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Legal Commitments, Systemic Violations: A Comprehensive Analysis of the Taliban and CEDAW Obligations in Afghanistan (2021–2025)

A FEINSTEIN INTERNATIONAL CENTER PUBLICATION 

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INTRODUCTION

This report provides a comprehensive analysis of the nexus of Afghan girls' and women's rights and lived experiences, the Taliban's legal and policy framework and practices, and Afghanistan's binding obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The information presented in this report covers the Taliban rule in Afghanistan between August 2021 to October 2025.

This report builds upon existing publications and analyses to provide the first near-comprehensive documentation and critical examination of the Taliban's laws, edicts, bans, policies, and practices in relation to Afghanistan's binding obligations under the first 16 Articles of the CEDAW. Through rigorous, evidence-based analysis, the report assesses the extent to which the Taliban's governance has affected the rights and lived experiences of women and girls in Afghanistan, specifically through the normative framework established by CEDAW. The report is intended to inform and complement national and international actions to support, uphold, and protect the rights of women and girls in Afghanistan currently living under Taliban rule.

Afghanistan, the Rule of Law, and the Convention to Eliminate All Forms of Discrimination against Women

The rule of law and respect for international human rights and humanitarian law are fundamental to a rights-based global society—one that upholds human dignity, ensures security, and protects individuals and their communities. These legal frameworks are essential mechanisms for safeguarding lives and guaranteeing fundamental rights and freedoms. As a member of the United Nations, Afghanistan is bound by the United Nations Charter, the Universal Declaration of Human Rights, and has ratified 17 international conventions, including, among others:

- International Covenant on Civil and Political Rights (1983)
- International Covenant on Economic, Social and Cultural Rights (1983)

- International Convention on the Elimination of All Forms of Racial Discrimination (1983)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
- Convention on the Rights of the Child (1994)
- Convention on the Elimination of All Forms of Discrimination against Women (2003)
- Convention on the Rights of Persons with Disabilities (2012)

Importantly, in 2003, Afghanistan ratified CEDAW without reservations, indicating a formal acceptance of its full scope and obligations without exception. These treaties collectively guarantee the rights of women and girls and obligate the state to prevent discrimination and ensure equal protection under the law.

In the aftermath of the first Taliban regime (1996-2001), the 2001 creation of the Afghanistan Ministry of Women's Affairs played an important national, institutional role in promoting women's and girls' rights and opposing gender-based discrimination. In June 2002, the Afghanistan Independent Human Rights Commission was created to promote, protect, investigate, and monitor human rights in Afghanistan. The Afghanistan Independent Human Rights Commission played an essential role in promoting women's and girls' human rights, and in addressing widespread, institutionalized, sexual and gender-based discrimination and violence in the country. The Commission also played a strategic role in the government's ratification of CEDAW on March 5, 2003, and in promoting CEDAW's influence to shape the 2004 Constitution. The 2004 Constitution explicitly granted women equal rights and duties with men under the law, outlawed gender-based discrimination, and guaranteed women's right to fully participate in public, economic, social, and political life.¹ The Afghanistan Independent Human Rights Commission's mandate was further reinforced by its inclusion in the 2004 Constitution.

Advancements and Barriers

Following the fall of the first Taliban regime in December 2001, girls and women gained increased access to political participation and civic life, education, healthcare, economic, and social opportunities. During the Islamic Republic of Afghanistan (Republic Period) of 2004-August 2021, Afghan girls and women experienced both notable advancements and persistent challenges in the realization of their rights.

In 2004, Constitutional provisions were introduced to ensure gender equality, and Constitutional quotas were created to help promote and ensure Afghan women's representation in the National Assembly (parliament). Women served as ministers, deputy ministers, international diplomats, governors, deputy governors, mayors, judges, and prosecutors. Sixty-eight women were members of the national parliament (27 percent of parliament), with nine women holding deputy-minister or minister positions. In 2020, there were 280 women judges, more than 500 women prosecutors, and 21 percent of the defense counsel were women. There were over 1,500 women in the armed forces, and more than 3,100 in the police forces.²

Women were active in professional offices and the workforce. By 2020, women made up 21 percent of all Afghan civil servants and held 16 percent of managerial positions. Women comprised 6 percent of middle and senior management positions. Women comprised nearly half of the medical profession and were prominent in the media and airline industries. However, women were excluded from certain professions, including segments of the judiciary and civil service.³

Key health indicators showed solid progress for women and girls, including a halving of maternal mortality rates from 1,450 deaths per 100,000 live births in 2001 to 638 deaths per 100,000 live births in 2017. The rate of girls and women giving birth with skilled attendants markedly increased from 12 percent in 2000 to 59 percent in 2018. Infant mortality rates fell by half, from 127 for every 1,000 live births in 2001 to 59 for every 1,000 births in 2021. Under 5 years mortality fell by half, from 125 deaths per 1,000 children in 2001 to 58 deaths per 1,000 in 2020. By 2020, Afghans' access to health had greatly improved with over 3,100 functioning health facilities, ranging from primary health centers to specialized hospitals. By July 2021, 87 percent of

Afghans could reach a functioning health facility in two hours or less.⁴

Educational access expanded significantly, with millions of girls enrolling in schools and universities, and over 100,000 women becoming primary and secondary teachers. In 2001, there were almost no Afghan women professors at the universities. By 2021, 14 percent of university faculty were Afghan women. That same year, 2021, women made up 29 percent of all university students in Afghanistan.⁵

Despite these gains, progress was uneven and often constrained by deeply rooted patriarchal norms, particularly in rural areas where conservative views on gender roles remained entrenched. When the Taliban first gained momentum as a political movement in 1994, their ability to mobilize support by appealing to religious and cultural values—especially in contrast to the perceived corruption and ineffectiveness of previous governments—further accelerated this shift toward conservatism. Over 40 years of conflict and war in Afghanistan significantly contributed to the entrenchment of conservative and patriarchal norms across many sectors of society. Decades of armed conflict disrupted traditional economic structures, education systems, and social support networks, resulting in widespread instability and the erosion of state institutions. In such environments, Afghan communities often sought refuge in familiar social frameworks, including traditional and religious norms, which were perceived as sources of stability and order in times of uncertainty.

In Afghanistan, the collapse of formal governance structures and the persistence of insecurity provided space for the emergence and consolidation of conservative and fundamentalist groups. These groups frequently presented themselves as defenders of so-called traditional values, gaining legitimacy by promising order and moral clarity amid societal fragmentation. As a result, they often exerted significant influence over communities, particularly in rural areas, reinforcing patriarchal, conservative gender roles and norms.⁶

In Afghanistan, as elsewhere, conflict disproportionately impacted women and girls, increasing their vulnerability and frequently resulting in the reinforcement of restrictive practices. Families turned to child marriage as a perceived form of protection or as a coping strategy in response to economic hardship and insecurity. Additionally, the

violence and destruction associated with prolonged war, in some cases, led to disillusionment with secular or modernist ideologies, prompting a return to more cultural or religious frameworks.⁷

In such unstable contexts, traditional gender norms and strict social controls are often viewed as mechanisms for preserving family and community integrity in the face of persistent insecurity, and such perceptions and actions continued throughout the Republic Period.⁸ To illustrate, 2014 survey data from Pew Research Center highlights a stark contrast between formal support for gender equality and deeply entrenched conservative attitudes. While a strong majority of Afghans—90 percent—supported equal legal rights regardless of gender, and 83 percent endorsed equal access to education for women and men, these values were not consistently reflected in beliefs and practice. The survey data revealed that only half of the Afghan males surveyed supported a woman’s right to work, and over 90 percent said women should mostly or always obey their husbands. Together, these findings revealed that while public declarations of gender equality existed, girls and women in Afghanistan continued to face significant cultural, educational, and political barriers to fully exercise their rights.⁹

The impact of conflict on Afghan society has never been uniform. The lived experiences of Afghans during the years of war have varied widely based on factors such as geography, ethnicity, class, and gender, underscoring the complexity of social transformation in the context of protracted conflict. Thus, while a rise in conservatism has been observed, particularly in conflict-affected and rural regions, there have also been ongoing efforts by women’s rights and human rights advocates to promote human rights and democratic values. These efforts are most evident among urban populations, civil society actors, and particularly among educated women, who have continued to advocate for legal reform, gender equality, and civic participation.

Despite important gains during the Republic Period, Afghan girls and women continued to trail behind boys and men on all key development indicators and faced systemic barriers to accessing their rights across all sectors. Gender-based violence remained widespread, including within domestic settings, and early and forced marriage rates were high. Girls and women encountered restrictions on their freedom of movement, expression, and dress, and limited economic opportunities, especially in regions under

conservative control. Girls and women’s access to public spaces such as parks, gyms, recreational activities, and bathhouses was limited.¹⁰

In sum, while the Republic Period of 2004-2021 brought measurable improvements in Afghan girls’ and women’s access to services, health, education, and participation in public life, these advances were often fragile and unevenly distributed. Enduring conservative, patriarchal social, cultural, and institutional obstacles continued to undermine girls’ and women’s full enjoyment of their rights, highlighting the difficulty of progress in the Afghan context.

Taliban Return to Power

On August 15, 2021, the Taliban took over Afghanistan for the second time. Following their takeover, the Taliban declared that they reject international human rights law, claiming instead to follow the so-called “Law of God.” The Taliban implemented sweeping legal and institutional changes that significantly curtailed women’s and girls’ rights. They rejected the 2004 Constitution as a Western imposition. They disbanded the Ministry of Women’s Affairs, replaced it with the Ministry of Virtue and Vice, and ordered the Morality Police to enforce new laws and decrees that discriminate against women and girls. This new body, supported by the Morality Police, enforces restrictive and discriminatory laws, policies, and practices targeting women and girls. The Taliban repealed the Elimination of Violence Against Women Law. They abolished the Afghan Independent Human Rights Commission and other national mechanisms for the protection of human rights, including women’s and girls’ rights.¹¹ The Taliban closed the Special Prosecutor’s Office and the Special Court for the Prohibition of Violence against Women and the Prohibition of Harassment of Women. The Taliban dissolved all democratic institutions created under the previous government. Over the following months and years, the Taliban issued decrees and bans that violated both national and international legal standards, including Afghanistan’s commitments under the CEDAW. The Taliban’s laws, edicts, policies, and practices undermined women’s and girls’ human rights, equality before the law, and equal protection of the law.¹²

Since their takeover, the Taliban promulgated over 100 laws, edicts, bans, policies, and practices that

violate girls' and women's human rights, which are guaranteed under international law, including CEDAW, Afghanistan's national laws, and many Afghan traditions and customs.¹³ As we document and analyze throughout this report, these laws, edicts, policies, and practices discriminate against girls and women and violate their most fundamental human rights, most notably: freedom from torture; freedom of thought, conscience, and religion; the right to equality and non-discrimination; the right to life; the right to a fair trial; the right to freedom of movement; the right to education; the right to work; the right to health; the right to adequate standard of living; the right to freedom of expression; the right to freedom of association and assembly; and the right to participate in public affairs.

Passed on August 21, 2024, the Taliban's law entitled "Propagation of Virtue and Prevention of Vice," is one of the most wide-ranging and discriminatory laws against women and girls that the Taliban have passed (discussed in detail in CEDAW Articles 2 and 3 of this report).¹⁴ This law discriminates against and imposes severe restrictions on Afghan girls' and women's human rights, personal freedoms, and human dignity.¹⁵

Since the Taliban takeover in August 2021, Afghanistan has consistently ranked as one of the worst countries in the world for girls and women.¹⁶ In 2023, it placed last among 146 countries in the World Economic Forum's *Global Gender Gap Report*, based on women's economic participation, educational access, and political representation.¹⁷ In 2023, the United Nations named Afghanistan under Taliban rule the world's most repressive country for women.¹⁸ The United Nations has raised alarms regarding femicide in Afghanistan due to societal discrimination and extensive sexual violence used by actors as a tool for control, intimidation, and repression of women and girls.¹⁹ In 2025, UN Women's Gender Index, which combines UN Women's Empowerment Index and UNDP's Global Gender Parity Index, found that under the Taliban, Afghan women and girls have been forced out of nearly every arena of public and civic life. Afghan women and girls are now significantly behind in all international standards for human development, with no pathways left open to catch up.²⁰ UN Women's Gender Index also finds that Afghanistan has the second widest gap in equality between women and men in the world, "with a 76 per cent disparity between men and women across key dimensions: health,

education, financial inclusion, decision-making, and freedom from violence. These numbers are not just statistics, they represent millions of lives restricted, silenced, and stripped of dignity."²¹

The Taliban's Obligations Under CEDAW

Importantly, the Taliban are the de facto ruling authority in Afghanistan, and as such, they are legally obligated to uphold the country's international human rights commitments that the country signed and ratified, including CEDAW. Thus, as the de facto ruling authority in Afghanistan, the Taliban can be held in violation of CEDAW.

Can the Taliban withdraw Afghanistan from CEDAW? CEDAW does not contain an explicit provision allowing withdrawal or denunciation. In such cases, international treaty law looks to the Vienna Convention on the Law of Treaties, which governs treaties that are silent on withdrawal. Articles 54 and 56 permit withdrawal only where the parties clearly intended to allow it or where such a right can be inferred from the nature of the treaty.

Human rights treaties such as CEDAW are treated differently under international law. The Human Rights Committee and other international bodies have consistently affirmed that these treaties establish enduring legal obligations and do not imply a unilateral right of withdrawal. The object and purpose of human rights instruments are understood to preclude denunciation unless expressly provided for, which CEDAW does not do.

Even if a State nevertheless sought to withdraw, it would be required to submit formal written notification to the UN Secretary-General, the treaty's depositary, with withdrawal typically taking effect no earlier than twelve months after notification. Importantly, withdrawal would not extinguish obligations incurred while the State was a party to the Convention, including compliance with CEDAW Committee recommendations and reporting duties arising during the period of membership.²²

These legal constraints significantly limit the feasibility of withdrawal from CEDAW. The absence of a withdrawal clause, combined with established interpretations of international law, underscores the binding and continuing nature of CEDAW

obligations. To date, no State has attempted to withdraw from the Convention.

In Afghanistan's case, the Taliban cannot withdraw the country from CEDAW in any event. Only Russia has recognized the Taliban as Afghanistan's legitimate government since August 2021,²³ and the United Nations does not recognize the Taliban as the lawful government of Afghanistan. Lacking international legal recognition, the Taliban has no standing to enter into or denounce international treaties. At the same time, as the de facto authorities exercising control over the territory, the Taliban remains bound to respect international law, including Afghanistan's existing obligations under CEDAW.

International Efforts to Hold the Taliban Accountable for Discrimination Against and Violation of Women's and Girls' Rights

Galvanized and informed in large part by the Taliban's systematic discrimination and violence against Afghan women and girls, international efforts are mounting to find ways to hold the Taliban accountable for their widespread discrimination against and violation of women's and girls' rights.

