Beijing? *Al Jazeera*. [online] 14 Feb. Available at: <https://www.aljazeera.com/news/2024/2/14/is-chinas-recognition-of-afghanistan-envoy-a-diplomatic-win-for-taliban>.

16 foreign embassies operating in Kabul.⁹

The Taliban DFA have been lobbying more Western countries in a bid to convince them to open their embassies in Kabul, like other aforementioned countries have done. Additionally, the DFA continue to advocate for taking charge of all of Afghanistan's embassies and consulates overseas, irrespective of whether those missions are formerly controlled by the Republican administrations or still overseen by Republic-appointed diplomats. Currently, the Taliban oversees at least 14 of Afghanistan's diplomatic missions overseas.¹⁰ Furthermore, the Taliban are lobbying to take charge of Afghanistan's seat at the UN.

■ *What does the region want?*

Regional countries have a variety of interests in maintaining their engagements with the Taliban, ranging from geopolitical to economic.

Afghanistan's strategic location in Asia serves as a land bridge connecting countries around Afghanistan including China, Russia, Turkey, Iran, and Pakistan. Its abundance in natural resources further enhances its strategic significance, motivating positive relationships with the Taliban. This relationship has extended beyond mere engagement, to more concrete outcomes like reopening embassies within Afghanistan and welcoming Taliban-appointed diplomats in Afghanistan's diplomatic missions in their own countries.

Another matter of interest for the region influencing normalization of relationships with the Taliban is the presence of terrorist groups like al

9. Wikipedia. (n.d.). List of diplomatic missions in Afghanistan [As of February 2024]. [online] Available at: [https://en.wikipedia.org/wiki/List_of_diplomatic_missions_in_Afghanistan#:~:text=This%20is%20a%20list%20of,in%20Kabul%20\(February%202024\)](https://en.wikipedia.org/wiki/List_of_diplomatic_missions_in_Afghanistan#:~:text=This%20is%20a%20list%20of,in%20Kabul%20(February%202024)). **Please note:** Sources citing official announcements of reopening of embassies and/or diplomatic presences in various forms are listed next to the names of the respective countries mentioned in this list.

10. Afghanistan: Taliban Takes Over 14 Diplomatic Missions, Wants To Control More Missions. (2023). *Outlook*. [online] 25 Mar. Available at: <https://www.outlookindia.com/international/afghanistan-taliban-takes-over-14-diplomatic-missions-wants-to-control-more-missions-news-273297>.

Qaeda, Islamic State ‘Khorasan Province’ (ISKP), and other foreign terrorist fighters in Afghanistan. This raises immense concern of future threats to the region despite the Taliban leadership’s assurances of cutting their ties with all terrorist groups, including al Qaeda, and that of the existence of no threat emanating from Afghanistan to any country. However, reports by the UN Assistance Mission in Afghanistan’s (UNAMA) have consistently pointed to the presence and escalation of activities of terrorist groups within Afghanistan.¹¹

The Taliban’s return has also triggered widespread fear within the country. Since August 2021, thousands of citizens have fled Afghanistan, seeking refuge in neighboring countries, often resorting to illegal migration routes, due to persecution by the Taliban for their affiliation with the West or the previous government in Afghanistan. Regional countries want to support Afghanistan to prevent further displacement and to encourage its people to remain in their homeland.

Finally, rivalries among regional countries such as Russia, Iran, India, Pakistan, and China, along with regional states’ competition with the West, particularly with the US, exist for various reasons, serving as a motive for these countries to maintain their relationship with the Taliban. They fear¹² that cutting ties with the Taliban might lead to a threat from their rival countries, and they try to avoid these scenarios.

■ *What are the Western countries’ objectives?*

North America—the US in particular—has several stated interests in Afghanistan: delivering humanitarian aid; advancing human rights; and promoting more inclusive governance.¹³ But these are secondary objectives.

11. Seldin, J. (2023). UN Report Warns Al-Qaida, Islamic State Growing in Afghanistan. VOA. [online] 14 Jun. Available at: <https://www.voanews.com/a/un-report-warns-al-qaida-islamic-state-growing-in-afghanistan/7138133.html>.

12. Ali, S.M. (2020). The U.S.-China Strategic Rivalry and its Implications for Pakistan. *The Stimson Center*. [online] 1 Dec. Available at: <https://www.stimson.org/2020/the-u-s-china-strategic-rivalry-and-its-implications-for-pakistan/>.

13. Ibid. (U.S. Relations With Afghanistan [Bilateral Relations Fact Sheet], 2022)

The first set of priorities include securing the release of American hostages held by the Taliban; counterterrorism and intelligence gathering; and the evacuation of people who have served in Afghanistan alongside US military or diplomatic personnel. Western countries believe¹⁴ that their policy of engagement with the Taliban will help to convince the latter to comply with international legal standards and respect human rights, ensuring women's and girls' access to education, employment, and full participation in society.

Since August 2021, Afghanistan has been grappling with a deep economic and humanitarian crisis and the people have been facing starvation. The West wants to help, and to avoid further devastation for the Afghan people. Moreover, Western countries remain concerned about the recurrence of attacks (like the 9/11 attacks that were orchestrated by al Qaeda from within Afghanistan in 1990s). They believe addressing security threats posed by Afghanistan requires diplomatic engagement with the Taliban to mitigate and prevent potential risks. Furthermore, concerns persist over illegal immigration from Afghanistan, which could have ramifications beyond Afghanistan's borders.

Given these concerns, the Western countries believe that engagement with the Taliban is essential to help Afghanistan, and to prevent the country from becoming isolated from the international community. In the meantime, they want to hold the Taliban accountable to uphold the principles of women's rights and human rights that are enshrined in international law.

Impact of Engagement and No Engagement on the People of Afghanistan

According to the UN,¹⁵ principled engagement means promoting and encouraging respect for human rights and fundamental freedoms for all,

14. 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>.

15. United Nations (1945). *United Nations Charter, Chapter I: Purposes and Principles*. [online] United Nations. Available at: <https://www.un.org/en/about-us/un-charter/chapter-1>.

regardless of race, sex, language, or religion. In contrast, 'non-principled engagement' would prioritize the interests of individual countries over the respect for human rights and fundamental freedoms of the people of Afghanistan.

The West's approach towards the Taliban has been mixed. On the one hand, Western countries have refrained from granting *de jure* recognition to the Taliban DFA regime. This can be referred to as a principled approach because the Taliban did not gain power through any legitimate process, instead capturing Afghanistan by force. On the other hand, Western countries meet with Taliban representatives both publicly and secretly.¹⁶ They [the West] describe this approach as pragmatic engagement and justify it in relation to the objectives discussed earlier in this essay.

Meanwhile, regional countries have taken further steps toward a normal state-to-state relationship. Thus far, no Western country has transferred the leadership of Afghanistan's embassies to the Taliban DFA, but multiple countries in Afghanistan's neighborhood have. Iran, Pakistan, China, and Russia are among the countries that have accepted the credentials of Taliban-appointed 'diplomats' in their capitals. These countries have also described their engagement with the Taliban as pragmatic, albeit this approach contradicts the values of principled engagement.

Neither the West's restrained engagement nor the region's unbound engagement stand to have a positive impact on the people of Afghanistan. Instead, these engagements do benefit the Taliban in their efforts to cement their repressive regime.

The plight of the people of Afghanistan, particularly women, as well as the unprecedented rise in violence against women—which has been described as “gender apartheid” in the report by the UN Special Rapporteur for Human

16. Bin Javaid, O. (2024). What to expect as Taliban joins third UN-held talks on Afghanistan in Qatar. *Al Jazeera*. [online] 1 Jul. Available at: <https://www.aljazeera.com/news/2024/7/1/what-to-expect-as-taliban-joins-third-un-held-talks-on-afghanistan-in-qatar>.

