

Political Changes and Deterioration of Women's Rights in Afghanistan

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Abstract: The changes in the political landscape in Afghanistan, by the Taliban rule, dramatically change women's rights in the state. Internal strife, natural disasters, food shortages, cross-border mobility, poverty, and COVID-19 all worsen the situation of women's life in Afghanistan. Taliban imposes strict gender discrimination, prohibiting girls from continuing their education above the sixth grade, forbidding women from working outside the house and denying women their right to political involvement. The situation is not a surprise since, during the first tenure of Taliban rule, similar discriminations were imposed against women. At this point, the proposals put out by international organizations to enhance the rights of women and humans are not feasible. This study tries to determine the present state of women's rights deterioration in Afghanistan. It employs qualitative research methods, examining the latest international organization's reports on the situation in Afghanistan. It suggests that International Organizations should continue to pressure Afghanistan's government to accord the primary women's rights in Afghanistan, specifically, the right to education, the right to work and political rights. Political instability and armed conflict in Afghanistan have devastated women, exacerbating existing gender inequalities and exposing them to a range of human rights violations.

Keywords: *Human Rights, Girl's Rights, Women's Rights, Taliban*

1. Introduction

Afghanistan's political system went through numerous changes in the twentieth century, with the country establishing as a monarchy before experiencing a communist coup, Soviet occupation, and subsequent civil war. These events greatly affected women's rights in the nation. Women, for instance, achieved great advancements in education and employment prospects during the 1960s and 1970s. This was the result of the establishment of a constitutional monarchy, which enacted a number of reforms that enhanced the status of women. In 1978, a communist coup brought about significant changes in social policies, including emphasizing gender equality. However, these policies were short-lived

and were met with significant resistance, leading to a period of political instability and violence. Later, Conservative and Islamist forces gained ground because of the country's instability, which was exacerbated by the Soviet occupation in the 1980s. The conservative Islamist party the Taliban swept to power in the 1990s, significantly restricting women's rights already in a precarious position. Many of the rights and liberties of women were severely curtailed as a direct result of the Taliban imposing their own version of Sharia law. Women's access to the workforce, education, and autonomy was severely restricted. Additionally, women had to wear the burqa to conceal their entire bodies, including their faces, in order to avoid harsh punishment.

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The United States invaded Afghanistan and deposed the Taliban administration in 2001. In 2004, a new administration took power and a new constitution was ratified, both of which expanded legal protections for women. The administration made strides to boost women's access to education and healthcare, and more women entered the political sphere and the labour force. Although things had improved, the status of women in Afghanistan was still fragile. The security situation deteriorated, and the Taliban regained strength, launching a sustained insurgency against the government. The Taliban's resurgence eroded women's rights, particularly in areas under Taliban control. Women were again forced to wear the burqa, denied education and healthcare, and subjected to violence and abuse.

In 2021, the Taliban again took control of Afghanistan after US and NATO forces withdrew. The Taliban have promised to respect women's rights within the framework of Islamic law, but there are concerns that their interpretation of Islamic law will be similar to their previous regime. The Taliban stated that they would strictly interpret Sharia law, severely limiting women's freedoms and rights. According to the report, in 2022, the Taliban in Afghanistan implemented some of the most extreme gender-based discriminatory policies worldwide. They began by indefinitely banning secondary schools for girls, affecting 3.5 million teenagers. Public and private universities were closed to female students until further notice. Afghanistan is the only country where girls are banned from schools due to their gender. The Taliban also terminated thousands of female government employees' salaries and barred women from boarding planes or travelling without a male chaperone. Women were ordered to wear face masks when appearing on television, a unique and unjustifiable rule. In May 2022, human rights organizations reported a rise in child marriage cases, with girls as young as 13 being married off to men of any age. These measures have caused devastating consequences for Afghan women and society, and their reversal is necessary for sustainable development, peace, and stability in Afghanistan (Dawi, 2022). This article aims at dissecting the impact of political changes in Afghanistan, with periods of progress and regression.