An international effort led by Afghan women in exile and their allies that is gaining traction at the highest levels of international law and governance is to include the crime of gender apartheid as a crime against humanity under Article 2 of the draft Prevention and Punishment of Crimes against Humanity convention. The United Nations Human Rights Council's Working Group on the Issue of Discrimination against Women in Law and in Practice found, "In Afghanistan, Taliban edicts, policies and practices constitute an institutionalised system of discrimination, oppression and domination of women and girls, amounting to gender apartheid... Only the apartheid framework can fully grasp the role of intent, ideology and institutionalisation in gender apartheid regimes as seen in Afghanistan."²⁴ The Special Rapporteur on the situation of human rights in Afghanistan in his investigations found that "the Taliban's institutionalized system of discrimination, segregation, disrespect for dignity and exclusion of women and girls constituted in and of itself a widespread and systematic attack on the entire civilian population of Afghanistan. The attack is both widespread, being countrywide and affecting large

numbers of civilians, and systematic, being organized at the highest levels of de facto governance and following a regular pattern. It is committed pursuant to or in furtherance of an organizational policy, which Taliban officials have not attempted to hide."²⁵ The Special Rapporteur "is firmly of the view that gender apartheid most fully encapsulates the institutionalized and ideological nature of the abuses in question."²⁶ UN Secretary-General Antonio Guterres stated that the Taliban's laws, policies, and actions amount to "...unprecedented, systemic attacks on women's and girls' rights [that] are creating gender-based apartheid."²⁷

In September 2024, Australia, Canada, Germany, and the Netherlands, on behalf of a group of 22 nation-states, announced they are bringing a case against the Taliban to the International Court of Justice for violations of women's and girls' rights under CEDAW. This case would be the first time any country or its de facto leadership has been called before the International Court of Justice for discrimination against women and girls.²⁸

On June 24, 2025, amid growing concerns from Afghan women about the erosion of their rights and exclusion from the international arena, the UN Committee on the Elimination of Discrimination against Women CEDAW undertook an unprecedented review of Afghanistan's compliance with its obligations under the Convention—despite the absence of engagement from the current de facto authorities (who were invited but declined to respond or attend). The Committee held a public dialogue with a delegation of former Afghan officials and exiled women's rights advocates, marking a significant procedural development. To prepare the periodic report, the Permanent Mission of Afghanistan formed a Steering Committee, Drafting Committee, and Advisory Committee, supported by thematic working groups. These bodies collaborated with women human rights defenders and civil society organizations to collect data. The report drew on diverse sources, including human rights documentation, academic and media analyses, information from the Taliban de facto authorities, and a multilingual survey conducted across all provinces and among the diaspora. The resulting report provided limited specific instances, with quotes by women and girls, of Taliban violations of each of CEDAW's first 16 Articles, and documents the Taliban's widespread discrimination against and disempowerment of Afghan women and girls.²⁹

Women human rights defenders—both within Afghanistan and across the diaspora—have worked closely to gather and share evidence of the Taliban’s extensive rights abuses against women and girls. This work has been vital in raising international awareness and supporting legal actions before the International Criminal Court (ICC). Importantly, these efforts helped lead to the ICC’s issuance of arrest warrants in July 2025 for Taliban Supreme Leader Haibatullah Akhundzada and Chief Justice Abdul Hakim Haqqani, on charges of gender-based persecution. This marks a significant step forward in recognizing and confronting the Taliban’s systemic mistreatment of women and girls.

On October 6, 2025, the United Nations Human Rights Council approved the formation of an independent investigative mechanism tasked with documenting and preserving evidence of international crimes and human rights violations in Afghanistan. Initiated by the European Union and adopted by consensus, this resolution reflects a significant shift in the international community’s approach to Afghanistan’s entrenched culture of impunity. The mechanism’s mandate includes investigating abuses committed by all parties to the conflict, including the Taliban, the Islamic State of Khorasan Province (ISKP), the former Afghan government and security forces, as well as international military actors. Its objective is to compile and safeguard evidence of crimes such as war crimes, crimes against humanity, and acts of gender persecution. This evidence is intended for use in future legal proceedings, both domestic and international, including possible collaboration with the ICC, which has already issued arrest warrants for senior Taliban officials.

This initiative follows decades of advocacy by Afghan human rights defenders and civil society groups, including the now-defunct Afghanistan Independent Human Rights Commission. Although calls for an accountability mechanism began in the early 2000s, the urgency increased sharply after the Taliban regained control in August 2021 and engaged in consistent patterns of human rights abuses. These include arbitrary detention, torture, extrajudicial killings, and widespread discrimination against women, girls, and ethnic minorities.

The Taliban’s latest actions have drawn international concern for its institutionalized discrimination against women and girls, described by experts and advocates as a form of gender apartheid. The

new mechanism is expected to focus in part on investigating the enforcement of Taliban decrees that ban women and girls from accessing education, employment, and public life—practices considered violations of international law. While the mechanism does not have the authority to prosecute, its role in evidence collection marks an essential first step in establishing accountability. Its establishment sends a clear message that violations—particularly those targeting women—are not merely cultural or political matters, but serious breaches of international human rights norms. Ultimately, this mechanism lays the groundwork for future justice processes, including trials, truth commissions, and reparations.³⁰

Report Overview

Our report complements these international reports and actions by offering the first near-comprehensive documentation and analysis of how the Taliban’s laws, edicts, bans, policies, and actions interact with Afghanistan’s binding commitments to women’s and girls’ rights guaranteed under the first 16 Articles of CEDAW from the period of August 2021 to October 2025. Through rigorous analysis and evidence-based research, this report highlights the impact of the Taliban’s laws, edicts, policies, and practices on the rights and lives of women and girls in Afghanistan through the lens of the Taliban’s obligations under CEDAW.

In this report, each of the first 16 Articles of CEDAW is presented as a separate section. Each section starts with a concise overview of the relevant Article of CEDAW. We then highlight important developments regarding Afghan girls and women’s rights guaranteed in the specific Article that occurred between December 2004 to August 2021, during the time of the Islamic Republic of Afghanistan. Then, drawing on relevant material from the 379 sources identified for our study (see Methods below), in each section, we document and analyze the situation of the rights of women and girls in the specific Article of CEDAW under the current Taliban regime from August 2021 until October 2025. In our documentation and analysis, we seek to be as comprehensive as possible regarding the findings for the rights enshrined in each Article of CEDAW. Notably, some rights of Afghan girls and women within CEDAW have more comprehensive data available on them, such as the right to health care and education, than others, such as measures to suppress all forms of

trafficking in and prostitution of girls and women, and our write-up reflects this reality.

We recognize that the rights protected under CEDAW are interconnected and mutually reinforcing. To avoid repetition in our examples of Taliban violations, we placed each violation under the Article of CEDAW to which it is most relevant. Each Article has been written to be comprehensive and able to stand alone. As a result, reference to larger Taliban laws, policies, and practices that cut across multiple, interrelated rights appear in the section on every applicable Article.

Study Design and Research Methods

This report is authored by Professor Dyan Mazurana, Ph.D., Sima Samar, M.D., and a team of graduate students from the Fletcher School of International Law and Diplomacy at Tufts University, USA. Graduate student co-authors are Courtney Rosani, Sarah Haviland, Rio Ponce, Annie Levy, Allton Vogel-Denebeim, and Sejal Jain. Lauren Davis provided important assistance with citation of sources.

Research design

In the fall of 2023, Drs. Mazurana and Samar conducted a series of consultations with a total of 47 experts to help inform their design of a multi-year research project on the state of women's and girls' rights in Afghanistan. Mazurana and Samar held these consultations with scholars and academics with expertise on Afghanistan; international and national human rights and women's rights defenders; international human rights law, humanitarian law, and criminal law legal scholars; United Nations experts; senior Afghan government officials living in exile; government officials with experience on Afghanistan from the United States, Canada, United Kingdom, Italy, Germany, the Netherlands, Norway, Sweden, and South Korea; and members of Afghan civil society in Afghanistan and exile. Based on these consultations, Mazurana and Samar designed a research project to provide comprehensive documentation and analysis of the Taliban's legal and practical actions regarding Afghanistan's legal obligations to eliminate all forms of discrimination against women and girls under CEDAW.

Data collection

Because field research inside Afghanistan was impossible for members of the research team to

undertake due to Taliban prohibitions on local and foreign women's movement inside Afghanistan, we collected information from a variety of reliable sources regarding the Taliban's laws and practices for each of the first 16 Articles within CEDAW. Under the leadership of Mazurana and Samar, we recruited a team of seven Master's-level, graduate students—Courtney Rosani, Sarah Haviland, Rio Ponce, Annie Levy, Allton Vogel-Denebeim, and Sejal Jain—from the Fletcher School of International Law and Diplomacy at Tufts University to assist in the collection and analysis of this information.

The team conducted research into a variety of reliable sources regarding the Taliban's laws, decrees, proclamations, and practices as they pertained to and affected the situation of women's and girls' rights guaranteed under CEDAW. The team carried out their research of sources in Arabic, Dari, English, German, Pashto, and Urdu. A total of 379 sources were included in the study. To identify these relevant 379 sources, the team reviewed a series of publications, included scholarly peer-reviewed articles and books; official statements and publications by Taliban leadership; international resolutions, statements and reports by the United Nations Security Council, General Assembly, Special Advisors and Rapporteurs, and leading United Nations agencies; international reports by the World Bank and United Nations; national reports by governments; international reports by international non-governmental organizations, including but not limited to humanitarian organizations, and non-governmental organizations; international reports by human rights organizations and civil society organizations.

The team also searched credible and reliable media sites, including international sources such as Al Jazeera, BBC, CNN, New York Times, Washington Post, the Guardian, among others, and respected sources that focus on Afghanistan, including Zangeneh Times and KabulNow, among others. The team reviewed recorded webinars, recorded scholarly and expert panels, and media interviews on the topic of women's and girls' rights in Afghanistan between August 2021 to August 2025. The team also followed Taliban leadership on their official social media posts to collect relevant information.

Data management

All sources that contained relevant information were compiled in a Box file that was divided into folders for each of the first 16 Articles of CEDAW.

Researchers were divided into teams that worked on the first 16 Articles of CEDAW. A team leader reviewed all the sources to ensure they were relevant to the CEDAW Article.

Data analysis and write-up

We carried out scholarly, legal analyses of CEDAW to determine the parameters of each of the first 16 Articles of CEDAW and its application to Afghan women and girls. We then reviewed all 379 sources of information we collected to determine which applied to each of the 16 CEDAW Articles and sorted them into the Box files. All points of information from the 379 sources about Taliban laws and practices cited in the report were triangulated with at least two other unique sources to ensure accuracy.

Notably, in some cases, regional Taliban leadership may impose certain restrictions on Afghan women and girls living in their areas of control that those living outside those areas may not experience as fully. In these cases, we note the provinces where different forms or intensities of the restrictions are in place. Throughout the report, we include the voices of Afghan women, girls, men, and boys who were quoted in some of the 379 sources to bring to life their experiences under the Taliban since 2021. The masters-level students then wrote drafts of the violations of the Taliban for each of the 16 Articles. Each CEDAW Article and its accompanying data were then reviewed by Mazurana and Samar to check for accuracy and applicability. Mazurana wrote the overview of the content of each of the 16 Articles as well as the background of the issues covered in each Article before the Taliban takeover in August 2021. Samar reviewed all the materials for accuracy and provided additional insights throughout the drafting and writing process. Mazurana used ChatGPT to highlight any grammar, spelling, punctuation, and sentence structure errors, which she then corrected. Mazurana used ChatGPT to highlight areas within the overall report that should be edited to ensure a more consistent voice and academic tone, which she then edited and rewrote. The final version of each CEDAW Article was edited by Mazurana.

Overall Findings

We find that countrywide, the Taliban's laws, decrees, policies, and actions have institutionalized gender-based discrimination that violates every Article of CEDAW, inflicting harm on Afghan women and girls—physically, psychologically, economically,

politically, socially, and culturally. We find that the Taliban's violations of Afghan women's and girls' rights under CEDAW occur regularly, in numerous ways, with complete impunity.

While the Taliban's nationwide laws, decrees, policies, and actions that restrict and violate the rights of women and girls are broadly implemented across Afghanistan, the degree of enforcement varies. Several factors influence the strictness of implementation, including the individual Taliban commander overseeing a particular area; how well families or local leadership can negotiate with local Taliban officials or enforcers; the rural or urban nature of the locality—with rural areas occasionally experiencing slightly more leniency; the interaction between local customs or traditions and specific Taliban regulations; the proximity of the area to hardline elements within the Taliban leadership; and the political significance of the area to the Taliban's broader governance objectives. We note throughout our report when we encounter these variances. Nonetheless, our research finds that variations are minimal and do not indicate any substantial relaxation of the Taliban's widespread discrimination against women and girls.

Though the conditions are often severe and overwhelming, some Afghan women, girls, and their national and international allies have found ways to both adapt and resist these violations of their human rights. Inside Afghanistan, women, girls, and their allies have held public and online protests against the Taliban's rights violations. They have established secret schools. They continue to run businesses and work as artists, journalists, teachers, health care providers, social workers, and aid workers. Afghan women in exile and the diaspora continue to push international civil and human rights organizations and movements, governments, and national and international organizations to use a variety of methods to support Afghan women and girls and pressure the Taliban to uphold Afghan women's and girls' rights. Afghan women and their allies collaborate with national and international human rights bodies to document the violations of women's and girls' rights under the Taliban. Afghan women and their allies are also working to criminalize the gender apartheid as a crime against humanity in an international convention on preventing and punishing crimes against humanity, and to hold the Taliban accountable using international courts.

We hope this report serves as a critical resource by providing rigorous documentation and analysis of Afghan women's and girls' rights enshrined in the first 16 Articles of CEDAW, the Taliban's systematic and widespread violation of these rights, and Afghan women's and girls' and their allies' struggle to realize their rights under the Taliban regime. We encourage local, national, and international actors to use this report as a tool to strengthen

and create mechanisms for gender-just responses, accountability, and justice for Afghan women and girls living under Taliban rule. Challenging and remedying the Taliban's system of gender oppression and gender persecution—rooted in human rights violations and the collective punishment of Afghan women and girls based on their gender—should be a global imperative.

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ARTICLES 1, 2 AND 3

Articles 1, 2, and 3 of CEDAW establish the foundation for CEDAW by defining what constitutes discrimination against women and outlining the obligations of States Parties to eliminate discrimination and promote gender equality. Articles

1, 2, and 3 define discrimination against women; clarify policy measures state parties should undertake to prevent discrimination; and guarantee basic human rights, freedoms, and equality.

Article 1

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g. To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic, and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.



“The women of Afghanistan went from existence—from being part of society, from working, from being part of every aspect of life as doctors, judges, nurses, engineers, women running offices—to nothing. Everything they had, even the most basic right to go to high school, was taken away from them.”¹

—Mahbouba Seraj, a 74-year-old Afghan women’s rights activist

“They have banned us from living our lives.”²

—Afghan woman educator working for a humanitarian aid organization

Introduction

Article 1 of CEDAW protects women’s and girls’ right to equality in all aspects of life by prohibiting any form of sex-based discrimination and calling for discrimination against women and girls, in all its forms and manifestations, to be eliminated. Article 1 defines “discrimination against women” as any distinction, exclusion, or restriction made based on sex that impairs or nullifies the enjoyment by women of human rights and fundamental freedoms in all spheres of life, including political, economic, social, cultural, and civil rights, on an equal basis with men. Discrimination can be intentional or unintentional. The definition of discrimination applies to all women and girls, regardless of their marital status.

Article 2 requires countries to take action to eliminate discrimination against girls and women. These requirements include States: condemning discrimination against women; establishing legal protection for girls’ and women’s rights; and modifying or abolishing laws that discriminate against girls and women.

Article 3 mandates that in all spheres of life, state parties go beyond prohibiting discrimination and require states to actively promote women’s equal advancement and development with men in political, social, economic, and cultural domains. Article 3 obligates state parties to use legal frameworks and other appropriate means to achieve this goal.³

Afghanistan’s Commitments to Women’s Rights and Equality

Afghanistan is bound by the UN Charter, the Universal Declaration of Human Rights, and has ratified most of the major international human rights treaties, including the International Covenant on Civil and Political Rights (1983), the International Covenant on Economic, Social and Cultural Rights (1983), the Convention on the Elimination of All Forms of Racial Discrimination (1983), the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1987), the Convention on the Rights of the Child (1994), CEDAW (2003), and the Convention on the Rights of Persons with Disabilities (2012), among others. All these international human rights treaties apply equally to protect women’s and girls’ rights and freedoms without discrimination. Notably, when Afghanistan ratified CEDAW, it did so without reservation.

Established in June 2002, the Afghanistan Independent Human Rights Commission (AIHRC) was mandated to promote, protect, investigate, and monitor human rights in Afghanistan. The AIHRC’s mandate was further reinforced by its inclusion in the 2004 Constitution. The AIHRC played an important role in promoting women’s and girls’ human rights, and in addressing widespread sexual and gender-based violence and discrimination in the country.