Rights in Afghanistan—have continued to exist and worsen in some cases.¹⁷ Furthermore, despite significant aid support from international organizations to assist the needy in Afghanistan, a portion of these funds is directed to Afghanistan's central bank, which is controlled by the Taliban.¹⁸

According to the World Food Programme (WFP), as of December 2023, more than 15.8 million people in Afghanistan (36% of the population) have been experiencing a severe food security crisis.¹⁹ Over 89% of the people in Afghanistan are facing inadequate food consumption with critically high levels of hunger. The WFP estimates that they require USD 2.2 billion to deliver emergency food, and livelihood support to those in need.²⁰

The world's current engagement policy has proven detrimental, hurting the Afghan people, particularly women. Similarly, a policy of disengagement or isolation would also harm the Afghan people, pushing Afghanistan out of the global arena while allowing the Taliban to continue its repressive rule unchecked. While engagement provides opportunities for the Taliban, such as travel permissions, diplomatic representation, and receipt of humanitarian aid and other financial support in the name of Afghanistan, Western and regional powers should demand equal benefits, particularly regarding restoring and advancing women's rights.

An examination of the policies of engagement with the Taliban reveals that there appears to be a struggle between adhering to principles and pragmatism. Given the complex humanitarian crisis, economic collapse, and the situation

17. Barr, H. (2024). The Taliban and the Global Backlash Against Women's Rights. *Human Rights Watch*. [online] 6 Feb. Available at: <https://www.hrw.org/news/2024/02/06/taliban-and-global-backlash-against-womens-rights>.

18. Miller, T.C. (2024). U.N. Has Flown More Than \$2.9 Billion in Cash to Afghanistan Since the Taliban Seized Power, Diverting U.S. Funds. *ProPublica*. [online] 20 Mar. Available at: <https://www.propublica.org/article/united-nations-cash-afghanistan-following-taliban-takeover>.

19. Integrated Food Security Phase Classification. (2023). *Afghanistan: Acute Food Insecurity Situation for October 2023 and Projection for November 2023 - March 2024*. [online] Available at: <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156740/?iso3=AFG>.

20. WFP Media. (2024) X [formerly 'Twitter'] 7 May. Available at: https://x.com/WFP_Media/status/1787816465271259436

in Afghanistan under a regressive regime that flouts international law, any approach to dealing with the situation must proceed with extreme caution.

Conclusion

Since 2021, various countries have maintained individual approaches to dealing with the Taliban—approaches that have been driven by their own interests without a commitment to addressing the situation of women and gender equality in Afghanistan. While these countries believe in maintaining an open channel of engagement between the Taliban and the world, any such engagement should be conducted under the condition that it does not grant the group any form of recognition and that it improves the situation of women.

If such an objective is not attainable, then the policy of no engagement should be the best option as it would prevent further misery in the lives of people, particularly women. While a policy of no engagement would result in women being oppressed solely by the Taliban, engagement by the international community would mean that both the Taliban and the international community would be complicit in the oppression of women.

In other words, a non-engagement policy would at least prevent women from facing additional layers of oppression that could result from granting the Taliban greater international standing. Such engagement risks giving the Taliban increased political leverage, which they could then use to further entrench their restrictions on women. It would allow them to normalize their oppressive policies, reinforcing gender-based discrimination without accountability or international scrutiny.

Supporting Afghanistan's economy and providing humanitarian assistance presents significant leverage for the international community. The Taliban are aware that an economic collapse would undermine their authority and potentially trigger widespread discontent among the population. This could lead to increased opposition and insurgency, ultimately threatening their grip

on power. Therefore, the Taliban is motivated to avoid such a scenario at all costs.

By recognizing and capitalizing on this leverage, the international community can effectively pressure the Taliban to reconsider their policies.

Policy Recommendations

- Engagement, be it principled or pragmatic, should serve the best interests of the people, particularly women, and such opportunities should restrict the Taliban to meetings within Afghanistan, withholding privileges of travel and representation abroad, until they demonstrate tangible progress in respecting human rights. The decision of the UN Security Council's Taliban Sanctions Committee to remove two Taliban education ministers from the exemption list due to the ban on women's education in Afghanistan was a positive step.²¹ This approach should be applied to all Taliban members. While such actions may not yield immediate results, they will eventually marginalize the Taliban. Without consequences for their actions, the Taliban are unlikely to alter their oppressive policies.
- Regional and extra-regional countries should develop a united approach in dealing and engaging with the Taliban. Doing so would improve the odds of influencing certain policies of the Taliban. This requires rigorous discussion among key international actors in Afghanistan. The UN already convenes meetings of special envoys in Doha and a discussion on a cohesive, united approach can be included as an agenda point in those fora.
- The international community should regularly review its policy of engagement with the Taliban to assess the (lack of) progress, particularly vis-à-vis the situation of women's rights. Based on these assessments, the

21. UN ends Taliban travel ban exemptions. (2022). *Deutsche Welle*. [online] 20 Aug. Available at: <https://www.dw.com/en/un-fails-to-reach-deal-to-extend-taliban-travel-ban-exemptions/a-62873851>.

international community should adjust its approach towards Afghanistan. These assessments, and actions taken on their bases, should become public for transparency purposes.

- While aid is crucial for Afghanistan, this should reach only those in need without any portion of it being directed to banks controlled by the Taliban. UN agencies claim that humanitarian aid to Afghanistan is being distributed through secure cash transfer only accessible to donor and UN agency organizations. However, reports by the US' Special Inspector General for Afghanistan Reconstruction contradict this claim. A robust monitoring mechanism must be instituted to ensure transparency and assure the public that the aid intended for vulnerable populations does not end up in the hands of the Taliban. Currently, there is no robust monitoring mechanism in place to ensure transparency and accountability of aid sent to Afghanistan, particularly to guarantee that it is free from Taliban interference.
- Any aid sent to Afghanistan should adhere to the principle of equality and be distributed fairly between men and women, without the Taliban's interference. If the world wants to address human rights and humanitarian crises, it must ensure women's presence and active involvement in aid disbursement. To ensure equal access to aid for both men and women, it is essential that donor agencies include female staff in their teams. In many areas, the Taliban do not allow male staff to distribute aid directly to women, so the presence of female aid workers is critical for reaching women in need.
- Many households in Afghanistan are headed solely by women, with no male family members present. These women are often the only providers for their families. It is crucial that the donor community identifies and prioritizes such households during aid distribution. If these families are not properly identified, they risk being excluded from assistance, undermining the principle of equity and fairness in aid delivery.

Successful Past Strategies and Precedents that can be Adapted to End Gender Apartheid in Afghanistan: Lessons from South Africa's Women's Movement

By Yalda Bari¹

Since seizing power in Afghanistan in August 2021, the Taliban have severely restricted women's rights, and have banned women from employment, education, and other basic freedoms.² Afghan women now face extreme hardships under an institutionalized system of gender apartheid.³ This essay focuses on successful strategies used to challenge and dismantle gender apartheid in South Africa (1948-1994), with the aim of identifying relevant lessons for Afghanistan. While both countries have experienced forms of gender apartheid, South Africa's was linked to racial segregation, whereas in Afghanistan it is rooted in an extreme ideological system that fully excludes women.

This essay draws on existing research and sources to highlight strategies from South Africa's apartheid era that helped dismantle gender apartheid, with a focus on lessons relevant to Afghanistan. The first section covers key

1. **Yalda Bari** is a specialist in women's economic empowerment in Afghanistan, with over nine years of experience in development cooperation, business development, human rights, and capacity building.

2. Special Inspector General for Afghanistan Reconstruction (2023) *Status of education in Afghanistan: Taliban policies have resulted in restricted access to education and a decline in quality (SIGAR 24-01-IP)*. Arlington, VA: SIGAR. Available at: <https://www.sigar.mil/pdf/evaluations/SIGAR-24-01-IP.pdf>.

3. UNDP Country Office Team in Afghanistan (2023). *Two Years in Review: Changes in Afghan Economy, Households and Cross-Cutting Sectors (August 2021 to August 2023)*. [online] UNDP. Available at: https://www.undp.org/sites/g/files/zskgke326/files/2024-01/tvir_0.pdf; **Also see:** Malig, K. (2023). Afghanistan, Two Years After: Taliban Repression and Humanitarian Crises Intensify. *PBS*. [online] 15 Aug. Available at: <https://www.pbs.org/wgbh/frontline/article/afghanistan-two-years-taliban-takeover-humanitarian-crises-economy-womens-rights/>.