2. Afghanistan's International Commitments Regarding Gender-Based Violence

Afghanistan's government has reformed several legislative and institutional strides to promote human rights and notably women's rights since the fall of the Taliban administration in 2001. The "Law on Elimination of Violence against Women" (EVAW Law) was passed by Presidential Decree in 2009 and later approved by Afghanistan's parliament in 2010. The criminalization of numerous violent and harmful acts against women marks a turning point in Afghan law. The broad definition of violence against women in the EVAW Law

includes rape, forced marriage, honour killings, and domestic abuse. Furthermore, the law requires the establishment of safe houses and shelters for women who have been victims of violence. Many Afghans view the EVAW Law as a significant victory in the struggle for gender parity. It establishes a legal framework for dealing with the issue of violence against women in Afghanistan, ensures that offenders face consequences, and moves in the direction of solving this prevalent social issue. Before this statute, women had little legal protection or remedy, as violence against them was typically seen as a private concern rather than a criminal. However, the law's implementation has been hampered by a number of factors, including a lack of public and law enforcement understanding and opposition from conservative and patriarchal parts of Afghan culture. Despite these challenges, the EVAW Law is an important tool for promoting and safeguarding women's rights in Afghanistan, and work continues to strengthen its implementation and guarantee that women have access to justice and protection from violence (Hakimi, 2020).

In addition to the aforementioned, the Afghanistan Independent Human Rights Commission (AIHRC) was established as a national human rights body in Afghanistan in order to monitor and ensure the protection of women's rights (OHCHR, 2014). The mission of the organisation is to promote and protect human rights in Afghanistan, as well as monitor and investigate human rights violations, including violations of women's rights, children's rights, freedom of expression, and torture. Legal help, medical care, and other forms of support are also provided to victims of human rights abuses. The commission routinely produces reports on problems such as women's rights, child protection, and the rights of ethnic and religious minorities. The AIHRC also looks into allegations of human rights abuses and tries to get justice for victims through the courts. However, the AIHRC has also encountered numerous obstacles in its pursuit of its mission, such as inadequate funding, security concerns, and opposition from conservative and religious groups. The commission's work is crucial in resolving ongoing human rights abuses and fostering greater respect for human rights in the country, and it remains an important institution in promoting and preserving human rights in Afghanistan.

Afghanistan also is a party to several international human rights instruments, such as the "International Covenant on Civil and Political Rights" (ICCPR). Articles 9, 10 and 14 of the Covenant oblige States to "include the right of all humans to a just trial and equal treatment under the law". It also ratified the "International Covenant on Economic, Social and Cultural Rights" (ICESCR) in which Articles 2 obliges States to "prohibit discrimination based on sex" and warrants that all rights are enjoyed by men and women equally. In addition to that, Afghanistan is also a state party to the "Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment" (UNCAT) as well as the "Convention on the Rights of the Child and its Optional

Protocols on the Sale of Children, Child Prostitution, and Child Pornography and Involvement of Children in Armed Conflict". (UN Treaty Body Database - OCHCR.org, n.d.). These international treaties and conventions principally prohibit any forms of discrimination against girls and women. Afghanistan is required by its treaty obligations to ensure that women have access to legal protection and are not subject to legal discrimination. The commitment to uphold international treaty obligations is acknowledged in Article 7 of the Afghan Constitution (Qazi Zada, 2021).

One of the most important international conventions against women's discrimination is the "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW). Ironically, Afghanistan is the first Muslim country to ratify CEDAW without reservation. By its ratification, it pledges commitment to eliminate all forms of discrimination against women and promote their full participation in all spheres of life. Afghanistan has demonstrated its dedication to achieving the goals of CEDAW by becoming a ratifying party to the convention. This includes enshrining in law the idea that men and women are on an equal footing, doing away with and replacing any discriminatory statutes, creating public bodies and courts to safeguard women from discrimination, and outlawing any discriminatory behaviour on the part of "individuals, groups, or businesses" with regards to women (Cheshmak, 2009). CEDAW influenced the Afghanistan Constitution of 2004 provides some measure of protection for the rights of women (Schoiswohl, 2006).

The Beijing Declaration and Platform for Action, which defines a comprehensive global strategy for achieving gender equality and empowering women, is another document Afghanistan has ratified. It provides a framework for tackling the structural and systemic hurdles that prevent women from fully and equally participating in all aspects of society, and it was endorsed during the Fourth World Conference on Women in 1995. It lays forth a set of pledges and proposals for governments and other stakeholders to improve gender equality and women's empowerment in a variety of fields, such as education, health, political involvement, and economic independence. (United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), 2015). The United Nations General Assembly adopted a set of Sustainable Development Goals (SDGs) in 2015, and Afghanistan has pledged to work towards those ends. SDG 5 places a clear emphasis on attaining gender equality and giving all women and girls more influence.