Afghanistan’s ratification of CEDAW strongly influenced its 2004 Constitution, which guarantees women’s equality with men, grants women equal rights and duties with men before the law, prohibits gender-based discrimination, and guarantees women’s right to fully participate in public and

political life. Article 83 of the 2004 Constitution calls for a quota system to help ensure women's political representation, with approximately 25 percent of seats in the lower house of parliament (Wolesi Jirga) and 17 percent of seats in the upper house (Meshrano Jirga) reserved for women. The electoral law required that at least 20 percent of seats in every Provincial, District, and Village Council should be reserved for women candidates. In 2008, the government's "National Policy on Gender Mainstreaming", "National Action Plan for the Women of Afghanistan (2008–2018)", and the "Afghanistan National Development Strategy," all committed efforts to reach a goal (by 2020) of promoting gender equality; women holding 30 percent of civil services positions; that all government ministries and independent departments would have a minimum of 30 percent of women on their staff; and increasing women's role in the Afghan National Defense and Security Forces.⁴

In 2009, the "Law on Elimination of Violence against Women" was passed by Presidential Decree (after failing to be passed by Parliament). The law criminalized rape as a separate and punishable crime with harsher penalties, as well as other forms of sexual and gender-based violence against women, including sexual, physical, and psychological abuse. Forced marriage and underage marriage were specifically criminalized, as were acts that violated women's civil rights, including acts that prevented them from receiving an education, engaging in employment, or deprived them of receiving an inheritance. The EAW law also required that the government implement specific actions to prevent gender-based violence, support victims, protect women and girls at risk, prosecute and punish perpetrators, and raise public awareness of the crimes of violence against women. Implementation of the EAW faced significant challenges due to conservative patriarchal approaches, cultural norms and dispute resolution systems like jirgas and shuras, and lack of access to justice. Even with EAW in place, Afghan women and girls continued to face some of the highest rates of gender-based violence in the world.⁵

Importantly, the EAW law provided a robust legal framework criminalizing violence against women and girls. The EAW law was complemented by the AIHRC's role of monitoring and promoting women's and girls' human rights, as well as investigating and reporting on violence against women and girls.

The Taliban's Laws and Decrees Discriminate Against Women and Girls⁶

Among the first acts of the Taliban in returning to power in August 2021 was to declare the 2004 Constitution an invalid instrument of Western occupation, revoke the EAW, dissolve the AIHRC, disband the Ministry of Women's Affairs and replace it with the Ministry of Virtue and Vice, and order Morality Police to enforce new laws and decrees that discriminate against women and girls. In the next months and years, the Taliban issued over 100 laws, edicts, and bans in violation of Afghan women's and girls' rights under national and international law, CEDAW, and Afghan conservative patriarchal approaches and customs.

Notably, as the Taliban are now the de facto ruling authority in Afghanistan, they are legally obligated to uphold the country's international human rights commitments that the country signed and ratified, including CEDAW. Significantly, as the de facto ruling authority in Afghanistan, the Taliban are now in violation of CEDAW through their laws, decrees, policies, and actions.

The Taliban's laws, edicts, and bans are in direct violation of Articles 2 and 3 of CEDAW. Through their laws, edicts, and bans, and the often-violent enforcement of these missives, the Taliban have discriminated against women and girls at a level unprecedented in the modern world. The Taliban denied girls the right to education beyond the sixth grade, which violates their right to education upheld in Article 10 of CEDAW. They barred girls and women from employment outside the home (except for limited cases in the health sector), violating their right to work in Article 11 of CEDAW. They banned girls and women's access to health care facilities, in violation of their right to health in Article 12 of CEDAW. They prohibited girls and women from traveling, going to parks, or being in public without a close male family member accompanying them, in violation of their right to freedom of movement in Article 15 of CEDAW. They outlawed girls and women gathering to peacefully protest this harmful and illegal treatment, in violation of their right to freedom of expression enshrined in Article 7 of CEDAW.

The Taliban's law entitled "Propagation of Virtue and Prevention of Vice," is one of the most wide-

ranging and discriminatory laws against women that the Taliban have passed to date.⁷ Enacted August 21, 2024, the law consists of four chapters and 35 articles. The law imposes further restrictions on and discrimination against Afghan girls' and women's already under assault rights, personal freedoms, and human dignity.

The law gives overwhelming power to the Taliban's Sharia or religious inspectors, called "enforcers." Article 7 allows anyone in a position of power to enforce the law, while placing specific responsibility on the Sharia enforcers. No means of verification is provided for identifying vice or for the appointment of these enforcers. Enforcers can act based on observation, hearing, and hearsay or the testimony of two people as outlined in Article 10. This opens the door to severe violations of privacy, allowing the enforcers to interfere with people's private lives at home or outside without a court order. The law states they can do so according to Sharia. However, the law's provisions contradict many Sharia principles and are in stark breach of international laws, human rights norms and legal traditions.

Article 13 of the new law dictates that if an older girl or woman leaves her house she is duty-bound to hide her voice, face and body. It mandates that older girls' and women's bodies are to be completely covered. It defines the hijab—a head covering worn in public by some Muslim women—in the most restrictive terms possible. No longer just a head covering, the new law extends hijab to require full body covering, veiling of the face, and avoiding eye contact with men. Leading United Nations experts deem the repressive enforcement of the hijab a violation of women's and girls' freedom of expression and a form of gender persecution. The experts warn that laws enforcing the covering of girls and women "opens the door to a range of other possible violations of political, civil, cultural and economic rights."⁸ In stark contrast, Article 13's requirement for men's clothing is for them not to show their knees.

Furthermore, Article 13 bans older girls and women from showing their faces to women who are so-called non-believers. It also orders older girls' and women's voices to be silenced even from praying or reciting holy texts of the Quran. Article 22 also instructs the enforcers to prevent or stop "the sound of a woman's voice or any music emanating from any gathering or from the home."⁹ This law violates women's freedom of opinion and expression, their right to liberty, and their right to

protest. By ordering the silencing of their voices, it also violates their right to participate in political and public life, social and cultural life, education and more, all in violation of CEDAW.

Article 20 extends these restrictions further, requiring transportation companies and drivers to refuse to provide services to older girls and women who are not fully covered and who travel without a male companion. The law's enforcers are ordered to prevent older girls and women from sitting with or engaging in any way with an unrelated male while in transport facilities. This violates girls and women's right to freedom of movement, freedom of association, and serves to limit their rights to health, education, and public, political, and social life.

Article 17 severely restricts the freedom of expression and thought for the general population. It censors people's access to media and dictates punishments for broadcasting photographs or films of living beings, or even storing them on personal devices. Article 22 forbids Afghan older girls and women and men from befriending non-Muslims or assisting them in any way to control Afghan's access to information. These are violations of Afghan's right to access information and freedom of opinion, expression, and association.

The law gives free rein to enforcers to determine, in their judgment, if a vice is being committed and the punishments they will impose. The lack of an independent judiciary in determining and enforcing these repressive laws will undoubtedly expose Afghan girls and women to greater private and social violence, physical, mental, and emotional violence, and intimidation. It will also open up pathways for exploitation by third parties.

The law permits enforcers to use physical punishment, including beating, intimidation, and imprisonment, without due process. The list of punishments that are authorized to be enforced promotes arbitrary punishment, imprisonment, torture, and degrading and inhuman treatment of people. Article 24 provides a list of Sharia sanctions which includes advice, intimidation, verbal punishment, confiscation, and destruction of property. Repeated violations by individuals or groups can lead to prosecution before a court, which based on the Sharia criminal law, includes detention, long-term imprisonment, stoning, flogging, execution, being thrown from a mountain, and other inhuman punishments.

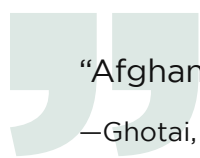
The 2024 “Propagation of Virtue and Prevention of Vice” law has dashed hope of real change in the Taliban’s repressive policies toward women and girls. The law also casts serious doubt on how successful the international community has been in its efforts to improve the status of women by holding, in July 2024, high-level multilateral talks with the Taliban, where the Taliban demanded and received the complete exclusion of Afghan women from the talks.¹⁰ Perhaps emboldened, just weeks following these meetings, the Taliban announced the new “Propagation of Virtue and Prevention of Vice” law. These discriminatory laws are created to enforce and uphold the Taliban’s system of gender apartheid.

The Taliban’s laws, edicts, bans, policies, practices, and actions that we detail throughout this report are discriminatory under the definition of Article 1 of CEDAW. They violate Article 2 of CEDAW by requiring Taliban agents and Afghan citizens to discriminate against girls and women, removing legal protections for girls’ and women’s rights, and creating laws and practices that discriminate against girls and women. In violation of Article 3 of CEDAW, the Taliban’s laws, edicts, and bans undermine in all spheres of life women’s and girls’ equal advancement and development with men and boys.

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ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.



“Afghanistan has become the graveyard of buried hopes.”

—Ghotai, a young woman computer science student in Baghlan, Afghanistan¹

“I had a job before. I had bread and peace. I am now under house arrest... I raised my voice against the policies of the Taliban to save Afghan women from this crisis. I have been subjected to physical violence and threats many times. I am currently living in hiding because of these threats, because I have criticized their policies in the media and social networks.”

—Arefa, a teacher and midwife in Farah, Afghanistan²

Introduction

Article 4 of CEDAW addresses two key categories of special measures intended to promote gender equality: (1) temporary special measures aimed at accelerating the attainment of substantive equality between men and women, and (2) measures related to maternity protection. These provisions explicitly state that such measures shall not be regarded as discriminatory. Rather, they are corrective tools designed to redress systemic and historical inequalities that hinder women’s full participation in various sectors, including politics, education, and employment. Temporary special measures—such as affirmative action initiatives, quota systems, and targeted development programs—are considered necessary to overcome entrenched disparities. Their application is intended to be time-bound

and should be discontinued once their intended objectives are fulfilled.

In addition, Article 4 recognizes the importance of safeguarding women’s rights during maternity. It emphasizes that maternity should be viewed as a social function and underscores the need for appropriate protections to enable women to balance professional and family responsibilities. Such measures may include paid maternity leave, access to social security benefits, childcare support services, and equitable access to healthcare during and after pregnancy. These protections are considered essential to ensuring that maternity does not serve as a barrier to women’s full participation in economic and public life.³

Positive discrimination or affirmative action measures are present in Article 83 of the 2004 Constitution.

Article 83 institutes a quota system to help ensure women's political representation, with two women to be elected from each of the 34 provinces, meaning that approximately 25 percent of seats in the lower house of parliament (Wolesi Jirga) are reserved for women, and 17 percent of seats in the upper house (Meshrano Jirga) reserved for women. The electoral law requires that at least 20 percent of seats in every Provincial, District, and Village Council should be reserved for women candidates.⁴

The constitutional quota requirements significantly increased Afghan women's representation in Afghanistan's parliament, quickly surpassing the rate of women's participation in Western countries, including the United States. Millions of Afghan women registered and voted in the 2004 Presidential elections, and women continued to run for public office and to vote in the Presidential elections of 2009, 2014, and 2019.

In 2008, the government's "National Policy on Gender Mainstreaming," "National Action Plan for the Women of Afghanistan (2008–2018)," and the "Afghanistan National Development Strategy," all committed to efforts to reach a goal by 2020 of promoting gender equality; women holding 30 percent of civil services positions; that all government ministries and independent departments would have a minimum of 30 percent

of women on their staff; and increasing women's role in the Afghan National Defense and Security Forces. Women were appointed to ministerial roles, held governorships, and were elected members of parliament and provincial and local councils.

However, due to strong, conservative patriarchal approaches and norms, widespread lack of public awareness of women's rights and capabilities, and men harassing, discriminating against, marginalizing, and at times threatening women who entered politics, Afghan women struggled to fully realize their rights and capacities. Social, cultural, and institutional barriers to women's political and civil participation were amplified in rural areas.⁵

Upon coming to power in August 2021, the Taliban have rejected the 2004 constitution, sought to invalidate national laws that addressed violence against women and girls in its many forms, and dismantled all affirmative action policies that sought to help girls and women achieve equality with boys and men. As this report comprehensively details, the actions of the Taliban have sought in nearly every facet of public and private life to discriminate against and violate the rights of girls and women guaranteed by CEDAW.

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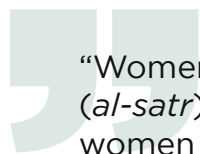
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ARTICLE 5

States Parties shall take all appropriate measures:

- a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.



“Women should stay at home as their homes are their ‘cover’ (*al-satr*)... they should stay with their children and parent them... women are weak and their intellect and religion are deficient (*naqes al-aql wa al-din*).”¹

—Taliban’s Chief Justice Abdul Hakim Haqqani

“When you live in this society now, it can kill you before you actually die.”²

—An Afghan woman on the increasing Taliban restrictions

Introduction

Article 5 of CEDAW concentrates on the eradication of gender-based discrimination by targeting the societal and cultural norms that perpetuate stereotypes regarding the roles and behaviors of women and men. It obliges State Parties to take proactive measures to modify social and cultural patterns that are founded on notions of the inferiority or superiority of either sex, or on stereotyped roles assigned to men and women. Article 5 underscores the importance of transforming both legal frameworks and actual social realities to eliminate gender biases effectively.

Beyond the existence of gender-neutral legislation, Article 5 emphasizes the necessity of ensuring that women experience genuine equality in everyday

life. This involves addressing and reshaping deep-rooted societal attitudes that contribute to unequal gender dynamics, particularly within domains such as education, employment, and family life. The article advocates for a shift in public and private spheres alike, promoting an understanding of gender equality that is substantive rather than merely formal. Substantive equality acknowledges the historical and structural disadvantages faced by women and supports the implementation of targeted interventions designed to achieve equitable outcomes. Ultimately, Article 5 establishes a comprehensive framework for transformative change by identifying and challenging the underlying cultural and social foundations of discrimination.³

Afghanistan’s ratification CEDAW in 2003 significantly informed the development of its 2004

Constitution. The Constitution enshrines the principle of gender equality, affirming that women and men possess equal rights and responsibilities before the law. It explicitly prohibits discrimination based on gender and guarantees women’s full participation in public and political life. All 18 of the core international human rights treaties that Afghanistan has committed itself to, including CEDAW, apply equally to protect women’s and girls’ rights and freedoms without discrimination.⁴

Article 83 of Afghanistan’s 2004 Constitution established a quota system to promote women’s political participation, reserving approximately 25 percent of seats in the lower house of parliament and 17 percent in the upper house of parliament for women. Electoral laws extended this framework by mandating at least 20 percent female representation in local councils. These measures led to a notable rise in women’s political representation, with levels surpassing those in several Western countries. Women actively participated in elections from 2004 to 2019, both as voters and candidates.

Government strategies such as the *National Action Plan for the Women of Afghanistan* (2008–2018) and related policies aimed to increase women’s roles in public institutions, including a 30 percent target for female representation in civil service and security forces by 2020. Women also held positions as ministers, governors, and elected officials at various levels.⁵

The “Law on Elimination of Violence against Women” (EVAW) (2009) criminalized rape and imposed more severe penalties against perpetrators. Likewise, the EVAW law criminalized physical, psychological, and sexual gender-based violence against women and girls. It outlawed forced and child marriage, and violence that impeded women’s civil, economic, and educational rights. The EVAW mandated the Afghan government to undertake concrete measures to prevent gender-based violence, provide comprehensive support services for survivors, ensure the protection of women and girls at heightened risk, prosecute and penalize perpetrators, and enhance public awareness regarding violence against women. However, the implementation of the EVAW faced considerable obstacles, including entrenched patriarchal norms, the prevalence of traditional dispute resolution mechanisms such as *jirgas* and *shuras*, and limited access to formal justice systems. Despite the enactment of EVAW, Afghan women and

girls continued to endure some of the highest rates of gender-based violence worldwide.⁶

Progress on Afghan girls and women realizing their rights was limited by persistent patriarchal norms, societal resistance, and institutional barriers—particularly in rural areas. Girls and women frequently faced discrimination, harassment, and threats, constraining their ability to fully exercise their rights and leadership roles.⁷

Upon taking power in August 2021, the Taliban suspended the 2004 Constitution and other laws for women’s rights and equality, including the EVAW. They also abolished the Ministry of Women’s Affairs and the Afghanistan Independent Human Rights Commission, both of which played leading roles in promoting and protecting women’s and girls’ rights and tackling sexual and gender-based violence. They dismantled the Attorney General’s Office and introduced numerous laws, edicts, and policies aimed at restricting women’s and girls’ human rights and enabling gender-based discrimination and violence.

Marriage and Divorce

Marriage is a significant part of Afghan culture. Marriage creates bonds and can be a survival mechanism and a pillar of family honor.⁸ Marriage can also be used to control female sexuality with rules surrounding virginity and monogamy.⁹ In 2021, the Taliban issued a decree against forced marriage for girls and women and marriage for girls and women as compensation for crimes or debts.¹⁰ In 2022, the Taliban also issued a decree against polygamy, with exceptions made for some Taliban members. The Taliban then rolled these decrees back for a variety of reasons, including if the woman failed to produce a male child, if the first wife was ill, and other reasons.