South African strategies. The second section outlines lessons learned for the Afghan context. The final section presents three practical recommendations.

Strategies that Resisted Gender Apartheid and Advanced Women's Rights in South Africa

Apartheid in South Africa (1948–1994) was a brutal system of legalized racial segregation enforced by an all-white government. The majority black population and other non-white groups were classified by race, stripped of rights, and confined to separate areas, denied access to public spaces, political participation, and basic human dignity.⁴

Between 1990 and 1994, South Africa began its transition to democracy, with women playing a crucial role through protests, trade unions, and grassroots activism. They ensured gender equality remained central to the liberation movement by integrating gender-specific demands into broader political struggles.⁵ Women from various backgrounds—internal activists, exiles, and international representatives—formed a united front that helped end gender apartheid.⁶

Black women were excluded from education, skilled employment, land ownership, and politics. Many were forced into underdeveloped rural areas or segregated townships with limited mobility or economic opportunity. Apartheid and customary laws reinforced patriarchal norms, treating women as legal minors and denying them custody of their children.⁷ Most worked as

4. African Union (n.d.) *AU Human Rights Memorial – Focus Area: Apartheid*. Addis Ababa: African Union. Available at: <https://au.int/en/auhrm-project-focus-area-apartheid>.

5. Tshoaeadi, M. (2017) '(En)gendering the transition in South Africa: the role of COSATU women activists', *Transformation: Critical Perspectives on Southern Africa*, 78, pp. 90–113. Available at: <https://transformationjournal.org.za/wp-content/uploads/2017/08/78.-Tshoaeadi.pdf>.

6. Magubane, Z. (2013). Common Skies and Divided Horizons? *Sociology, Race, and Postcolonial Studies. Postcolonial Sociology*, 24, pp.81–116.

7. Aeby, M. (2018). *Women in peace and transition processes: South Africa's democratic transition (1990–1998)*. [online] Geneva: The Graduate Institute of International and Development Studies. Available at: <https://repository.graduateinstitute.ch/record/297350?ln=en&v=pdf>.

domestic laborers under exploitative conditions, further constrained by the migrant labor system.⁸ While white women accessed better opportunities, black African, 'coloured', and Indian origin women were relegated to menial, underpaid work.⁹ Gender-based violence, including racialized sexual abuse, was widespread but overshadowed by the focus on racial injustice.¹⁰ Apartheid thus reinforced a deeply patriarchal and racist system that oppressed black women in both public and private life.¹¹

To resist this, black South Africans developed powerful strategies and movements. The next section briefly discusses some of these efforts.

A. Rural Women's Movement

The Rural Women's Movement (RWM), founded in the 1980s, adopted a grassroots approach to challenge patriarchal customary laws and fight for rural women's land and inheritance rights. By working with allies like the Black Sash and the Legal Resources Centre (TRAC), the RWM mobilized local women, built coalitions, and engaged in public advocacy.¹² Their actions, particularly during the early 1990s Multi-Party Negotiating Process (MPNP), were instrumental in pushing for constitutional recognition of gender equality. Even after the adoption of South Africa's interim constitution, the RWM remained active, organizing protests and joining broader coalitions to demand access to healthcare, protest gender-based violence, and fight against marginalization in rural area.¹³ These

8. Andrews, P. (2001). From Gender Apartheid to Non-Sexism: The Pursuit of Women's Rights in South Africa. *The North Carolina Journal of International Law and Commercial Regulation*, [online] 26, pp.693–722. Available at: https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=2291&context=fac_articles_chapters.

9. Sadie, Y. and van Aardt, M. (1995) 'Women's issues in South Africa: 1990-1994', *Africa Insight*, 25(2), pp. 80-90.

10. Ibid (Andrews, 2001)

11. Shefer, T. (2010) 'Narrating gender and sex in and through apartheid divides', *South African Journal of Psychology*, 40(4), pp. 382-395.

12. Meintjes, S., 1996. The Women's Struggle for Equality during South Africa's Transition to *Democracy. Transformation*, 30, pp.47–64. Available at: <https://scispace.com/pdf/the-women-s-struggle-for-equality-during-south-africa-s-38t3v09u92.pdf>

13. Ibid (Aeby, 2018)

efforts aligned with a wider continental trend, as since the 1990s, African women's movements have played a critical role in peacebuilding and embedding gender equality in post-conflict governance frameworks.¹⁴

B. African National Congress

The African National Congress (ANC) was central to South Africa's anti-apartheid struggle and connected to women's fight for equality, though it often limited their independence. Nevertheless, many women played key roles, including drafting the 1955 Freedom Charter. In the 1980s, ANC-aligned women formed groups like the United Women's Organisation, but serious attention to gender issues emerged only in the 1990s, when women leaders began promoting feminist agendas.¹⁵

To dismantle apartheid, the ANC used a multi-dimensional strategy. Armed resistance was led by its military wing, Umkhonto we Sizwe (MK), supported by Operation Vula, a covert mission to smuggle weapons and build a secret internal network.¹⁶ Civic resistance was mobilized through the United Democratic Front (UDF) and the Mass Democratic Movement (MDM), which organized protests, boycotts, and strikes across black townships.¹⁷

Women leaders within the ANC played a key role in linking gender justice to national liberation. Figures such as Albertina Sisulu and Gertrude Shope advocated for gender equality by presenting research, testimonies, and policy proposals that emphasized the importance of women's inclusion in political processes. They also pushed for affirmative action through direct negotiations

14. Berger, I. (2014). African Women's Movements in the Twentieth Century: A Hidden History. *African Studies Review*, 57(3), 1–19. <https://www.jstor.org/stable/26410068>

15. Ibid (Meintjes, 1996)

16. African Union, *AU Human Rights Memorial – Focus Area: Apartheid*, <https://au.int/en/auhrm-project-focus-area-apartheid>.

17. O'Malley Archives (n.d.) *The Heart of Hope – South Africa's Transition from Apartheid to Democracy*. Nelson Mandela Centre of Memory. Available at: <https://omalley.nelsonmandela.org/cis/omalley/OMalleyWeb/03lv02424/04lv02730/05lv03188/06lv03205.htm>.

and internal lobbying within the ANC's male-dominated leadership.¹⁸

These efforts led to the end of apartheid and the establishment of a democratic South Africa. In 1996, South Africa's new Constitution formally enshrined gender equality and established institutions such as the Commission for Gender Equality to promote and protect women's rights.¹⁹ Today, women make up 33% of the cabinet and are prominent in diplomacy, fulfilling the Women's Charter's vision of ending sex-based discrimination, a major shift from the apartheid era when Helen Suzman stood alone in Parliament.²⁰

C. Gender Advisory Committee

One of the key strategies South African women used to challenge gender apartheid during the country's democratic transition was the establishment of the Gender Advisory Committee (GAC) in 1992. Formed in response to widespread public criticism over the exclusion of women from the Convention for a Democratic South Africa (CODESA) negotiations, the GAC played a vital role in ensuring that women's voices influenced political reforms. It systematically reviewed all decisions, advised on their gender implications, and advocated for the inclusion of women in constitutional negotiations, security structures, media, and electoral processes.²¹

However, GAC recommendations were non-binding, and negotiators largely viewed it as symbolic rather than substantive.²² In response, women's organizations pushed for broader institutional mechanisms to advance gender equality. The Women's Charter Campaign and feminist lobbying led to the creation of the Commission on Gender Equality (CGE), which was enshrined

18. Ibid (Aeby, 2018)

19. Ibid (Aeby, 2018)

20. South African History Online (2011) *History of women's struggle in South Africa*. 21 March. Available at: <https://sahistory.org.za/article/history-womens-struggle-south-africa#contents-9>.

21. South African National Archives (n.d.) *Apartheid and the Role of the ANC: Archival Document*. Available at: https://www.nationalarchives.gov.za/sites/default/files/ITEM_NEG-0012-0005--_018_0.pdf.