Afghanistan signed "United Nations Security Council Resolution" 1325, which promotes women's equal participation in conflict resolution, peacekeeping, and post-war rebuilding. It's a historic resolution that acknowledges women's disproportionate suffering in war and urges them to take an active role in fostering peace and resolving conflicts. The resolution is built on four pillars:

engagement, security, prevention, and rehabilitation. Women's rights are preserved during and after armed conflicts thanks to these pillars' emphasis on women's active participation in these processes. Afghanistan, as a signatory to UNSCR 1325, has pledged to work towards its goals of increasing women's involvement in peacebuilding and conflict resolution.

The continuous conflict, inadequate institutions, and cultural and religious hurdles have made it difficult for Afghanistan to implement and enforce these international women's rights instruments despite ratifying them. Nonetheless, these pledges lay the groundwork for improving the status of women and fostering gender equality in Afghanistan, and they can be used to hold the government to account for safeguarding and enhancing women's rights.

3. Withdrawal of US-led NATO Rule, the Taliban Rule and Women

The withdrawal of US-led NATO forces from Afghanistan in 2021 has resulted in a revival of Taliban rule in the country, with serious consequences for women's rights and gender equality. During the time the Taliban were in power (from 1996 to 2001), conservative societal standards severely restricted the independence of women. Concerns have been raised that, with the return of Taliban control, these repressive tactics could be reinstated, especially given the Taliban's rigid and fundamentalist understanding of Islam. Although the Taliban has stated that women will be allowed to work and attend school under the new regime, there are fears that the group's strict interpretation of Islamic law and conservative social norms will result in a reversal of previous gains in women's rights.

4. Types of Violation of Women's Right in Afghanistan

There have been numerous violations of women's rights in Afghanistan, particularly during the Taliban regime and in areas under their control. Followings are some of the most significant violations.

4.1. Denial of Education

The denial of women's education in Afghanistan has been a significant issue, particularly during the Taliban regime, which banned girls from attending schools and universities. Even after the fall of the Taliban, many girls and women in Afghanistan still face significant barriers to education. In September 2021, UNESCO reported that almost 1.1 million Afghan girls and young women are without access to formal education since the government has indefinitely postponed returning to school for girls above 12. 30% of Afghan girls never attended primary school, and 80% (2.5 million) of

Afghan girls and school-age young women, are not in school (UNESCO, 2023). Between 2001 and 2018, Afghanistan made great strides in education with assistance from UNESCO and the international community. From 5,000 in 2001 to 90,000 in 2019, there were roughly 20 times as many women enrolled in higher education. Women began to hold leadership roles in fields including politics, journalism, law, and medicine, and they significantly impacted how the nation was changed. Taliban's decision to bar women from higher education is denounced by UNESCO, which urges for its immediate revocation. "UN Human Rights High Commissioner" Volker Turk described the ban as "another appalling and cruel blow to the rights of Afghan women and girls and a deeply regrettable setback for the entire country" (UN News, 2022).

There are several reasons why girls and women are denied education in Afghanistan. One of the primary reasons is cultural and social conventions that prioritise male education while restricting women's mobility and liberty. Families may be reluctant to enrol their daughters in school if they are afraid of sexual assault or harassment. Additionally, poverty and conflict can make it difficult for families to afford school fees and for females to travel safely to school. The absence of female educators and unsafe modes of transportation further discourages young women from pursuing formal education. Classrooms, libraries, and laboratories are often in little supply, making it more challenging for girls to attend college.

Women's denial of education has grave consequences for their life and well-being. Women who are prevented from obtaining an education run a greater risk of getting married at an earlier age, having a greater number of children, and having poorer health. They also have a significantly greater propensity to live in poverty and are more likely to be financially dependent on men. When women are able to advance their education, they increase their chances of entering the workforce and becoming valuable members of their communities. Promoting gender equality and empowering women in Afghanistan requires expanding educational opportunities for girls and women. This involves funding programmes that provide scholarships and other forms of financial aid to girls and women, as well as investing in infrastructure like schools and transit networks to remove barriers to women's education.