In reality, the Taliban has done little to stop forced marriages and polygamy, and has often been actively engaged in forcing families to give their daughters in marriage. A woman describes this form of forced marriage under the Taliban, “I know a girl who was a medical student, and she was also engaged, a Talib used to follow her on the way to home every day. One day he sent a marriage proposal for her. When her family refused saying ‘she is already engaged,’ then he started to threaten her family that he will kill the girl and her father. He forced the family to marry the girl.”¹¹

Despite cultural taboos before the Taliban takeover, girls and women were able to obtain divorces from their husbands through court orders. The Taliban decrees emphasize that girls and women should accept male domination, and their courts make it more difficult for girls and women to leave violent and dangerous marriages.¹² Since August 2021, girls and women have gone to Taliban courts with descriptions and forensic evidence of physical abuse from their husbands and were told by Taliban members that such abuse is a normal part of marriage and not a justification for disrupting the sanctity of a family.¹³ In other cases, women's previous divorces were rescinded under the new Taliban court system, despite years of documented physical abuse.¹⁴ To illustrate, when one woman attempted to fight the new decision, she was told, "The ruling of Mohammad Ashraf Ghani's government court is no longer valid."¹⁵ Other girls and women have been coerced into marrying Taliban members as conditions for ending and staying out of their previously abusive marriages.¹⁶

Girls are also at heightened risk for early marriages as Taliban policies have limited their opportunities in life. Measures restricting girls' education have put them at increased risk of illiteracy and poverty.¹⁷ Parents have also facilitated early marriages at a higher rate due to the belief that girls are better off in another home than doing nothing and consuming resources in their own home.¹⁸

Virginity Tests

Starting in 2020, during the Republic Period, virginity tests were only obtained through special court orders and the consent of the girl or woman. However, the Taliban have implemented "virginity tests" for girls to maintain the Taliban's conceptualization of female purity.¹⁹ As a result of hymen inspections, which are not a medically accurate method of testing virginity, girls whose hymens are not fully intact can be arrested by the Taliban on moral charges.²⁰ Hospitals reported conducting virginity tests daily without a court order, the consent of the girl or woman, or charges of sexual activity.²¹ These tests are almost always done without the girl's or woman's consent.²² Overall, from 2021-2023, 700 girls in the province of Herat alone have undergone virginity tests, with 200 of them incarcerated for "failing" the tests.²³ (See also Article 16.)

Enforcement of Taliban Laws, Decrees, and Policies

The Taliban uses public violence to humiliate and dominate girls and women who act in defiance of Taliban-prescribed laws, decrees, and desired social behavior. The eradication of the Attorney General's Office, the Afghan Independent Human Rights Commission, the 2004 Constitution, the Ministry of Women's Affairs, the EAW law, and the promotion of Taliban religious and morality police have further entrenched a system of violent male domination and undermined the rights and protection of girls and women. Under the newly imposed Taliban laws, edicts, and practices, religious police patrol public areas such as markets, universities, and mosques seeking to punish any women or girls and their mahrams who they believe violate their laws.²⁴ Additionally, the Taliban has engaged public figures such as male shopkeepers and elders to enforce their rules.²⁵ Girls and women who violate the Taliban's decrees, such as proper dress, are met with violence, including some being beaten with electric cables.²⁶ Other modes of enforcement range from being forced to return to their homes to public floggings for alleged "moral crimes" such as wearing the wrong clothing and communicating on the phone with someone of the opposite sex.²⁷

Hazara girls and women are at heightened risk of Taliban violence, as they are victims of the Taliban's gender and ethnic domination. Hazara girls and women have repeatedly faced ethnic slurs along with a higher level of brutality when detained or publicly punished.²⁸

The Taliban also target Afghan girls and women in the digital sphere, where politically active Afghan girls and women experienced a 217 percent increase in targeted hate speech.²⁹ During 2021-2022, hate speech towards prominent Afghan women spiked surrounding the introduction of a new Taliban decree or when women's protests occurred.³⁰ The Taliban's actions consisted of sending degrading, sexually explicit pictures, threats of rape or death, and accusing the girls and women of prostitution.³¹ The Taliban's use of digital harassment furthers the humiliation and subjugation of girls and women in Afghanistan. Some female business owners and women's rights defenders who were active in the digital sphere closed their businesses and deactivated their social media accounts because of the Taliban's harassment and threats.³²

Torture and Inhuman and Degrading Treatment

The Taliban uses gender-specific torture against girls and women to punish and control them.³³ Girls and women have been subjected to beating, striking, exposure to extreme heat, suffocation by using plastic bags, waterboarding, torture specific to the genitals, rape, sexual enslavement, sleep deprivation, forced feedings, mock executions, use of cages, and electric shocks in specially designed rooms at Taliban detention centers.³⁴ A woman named Radhika describes her experience in Taliban detention, “Every Taliban militant who passed by us would strike us with fists and kicks. They made footballs out of us.”³⁵

To illustrate, one girl was detained for alleged extramarital relations when walking home alone. She was abducted, had her fingerprints taken, and was sent to a detention center when she refused to admit to untrue claims of infidelity. At the center, she was whipped, lashed, subjected to sexual torture, and witnessed women forced to become Taliban sex slaves. The girl was only released due to a bribe and an agreement to sell the family’s house to the Taliban. Other women underwent forced marriages to Taliban members as their only option to enable them to leave the detention center.³⁶

Older girls and women detained by the Taliban are at times arrested on allegations of moral corruption, and the Taliban torture them as a form of domination and humiliation.³⁷ Women detained with children reported being tortured in front of their children.³⁸ This torture is used to degrade women as individuals and caregivers. In multiple cases, older girls and women reported that they were given contaminated food. They were also prohibited from using menstrual hygiene. When the girls and women are released, either to their families or as forced wives of Taliban members, biometric data is taken, and other identification documents are recorded.³⁹ Though they are released from physical detention, the girls and women fear they can never be truly safe or free. The Taliban’s use of torture on girls and women is an extreme tool for gender formulation, correction, and subjugation.⁴⁰

Rape and Forced Impregnation

Article 5(b) of CEDAW states the necessity for education surrounding the importance of the

common responsibility of child-rearing between men and women.⁴¹ Due to the Taliban’s restrictions, girls and women have been forced into marriage and become vessels for childbirth. A report from a female doctor forcibly recruited by the Taliban detailed how girls and women in detention underwent forced pregnancies as sexual slaves to the fighters. The doctor was brought to a detention center and forced to examine the girls and women in a room set up as an obstetric and gynecologic examination room.⁴² The room was equipped with all the medical equipment for the pelvic exams the doctor was asked to perform.⁴³ One girl in detention stated, “We are the wives of all Mujahideen,” indicating their existence in the detention center was for the manipulation and control of their sexuality and their reproductive capabilities.⁴⁴ (For more details, see Article 12 and Article 16.)

Control of Girls’ and Women’s Clothing and Dress

The Taliban seeks to control how girls and women dress outside of their homes. In June 2023, the Supreme Leader of the Taliban released a message that the Taliban government has worked to improve Afghan girls’ and women’s lives.⁴⁵ The Supreme Leader cited the regulation of the hijab as a key example, stating that restrictions on how females must dress would assist girls and women in becoming dignified and help them in securing marriages and other rights.⁴⁶ According to the Taliban, the proper hijab consists of an all-encompassing hijab or burqa to obscure any outline of a girl or woman’s body.⁴⁷ The Taliban leadership stated that the very best hijab is for girls and women not to leave the home unless necessary.⁴⁸ The Taliban have also detained and fired male family members from their jobs if they did not enforce the hijab requirements on their female family members.⁴⁹

The Taliban-preferred burqa is not the traditional or most popular form of clothing for women. In the past, while some girls and women may have chosen to wear the burqa, such choices were rooted in family or religious preferences, not government mandates.⁵⁰ The Taliban’s restrictions surrounding clothing evidence their campaign to render girls and women essentially invisible. By policing girls’ and women’s clothing to suppress individuality and establishing a public and private surveillance system enforced by both the Taliban

and local communities and families, girls and women are rendered invisible and subordinate.

LGBTQI+ Individuals

The Taliban's violence against LGBTQI+ individuals represents a severe subjugation of those who do not embody the Taliban's conceptions of appropriate masculinity and femininity. Violence and discrimination against LGBTQI+ populations existed before the Taliban takeover, yet there has been a strong uptick in incidents since August 2021.⁵¹ Shortly before the fall of Kabul, the Taliban stated, "For homosexuals, there can only be two punishments: either stoning, or he must stand behind a wall that will fall down on him."⁵² Since then, the Taliban has conducted systematic attacks on LGBTQI+ individuals, which have entailed using social media to identify them, conducting searches at checkpoints, and encouraging communities to surveil their neighbors.⁵³ Known LGBTQI+ individuals have been deluged with threatening phone calls and text messages, which have effectively confined them to their homes.⁵⁴

Known LGBTQI+ individuals have also been subjected to violence. Those taken into Taliban detention have recounted being severely beaten while naked, whipped, cut, and having their heads shaven. They have also been abducted, beaten, and then left in public wearing conservative clothing that the Taliban deems aligns with their biological sex.⁵⁵ LGBTQI+ individuals have also been subjected to sexual violence as part of the Taliban's behavioral correction and humiliation, particularly while in detention. To illustrate, while in detention, a trans woman was held naked and beaten daily while being verbally assaulted about her body. She was also forced to confess the locations of other trans women as a condition for her release.⁵⁶

Individuals who cannot visibly or otherwise pass as either male or female, such as those who have voices that do not match a traditional male or female appearance or mannerisms that indicate gender nonconformity, face high risks of violence.⁵⁷ LGBTQI+ individuals recounted that they are afraid to speak, particularly in areas like checkpoints, due to fear of being attacked.⁵⁸ Najib, a 21-year-old trans woman, describes her experience at a Taliban checkpoint: "They saw us and said, 'You don't have a beard, why is that? They looked at my chest, I have enlarged

breasts...They said 'We are going to stone you to death'... Now I don't leave the room."⁵⁹

LGBTQI+ individuals report that they do not leave their room or home, with some leaving only twice in ten months for fear of death or persecution.⁶⁰ Such fears have left many LGBTQI+ individuals unable to access necessities such as food or seek medical care, even after experiencing violence.⁶¹

Institutionalizing Male Superiority

By enforcing strict definitions of their version of acceptable femininity, the Taliban has also formed a definition of conservative, patriarchal masculinity, further cementing extreme gender stereotypes. Taliban decrees to affect societal or cultural change have helped establish men as the superior sex and girls and women as inferior and weaker.⁶² Under the Taliban, men have also faced gender restrictions and expectations, though to a much less extent than girls and women. Men are expected to have beards, dress in traditional clothing, and not interact with girls and women not in their immediate family.⁶³ Male family members are also told to act as the providers and decision makers for the family. This further dilutes girls' and women's autonomy and solidifies the superiority of men in marriage and the family.⁶⁴

Male superiority is also entrenched by the Taliban's new education system. Boys have had their curriculum changed, with subjects such as English, Arts, and civic education replaced with religious classes.⁶⁵ Lessons include lectures on the success of jihad and 'proper' religious appearance and clothing.⁶⁶ Men and boys have also been subjected to more extreme gender re-education to match the Taliban's conception of hegemonic masculinity, further strengthening essentialized, conservative, patriarchal ideals of masculinity and femininity.

The Taliban's attempts of domination and control over women, girls, and LGBTQI+ individuals have deleteriously affected members of these groups' mental health. In a 2023 survey, over 1,000 women stated they suffered from depression and anxiety.⁶⁷ Further, suicide and self-harm rates among girls and women have significantly increased.⁶⁸ In the same survey, 164 women indicated that they knew another woman or girl who had attempted suicide, and 261 respondents stated they knew someone who self-harmed or medicated to address their mental health.⁶⁹

Safety and security remain real risks for girls, women, and LGBTQI+ individuals, who face constant surveillance by both the Taliban and neighbors and must navigate ever-changing rules and social alliances.⁷⁰ Additionally, LGBTQI+ individuals face high levels of food insecurity due to an inability to move freely without risk of serious harm.⁷¹

As the status and well-being of girls, women, and LGBTQI+ individuals remain increasingly bleak, so do their chances of escaping the Taliban's rule. Some persons facing high risk have had their identification

papers and passports taken from them, including while in Taliban detention, making it increasingly difficult to flee the country.⁷² If they choose to and can leave, their lack of documentation can affect their ability to apply for asylum in other countries.⁷³ For LGBTQI+ individuals, many will never apply for asylum due to fear of harm from identification or disclosure of their sexual orientation.⁷⁴ Due to the Taliban's restrictions, girls, women, and LGBTQI+ individuals have become increasingly trapped within the borders of their country and their homes.

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ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.



“The Taliban abduct and coerces adult women into forced labor. The Taliban maintain detention facilities in which they compel detainees, including child and adult sex trafficking victims charged with ‘moral crimes,’ into forced labor...”

“Restrictions on the movement of and exercise of rights by women and girls, and severely diminished access to employment and education, significantly increase their vulnerabilities to trafficking and drastically increase their risk of child and forced marriage. Women-headed households and widows are at an increased risk of poverty and vulnerability to trafficking.”

—United States Department of State, 2023 Trafficking in Persons Report: Afghanistan¹

Introduction

Article 6 of CEDAW addresses the obligation of State Parties to combat the trafficking and exploitation of women, particularly concerning prostitution. It requires the adoption of all appropriate measures, including legislative, administrative, and policy interventions, to prevent and eliminate trafficking in women and girls and to suppress the exploitation of women in the sex trade. Article 6 emphasizes a comprehensive approach that includes prevention strategies, victim protection, and the prosecution of those responsible for trafficking-related offenses.

Although Article 6 does not categorically outlaw prostitution, it recognizes that the practice often involves elements of coercion, abuse, and exploitation, particularly in contexts where women have limited social or economic power. Consequently, States are encouraged to take measures that address both the supply and demand dimensions of prostitution-related exploitation. The CEDAW Committee interprets trafficking and

the exploitation of prostitution as manifestations of gender-based violence, rooted in systemic discrimination and patriarchal norms. It therefore urges States to address the structural factors—such as economic inequality, gender discrimination, and social marginalization—that contribute to women’s vulnerability to these forms of exploitation.²

The 2009 Elimination of Violence Against Women (EVAW) law in Afghanistan criminalized forced prostitution, sex-trafficking, and the exchange of girls and women in the Pashtun custom of *baad*, and all ethnic groups practice of *baadal*. *Baad* and *baadal* are conservative patriarchal practices of dispute settlement or compensation in which a criminal’s family gives one of the girls from their family to serve as a servant or bride to the victim’s family (*baad*) or the families exchange girls from one family into the other (*baadal*). This practice often results in the girl facing significant levels of neglect, abuse, and violence. However, limited awareness and enforcement of the criminalization of these acts, a weak judiciary that often failed

to act in accordance with the EAW, and the widespread use of *baad* and *baadal* by all ethnic groups in both rural and urban communities to mediate criminal cases resulted in weak implementation of EAW law.³

The Afghanistan Independent Human Rights Commission actively engaged in efforts to address and prevent the practices of *baad* and *baadal*. For example, the Commission played a key role in the 2010 report, *Harmful Traditional Practices and Implementation of the Law on the Elimination of Violence Against Women in Afghanistan*, by the United Nations Assistance Mission in Afghanistan (UNAMA) and UN OHCHR, which identified widespread practices such as child marriage, *baad*, forced isolation, exchange marriages, and honor killings. Rooted in discriminatory gender norms, these practices contribute to the systemic marginalization of women and girls. Although often justified through local interpretations of Islam, the report emphasized their inconsistency with both Sharia law and Afghanistan's national and international legal obligations.⁴

The Afghanistan Independent Human Rights Commission also addressed human trafficking, with particular attention to vulnerable populations such as women and children. The Commission conducted and published research examining the root causes and contributing factors of trafficking in women and children within Afghanistan. It also released a detailed report on *bacha bazi*—the exploitation of boys for sexual and social purposes—classifying it as a form of human trafficking and offering policy recommendations for state intervention. Additionally, the Commission documented and reported cases of child trafficking to relevant international authorities and consistently raised concerns about the growing number of trafficking victims, highlighting the Afghan government's inadequate response, especially concerning child exploitation.⁵

During the Republic Period (2004-2021), Afghanistan's judiciary played a limited yet notable role in addressing human trafficking, operating within a constrained and often ineffective system. The principal legal instrument was the 2017 *Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants*, which formally criminalized both sex and labor trafficking, including the practice of *bacha bazi*—the sexual exploitation of boys. The law established penalties ranging from five to eight years' imprisonment, with enhanced sentences of 10

to 16 years for cases involving women, children, or the practice of *bacha bazi*.