22. Ibid (Magubane, 2013)

in the interim constitution. While initially effective, the CGE later suffered from a disconnect with civil society, limiting its impact.²³

The South African Communist Party (SACP) submission to the GAC further identified structural barriers that limited working-class women's participation, such as lack of childcare, unsafe transport, illiteracy, and exclusion from labor protections.²⁴ The SACP proposed actionable solutions: provide safe transport, public childcare, accessible civic education in local languages, and media outreach tailored to illiterate and post-literate audiences. Another critical recommendation was that all constitutional and peace processes must include affirmative action to guarantee women's representation, especially those from disadvantaged backgrounds.²⁵

D. Women's National Coalition

The Women's National Coalition (WNC) was a strategic alliance formed in 1991 in South Africa, bringing together over 70 women's organizations from diverse racial, political, religious, and socioeconomic backgrounds.²⁶ It emerged in response to women's exclusion from early constitutional negotiations such as CODESA and the MPNP, and was driven by the fear that gender equality would be sidelined in the transition to democracy, as had occurred in other post-liberation contexts.²⁷ The African National Congress Women's League (ANCWL) played a key role in initiating the formation of the coalition, with the explicit goal of drafting a Women's Charter that would

23. Ibid (Aeby, 2018)

24. South African Communist Party (1992). *SACP Submission to Gender Advisory Committee on Gender Issues in The Working Groups of CODESA*. [online] National Archives and Records Service of South Africa. Available at: https://www.nationalarchives.gov.za/sites/default/files/ITEM_COD-0078-0022--006.pdf.

25. Ibid (South African Communist Party, 1992)

26. Cock, J. and Bernstein, A. (2001). Gender Differences: Struggles around 'Needs' and 'Rights' in South Africa. *National Women's Studies Association Journal*, 13(3), pp.138–152.

27. Ibid (Aeby, 2018). **Also see:** Mavuso Mda, A. (2009). The Rising Tide of Women's National Coalition: The Experience of South Africa. *Global Media Journal*, [online] 8(15), pp.1–24. Available at: <https://www.globalmediajournal.com/open-access/the-rising-tide-of-womens-national-coalition-the-experience-of-south-africa.pdf>.

influence the new democratic constitution before the 1994 elections.²⁸

The WNC's core mission was to ensure that gender equality became foundational to the new South African state. To achieve this, the coalition launched the Women's Charter Campaign, a massive, inclusive effort that reached over 2 million women nationwide through community meetings, workshops, rallies, and consultations. These contributions were consolidated by feminist legal experts into the Women's Charter for Effective Equality, which addressed issues such as legal rights, education, poverty, health, protection from violence, land access, and employment.²⁹ One of the coalition's key strategies was the Five-Issue Campaign, which asked regional and grassroots groups to identify the five most pressing issues affecting women in their communities, creating a unified agenda across diverse constituencies.³⁰

The WNC also acted as a watchdog during constitutional negotiations, with feminist lawyers scrutinizing legal texts and challenging any reversals of gender-related progress.³¹ Additionally, it led direct action campaigns demanding women's inclusion in political delegations and pushed for the establishment of long-term institutional mechanisms like the CGE.³² The coalition's inclusive approach welcomed contributions from all sectors of society, including the LGBTQ+ community, and emphasized grassroots empowerment and participatory research methods.

Although the WNC did not become a permanent body after 1994, it left a lasting impact. Many of its members continued advancing gender equality through cross-party alliances in parliament. The 1994 Women's Charter, presented to President Nelson Mandela, became key to South Africa's constitutional gender provisions. The WNC's locally grounded, intersectional, and collective feminist approach helped turn South African feminism into a

28. *Ibid* (South African History Online, 2011).

29. *Ibid* (Sadie & van Aardt, 1995; and MavusoMda, 2009).

30. *Ibid* (MavusoMda, 2009).

31. *Ibid* (Abey, 2018)

32. *Ibid* (Mavuso Mda, 2009)

broad-based democratic force for structural change.³³

Lessons Learned and Adaptable Strategies to Resist Gender Apartheid in Afghanistan

The South African struggle against apartheid, through the RWM, ANC, GAC, and the WNC offers powerful lessons for Afghanistan's resistance to gender apartheid. While shaped by different forms of systemic repression, both contexts involve the structural exclusion of marginalized groups, black South Africans under racial apartheid and Afghan women under gender apartheid. South Africa's strategies—anchored in grassroots mobilization, legal advocacy, and inclusive coalition-building—can be adapted to Afghanistan's struggle today.

One of the most important lessons comes from the RWM, which mobilized women in deeply patriarchal, under-resourced areas to challenge customary law and demand legal protections. In Afghanistan, where Taliban repression is most severe in rural areas, a similar model of grassroots, locally-driven organizing is urgently needed. These efforts must include both women and male allies and should be supported through safe resistance methods such as storytelling, anonymous media outreach, and digital networks. Crucially, international donors should direct targeted funding to support legal aid, education, and healthcare in rural areas, an approach drawn not only from RWM but also echoed in the GAC-SACP proposals on structural inclusion.

Another critical and repeated strategy is coalition-building, a theme central to the mentioned South African movements. The WNC's unifying model, which brought over 70 women's organizations together to develop a Women's Charter, and the ANC's civic mobilization through the UDF and MDM, both demonstrate the transformative power of united, multi-actor platforms. In the Afghan context, fragmented advocacy efforts could gain strength and

33. Ibid (Meintjes, 1996; and Mavuso Mda, 2009)

legitimacy by forming a unified Afghan women's coalition, both within the country and across the diaspora. This coalition should co-develop a joint policy agenda—rooted in grassroots consultations, like the WNC's Five-Issue Campaign and advocate collectively at major international platforms such as the UN Commission on the Status of Women (CSW) and the Munich Security Conference. Unfortunately, such a coalition does not currently exist; instead, most organizations operate independently, with each pursuing their own agenda. This is a major gap in the Afghan women's movement that undermines collective impact.

Equally vital is international legal advocacy, a strategy that appeared consistently across South Africa's resistance movements. The ANC, for example, not only pushed for global sanctions but also engaged in diplomatic lobbying by presenting detailed research, testimonies, and policy proposals that underscored the need for inclusive governance and gender equality. Alongside this, the GAC worked to ensure that gender considerations were incorporated into constitutional and peace negotiations. These efforts show how domestic movements leveraged international law and diplomacy to exert pressure and advance justice.

In the Afghan context, a similar approach is urgently needed, beginning with advocacy to recognize gender apartheid as a crime under international law. Such recognition would enable formal accountability mechanisms, including action through the International Criminal Court (ICC). This legal push should be reinforced by strict conditionality in diplomatic relations: no recognition should be granted to the Taliban without verifiable commitments to women's rights, representation in peace processes, and constitutional gender quotas.

The South African case also teaches us that inclusion must be meaningful, not symbolic. The GAC's experience, where recommendations were largely ignored due to their non-binding nature, shows that advisory bodies must have enforcement power and legitimacy. In Afghanistan's context, where the Taliban does not engage meaningfully with civil society or international

norms, creating a gender advisory mechanism presents serious challenges.

However, a practical step forward could involve establishing an international, Afghan-led advisory body under UN oversight that is legally empowered and rooted in civil society, especially the Afghan women's movement in exile. This mechanism should draw lessons from the GAC's institutional structure and the WNC feminist legal activism, which actively reviewed legal texts, shaped policy drafts, and ensured that women's rights were embedded in South Africa's constitutional framework. While a similar structure may not currently be possible within Afghanistan, an exile-based mechanism with global recognition could serve as a platform to monitor rights violations, influence donor conditions, and maintain international pressure, preventing the normalization of gender apartheid.

Structural barriers to participation, such as illiteracy, lack of childcare, and unsafe transport were addressed explicitly in the SACP's submission to the GAC, offering yet another strategy for Afghanistan. Today, rural Afghan women face identical constraints. Adapting the SACP's solutions—such as accessible civic education, public childcare, and tailored media campaigns—would directly support broader participation and prevent further exclusion.

Finally, South Africa's post-apartheid lesson is clear: institutional mechanisms lose legitimacy if they become detached from civil society. The decline of the CGE, once constitutionally enshrined, underscores the need for long-term gender equality bodies in Afghanistan to remain deeply linked to grassroots women's organizations. These institutions must not only be created but also continuously monitored and strengthened by civil society.