4.2. Forced Marriages and Domestic Violence

Women in Afghanistan have been subjected to forced marriages, often at a very young age. Many women have also faced domestic violence, including physical and emotional abuse. In some cases, women who flee abusive situations have been punished or even killed for violating social norms. In November 2021, UNICEF reported that "child marriage in Afghanistan is on the rise" (UNICEF, 2021). Households would offer their daughters, some of whom were only 20

days old at the time, for marriage in exchange for a dowry. Prior to the 2021 political unrest, just in the provinces of Herat and Baghdis, UNICEF's partners counted 183 child marriages and ten instances of child sales between 2018 and 2019. The kids ranged in age from six months to seventeen. According to UNICEF figures, 28% of Afghan women between the ages of 15 and 49 were already married before they turned 18 (UNICEF, 2021). Women in Afghanistan are at risk of sexual assault and harassment in public and private spaces. These crimes are often underreported, and perpetrators are rarely held accountable for their actions (European Asylum Support Office, 2017).

4.3. Segregation of the Sexes

Women were not permitted to leave the house without the accompaniment of a male relative, while men were barred from some areas of public buildings. The Taliban continued a long-standing tradition of gender segregation in Afghanistan. The Taliban adhere to a rigorous interpretation of Islamic law and see gender segregation as a means of preserving modesty and decency by maintaining traditional gender roles. Schools, universities, and businesses were all male-only zones when the Taliban were in power. Women were not allowed to leave the house without a male guard or to work outside the home. They had to cover their entire bodies, including their faces, with garments like the burqa, which allowed for only a narrow slit of visibility. Following the rise of the Taliban in 2021, restrictions regarding gender segregation have been aggressively enforced. The burqa is mandated for women once more in public, and they are barred from enrolling in institutions of higher education on equal footing with men. The Taliban have stated that women will not be allowed to work outside the home, although they have also intimated that certain women might be allowed to work in "appropriate" sectors like medicine or academia. Women who did not have a male escort or who did not wear the burqa were subject to public beatings, imprisonment, and even execution if they were discovered. Men who had sexual relations with women outside the home or otherwise broke the rules of gender segregation were also subject to harsh punishment, including floggings and imprisonment. Women are only allowed in schools and universities that are exclusively for female students. Because of this policy, there is a wide disparity between the sexes in Afghanistan when it comes to access to resources like education and jobs.

The Taliban have also imposed rigid gender segregation in institutions like schools, hospitals, and government buildings. Many public transport vehicles have the back seats reserved for women since they are not allowed to sit next to men. Women can only interact with other female employees in government and medical facilities, and they must be escorted by a male relative. The Taliban enforced strict gender segregation as part of their policies, which drastically curtailed the rights and liberties enjoyed by Afghan women. It has made it more difficult for women to

participate equally in public life by barring them from a wide range of settings and activities. The doctrine has also contributed to widespread discrimination and abuse against women, who are often seen as property rather than equals.

4.4. Strict Interpretation of Islamic Law

The Taliban's strict interpretation of Islamic law had a significant impact on Afghan women. The Taliban ruled over Afghanistan from 1996 to 2001 and passed regulations that severely limited the freedoms and opportunities available to women. One of the many laws and rules the Taliban put in place is a stringent dress code. Women were forced to wear burkas in public that completely covered them with the exception of their eyes, which were visible through a tiny checkered aperture. Women who violated these taboos were subject to severe punishment, including as public whipping, lengthy prison sentences, or even death. These rules and laws restricted women's autonomy and upheld rigid gender stereotypes.

4.5. Limited Economic Opportunities

Women in Afghanistan face significant barriers to economic empowerment due to cultural and social conventions that discourage them from seeking employment outside the home. In the limited contexts in which women are legally permitted to hold occupations, they frequently face discrimination and harassment on the job. Women in Afghanistan's government also have been historically underrepresented. Although there has been considerable progress in this area in recent years, there are still many obstacles that women must overcome before they can fully participate in politics or assume positions of leadership.

4.6. Effects of Armed Conflict on Women in Afghanistan

The armed conflict in Afghanistan has had a devastating impact on women in the country. Violence is rampant against women. From January 1, 2021, to June 30, 2021, the UN Assistance Mission in Afghanistan (UNAMA) documented a large rise in the number of women, girls, and boys who were injured or killed. Women casualties during the period accounted for 14% of the total (727 total (219 died and 508 injured)), representing an increase of 82% when compared to the first half of 2020. The majority (57%) of women killed were victims of anti-government forces, followed by pro-government forces (31%), crossfire/other, and other, which together accounted for the remaining (12%) of women killed.