Despite the existence of this legal framework, the judiciary faced numerous structural and operational challenges. Chronic underfunding, insufficient staffing, and limited training hindered the effective adjudication of trafficking cases. Corruption and the intimidation of judicial personnel further compromised the integrity of the justice process. Victim protection mechanisms were inadequate, with survivors—particularly women and children—frequently subjected to additional punishment or mistreatment when seeking legal redress.

Moreover, authorities often conflated human trafficking with migrant smuggling, resulting in misclassification and ineffective responses. Although *bacha bazi* was criminalized, impunity for perpetrators remained widespread, and allegations of official complicity were rarely investigated or prosecuted. Overall, prosecutions and convictions for trafficking offenses were minimal, and the legal system demonstrated limited capacity to hold accountable those responsible, including state actors.⁶

Trafficking, Exploitation, and Prostitution

Since 2021, the Taliban have not used law enforcement to fight human trafficking or to prevent labor and sex trafficking. The Taliban have not carried out “investigations, prosecutions or convictions of trafficking crimes... or convicting Taliban members for alleged complicity in trafficking crimes.”⁷ Furthermore, there is no evidence that the Taliban have undertaken protection efforts, nor have the Taliban identified trafficking victims or provided services to assist them. The Taliban have not made any identifiable efforts to decrease the market for commercial sex.⁸ On the contrary, the Taliban has released thousands of individuals convicted of gender-based violence, including suspected traffickers, back into communities, further endangering vulnerable populations.⁹

Rather than addressing trafficking and exploitation, the Taliban's actions have further undermined the rights of girls, women, and other marginalized groups in several ways. The Taliban has impeded NGOs working to combat trafficking and exploitation of girls and women by threatening, harassing, and actively interfering with civil society actors,

including those assisting victims. NGO staff and the victims they assist have been forced into hiding due to threats from perpetrators associated with the Taliban. Additionally, there are reports of Taliban-directed killings, forced disappearances, and the detention of civil society actors working to protect Afghan girls and women from trafficking. While shelters for trafficked boys reportedly remain operational, the Taliban has forcibly shut down those serving girls and women across the country.¹⁰

The Taliban has also increased the vulnerability of trafficking and exploitation victims by failing to provide adequate protection within the formal justice system. The Taliban's use of hudud punishments, such as corporal punishment for moral offenses, compounds the injustice by penalizing victims for acts committed because of being trafficked, thus discouraging them from reporting exploitation. Rather than protecting victims, the Taliban restricts victims' ability to escape abusive situations and frequently accuses them of 'moral crimes,' leading to their imprisonment. Trafficking victims charged with moral crimes are forced into labor while detained by Taliban authorities. Girls and boys who are victims of trafficking are particularly at risk, as they are often detained alongside adults in detention centers, exposing them to further violence.¹¹

The Taliban have issued over two dozen edicts and decisions that prohibit education for girls and women beyond the level of 6th grade and severely curtail what can be taught. Many families recognize the limited employment opportunities available to girls without education and lose hope that their daughters will ever contribute economically to the household. Coupled with widespread food insecurity, created in part by the actions and policies of the Taliban, poor families are increasingly marrying or selling off their daughters to provide food and essential items for their families and to reduce the number of mouths to feed.¹² Daughters as young as 20 days old have been sold for a marriage dowry that is used to feed the rest of the family. "I have to sell my [nine-year-old] daughter to feed the rest of my seven children," said one Afghan father who

sold his daughter to an old man for USD \$2000. His nine-year-old daughter explained, "We don't have bread, rice or flour, so he has sold me to an old man."¹³ In another family, a father sold his four-year-old daughter to an old man for USD \$1000. When the four-year-old Afghan girl was asked if she knew why she had been sold, she replied, "Because we are a poor family and don't have any food to eat... I'm scared".¹⁴ Evidence suggests that some girls and women subjected to forced marriage were later trafficked for sexual exploitation by their spouses, occurring both domestically within Afghanistan and in surrounding countries.¹⁵

Under the Taliban's interpretation of Sharia law, same-sex relationships are criminalized, and LGBTQIA+ individuals are openly threatened with the death penalty.¹⁶ LGBTQIA persons are particularly vulnerable to enforced prostitution and sex-trafficking as they have no access to social services, are coerced due to their sexual orientation, or attempt to escape Afghanistan due to fear of exposure at checkpoints or passport offices.¹⁷ Due to restrictive *mahram* laws, which prohibit older girls and women from traveling without a male guardian, lesbians, trans and bisexual girls and women face even greater challenges in escaping exploitative situations. Furthermore, the Taliban and their affiliates have carried out attacks, sexual violence, and threats against LGBTQIA+ individuals and their allies.¹⁸

Other persecuted minorities, including ethnic and religious groups such as Sikhs, Hindus, Hazara Shiites, Ahmadi Muslims, Baha'is, Ismaili, and Christians, face increased risks of displacement and exploitation by the Taliban, non-state actors, and traffickers in their search for safety. Additionally, displaced Afghan girls and women who experience housing and food insecurity face heightened vulnerability to conflict-related violence and forms of modern slavery, including sexual exploitation and forced conscription into the armed forces. Those attempting to escape risk further exploitation by traffickers.

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ARTICLE 7

State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies
- b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government
- c. To participate in non-governmental organizations (NGOs) and associations concerned with the public and political life of the country



“Afghanistan under the Taliban remains the most repressive country in the world regarding women’s rights.”

—Roza Isakovna Otunbayeva, Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan¹

“They told me that the regime has changed. You are not allowed, go home.”

—Afghan woman journalist speaking about women reporters’ job loss following the Taliban’s adoption of new guidelines for media outlets²

Introduction

Article 7 of CEDAW affirms the obligation of State Parties to eliminate discrimination against women in political and public life. It requires that women be guaranteed equal rights with men to participate fully in all aspects of political and public affairs. This includes the right to vote in all elections and public referenda, the right to be eligible for election to all publicly elected bodies, and the right to take part in the formulation and implementation of government policy.

Furthermore, Article 7 recognizes women’s entitlement to hold public office and perform all public functions at all levels of government. It also extends to participation in non-governmental

organizations (NGOs) and associations that engage in public and political discourse. The Article underscores the importance of ensuring women’s representation and active involvement not only in national political systems but also in international decision-making bodies. In doing so, it promotes substantive equality in the political sphere, aiming to dismantle systemic barriers and foster inclusive governance.³

Afghan women have played significant roles in national and international spheres, contributing to governance, diplomacy, civil society, and the private sector. Within the formal political and judicial structures, women have served as judges, cabinet ministers, provincial governors,

senators, and members of parliament. These appointments marked important, though often contested, milestones in Afghanistan's efforts to institutionalize gender inclusion in state structures. Afghan women have also represented the country in key diplomatic positions, including serving as Permanent Representative to the United Nations and Ambassador to the United States, reflecting their increasing visibility in international affairs.

Beyond official appointments, Afghan women have demonstrated leadership in areas of governance reform and civic engagement. They have directed national anti-corruption initiatives, mobilized voters in national elections, and managed large-scale humanitarian and development programs, particularly those targeting women and marginalized communities. In the field of journalism, Afghan women have contributed both domestically and internationally, at times reporting under challenging and risky conditions, and shaping public discourse on human rights, governance, and gender equality.

In the private sector and civil society, Afghan women have founded and led businesses, established influential non-governmental organizations, and directed major media outlets. These efforts have played a critical role in promoting social change, advocating for legal reform, and expanding educational and economic opportunities for women and girls. Despite persistent structural and cultural barriers, Afghan women have continued to assert their agency across multiple domains, contributing meaningfully to Afghanistan's socio-political development.⁴

Disbanding Key Governmental Offices and Removal of Women in Civil and Political Positions

Upon seizing power, the Taliban dissolved the Parliament of Afghanistan on August 15, 2021, turning all legislative power over to the Taliban's Leadership Council, which advises the Supreme Leader of Afghanistan, Hibatullah Akhundzada, at his discretion. The Taliban established an interim government with women and minority groups notably absent from all the cabinets and advisory roles.⁵ Further exacerbating these policies, within their first month in power, the Taliban ordered the majority of women civil servants to stay home, with some exceptions afforded to women working in

healthcare, education, and the security sector; these exceptions were then largely erased over time, resulting in only a few areas where Afghan women are allowed to work in the formal sector.⁶ The Taliban replaced the Ministry of Women's Affairs with the Ministry for the Propagation of Virtue and the Prevention of Vice, a new governmental body tasked with overseeing and enforcing the establishment of the Taliban's version of Islamic law throughout Afghanistan.⁷

The Taliban have continued to dissolve key governmental offices, strategically abolishing all institutional bodies that can credibly challenge their rule. For example, in December 2021, the Taliban disbanded the Independent Election Commission and the Electoral Complaint Commission, the two election commissions responsible for ensuring free and fair elections across Afghanistan.⁸ Within the same month, the Taliban abolished the Ministry of Parliamentary Affairs, which served as a liaison between the executive and legislative branches in Afghanistan.⁹ A few months later, in May 2022, the Taliban terminated the Afghan Independent Human Rights Commission (AIHRC), the national independent human rights body devoted to promoting and protecting human rights in the country.¹⁰ In July 2023, the Taliban replaced the Attorney General's Office with the Directorate of Supervision and Prosecution of Decrees and Orders, a new government body without prosecutorial authority.¹¹ With this last action, the Taliban replaced one of the only remaining judicial mechanisms capable of challenging their rulings with a government body lacking prosecutorial authority.

In tandem, the Taliban adopted edicts that curtailed the rights and freedoms of the few Afghan women who remained in government. For example, in July 2022, the Taliban mandated women employees of the Ministry of Finance to appoint a male relative to take up their position within the ministry.¹² In July 2024, in a move widely condemned by women's rights activists, the Taliban's Directorate General of Administrative Affairs instructed provincial departments to standardize the salaries of female civil servants to 5,000 Afghanis per month, irrespective of grade.¹³ 5,000 Afghanis are approximately equal to \$70 USD, a meager monthly salary that has forced many women civil servants to locate alternative income sources to effectively provide for themselves and their families.¹⁴ In wielding these discriminatory edicts and systematically weakening federal institutions, the

Taliban has effectively eliminated Afghan women from government and removed the institutional mechanisms once created to confront violations by state authority.

Women and Work in NGOs, INGOs, and the United Nations

Since taking power in 2021, the Taliban have carried out actions to restrict Afghan women's participation in NGO activities. Initially, in March 2022, the Taliban barred girls and women from employment in offices, a measure that impeded female NGO workers from fulfilling their day-to-day responsibilities and impeded access to humanitarian assistance for the 23.7 million Afghans in need. The 23.7 million Afghans in need represent the highest level of humanitarian distress in two decades, surpassing previous crises.¹⁵ In response, NGOs transitioned women staff to remote positions where possible, released statements that asserted the importance of women staff to their operations, and called for the reversal of the Taliban's measure barring women from working in NGOs.¹⁶ For example, leading INGOs, like the Norwegian Refugee Council and the International Rescue Committee, described the integral role that women staff members play in liaising between the organization and female beneficiaries, many of whom do not interact with men outside of their natal family or marriage without their *mahram* (male guardian) present.¹⁷

Without women staff members in the field, INGOs and NGOs struggled to access the 11.6 million girls and women in Afghanistan who rely upon humanitarian assistance.¹⁸ Rather than heed these warnings, the Taliban made their intentions to curtail women's involvement with NGOs increasingly explicit and, in December 2022, banned women from working for national and international NGOs in Afghanistan.¹⁹

UN and INGO officials met with Taliban leadership to advocate against the new edict in early 2023.²⁰ Women comprised more than 30 percent of the 55,000 Afghan nationals working for INGOs in the country. UN and INGO executives advised Taliban leadership that a unilateral ban on women aid workers threatened to significantly disrupt humanitarian operations across Afghanistan.²¹ However, the Taliban reiterated the necessity of the measure, citing instances of women aid workers wearing improper hijab and their opposition to the

strategic role NGOs have played in disseminating Western values across Afghan society.²² Seeing no feasible way forward without women staff, prominent INGOs—including Save the Children, the Norwegian Refugee Council, the International Rescue Committee, and CARE International—made the difficult decision to suspend their operations in Afghanistan, leaving behind more than 20 million individuals facing acute hunger, six million individuals on the verge of famine, and five million malnourished children under the age of five.²³

Four months later, in April 2023, the Taliban banned Afghan women from working for the UN, forcing the UN to scale back its operations across Afghanistan.²⁴ In an attempt to rectify the situation, the UN replaced women employees with male counterparts. However, this solution did not address challenges with access to female beneficiaries historically experienced by NGOs operating in Afghanistan.²⁵ UN employees in Afghanistan estimated that the prohibition against women UN personnel decreased the organization's reach and productivity by more than 50 percent. Afghans face the highest prevalence of insufficient food consumption globally, with 92 percent of households struggling to meet their basic needs.²⁶ According to an Afghan woman interviewed by the *New York Times* about the suspension of women in aid services in Afghanistan, "If they are not allowed, we will die of hunger. We are starving."²⁷

The Taliban issued edicts and carried out official acts—at both the national and provincial levels—that infringed upon Afghan women's right to participate in NGO functions. In June 2023, the Taliban banned NGOs from providing educational programming in Afghanistan.²⁸ In September 2023, the Taliban Governor of Uruzgan, an Afghan province, broadcast a message barring women from working remotely for NGOs.²⁹ The next month, in October 2023, the Taliban's Ministry of Economy prohibited NGOs operating in Afghanistan from appointing women to leadership roles within the organization.³⁰ In December 2023, the Taliban's Ministry of Economy directed local and international NGOs to submit the names of current employees for government background checks and approval. Within the same month, the Taliban's Ministry of Economy issued a letter instructing local and international NGOs to cut projects related to peace, conflict resolution, advocacy, and public awareness, which the Taliban described as "unnecessary."³¹ Building on the Taliban edicts adopted in March and December 2022 barring

women from employment in NGOs and the UN, these successive edicts demonstrate the Taliban's prevailing commitment to obstructing women's participation in NGO activities across Afghanistan.

In February 2024, the Taliban's General Directorate of Intelligence prohibited NGOs operating in Afghanistan from taking photographs of women participating in their meetings and aid distribution events.³² In May 2024, the Taliban's General Directorate of Intelligence shuttered a women-led NGO for continuing to allow women employees to report to work in person against Taliban rules.³³ That same month, the Taliban's General Directorate of Intelligence permitted the NGO to reopen, but only after the NGO leadership signed a letter pledging to abide by Taliban guidelines on women's employment moving forward.³⁴ Today, Afghan women are barred from working for national and international NGOs or the UN.

The remaining NGOs in Afghanistan struggle to function fully without women staff. While many INGOs have already pulled out of the country, if the Taliban continues to restrict women aid workers, the organizations left may have to dramatically reduce and or cease their operations, leading to a loss of billions of dollars in humanitarian aid and worsening an already dire humanitarian crisis.³⁵ The prospective withdrawal of aid organizations will undoubtedly exacerbate food insecurity across the nation, which has a population that includes 2.9 million people on the brink of famine, and aggravate the economic crisis.³⁶

Women and Female-focused Content, Female Faces or Voices in Media Outlets

Since August 2021, the Taliban have carried out official acts and adopted a swath of edicts to tighten control over Afghanistan's public media outlets, devoting particular attention to censoring—and silencing—female voices and content. Within their first month in power, Taliban authorities conducted a door-to-door manhunt for journalists with real or perceived ties to the former republic or Western forces, vowing to arrest and detain all those captured.³⁷

Beginning in May 2022, the Taliban rolled out a series of orders directed at women journalists and

broadcasters, including requiring women news anchors to cover their faces on air. In September 2022, the Taliban required female television guests to cover their faces.³⁸ In October 2022, the Taliban eliminated the Women's Seat from the Commission of Media Violations, a move that sparked considerable criticism from journalists and advocates for press freedom in Afghanistan and abroad.³⁹

Throughout 2023, the Taliban censored female voices and content in Afghan public media. In May 2023, the Taliban instructed media outlets to cease producing radio or television content related to female hygiene.⁴⁰ In June 2023, the Taliban banned Afghan women from starring in radio or television programs alongside men.⁴¹ In July 2023, Taliban authorities in Helmand province instructed local media outlets to stop airing girls' and women's voices and reporting on girls' and women's rights and instances of violence against girls and women.⁴² In September 2023, the Department of Information and Culture in Helmand required media outlets to have the content of any radio or television program featuring women pre-approved by Taliban authorities.⁴³ In October 2023, the Taliban Religious Police in Kunduz implemented a similar restriction for press publications.⁴⁴

In 2024, the Taliban continued to restrict Afghan women's participation in public media.