Conclusion

South Africa's struggle against apartheid offers rich and practical lessons for confronting gender apartheid in Afghanistan. Despite differing political and cultural contexts, the core strategies—grassroots mobilization, inclusive

coalitions, international legal advocacy, and institutional accountability—remain relevant. South African women’s movements proved that sustained, collective resistance grounded in lived realities can influence constitutions, reshape political systems, and uphold women’s rights. For Afghanistan, adapting these lessons requires both creativity and courage, especially given current constraints. But as history shows, even the most entrenched systems of exclusion can be challenged when movements are united, well-organized, and supported by global solidarity.

Policy Recommendations

These policy recommendations are informed by the South African experience. Careful deliberation is necessary when adapting lessons from the South African context to Afghanistan’s, to restore women’s rights. While South Africa and Afghanistan differ in their political, social, and institutional contexts, the recommendations draw on relevant lessons applicable to situations of systemic exclusion. Their practical application in the Afghan context would benefit from further context-specific assessment and discussion to ensure effective and meaningful implementation.

- The international community must support grassroots organizing and rural women’s leadership through safe, community-driven initiatives led by Afghan women’s networks, with the involvement of male allies. Flexible international funding should prioritize legal aid, healthcare, education, and digital outreach in remote areas. This includes supporting and formalizing online schools to motivate girls to pursue formal education and help transfer knowledge back into rural communities. Afghan diaspora and rights organizations can assist with advocacy, coordination, and protection.
- A unified Afghan women’s coalition must be established, one that connects actors within the country and across the diaspora to co-develop a joint policy agenda. First, a secure digital space should be created to

bring together diverse local and diaspora groups to map priorities. Second, hold structured dialogues to agree on a shared vision and coordination mechanism. Third, co-develop a joint policy brief to guide collective advocacy at international forums. While difficult, uniting around common goals can turn a key weakness into strength. This coalition should coordinate advocacy at key international forums and amplify Afghan women's voices through collective action.

- Pursue international legal recognition of gender apartheid as a crime and establish an Afghan-led gender advisory mechanism in exile, under UN oversight. This mechanism should be initiated by a coalition of Afghan women legal experts, human rights defenders, and civil society actors, in collaboration with supportive UN entities (such as UN Women or the Office of the United Nations High Commissioner for Human Rights). This mechanism should serve as a credible watchdog and policy advisor, ensuring Afghan women's rights are central to any future transition. To ensure legitimacy and effectiveness, the body should be inclusive, representative across ethnic, geographic, and political lines, and guided by a clear, transparent mandate. Its framework should include: **a)** independent appointment procedures with term limits and vetting by a multi-stakeholder panel; **b)** regular public reporting on violations, donor compliance, and negotiation processes; and **c)** built-in safeguards such as third-party audits, civil society reviews, and rotating leadership to prevent agenda capture or political bias.

An Interview with Prof. Karima E. Bennoune: ‘If We Do Not Focus on the Specific Intent, We Risk Invisibilizing [Specific] Aspects of the Crimes’

By Mariam Safi¹

In this interview,² Prof. Karima Bennoune³ provides an international legal perspective on the issue of the Taliban-imposed gender apartheid in Afghanistan, the operative distinctions between gender apartheid and gender persecution, the legal obligations of states, and the evolution of international legal instruments and norms to address crimes against women.

1. When did you realize that what was happening in Afghanistan was gender apartheid? You had come to this framing quite early on. Could you tell us a little bit about that moment?

There were several factors that made me frame it as gender apartheid when I did. One is that I had the good fortune of working with many Afghan colleagues when I was the UN Special Rapporteur in the field of cultural rights and I also worked on the evacuations from Afghanistan in 2021 in that capacity. Those experiences gave me a concern about finding ways to hold

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2. Responses have been edited for length and clarity.

3. **Dr. Karima E. Bennoune** is the Lewis M. Simes Professor of Law at the University of Michigan. She specializes in public international law and international human rights law, including issues related to culture, extremism and terrorism, and women’s human rights. From 2015 to 2021, Bennoune served as the UN Special Rapporteur in the field of cultural rights. She also was appointed as an expert for the International Criminal Court in 2017 during the reparations phase of the groundbreaking case *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, which concerned intentional destruction of cultural heritage sites in Mali. In September 2023, she addressed the UN Security Council about gender apartheid in Afghanistan. She is also the author of the book, titled, *Your Fatwa Does Not Apply Here*, published in 2013.

the international community accountable for its responses to the situation in Afghanistan, even though international forces were physically leaving the country.

On several occasions in 2021, I asked even some of the most responsible and involved governments for assistance in evacuating people who were their own partners, and they would refer me to civil society or to other governments. It was this kind of abdication of responsibility that I was already worried about. In fact, I was thinking about this before the Taliban took over in the summer of 2021, through conversations with numerous people like Shaharзад Akbar⁴ and others. At the time, I was thinking about how we would talk about responsibility for the situation in the country, even with the Republic⁵ still in place [at the time], but with the Taliban advancing, and then very quickly, of course, the situation changed dramatically with the fall of Kabul. I was working with a lot of Afghans in that context, and I was trying to listen to them. Anyone who listened to any credible Afghan women human rights defenders (WHRD) was being told that what we call gender apartheid is going to happen again if the Taliban come back to power. I had every reason to believe that what they were telling me was accurate.

I also came to this conclusion when I did because I have worked on the problem of fundamentalisms for many years. Also, my father was from Algeria, and our family had direct experience with the situation in that country in the 1990s when fundamentalist armed groups killed as many as 200,000 people while trying to take over the country. Thankfully they did not succeed, but the experience of working in support of the Algerian women's movement during that time taught me a great deal about the threat fundamentalist movements pose to women's rights. Again, this is because they are so ideologically committed to their abuses against women. So, I had absolutely no reason to believe that the Taliban 2.0 narrative [that

4. Shaharзад Akbar was the chairperson of the Afghanistan Independent Human Rights Commission (2019-2022).

5. The Islamic Republic of Afghanistan

the Taliban had reformed their views on women's rights] had any veracity whatsoever. Moreover, if you consider some of the interesting research done by experts like Mariz Tadros,⁶ the Egyptian British political scientist, you quickly understand that this narrative that when fundamentalists gain power, they will moderate is entirely false. Tadros's work, looking at her own home country and some others, has shown that on the contrary, it emboldens them.

2. Why do we need the concept of gender apartheid to address the situation in Afghanistan when other categories of crimes under international law, such as gender persecution, are also available?

Why do we need this additional concept, as it were, of gender apartheid, when we already have the criminalization and prohibition of what is now called gender persecution in international law? First, I think the addition of the crime of gender persecution to the Rome Statute was an amazing achievement by WHRDs, and I am very grateful that we have the ability to use this concept. So much has been done to develop it, including through the policy paper prepared by the Office of the Prosecutor at the International Criminal Court (ICC). The criminalization of gender persecution is a very important advancement in feminist international law. The concepts of gender persecution and gender apartheid are complementary. They overlap in part, but they are not contiguous. In other words, the scope of these crimes is different. We could see the relationship between them as similar to the relationship between some other concepts such as rape, forced marriage, and sexual slavery, which are overlapping, but not the same thing. Or one could think about the way in which we recognize what we call a "disappearance" in international law as being distinct from, but which can also overlap with, a summary killing or an unlawful detention.

In the case of Afghanistan, both gender persecution and gender apartheid are being practiced, and both are part of the Taliban's dystopian vision.

6. Tadros, M. (2021). Who is afraid of the Taliban? *Institute of Development Studies*. [online] 19 Aug. Available at: <https://www.ids.ac.uk/opinions/who-is-afraid-of-the-taliban/>.

The UN Working Group on Discrimination against Women and Girls (UN WGDAG) and the UN Special Rapporteur on the situation of human rights in Afghanistan were correct to describe this in their 2023 joint report as “gender persecution and an institutionalized framework of gender apartheid.”⁷ I think that is very important. The intent of the two crimes is different. With gender apartheid, the intent is to maintain a regime of gender oppression or domination. And that is the regime that enables and systematizes gender persecution. What it helps us understand is why persecution is happening in certain contexts, which is clearly related to the political system, to the political ideology. With gender apartheid, what we are most often talking about is fundamentalist ideology.