Ground engagements, which accounted for 46% of all women casualties during the first half of 2021, were the main cause of women casualties. Following this were non-suicide IEDs, which were responsible for 35% of women casualties, targeted killings (including men being targeted while women were unintentionally harmed), which were responsible for

9%, and airstrikes, which were responsible for 7% of women casualties. Women appeared to have been the primary target in 18 of the targeted killing episodes that claimed the lives of four women and injured another 25. These instances were among the 39 targeted killing incidents that claimed the lives of women. Motives behind target of the women are, among other, affiliation with Afghan National Police (ANP) officers (prison guards, judges, and journalists are examples of people with a professional affiliation), assisting the government or the ANSF or spying for them and accusation of "immoral behaviour" such as adultery (UN Assistance Mission in Afghanistan (UNAMA), n.d.).

Women have been subjected to high rates of physical and sexual violence during armed conflicts, including rape, forced marriage, domestic violence, and honor killings. Many women have been abducted, held for ransom, or forced into sexual or labour exploitation. The conflict has heightened the risk of violence against women, as armed groups have targeted women and girls for abduction, trafficking, and forced labour. They also have a hard time getting around because of culture and religious rules that limit their freedom of movement. These limitations have been exacerbated by security worries throughout the conflict, making it challenging for women to leave their homes or access basic services. Many women and children have been displaced from their homes and have sought sanctuary in other parts of the country or in neighbouring countries as a result of the fighting. As a result of their displacement, women now face greater barriers to accessing essential services and are at a higher risk of experiencing violence and exploitation.

5. Conclusion

Changes in government and the erosion of women's rights in Afghanistan are the result of a complex interplay of historical, cultural, social, economic, and political forces. Long-standing cultural and social traditions in Afghanistan contribute significantly to the country's appalling treatment of women and restriction of their rights. As a result of the predominant patriarchal culture in this country, it is common for people to consider the rights of women to be less important than the rights of males. The instability of the government and external influences have also contributed to this issue. Because of their staunch adherence to a fundamentalist interpretation of Islamic law, the Taliban severely curtailed women's freedoms.

The decline of women's rights in Afghanistan has been exacerbated by both internal and external factors. The country has been at the centre of geopolitical rivalry, with countries both near and far competing for influence in the region. In certain cases, external factors have contributed to the worsening of conflicts and instability, making life even more difficult for women and girls. Political unrest and years

of conflict, including a protracted civil war, foreign invasions, and Taliban rule, have worsened women's rights in Afghanistan. Law and order have crumbled as a result of this instability allowing for numerous abuses of human rights, including violence against women and girls. The Soviet occupation and the ensuing civil war in the 1980s left women and girls particularly susceptible to violence and insecurity. When the Taliban came to power, they enforced a strict interpretation of Islamic law that severely restricted women's rights, including their ability to receive an education, work, or receive medical care. The Taliban dictatorship was toppled and democracy and human rights were restored in Afghanistan after the US-led invasion in 2001. Efforts to advance women's rights have been slow and patchy, with persistent conflict and political instability being major factors. As the United States left Afghanistan in 2021, many worry about what will happen to women's rights once the Taliban take power. The decline of women's rights in Afghanistan has been exacerbated by both internal and external factors. The country has been at the centre of geopolitical rivalry, with countries both near and far competing for influence in the region. In certain cases, external factors have contributed to the worsening of conflicts and instability, making life even more difficult for women and girls.

The issue requires a coordinated global community. It is imperative that efforts be made to actively promote gender equality and women's empowerment, and that women and girls be protected from harmful treatment and discrimination. The inclusion of women and girls in policymaking, the protection of their rights, and the opportunity to have their voices heard are additional crucial steps. On Women's Day, March 8, 2023, the international community is drawing attention to the severe decline in the human rights of women and girls in Afghanistan. Women and girls in Afghanistan face significant barriers to participation in society and the workplace. Victims of sexual and domestic violence have also seen a decline in support services. These policies will ruin Afghanistan's economy and society, impacting everyone. Full respect for women's and girls' human rights, as well as their engagement in society, is critical for Afghanistan's long-term economic and political development, social cohesion, stability, and peace (US Fed News Service, 2023).

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