In February 2024, Abdul Rashid Omari, the Taliban Police Chief in Khost, banned women from contacting local radio stations and television channels, citing the potential for 'spreading immorality.'⁴⁵ In August 2024, the Taliban imposed a unilateral ban on older girls' and women's voices and exposed faces in public, a new law that set the groundwork for the elimination of girls and women from public media altogether.⁴⁶

The implications of Taliban restrictions on public media have been vast. By the end of 2024, only 220 out of the 642 Afghan media outlets that existed before Taliban rule remain active.⁴⁷ During the Republic Period (2004–2021), approximately 9,067 men and 2,833 women worked in public media, but by the end of 2024, only an estimated 4,064 men and 700 women remained.⁴⁸ Approximately 5,000 men and 2,100 women journalists have been forced out of their jobs or chosen to leave the profession, citing the risks associated with journalistic practice in Afghanistan.⁴⁹ Women journalists who continue to work in Afghanistan face credible threats

of intimidation, harassment, arbitrary arrest, imprisonment, and even torture, as evidenced by the 85 recorded cases of Taliban violence against women journalists in Afghanistan in 2023.⁵⁰

The censorship and silencing of female voices in Afghan public media have broader impacts on Afghan society. Journalists and press freedom advocates in Afghanistan and abroad describe that the quantity and quality of the news in and about Afghanistan has significantly declined since the Taliban's takeover. A woman journalist, speaking to the South Asia Press Freedom Report about the restrictions affecting female journalists under Taliban rule reported, "When I went to government institutions to gather information, they would tell me to leave and send a male journalist to get the information."⁵¹ Another women reporter, discussing the ramifications of new Taliban restrictions upon women's journalistic practice in Afghanistan said, "Government sources are less responsive to female reporters than to men, and public sources, due to fear of reprisal by the Taliban for being interviewed by a female journalist, refrain from interviews and conversations, or suggest that female journalists should speak with female source."⁵²

As media outlets in Afghanistan are no longer able to operate without Taliban oversight, journalists are unable to report on the range of subjects once permitted under the previous administration or produce content that may be interpreted as critical of the Taliban.⁵³ Due to the fear of reprisals by the Taliban, many journalists have expressed challenges interviewing sources on record, and low-level Taliban officials have been reluctant to provide requested information to journalists.⁵⁴

A Future Without Girls and Women in Political and Civil Life

In addition to the direct impacts on Afghan women in government, NGOs, and public media, the Taliban continued their efforts to eliminate women from political and public life. The potential consequences raise concerns for Afghanistan's future. For example, the Taliban's failure to include women in government negatively impacts the nation's ability to receive funding from institutions like the World Bank or the Asian Development Bank that take into account human rights and women's rights in their financial decision-making.⁵⁵ Similarly, without women in government, historically friendly nations are rejecting a partnership with Taliban-run Afghanistan for fear of being added to the United States' secondary sanctions list.⁵⁶ These plausible ramifications from the Taliban's policy and practice are troubling for a nation already in an acute economic and human rights crisis.

The Taliban's crackdown on women's and girls' voices in public media has led to a demonstrated decline in the quantity and quality of news in and about Afghanistan. Without women journalists and broadcasters, the Afghan people are unable to realize their right to information included in multiple international human rights instruments like Article 19 of the Universal Declaration of Human Rights and Article 19.2 of the International Covenant on Civil and Political Rights.⁵⁷

The ramifications of Taliban efforts to drive girls and women from political and public life reach far beyond the women directly impacted. While Taliban policy violates the rights and freedoms granted to girls and women in Article 7 of CEDAW, their efforts contribute to human rights violations against Afghan society more broadly.

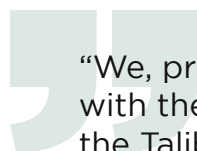
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ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.



“We, protesting women, ask the United Nations to stop negotiating with the Taliban about the fate of the Afghan people; because the Taliban are not representatives of the Afghan people, and no person or organization has the right to deal with the fate of the Afghan people, especially women.”¹

—A coalition of Afghan and international women’s rights movements protesting the Doha 3 meetings hosted by the United Nations in which the Taliban agreed to participate only if Afghan women and civil society groups were barred from attending

“They banned me as an Afghan woman, saying female aid workers in Afghanistan aren’t necessary. I was shocked. Outraged. Heartbroken... The ban on female aid workers is effectively cutting off women and children from vital support at a time when we’re facing our biggest food and economic crisis on record. I’m calling on the world to stand with us, advocate for us, be our voice and demand that the ban be reversed. Our lives depend on it.”

—Afghan woman educator working for a humanitarian aid organization

Introduction

Article 8 of CEDAW addresses the necessity of ensuring women’s equal participation in international affairs. It obliges States Parties to take appropriate measures to guarantee women the opportunity, on equal terms with men and free from discrimination, to represent their governments at the international level and to engage in the work of international organizations.

This provision encompasses women’s right to participate in international conferences, diplomatic negotiations, and official missions, as well as their involvement in the operations of international

organizations, such as the United Nations, and regional organizations, such as the African Union, the Organization of American States, and the Council of Europe. Article 8 builds upon the principles outlined in Article 7, which focuses on domestic political and public life, by extending gender equality obligations into the realm of international representation and diplomacy.

Importantly, Article 8 calls for more than formal equality by emphasizing the need for substantive equality. It requires States Parties not only to remove legal barriers but also to adopt proactive strategies to address structural inequalities, including gender bias in recruitment, appointment, and nomination

processes. This involves challenging stereotypes and institutional practices that have historically limited women's participation in international decision-making and leadership roles.²

In 2001, the Ministry of Women's Affairs was created to help secure women's social, political, and legal rights.³ In 2002, Dr. Sima Samar, serving as Afghanistan's first Minister of Women's Affairs, addressed the United Nations Security Council and other international forums to underscore the critical need for global support in promoting women's rights and facilitating national reconstruction. Throughout its mandate, the Ministry for Women's Affairs actively partnered with United Nations agencies and foreign governments to advance its objectives of safeguarding and improving the legal, social, and political status of Afghan women and girls. In its international advocacy, the Ministry emphasized the essential role of women in all phases of peacebuilding, political transition, and institutional development, while also urging the implementation of global commitments such as UN Security Council Resolution 1325 on Women, Peace and Security.

Afghanistan's accession to CEDAW in 2003 played a significant role in shaping the gender equality provisions of its 2004 Constitution. The Constitution enshrines the principle of equal rights and responsibilities for women and men under the law, explicitly prohibits discrimination on the basis of gender, and affirms women's rights to full participation in political and public spheres. Notably, Article 83 of the Constitution establishes a quota system aimed at promoting women's representation in the national legislature, reflecting a commitment to enhancing gender inclusivity in governance.⁴ By 2021, women held 69 out of the 249 seats in parliament.⁵ Also in 2021, women occupied 6.5 percent of the ministerial positions, with nine women in the minister or deputy minister positions.⁶

Afghan women have held prominent positions across various sectors, serving on the Supreme Court, as government ministers, provincial governors, members of parliament, and senators. Afghan women held high-ranking international positions, including as Permanent Representative to the United Nations and Ambassador to the United States. In addition to their formal political roles, Afghan women have led national anti-corruption initiatives, organized widespread voter mobilization efforts, managed large-scale humanitarian operations, and contributed to both national and

international journalism with notable impact. They have also played significant leadership roles in the private sector, founding and managing businesses, establishing civil society organizations, and directing major media outlets.⁷

Afghan women in government and civil society participated in international conferences, decision-making forums, and peace negotiations around the world. For example, they participated in the Afghan Women Leaders' Peace Summit 2020 in Dubai, where they advocated for women's perspectives and representation in peace negotiations with the Taliban. They demanded a ceasefire and strove to ensure that both ethnic and gender minority voices were present in these negotiations.⁸ Afghan women were also present at the International Donors' Conference for Afghanistan 2020 in Geneva to advocate for gender inclusive aid to Afghanistan.⁹

Outside of politics, Afghan women represented their country in international competitions in basketball, wheelchair basketball, soccer, handball, cricket, track and field, cycling, martial arts, and volleyball. Afghan women musicians, fine artists, street artists, calligraphers, embroiders, weavers, performers, photographers, performance artists, and entertainers have exhibited, performed, presented, and lectured around the world, winning international audiences and acclaim.¹⁰

Nonetheless, research conducted by the United States Institute for Peace with Afghan men and women revealed a broad consensus that opportunities for Afghan women's leadership and women's international participation remain constrained. These leadership roles are often concentrated in urban areas, heavily reliant on international donor support, and lack widespread integration into rural and conservative, patriarchal contexts.¹¹

International Participation and Representation

Since regaining control of Afghanistan, the Taliban have effectively removed and excluded Afghan women from all formal political processes, including those involving international diplomacy or multilateral forums. The Taliban have instituted a series of measures that drastically curtail the participation of Afghan women in public and political spheres, both within the country and on the international stage. One of the regime's

initial actions was the dissolution of government bodies dedicated to women's affairs, notably the Ministry of Women's Affairs, thereby eradicating institutional representation and avenues for women's political engagement.

The Taliban have imposed stringent limitations on women's mobility, making it increasingly difficult and costly for women to obtain passports, mandating the presence of a male guardian or mahram for domestic and international travel, and enforcing strict dress codes, such as the requirement to cover their faces in public.¹² These policies severely inhibit women's capacity to travel abroad or participate in international conferences and negotiations. Furthermore, the prohibition of girls and women from accessing secondary and higher education, combined with heavy restrictions on female employment, deprives them of the qualifications and experience necessary for meaningful involvement in global political dialogue.

In addition, the dismantling of human rights institutions and justice systems, especially those tasked with safeguarding women's and girls' rights, has eroded accountability mechanisms and left a substantial void in the enforcement of international human rights standards. Public expression of dissent, including peaceful protests, has been met with repression and violence, fostering an environment in which women and girls are deterred from voicing their perspectives. This climate of fear further marginalizes women and girls and obstructs their participation in political processes at both national and international levels.¹³

The Taliban have systematically excluded Afghan girls and women from national and international diplomatic meetings, policy negotiations, and humanitarian coordination efforts. In November of 2023, the Taliban convened their first de facto cabinet meeting.¹⁴ Under the new de facto Prime Minister, numerous policies were drafted and passed, including the Taliban's approach to domestic and foreign policy.¹⁵ In implementing these new measures, the Taliban allegedly conducted outreach to the Afghan population, although girls and women were excluded from this process.¹⁶

The Taliban have systematically excluded Afghan girls and women at the international level. Most notably, Afghan girls and women and issues of their concern were absent during regional meetings when the Special Representative of the

Secretary-General of Afghanistan and the Head of United Nations Assistance met and discussed the forced return of Afghans from Pakistan back into Afghanistan.¹⁷ How the forced returns would affect Afghan girls and women, and key considerations regarding Afghan girls and women, were not discussed during these meetings, leaving them excluded from international conversation.¹⁸

Only in some international meetings without the Taliban present have Afghan girls and women been able to engage in participation and representation internationally. In a study conducted by the IOM, UNAMA, and UN Women, both men and women respondents stated a need for women's representation in the dialogue surrounding Afghanistan's future.¹⁹ Additionally, they expressed a desire for a women-only delegation to represent Afghan women's needs in international decision-making.²⁰ The respondents also stressed the importance of Afghan women's meaningful representation in international affairs, expressing frustration that there had been few instances of women's participation in national and international affairs. Importantly, respondents were critical of some of the women who had been hand-picked by political leaders and felt that Afghan women were being left without a say in who represents them. In one of the few opportunities for women to share their voices in a national consultation undertaken by IOM, Afghan women made clear the importance of actual and meaningful representation in international affairs, citing the numerous ways in which they have been systematically shut out of international affairs.²¹

Women NGO and INGO Employees

The Taliban prevented women's international participation with direct restrictions on women employed by NGOs and INGOs in Afghanistan. They ordered that female humanitarian aid workers must wear hijabs following the Taliban's new dress laws.²² Initially, this did not include women working within the UN agencies. However, in May 2022, the Taliban declared that this decree was now applicable to all women, including those associated with the UN.²³ The Taliban then ordered over 400 Afghan women who worked for the UN in Afghanistan out of their jobs, comprising 12 percent of all UN staff in the country.²⁴ Added regulations included the mahram rule, stating that Afghan male relatives needed to accompany Afghan women employees to and from work and

for the duration of their shifts. By April 2023, Afghan girls and women were completely banned from all participation in international aid groups.²⁵

This ban caused many international organizations to significantly scale back or suspend operations.²⁶ As a result, many Afghan women and children are no longer able to access aid due to discriminatory cultural beliefs and restrictions by the Taliban that there can be no male-female interaction. Female-headed households and individuals experiencing disabilities are among the most at-risk groups in need of aid.²⁷

The UN's 2024 appeal for Afghanistan is \$3.06 billion to provide humanitarian assistance to 23.7 million people. As of November 2024, only 37.5 percent of the funds had been secured.²⁸ Many countries are withholding aid due to the Taliban's extreme discrimination and violence towards girls and women. As of December 2024, Afghanistan was the lowest-funded UN aid operation in the world, despite being one of the countries with the highest need.²⁹

In 2025, nearly 14.5 million people in Afghanistan are facing acute hunger, over 1 in every 3 Afghans, and those numbers expected to rise.³⁰ The Afghan government has historically heavily depended on international development and aid for essential services. With the significant decrease in access, funding, and ability to accurately report, essential services are on the verge of collapse.³¹ Individuals experiencing disabilities remain at great risk, and Afghanistan has one of the highest percentages of individuals with disabilities in the world. Without humanitarian aid, many services for disabled Afghans no longer exist.³²

From humanitarian reporting undertaken, 37 percent of Afghans stated that since the beginning of 2023, their ability to access humanitarian aid had decreased. By the end of 2023, this figure rose to 51.21 percent of Afghans surveyed, many of them citing the Taliban banning female employees as the primary reason their access was reduced or stopped.³³ For example, during the May 2024 floods in northern Afghanistan, the absence of female staff hindered NGOs from adequately addressing the needs of women and children during the crisis. Due to the lack of women employees and existing Taliban gender and mahram rules, women-headed households were not reached. Additionally, specific female needs, such as menstrual hygiene kits, were not adequately distributed, as distribution relied

heavily on the Afghan men seeking, giving assistance to, identifying, and advocating for women's and girls' specific needs.³⁴ Because of the Taliban's ban on girls' and women's participation in NGOs and INGO's, Afghan girls and women are denied the ability to directly work in the humanitarian sector or often to directly receive humanitarian aid. Girls and women are also denied the ability to participate and be represented in international humanitarian data, reporting, and response.

Women's International Participation in Sports

Afghanistan had numerous women athletes and women's athletic teams that competed in national, regional, and international sports events. The Taliban banned women and girls from participating in sports, disbanded their sports teams, and barred them from athletic facilities. The Taliban only sent male athletes and ignored the existence of Afghan female athletes who qualified and went on to participate in the Paris 2024 Olympics.³⁵ While six Afghan athletes represented Afghanistan during the Olympics, the three female Afghan athletes who participated all reside outside of Afghanistan.³⁶ The female athletes' participation was coordinated with agencies outside of Afghanistan, while the male athletes were under the responsibility of the Taliban.³⁷ The spokesman for the Taliban sports directorate stated, "Only three athletes are representing Afghanistan," indicating that the three Afghan female athletes did not exist in the eyes of the Taliban.³⁸

Intergovernmental Meetings Focused on Afghanistan

A significant denial of women's right to meaningful international participation and representation was evidenced in the high-level intergovernmental Doha 3 meeting. The Taliban refused to participate in the meeting if Afghan women were present. The international community did little to support Afghan women's right to participation, as they valued Taliban participation in the conference and hoped for agreements with the Taliban on curbing drug trafficking over human rights and girls' and women's rights. Coming into the Doha 3 conference, civil society and girls and women's rights were not on the agenda, as the UN sidelined these topics and let the Taliban dictate the agenda to the environment and counter-narcotics.^{39,40} In

response to Afghan women's exclusion, an optional third day was added to the two-day conference, and a small side event was held regarding civil society and women's rights, to which the Taliban agreed.⁴¹ However, as this third day was added on at short notice, many country delegates had already left, the meetings that they had were closed-door, and the few women who were chosen to represent Afghanistan in the conversation were hand-picked by the UN.⁴² The limited conversation about the future of girls' and women's rights in Afghanistan was held without the full quorum of country delegates and manufactured without the meaningful participation and representation of Afghan girls and women.⁴³ The Doha 3 conference comes as a double blow for Afghan women, as the UN Security Council Assessment for Afghan Reintegration was already conducted without transparency or inclusivity, and produced a result that significantly downplayed the widespread and systematic denial of the rights and freedom of girls and women.⁴⁴

The Taliban have presented an international agenda that denies girls' and women's meaningful participation and representation in international affairs. They are denied the ability to participate in national proceedings, denied the existence of representing their country at the Olympics, and denied a space in which to articulate an unfiltered voice in the international community.