In this way, the gender apartheid framing helps explain what is happening on the ground. I remember being in a meeting about the women’s human rights crisis in Afghanistan with a high UN official who is relatively sympathetic, but she kept saying, “we do not know why this is happening.” Of course, you could see my Afghan colleague with us in the room thinking, “oh my God.” But there seems to be this problem, this lack of understanding of why this is happening. During the preparation of my speech for the [UN] Security Council in September 2023, I worked very closely with that same Afghan colleague, and it was so important to her that in my remarks I maintain language that said that systematic oppression of women is a core part of the Taliban’s philosophy. This is closely related to the concept of gender apartheid which describes a project of maintaining a system of gender oppression. Thus, it provides the answer to the question of why this is happening. The ideological dimension is surfaced by gender apartheid in ways that are incredibly important.

In international law, there are crimes of specific intent where that intent is seen as core to the very concept, such as in the case of the crime of genocide. There are other crimes that deal with some of the elements of genocide. But

7. Special Rapporteur on the situation of human rights in Afghanistan and Working Group on discrimination against women and girls (2023). *Situation of women and girls in Afghanistan*. [online] New York: UN General Assembly, p.18. Available at: <https://docs.un.org/en/A/HRC/53/21>.

what is important about [the crime of] genocide itself is that it surfaces that specific intent of the perpetrators, which is to wipe out certain kinds of human groups. Taking all of this into consideration, I think we need to understand gender apartheid and gender persecution as complementary, as overlapping, but as surfacing different aspects of the Taliban's intent. International law recognizes this dynamic regarding race. Thus, both racial persecution and racial apartheid are criminalized. They are understood as distinct and the codification and recognition of both crimes was deemed necessary.

If we do not focus on the specific intent, we do not really understand what the perpetrators think they are trying to achieve by committing their crimes, which of course the victims understand all too well. We risk invisibilizing aspects of the crimes and the victims' experiences of them. This question of "do we really need more than one legal concept? Do we really need more than one crime?" is something that comes up primarily in relation to victims who are less valued in society or who are more marginalized domestically or internationally. And so, you get this question a lot with regard to women.

Women are expected to be happy with just one concept. What we are trying to do is to make sure that the toolkit of WHRDs is full and that those women who are combating the most systematized form of discrimination in the world have the very specific tools they need to tackle that problem. Another critically important thing to remember is that gender apartheid was never intended just to be a term in international criminal law. It is also a human rights concept. It is meant to be a crime, but also a springboard for a more effective, more holistic, more robust human rights response.

3. What are the specific ways in which codifying gender apartheid as a crime under the Crimes against Humanity Convention (currently under negotiation) would realistically/practically bridge legal or enforcement related gaps that currently exist?

For one thing, it would put the international law on discrimination against

women on a more equal footing with the international law on other forms of discrimination, including racial discrimination, given the criminalization of both racial apartheid and racial persecution. We need the same holistic approach with regard to gender apartheid and gender persecution. It is again about identifying that specific intent and making sure that that specific intent is addressed. That is critically important. It is also notable that the [UN] Special Rapporteur on the situation of human rights in Afghanistan has underscored that most of the Afghan WHRDs he consulted said that it was the concept of gender apartheid that most completely reflected what they were experiencing. Victim perception alone does not create new international law but I think it is very important as international lawyers to be guided in our efforts by the perception of victims.

For example, I was talking about disappearances [in the previous answer]. Remember that the concept of “disappearances” emerges in international law because of the way, in particular, the families of the disappeared—and women in those families—especially in Latin America during the dictatorships, understood what they were experiencing. We already had international law norms prohibiting arbitrary detention, and norms prohibiting extrajudicial killings. However, the families also understood the experience in a very specific way because the fate or the whereabouts of the disappeared person was unknown. And so, there are very particular impacts on [the victims and their] families. Human rights defenders started using this concept of disappearance. And what is interesting is that international human rights organizations took up this concept and were using it prior to the codification of the concept of a disappearance in the Convention⁸ that came later. That Convention was guided by victims’ perceptions of what they had experienced. Another one of the reasons I was pushing for recognition of the concept of gender apartheid going back to 2021 was that the apartheid framework was aimed at establishing norms that limited other states’ policies

8. International Convention for the Protection of All Persons from Enforced Disappearance (adopted 20 December 2006, entered into force 23 December 2010)

vis-à-vis perpetrators of apartheid. That is crucial and we do not get that with some of the other international frameworks that we have. What we need is a heightened approach towards things like complicity with apartheid and things like aiding or abetting gender apartheid. If we cannot begin to make inroads in terms of getting the Taliban to change their policies, which is going to be a difficult and long project, at the very least, we can concert the response of the international community to those egregious policies. And for me, that was always the most important part of the apartheid framing.

4. What would be needed to recognize gender apartheid under international law so that relevant international legal frameworks can be used to counter it?

At present, the concept of apartheid in international law is defined to reflect the experience of racial apartheid in Southern Africa and South Africa in the second half of the 20th century. We have already seen an effort to apply the concept beyond Southern Africa, and some recognition of this expansion in the field of international law. This has involved applying the concept to situations where the fact pattern may be different in some way, because it is on the basis of national origin or ethnicity. We have seen this in particular in the case of Israel–Palestine. So, clearly, the idea that apartheid is a concept that applies only to 20th century Southern Africa is obsolete. For example, the Rome Statute of the ICC which was not adopted until 1998—after the end of *de jure* racial apartheid in South Africa—includes the crime of apartheid. Hence, this is a concept that was understood as having ongoing relevance and that could apply in other situations. The challenge today is, how do we then get to an understanding that international law explicitly prohibits gender apartheid?

There are several ways to make this happen.

The first one obviously would be explicit codification in international law. That is a very important way to advance the law. It is also somewhat

difficult. It takes time. There is an urgent opportunity to do this in the Crimes against Humanity Convention which is currently being negotiated at the UN. Unfortunately, because of the position of the Russian government, that process will not conclude before 2029. So, in the best-case scenario, 2029 is when the codification of gender apartheid as a crime against humanity in that text could take place. And remember that it will be prospective, not retrospective, that is to say, it mostly could not be applied to actions taken before the Convention's entry into force. We need to support our colleagues, led by Afghan WHRDs, who are pushing for the codification of gender apartheid in that context in every way possible. And we need to do this urgently, working to convince many more governments from different regions of the world to support this codification effort.

However, codification is just one track we need to work along now. We also need to use complementary tools because it is going to be a difficult battle in the current political environment and it is going to take some time. Women on the front lines cannot wait. What I have been arguing for is a complementary approach where we support codification and we do so in a very timely, prioritized way, but we also use other strategies. Pending codification, we must also push for progressive interpretation of existing international law, applying it in methodologically sound ways to gender apartheid. In his 2024 report, the UN Special Rapporteur on the situation of human rights in Afghanistan wrote that he recognized an emerging gender inclusive interpretation of the concept of apartheid as including gender apartheid. He explained that in the current unparalleled human rights crisis confronting Afghan women, strengthening this interpretation is highly desirable. I too am arguing that we need to work on this parallel track, in support of and complementary to, our colleagues who are focusing on codification. I will give you an example.

When I was the UN Special Rapporteur in the field of cultural rights, at the end of my term, the Taliban reintroduced their ban on women and girls participating in sports—a ban they had also imposed in the past [during

the Taliban's first regime from 1996–2001]. I issued a press release along with several other UN human rights experts, basically saying that the spirit of the 1985 International Convention against Apartheid in Sports should apply to this ban, even if the letter of that law does not [explicitly mention gender apartheid], because it is drafted in terms of racial apartheid. But we were very careful.⁹ We did not directly apply the convention, but we used the concepts and the framework from the convention. To promote such use of international law, I am also working with Afghan colleagues and other international colleagues to develop a declaration on gender apartheid, which would be a declaration by experts that would both support codification, and also support this idea of an emerging interpretation of current international law that would include gender apartheid. In the past, WHRDs have not waited for codification.

We cannot wait until 2029.

5. In your view, what are some practical strategies that states and international organizations themselves can employ to fulfil their (international and/or domestic) legal obligations to counter gender apartheid in Afghanistan (or at least to make sure they are not complicit in it) while simultaneously supporting humanitarian aid delivery without legitimizing the Taliban regime?

This is the heart of the matter. And in fact, I think there are a couple of questions in this one question. Starting with the first question about practical strategies pending codification, there are several things I think states can and should do. At the Feminist Foreign Policy Summit in Paris in October 2025, I argued that the states that say they have feminist foreign policies or other states that say they are committed to women's rights in Afghanistan should start labeling the situation as gender apartheid now. Please do not wait until

9. Afghanistan: UN experts deplore women sports ban, call for vigorous response. (2021). *UN Office of the High Commissioner for Human Rights*. [online] 14 Sep. Available at: <https://www.ohchr.org/en/press-releases/2021/09/afghanistan-un-experts-deplore-women-sports-ban-call-vigorous-response>.

2029 for codification. Start framing it this way now. It is critically important to do that to shape the discussion. Concomitantly, there are important ways of challenging that gender apartheid. One would be—and this was suggested to me by an Afghan WHRD I interviewed for my [2022] article—to send all-women delegations to meet with the Taliban. Governments and the UN should do this.

Since the Taliban is banning women [from all spheres of life], send all-women delegations to meet with the Taliban, comprised of women who are clearly committed to women's rights. Refuse to engage with the Taliban in ways that risk showing tolerance for gross abuses. And the way that one can do this is to subject all engagement or proposed engagement to human rights scrutiny, including scrutiny on women's human rights [situation]. Carefully consider what the potential impact on human rights of this kind of engagement would be. It is critical to consult and involve Afghan WHRDs in that process of scrutinizing proposed engagement.

How do we balance humanitarian needs and principled reaction? This is a difficult question. The Taliban are very aware of what a difficult question this is. If there is a sort of perpetual humanitarian crisis, which they themselves are helping to exacerbate, then, you know that somehow they will always be able to elude accountability for their human rights abuses because the justification will always be there that you cannot react robustly because it will hurt the Afghan people. So, what we have to look for is a principled way out of this conundrum.

One of the ideas that I have gone back to again and again actually comes from a document that was prepared by the UN Office of the High Commissioner for Human Rights and the UN High Commissioner for Refugees in 2013, in which they analyzed this very issue of the interrelationship between human rights and humanitarian action. The report emphasizes that protection of

human rights and humanitarian action are and must be mutually reinforcing.¹⁰ In other words, these are not two things you are supposed to play against each other. And clearly, we know, and I said this in the UN Security Council in 2023, that principled and non-discriminatory aid delivery is a matter of life and death in humanitarian crises. But we also know that the practice of gender apartheid gravely exacerbates humanitarian crises and the only way to actually enable an adequate response is to end apartheid practices. We have to reject the paradigm that plays these two dimensions against each other and insist on this kind of principled, consistent response.

10. Inter-Agency Standing Committee (2013). *The Protection of Human Rights in Humanitarian Crises [A Joint Background Paper by OHCHR and UNHCR IASC Principals]*. [online]. Available at: https://globalprotectioncluster.org/sites/default/files/2022-12/ohchr-unhcr_joint_paper_en.pdf.

BOOK REVIEW

‘Small Acts of Courage Accumulate into Collective Memory and Lasting Social Change’

By Marwa Raufi¹

Title: Escape from Kabul: The Afghan Women Judges Who Fled the Taliban
and Those They Left Behind

Author: Karen Bartlett

Year: 2025

Publisher: The New Press, New York

ISBN: 978-1-62097-873-3

Pages: 288

Some journeys begin not with footsteps, but with courage. Karen Bartlett’s *Escape from Kabul* shows this idea of survival and hope. Bartlett, a British journalist who has worked in war zones, tells the stories of Afghan women who endured extremely difficult times during and after the August 2021 fall of Kabul to the Taliban. She shows that even in the darkest moments, people can stay brave, hopeful and determined.

This book is more than just record of events. It tells the story of women who

1. **Marwa Raufi** is a medical student passionate about public health and women’s empowerment and uses digital tools to amplify women’s voices and foster resilience in her community.

refused to be silent. By reading about their experiences, Bartlett spurs readers to think about what freedom really means, i.e., not just escaping danger, but also keeping dignity and having voice. She writes with care and attention, showing both the truth of their lives and the feelings of the women. Her focus on Afghan women makes the book feel urgent and important, showing that gender equality is basic human right.

The book is organized as a series of tightly focused, first-hand accounts gathered from interviews and field reporting. Each chapter centers on specific women—judges, teachers, activists, and ordinary citizens—and links their personal choices to wider social and political changes. Bartlett writes in a journalistic-narrative style that blends investigative detail with intimate storytelling. The timeframe runs largely through the years leading up to and following the fall of Kabul in August 2021, showing both the build-up and the immediate consequences.

Escape from Kabul tells true stories of Afghan women judges, teachers, activists, and ordinary citizens whose lives changed because of war and political changes. Bartlett shows both their struggles and their strength. She writes about the dangers they face(d), like threats to their life, loss of livelihoods, or being stopped from going to school. But she also shows how they kept going while protecting their families, learning, and helping their communities.

Bartlett tells stories of important choices these women had to make. One story is about a female judge who had to leave her home after death threats. Another is about a young woman who wanted to continue her studies online even when it was risky. These stories show life under pressure and how people can resist even under very difficult circumstances. Bartlett also documents the remarkable international and local efforts that enabled female judges to escape after the Taliban takeover, ranging from clandestine evacuation networks coordinated by colleagues overseas to quiet acts of courage by those who remained inside Afghanistan. What makes these efforts particularly

distinctive is their blend of legal solidarity and personal bravery. The rescuers were not soldiers or diplomats, but fellow judges, lawyers, and activists who turned their professional ties into lifelines.

Bartlett's choice of subjects is significant, reframing Afghanistan's story through women who held public roles, highlighting their losses, strategies, and quiet acts of defiance. The book reveals rarely reported details—secret classes, improvised study groups, and informal escape networks—showing that survival involved preserving knowledge, professional identity, and inner strength (see examples in chapters 2–5). By documenting both extraordinary and everyday choices, Bartlett demonstrates how small acts of courage accumulate into collective memory and lasting social change.

Importantly, the book does not portray women merely as victims. It also shows how they resist and try to rebuild their lives. Bartlett uses their stories to show that courage connects to bigger struggles for justice and equality. The book feels real and emotional, showing both frustration and the incredible persistence of Afghan women.

One of the best parts of the book is how it turns major political and social issues into stories about people. Bartlett focuses on women's experiences, not on numbers or policies. Her writing is clear and emotional, helping readers understand what daily life is like for women who face impossible choices. The book is powerful because it lets the women speak for themselves.

Sometimes, the book feels more emotional than analytical. For example, Bartlett recounts a female judge who packed her life into a single laptop and a plastic bag at midnight—leaving behind decades of rulings when she found her name on a threat list (pp. 57–63). In this case, Bartlett emphasizes the woman's dread and personal loss rather than providing a legal or institutional analysis, which makes the passage feel more emotional than analytical. Another case describes a university student who tore up her student ID after classes were banned. In this instance, Bartlett dwells on the student's silence and grief rather than tracing the policy causes (pp. 64–74).

Bartlett briefly mentions politics and government, but she does not delve deep. A closer look at how laws or aid programs affected Afghan women would have made the book stronger for policy readers. Nevertheless, her approach works because it shows the real feelings behind the problems.

Bartlett also raises an important question: whose stories are heard, and who tells them? She mostly lets women tell their own stories, but sometimes her view as Western journalist comes through. Her role as an foreign journalist becomes visible when she frames local struggles using international human-rights language—for instance, comparing classroom restrictions to European norms (pp. 78–85). In these moments, the analytic lens shifts from the women's own voices to Bartlett's interpretive framing, revealing both the benefit and the limits of an outsider perspective.

Overall, however, she seems sincere. She appears to want to use her position to give a voice to women who are often ignored. She writes with respect, not pity, which makes the book believable and readable for many types of readers.

Another strong feature of the book is how it shows moral courage. Bartlett does not make courage seem big or heroic alone, but also quiet and ongoing; a struggle to stay true to your values. This idea is not just for Afghanistan; it makes readers everywhere think about how they respond to injustice or fear. The book connects personal experiences to feelings everyone can understand: fear, hope, love, and strength.