Following the Doha 3 conference, the Taliban escalated restrictions on women's rights by barring the Special Rapporteur from entering Afghanistan.⁴⁵ Shortly after, the Taliban published one of their most severe laws, "The Propagation of Virtue and Prevention of Vice."⁴⁶ Under this law, older girls' and women's voices are banned from being heard in public or heard from within their own homes.⁴⁷ As girls and women are systemically erased from Afghan society, they are also being erased from the world, as they cannot participate in any form of public or, in some cases, private life if they cannot speak.

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ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.



“The Taliban are turning women into nameless, anonymous shadows. A tool, to be used and kept at home, a machine for making babies.”

—Nilofer Fahim, 29-year-old Afghan woman who recently fled Afghanistan¹

Introduction

Article 9 of CEDAW affirms the principle of gender equality in matters of nationality. It obliges States Parties to ensure that women enjoy the same legal rights as men to acquire, change, or retain their nationality. The provision specifically prohibits the automatic alteration of a woman’s nationality because of marriage to a foreign national or due to changes in her spouse’s nationality.

Furthermore, Article 9 mandates equal rights for women in determining the nationality of their children, thereby addressing gender-based disparities that have historically affected the legal identity and citizenship status of both women and their offspring. By doing so, Article 9 seeks to eliminate the risk of statelessness arising from discriminatory legal frameworks and practices. It underscores the necessity of removing sex-based distinctions in nationality laws to ensure women are not disadvantaged in their legal identity or in transmitting nationality to their children. In promoting equal nationality rights, Article 9 contributes to the broader goal of achieving legal equality and protecting the human rights of women and their families.²

The 2004 Constitution of Afghanistan explicitly affirmed the principle of gender equality by granting women equal rights and obligations before the law, thereby recognizing them as full citizens with the same legal standing as men. Article 22 of the Constitution stipulates that “any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.” This constitutional provision represented a significant advancement toward the realization of international human rights norms, particularly those about gender equality. Article 22 represented an important victory for Afghan women, especially as they were emerging from the systematic violation of most of their rights under the first Taliban regime.

Women’s rights activists in Afghanistan and their allies fought hard to ensure women’s and girls’ rights under the Constitution were recognized and upheld. However, in their attempts to ensure women’s and girls’ rights on the ground, they faced an uphill battle due to patriarchal cultural values and conservative, patriarchal decision-making bodies that helped men control women and girls and undercut their rights, especially in rural areas.³

National Identification Documents (Tazkira) and Passports

The Tazkira is the most important national identification document for Afghan nationals. The Tazkira is an essential document that provides important benefits and is crucial for accessing various services and rights. The Tazkira is official proof of a person's identity and Afghan citizenship. Tazkiras are important to enable access to the educational system and public health services, registering for public or private employment, registering land and property, or proving identity and inheritance claims, voting in elections, opening a bank account, mobile banking, and attaining bank loans, registering a business, and getting a driver's license and passport. Tazkiras are necessary for registering births, marriages, and deaths. For women, Tazkiras are especially important for ensuring their right to inheritance, property, and dowery. For girls, Tazkiras are important to prove a girl's age and help to combat child marriage.⁴

Between 2010-2021, women in Afghanistan could apply independently for their Tazkira and passports, prior to this, they had to be accompanied by a male relative. By 2018, women could register as heads of households and enroll their family members in the program, enabling the family to have greater access to political and social rights. However, by 2020, most Afghan women still did not have national identity cards: only 48 percent of Afghan women had Tazkira cards, compared to 94 percent of Afghan men.

Upon taking power in August 2021, the Taliban has forbidden girls and women to obtain a Tazkira card themselves or for their children without a male family member and local male leaders' approval and supervision.⁵ Without this card, women are unable to vote in elections, have no protection from legal authorities, have less ability for land ownership or leasing, cannot access employment, financial loans, or travel domestically or internationally.⁶ In addition to not being able to access any of the previous services, women are inhibited in their access to humanitarian aid, leaving them dependent on a husband, father, or male family member.⁷

Under Taliban rules, for girls or women to obtain a Tazkira card, they first must be accompanied by a mahram.⁸ Female-headed households, girls, or women whose male relatives do not travel with them are unable to obtain a Tazkira. Older girls or women can request a male community elder to accompany

them, but this can expose girls and women to possible exploitation and abuse.⁹ Additionally, a Tazkira is only granted with the endorsement of community elders, confirmed by local council members, along with assisting documentation from a family member and two witnesses.¹⁰ These steps make this process extremely difficult for female-headed households to obtain national identity documentation. Even for girls and women with husbands present, the process requires the full support and efforts of their husbands and male family members.

Additionally, the Taliban have altered the law to state that older girls and women are not required to carry Tazkira cards if they are accompanied by male family members, resulting in a disincentive for male family members to assist in obtaining Tazkira cards for their female family members.¹¹ Due to a combination of both the lengthy and expensive application process, exacerbated by new Taliban rules, and already financially strained Afghan households, male family members are further disincentivized to get their female members this essential form of documentation.¹²

According to 2023 UNHCR protection data, in rural and culturally conservative areas of Afghanistan, 77 percent of families reported lacking any state identity documentation, with girls and women representing the majority of those lacking documentation.¹³ Due to high levels of illiteracy and the far distances required to civil offices, rural girls and women are less likely to be informed about the application processes and therefore remain without Tazkira cards.¹⁴

Internally displaced people, female-headed households, and girls and women in rural areas in particular are hindered in accessing their rights without documentation. Additionally, due to both the highly communal and expensive nature of applying for Tazkira cards and passports, displaced people or families that are not members of the communities they are living in struggle to access funds to cover the high costs and are thus even more unable to complete the application process for documentation.¹⁵

With the additional steps required by the Taliban to procure a Tazkira card, the use of middlemen has risen to facilitate the application process, adding to increasing costs and the likelihood of fraudulent documentation.¹⁶ Passports were reported to have

the highest level of cost inflation, at around 10,000 to 12,000 AFN, around a 50 percent increase in prices before the Taliban takeover.¹⁷

Without identity documentation, girls and women have no national proof of identity, making it more difficult for them to access basic services, humanitarian assistance, financial resources, housing resources, or health resources.¹⁸ Without legal documentation, girls and women are unable to travel without their male family members, severely restricting girls' and women's freedom of movement.¹⁹ Further restricting freedom of movement, on May 2, 2022, the Taliban ordered that driver's licenses would no longer be issued to older girls and women.²⁰ On January 16, 2023, the Taliban also instructed travel agencies not to sell bus or airplane tickets to girls and women without a mahram.²¹

Moreover, without proof of identity, girls and women are at increasing risk of trafficking, early marriage, and sexual and gender-based violence.²² Under the Taliban's interpretation of sharia law, a girl is an adult by 12-14 years of age. While marriage documents cannot be legally issued for those under 18 years old, the lack of proof of age helps enable girls to be forcibly married.²³ Without documentation or legal proof of a child's age, the Taliban, local power holders, or individual family members can coerce families to marry off their girls, putting those girls at risk for sexual violence and exploitation.²⁴

Statelessness Under the Taliban

Some Afghan women currently face challenges associated with statelessness, compounded by systemic gender-based discrimination and restrictive policies imposed by the Taliban regime. Among the most pressing issues are women's limited access to legal documentation, restrictions on women's freedom of movement, and heightened exposure to gender-based violence. These vulnerabilities are closely linked to longstanding structural inequalities and armed conflict and are

amplified with the resurgence of conservative Taliban practices that curtail women's rights in both public and private life.²⁵

According to the World Bank, Afghanistan has the widest gap between women and men having national identity documentation; 52 percent of Afghan women lack official identification or nationality documentation, compared to only 6 percent of Afghan men. Afghan women's lack of national identity documents is impeding their ability to assert legal rights, access essential services, or obtain protection under national and international legal frameworks. This lack of documentation often results from prolonged conflict, displacement, and discriminatory state practices. Moreover, the Taliban's policies have further constrained women's autonomy by restricting their mobility, both within the country and across international borders. These restrictions impede access to safety, humanitarian aid, and family reunification, often compelling women and girls to resort to unofficial and unsafe border crossings, thereby increasing their susceptibility to exploitation and abuse.²⁶

Women without legal status are particularly vulnerable to various forms of gender-based violence, including sexual and domestic abuse, human trafficking, and forced marriage. Their undocumented status can result in barriers to justice, limited access to legal recourse, and exclusion from support services.²⁷ The economic and humanitarian crises in Afghanistan, coupled with prohibitions on women's employment and education, have further intensified these vulnerabilities, undermining their capacity for self-sufficiency and security.

The Taliban's systematic dismantling of women's rights—such as the right to education, work, and freedom of movement—has created an environment of fear and instability. These policies have significantly restricted women's access to fundamental necessities and opportunities for a stable future. Additionally, the current political climate has contributed to a marked increase in forced displacement and refugee flows.²⁸

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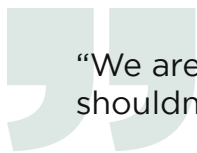
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ARTICLE 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular, to ensure, on a basis of equality of men and women:

- a. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- d. The same opportunities to benefit from scholarships and other study grants;
- e. The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f. The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- g. The same Opportunities to participate actively in sports and physical education;
- h. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.



“We are girls. We are from Afghanistan. We are humans. Why shouldn’t we go to school? What crime have we committed?”

—Anonymous schoolgirl in Afghanistan¹

“In my province we had girls that could be singers, professors, athletes and politicians. Now we have nothing left. All of those talents were arrested, left the country, or now live in hiding. Families rush to marry their daughters because they are afraid the Taliban may take them for marriage. Most girls are forced to marry. This is a nightmare I never imagined to happen.”

—Anonymous women teacher in Afghanistan²

“We women of Afghanistan will never surrender. The Taliban needs to know that women and girls will not be silenced. We are not weak. We are not victims. We will raise our voices against discrimination and inequality”.

—A 16-year-old schoolgirl and aspiring musician³

Introduction

Article 10 of CEDAW establishes the obligation of States Parties to guarantee women and girls equal rights in the field of education and training. It encompasses access to all levels and forms of education, including preschool, primary, secondary, tertiary, and adult education, as well as technical and vocational training. The Article emphasizes not only equal access but also the quality and content of education, calling for the elimination of gender-based stereotypes that may be perpetuated through curricula, teaching materials, and pedagogical practices.

A central element of Article 10 is the requirement that educational environments promote gender equality through the revision of textbooks and curricula to reflect non-stereotypical and equitable representations of women and men. Women must be provided equal access to educational resources, including qualified teaching personnel, school facilities, and learning equipment. The Article also underscores the importance of equal opportunities to benefit from scholarships and other forms of financial assistance for study, as well as access to continuing and adult education programs.

Furthermore, Article 10 calls for targeted measures to address and reduce the dropout rates of female students and to reintegrate women and girls who have left the education system prematurely. It also promotes women’s participation in sports and physical education, recognizing the role of physical activity in personal development and social inclusion. In addition, the Article stresses the importance of providing women with specific educational content related to family life and well-being, including reproductive health and family planning. More broadly, CEDAW’s educational provisions aim to eliminate illiteracy among women and girls, ensuring that they are equally equipped to engage in all aspects of social, economic, and political life.⁴

Beginning with the US-backed overthrow of the first Taliban regime in December 2001 through August 2021, Afghan girls’ enrollment in primary school surged from nearly zero to approximately 2.5 million girls, and 40 percent of schoolchildren were girls.⁵ From 2003 to 2018, girls’ secondary school enrollment increased from 6 percent to approximately 40 percent.⁶ Afghanistan significantly expanded access to higher education for both young women and men. Over 410,000 co-ed university students were enrolled throughout the state’s 170 public and private universities, and nearly 37,200 professors and administrative staff offered a wide breadth of diverse fields of study.⁷ Moreover, women’s attendance in tertiary education institutions boasted 90,000 female students in 2018, a substantial increase from 5,000 in 2007.⁸ By 2020, 30 percent of university professors were women, and over 110,000 women attended colleges and universities in Afghanistan, representing over 20 percent of all students attending.⁹

Girls’ and Young Women’s Primary and Secondary Education

On August 30, 2021, the all-male, madrasa-educated senior Taliban appointees to the Ministry of Education barred co-education and prohibited men from teaching girls and women from teaching boys, even in primary school.¹⁰ The Taliban mandated compulsory uniforms for women teaching in primary school and madrasas (religious schools), and, in June 2022, in central Afghanistan, the Taliban decreed that girls in primary school must wear hijab in school and completely cover their faces when traveling to and from school or be expelled.¹¹

The Taliban leadership banned secondary education for girls in September 2021, soon after they took power. They announced schooling beyond the primary level would reopen for girls, but then almost immediately announced that secondary school for girls would remain closed indefinitely.¹²

Girls are no longer allowed to attend school beyond sixth grade. A 14-year-old schoolgirl expressed her dismay at being banned from school: “Education is an important part of our life and if we can’t go to school, we lose hope. And without hope, we lose our life.”¹³ The mother of an 8th-grade student forced from school explained: “My daughter puts on her uniform several times a day. She talks to herself all day about school, her teachers, and her classmates. I feel helpless.”¹⁴

According to the World Bank, barred from secondary school, some girls began repeating lower grade levels to remain in primary school longer.¹⁵ The Taliban then barred girls perceived to be older than ten years old from attending classes below the sixth grade.¹⁶ On August 8, 2023, the Ministry for Promotion of Virtue and Prevention of Vice ordered officials and school administrators in provinces to prohibit taller girls or girls they perceived to be older than ten years old from entering school premises, even if they were actually under ten years of age.¹⁷ In some provinces, the Taliban ordered headmasters of girls’ schools to examine students for signs of puberty and expel any girl who showed signs of physical maturation.¹⁸ This has meant that Head Masters and Taliban enforcers have sent some girls in the third grade home without the option to return.¹⁹

Girls allowed to attend school between grades 1 and 6 are confronted with additional barriers to accessing their right to education.²⁰ Their schools lack a sufficient amount of all-female teaching staff and proper sanitation and hygiene facilities.²¹ In conjunction with official Taliban rules, some girls disclosed that their parents, siblings, and community members support restrictions against girls’ education, even for primary school-aged girls, due to real or perceived risks concerning the Taliban attacking students or schools, compliance, lack of female teachers, and or their conservative perspectives.²² A 15-year-old girl forced out of school stated, “This is my message to the world: I used to be holding a pen and book and now I’m holding a broom—it’s a symbol of hopelessness.”²³

Taliban authorities have also installed new female teachers and principals who have been educated in fundamentalist madrassas. These women are tasked with enforcing the Taliban’s strict dress requirements, requiring all-concealing clothing for women and girls.²⁴ Many girls are required to walk two to three hours in long black burqas or all-encompassing hijabs to school and have described suffering from

heat stroke and shortness of breath during hotter months.²⁵ One teacher disclosed the presence of Taliban informants in schools who are responsible for monitoring and reporting any violations of the strict dress code. Violating teachers were fired and students were expelled without recourse.²⁶ A girl student stated: “We are not allowed to wear belts. Our sleeves should be large to hide our elbows and the shape of our arms. But then we were reprimanded because when we write on the board, our sleeves roll back and our arms are revealed.... One day we are asked to have loose sleeves, and the next day we are admonished for it.”²⁷

Reports have appeared of Taliban enforcers beating elementary school students and teachers with electrical cables, sticks, or gun butts for not keeping their faces entirely covered on school premises.²⁸ Many families cannot afford full hijabs or burqas for their daughters and are subsequently prohibited from attending school or leaving the house out of fear of violent consequences by Taliban enforcers.²⁹ Many schools have been destroyed by the Taliban, while others have been turned into Taliban military bases.³⁰