The lessons from *Escape from Kabul* are very important. Many women around the world still face limits on education, work, and basic rights. The book shows that courage alone is not enough and that real change needs support from communities, governments, and organizations.

Bartlett also stimulates readers to think about what empowerment really means. In Afghanistan, women's work or education is sometimes seen as progress. But Bartlett shows that this progress often happens just to survive,

not to fully gain freedom. True empowerment means changing the system, not just helping women adapt to existing (unfavorable) circumstances.

After August 2021, women in Afghanistan adapted to the sudden collapse of public institutions school closures, loss of legal protections, and restrictions on their mobility by creating covert alternatives such as secret evening classes and improvised online study groups (pp. 48–56). Bartlett explores how one teacher converted her sewing room into a classroom, instructing students to mute their devices whenever footsteps are heard; these small tactics preserve learning under extreme risk (pp. 48–56). Through these acts of creativity and resilience, Bartlett illustrates how Afghan women navigate immediate threats while maintaining education and professional identity, showing both local ingenuity and broader relevance to global struggles for gender equality and access to learning.

Bartlett links these stories to wider patterns of displacement and digital exclusion, showing how online education becomes a fragile lifeline for women when physical institutions fail (pp. 50–60). Thus, the book also connects Afghan women's stories to global issues. Women's struggles in one country are similar to struggles elsewhere. By showing this, Bartlett teaches lessons about shared humanity and global responsibility.

Finally, the book shows how media and storytelling can influence the world. When stories are told honestly and with care, they can change opinions and even policies. For anyone who wants to make difference, Bartlett's work shows why stories matter.

In terms of strengths, the book shows a variety of Afghan women and their lives; connects personal experiences to bigger social issues; is easy to read and engaging; and encourages understanding and empathy. In terms of weaknesses, the features limited detail on politics or government systems; and could explain more about laws or international programs.

Despite the two weaknesses listed above, the book is strong and interesting. It helps readers understand the human cost of conflict and makes them think about real empowerment. Bartlett focuses on individuals rather than systems, which makes the book emotional but less useful for detailed policy study. For most readers, this personal approach is what makes it memorable. Ultimately, *Escape from Kabul* is a book about courage and hope. It asks readers to pay attention to women living through crises and think about their strength and resilience. Bartlett shows that behind every story is a real person with fears, hopes, and bravery. Storytelling itself can be a form of resistance, and understanding these stories is the first step to change.

Above all, *Escape from Kabul* reminds readers of human strength and hope. It teaches that resilience is about more than surviving and it is believing in change. Even when the world seems silent, voices of courage keep rising. Bartlett's book leaves the reader with a strong message: empathy and courage can connect people everywhere, and telling the truth is a powerful form of freedom. It also encourages readers to reflect on their own lives, consider the challenges others face, and recognize the importance of standing up for justice, equality, and dignity, no matter how difficult the circumstances.

This book is also interesting when compared with other memoirs and non-fiction works about women living in war or political collapse. Unlike many Western memoirs written from a distance, Bartlett writes from close proximity and centers Afghan women's voices instead of her own. Compared with popular books by Afghan or Middle Eastern authors that focus only on trauma, *Escape from Kabul* highlights everyday resistance, solidarity, and subtle forms of courage. It does not present Afghan women only as victims, but as thinkers, professionals, and decision-makers. This makes the book different from many international narratives about Afghanistan that focus mainly on violence and tragedy.

For readers familiar with memoirs by women from countries affected by civil war or authoritarian regimes—such as Syria, Iran, or Iraq—*Escape*

from Kabul offers a similar emotional power, but with a unique emphasis on education, professional identity, and the struggle to protect knowledge under fear. By connecting individual stories to global ideas of dignity and human rights, Bartlett shows that Afghan women's fight is not isolated: it is part of a worldwide struggle for equality, agency, and the right to speak.

Beyond its historical and political insights, *Escape from Kabul* vividly portrays everyday acts of resistance—from hidden classes and studying under restrictions to creative solutions like online study groups. Bartlett emphasizes that the fall of Kabul was not merely political, but a loss of memory and opportunity for Afghan women, showing freedom as the right to education and self-expression. The book also highlights lesser-known acts of ingenuity, and while some chapters focus heavily on a few characters, it provides a compelling, multi-dimensional view of Afghan women as thinkers, professionals, and agents of change.

In short, *Escape from Kabul* is a compelling and necessary book. It is strongly recommended to readers who are interested in women's rights, modern Afghan history, journalism in conflict zones, or personal stories of resilience. High school and university students, researchers, and general readers who want to understand Afghanistan beyond the headlines will find this book both informative and emotionally engaging.

Editors

Mariam Safi is the founding Executive Director of the Organization for Policy Research and Development Studies, DROPS, which she established in Afghanistan in 2014 and expanded to Canada in 2021. She is a researcher and peacebuilding practitioner with more than 18 years of experience across Afghanistan and the wider South Asian region. Her work centers on policy development, inclusive governance and peace and security initiatives. In 2023, she joined the steering committee of the World Movement for Democracy, contributing to the movement's strategic direction. That same year, she became a research associate at SOAS University of London and at ODI, a leading London based think tank, where she authors policy briefs and conducts collaborative research on backlash against gender equality in authoritarian contexts. She also serves as an advisor to the Department of Politics and International Studies at the American University of Afghanistan, in addition to her engagement in several other academic and policy forums.

Rajeshwari Krishnamurthy is a research and communications professional based in The Hague. She is also a Visiting Fellow at the Institute of Peace and Conflict Studies (IPCS), New Delhi, where she previously served as the deputy director, simultaneously managing its Centre for Internal and Regional Security vertical. Her research covers policy-relevant dynamics at the intersection of international security, geopolitics, and the rule of law, with a primary focus on Southern Asia. Concurrently, she works on the interpretation and implementation of UNSCRs 1325 and 2250 in the South Asian context. Emerging technologies' impact on (non-)traditional security

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Authors

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Naheed Ahmadi Farid is a former Afghan Parliamentarian and former Chairperson of the House Standing Committee for Women Affairs from 2009 to 2021, holding the distinction of being the youngest-ever elected politician and lawmaker in Afghanistan.

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Negina Yari is a dedicated Afghan civil society leader and advocate for women's rights, peace, and equality, with over 14 years of experience in promoting women's empowerment, leadership, and protection of human rights. She is the Executive Director of Window for Hope, a network of Afghan women-led organizations committed to fostering peace, security, and equality through inclusive and sustainable initiatives. Additionally, she serves on the International Board of the Women's International League for Peace and Freedom and is a member of Human Rights Defenders Plus (HRD+). She is also the co-producer of *Unstoppable Women: The Afghan Women's Movement*, highlighting both the challenges and resilience of Afghan women. In December 2025, Ms. Yari represented Afghan civil society as a speaker at the UN Security Council, amplifying the voices of women and advocating for a just, peaceful, and inclusive society.

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Palwasha Mirbacha is an education economist and development practitioner with nearly two decades of experience across South Asia, primarily with the World Bank, and is a former fellow with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law. Her work is grounded in rigorous

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Marwa Raufi is a medical student in the field of psychology and a devoted explorer of the human mind. Her focus on psychology helps her understand diverse perspectives, while her technical projects allow her to apply structured thinking to real-world tasks, blending analysis with creativity. She is developing her skills in HTML, CSS, and JavaScript, creating projects that are both useful and impactful. She values empathy, persistence, and integrity. Through engagement in literature, technology, and medicine, Marwa demonstrates that knowledge is multifaceted, and growth comes when learning is applied across disciplines.

Peer Reviewer

Ahmad Reza Sadeqi, PhD, is a legal researcher specializing in criminal law and criminology. He previously served as a lecturer at Kateb University in Kabul and worked as a Program Assistant with the Afghanistan Justice Program (AJP). He was also a member of the drafting committee for Afghanistan's new Penal Code in Kabul. Dr. Sadeqi pursued advanced legal studies at Sciences Po University in France and has extensive experience in legal research, justice reform, and human rights.

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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