According to the World Bank, as of October 2023, only 3 percent of girls were attending secondary school nationally, with an insignificant difference between urban and rural areas.³¹ By December 2023, over 80 percent of secondary school-age girls were not enrolled, indicating a reversal of nearly two decades of improving attendance rates.³² UNICEF reported that as of September 2024, the ban has impacted approximately 2,200,000 Afghan girls.³³ A 15-year-old girl forced out of school explains: “With this current situation, when I look at my future, it will look like it does today—carrying water from faraway places and working. If you look at other societies, women are educated and empowered. So why are we held back compared to other women? This makes me sad, and it makes me cry.”³⁴

Implementation and enforcement of these declarations have been uneven across Afghan provinces. Not all members of the Taliban Authority appear aligned with all the decrees. However, dissenting beliefs are typically kept in the margins as the Taliban leadership demands obedience to quell internal conflict and disunity.³⁵ Additionally, most Taliban members are illiterate and are insulated within a community in which accurate information about Islam is not easily accessible, and

thus continue to follow their leadership's directives and interpretations.³⁶

Women's Tertiary and University Education

On September 29, 2021, the Taliban banned women from attending and teaching at Kabul University, one of the oldest and most prestigious universities in the country. Over the next several months, women's access to higher education came under attack. By February 2022, the Taliban was forcing universities across the country to sex segregate their students and professors. On April 29, 2022, women's attendance at universities was limited to three days a week. The same day, the Taliban ordered all women students and professors to cover their faces while on campus. On October 7, 2022, women students were blocked from choosing agriculture, mining, civil engineering, veterinary, and journalism majors, and women faculty were prohibited from teaching these subjects. The Taliban then increased the number of classes and credits for courses with their approved version of Islamic content.³⁷

At first, the Taliban prohibited older girls and women from holding professorial and student positions at public universities until a segregated structure could be implemented. Female university students were required to attend classes on separate days of the week, mandated to cover their faces, and banned from several academic fields that the Taliban deemed inappropriate for older girls and women. On December 20, 2022, the spokesperson of the Taliban's Higher Education Ministry, Hafiz Ziaullah Hashemi, shared a letter signed by the acting Education Minister, Sheikh Neda Mohammad Nadim, directing all public and private universities and educational institutions to immediately cease admission of female students.³⁸ This ban amplified the effects of the ban on girls' secondary school attendance. Now, even if girls and women are permitted to return to college in the future, many will be unable to meet the secondary education prerequisites.³⁹

On December 26, 2022, Taliban enforcers sprayed women students standing near the entrance of Takhar University in Takhar Province with a water cannon and beat them.⁴⁰ Other girls and women protesting the ban at Badakhshan University in Badakhshan Province were hitting and kicking the entry gates, demanding they be given access

to attend classes; Taliban enforcers attacked and assaulted them.⁴¹

In January 2023, the Taliban's Ministry of Higher Education ordered all institutions of higher education to exclude females from university entry exams. As a result, none of the 84,234 high school graduates who participated in the 2023 university entrance exams were girls or women.⁴²

Women who graduated from medical programs before the ban on women in universities petitioned the Taliban to permit them to take their exit exams, a necessary measure for them to undertake their medical practice. The Taliban denied their request.⁴³ It became the discretion of local Taliban authorities whether girl and women attendees were able to study health sciences and attend institutions specific to midwifery, nursing, or dentistry.⁴⁴ In December 2024, the Taliban banned females from all medical training, closing off one of the last remaining areas for girls and women to receive an education.⁴⁵

Girls and women who graduated before the tertiary education ban have faced difficulties in procuring their academic documentation due to Taliban mahram requirements regarding university administrative procedures.⁴⁶ The mahram requirements have also inhibited girls and women with higher education scholarships abroad from accessing those opportunities.⁴⁷

The Taliban's ban on girls and women receiving an education is intended to suppress the voice, capacity, and power of girls and women.⁴⁸ In addition to violating international human rights law, the Taliban's policies are in direct contradiction to the teachings of the Quran, which oblige every Muslim man and woman to seek knowledge.⁴⁹ Exiled Afghan politician Sahira Sharif stated, "The Taliban understand that if a girl is educated, it means that the entire family is educated. The Taliban and their allies are frightened of educated and intelligent women. They apply the saying: 'If you want to destroy a society, take the pen out of its hands.'"⁵⁰

Alternative Religious Education for Girls and Women

As they attempt to eradicate most primary and secondary secular education, Taliban education officials are promoting madrasas. According to a Taliban official at Afghanistan's Education Ministry,

“Principally, there is no difference between a school and a madrasa.”⁵¹ In the Paktika province, the Taliban created nearly 600 religious schools over two years, as well as converting secular educational institutions into jihadi madrasas.⁵² Male university students reported that they have to attend compulsory religious lessons dictated by the Taliban.⁵³ Reports from February 2024 indicate that approximately 37 percent of girls attending school up to sixth grade are enrolled in “alternative educational setups”—largely informal Islamic religious institutions or madrasas.⁵⁴

The madrasas teach the girls basic Islamic jurisprudence and religious texts. The coursework also focuses on shaping girls’ understanding of their expected roles within society, which includes guidance on marrying a pious Muslim man, adhering to conservative gender norms, and dedicating themselves to domestic responsibilities. In these madrasas, girls are taught to serve and be obedient to male members of their families, their husbands, their husbands’ families, and to produce children. A significant ideological emphasis is placed on the upbringing of devout and morally upright children—particularly sons—who are expected to contribute to the continuation of the Islamic struggle, or jihad.⁵⁵

Taliban violence against female students and teachers persists. In May 2023, two female teachers connected to a *Bamyan darul uloom* (Islamic seminary and educational institution) were reportedly beaten and detained by Taliban members after attempting to welcome the visiting Minister of Education at the inauguration of a new jihadi madrasa.⁵⁶

On another occasion, on September 30, 2022, a suicide bombing killed 53 people at a Hazara education facility for girls in Kabul. The Taliban responded to protests by university students on October 11, 2022, against these and other killings of Hazaras by expelling approximately 60 female Hazara students from the Kabul University dormitories. The Taliban warned the Hazara students they would not hesitate to retaliate further if the expulsions were divulged to news media.⁵⁷

Clandestine Courses and NGO-Facilitated Education for Girls and Women

Afghan girls and women have continued to fight for their right to learn through clandestine educational courses. Taliban forces are aware of clandestine organized courses and schools and are vigilant in their endeavors to identify and shut them down. One such covert education course was discovered by the Taliban in Daikundi province in June 2023, and dismantled immediately.⁵⁸ In Mazar-e Sharif, Balkh province, only weeks prior, an undisclosed number of teachers of a clandestine girls’ school were captured and detained by the Taliban after they raided the school.⁵⁹ In addition to having to remain hidden from the Taliban, other secret schools for girls struggle with students’ inability to afford internet access or maintain connectivity.

One father expressed both his fear and commitment to his daughter’s education saying: “From the time when my daughter leaves home for school until she comes home safely, I consider that she might be dead, and I think that the Taliban will come and kill me because I’m committing the crime of letting my daughter go to school. But I will continue committing this crime for the future of my daughters and my country. Today, illiterate people are in power, bringing the country to its terrible state. I don’t want my daughter to be illiterate.”⁶⁰

NGOS were operating educational institutions that allowed girls to attend in Kandahar and Helmand provinces. However, on April 27, 2023, the Taliban Minister of Education called for the suspension of their activities.⁶¹ At the time of the shut-down, reports indicate that educational provisions were being administered by 176 NGOs, and that UNICEF had offered approximately 5,000 classes to local students.⁶² In June 2023, Taliban authorities ordered the cessation of NGO-run educational programs by UNICEF, Save the Children, and ACTED in Sar-e-Pol and Faryab provinces.⁶³ Closures of NGO educational programming resulted in the termination of community-based quality education for over 500,000 children, including 300,000 girls.⁶⁴

Those speaking out and advocating for girls and women’s rights to education face suppression, arrest, and violent reprisal by the Taliban. For example, a male journalism professor, Ismail Mashal, tore up his diploma on television to protest the Taliban’s ban

on girls and women receiving an education. He was detained, imprisoned, and tortured by the Taliban. Upon his release, he was wheelchair-bound with significant mental health issues from the torture and abuse he suffered.⁶⁵

Results of the Violation of Girls' and Women's Right to Education

Maashoqa, a 17-year-old former student in Badakhshan province, dreamed of becoming a teacher. Instead, she was forcibly married in April 2023 to an illiterate man 10 years older when the Taliban banned girls from attending secondary school and university. Fearing the Taliban ban was permanent, "When the suitor came, my family quickly agreed; they didn't care about what I wanted," she said. She soon became pregnant. Many of her female classmates were also forcibly married, some as young as 14 years old. "These days when we talk to each other, I see that each of our fates is more bitter than the others," she says.⁶⁶

Girls have also been forced to forfeit their education in exchange for becoming child laborers, where they spend long days working on their family farms, serve as domestic laborers in the homes of other people, caregivers for their siblings or livestock, weave carpets, or collect sources of drinking water far from their homes.⁶⁷

A 14-year-old girl forced out of school by the Taliban explained: "Most of the time, I bake bread for the community, and this is how I earn money for the family. For one piece of bread, I only earn 4 Afs (USD \$0.05). I also tend to our animals. I'm underage but doing hard labor. Many children are now involved in child labor. If I reach 17 or 18 years of age and I'm still not in school, my parents may engage me to someone. School is better than getting married. But if schools don't open, then parents will be obliged to engage their daughters."⁶⁸

Banning girls and women from attending school reinforces the Taliban's extreme patriarchal norms and isolates girls and women from their communities, stunting their social development, limiting their ability to form support networks, and preventing them from pursuing their aspirations.⁶⁹ Without the support networks provided in school settings, girls face increased child protection issues such as exploitation, child marriage, domestic abuse, and other forms of sexual and gender-based

violence and discrimination.⁷⁰ Girls are pushed into child marriages, which results in their becoming child mothers. Their girl children are then at greater risk of being uneducated, impoverished child mothers.⁷¹

A 16-year-old former schoolgirl said: "If there is no education and the situation continues, a generation of girls will face a dark future and they won't have any rights. There won't be enough teachers—a problem we already face. If there are no female teachers, what will be the future of this community?"⁷²

According to research by the United States Institute for Peace, because of the violation of their right to education, girls are reportedly exhibiting signs of post-traumatic stress disorder, depression, and anxiety, along with an overwhelming sense of purposelessness and uncertainty about the future.⁷³ A 16-year-old girl forced out of school by the Taliban stated: "I've been out of school for 13 months now. I'm happy for children still going to school, but I'm also upset and unhappy for the girls in my community. We want these opportunities too."⁷⁴

Girls now banned from school have reported feelings of worthlessness, powerlessness, diminished self-esteem, isolation, stress, and shame that they are unable to read and write.⁷⁵

Reflecting on her life since she was forced out of school, a 16-year-old girl explained: "In reality, when we think, we don't live, we are just alive. Think of us like a moving dead body in Afghanistan."⁷⁶ Some girls have resorted to narcotic use as an escape mechanism and form of 'alternate reality,' exacerbating Afghanistan's drug epidemic.⁷⁷

In contrast to Taliban assertions of improved mental health and decreased suicides among women and girls, the United Nations Special Rapporteur on the Situation of Human Rights in Afghanistan and the Working Group on Discrimination against Women and Girls reported that suicides have increased, particularly among girls prohibited from attending school.⁷⁸ In a March 2023 survey, 47.6 percent of respondents, 1,005 people, knew at least one girl or woman suffering from anxiety or depression since the Taliban takeover.⁷⁹ Additionally, 7.8 percent of respondents (164) knew a girl or woman who had taken her own life.⁸⁰

Restrictions on girls' and women's education limit their access to information concerning reproductive health, including contraception and safe childbirth

methods.⁸¹ Wider implications include an increase in impoverished populations, increased migration, a rise in family violence, increased societal illiteracy, and an overarching loss of opportunities, autonomy, and self-agency.⁸² Without the inclusion of educated girls and women, Afghanistan's economy, culture, politics, and governance will suffer. Half of Afghanistan's human capital has been cut off, causing a near-complete shortage of female professionals in both private and public sectors.⁸³

The Taliban's denial of girls' and women's right to education denies them future job opportunities, solidifies their economic insecurity, and perpetuates cyclical poverty and dependence in the long term.⁸⁴ A rapid gender analysis conducted by UNICEF between August 2021 and August 2022 indicated that the ban on girls' and women's education and the subsequent impact on the job market projected

a decrease in Afghanistan's GDP by 2.5 percent, or \$500 million.⁸⁵ The analysis projected that if the three million girls in the current cohort of girls were allowed to complete their secondary education, they could collectively contribute at least US\$5.4 billion to Afghanistan's economy.⁸⁶

The decrease in the number of girls and women being educated reduces the number of female teachers and health practitioners, which will lead to the decline of access to educational and health services for all Afghans (See Article 12.)⁸⁷ Afghanistan is already recognized for having some of the highest rates of maternal, infant, and child mortality in the world; experts warn that the nation is advancing toward a far worse public health crisis due to the Taliban-implemented educational prohibitions.

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ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - a. The right to work as an inalienable right of all human beings;
 - b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - c. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - d. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - e. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - f. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - a. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - b. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - c. To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - d. To provide special protection to women during pregnancy in types of work proved to be harmful to them.
 - e. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.



“We have to fight back. I’m not covering my face and I have no intention of doing so... We’ll try to fight this even though we are tired, we’re exhausted. I’ve worked outside my home for 16 years... But [the Taliban] are treating us as though we don’t know anything.”

—Afghan woman teacher¹

“The Taliban have made life for Afghan women and girls intolerable. They have erased them from all spheres of life and systematically stripped away their rights and dignity.”

—Amnesty International²

Introduction

Article 11 of CEDAW addresses the elimination of gender-based discrimination in the sphere of employment and occupation. It obliges States Parties to guarantee women’s equal rights in employment, encompassing the right to work, equal access to employment opportunities, and the principle of equal remuneration for work of equal value. The Article specifically prohibits discriminatory practices based on marital or maternal status, including dismissal due to pregnancy or maternity leave. It further requires the provision of paid maternity leave or equivalent social benefits, ensuring such leave does not result in the loss of employment, seniority, or associated social entitlements. Article 11 also mandates the use of fair and objective selection criteria in employment and seeks to address systemic disparities such as the gender pay gap. Additionally, it calls for the regular review and revision of protective legislation related to women’s employment, to ensure alignment with contemporary scientific and technological developments.³

During the Republic Period (2004-2021), Afghan women were actively engaged in nearly all aspects of the development of Afghanistan. Women in Afghanistan navigated a highly constrained and complex economic environment characterized by persistent gender disparities. Although advancements were made in women’s labor force participation, structural barriers and socio-cultural norms continued to limit their economic engagement. Despite constitutional provisions

affirming gender equality, many women continued to face systemic discrimination and restricted access to employment opportunities, particularly in leadership and decision-making roles.⁴

During the Republic Period, Afghan women held positions as ministers, deputy provincial governors, deputy ministers, and parliamentarians. By 2020, women comprised 27 percent of parliament, 21 percent of the defense counsel, and held 6.5 percent of ministerial-level positions.⁵ Additionally, there were 265 female judges out of a total of 1,951 in the judiciary. In 2020, 5,489 women were serving in the Afghan National Defense and Security Forces, representing 2 percent of the total of those forces.⁶

Before the Taliban’s takeover in 2021, women constituted approximately 21 percent of Afghanistan’s civil service workforce, with around 16 percent occupying senior management roles. Although national targets aimed to increase female representation in the civil service to 30 percent by 2020, actual figures remained between 21 percent and 28 percent.⁷ Women made up 35 percent of public-school educators, 27 percent of government personnel, and 10 percent of lawyers.⁸

Due to patriarchal cultural restrictions on girls’ and women’s movement and employment outside the home, Afghan girls and women had low rates of employment outside the home compared to men. Female involvement in the labor market was 15 percent in 2001 and rose to 22 percent in 2019. Women were poorly represented in senior and middle management roles. In 2020, women accounted for only 5.9 percent of individuals in

these positions, underscoring their marginalization in organizational leadership.⁹

Nevertheless, women’s entrepreneurial activity demonstrated a degree of resilience. By 2020, more than 2,400 formal women-owned enterprises were registered across 32 provinces, alongside approximately 56,000 informal women-run businesses. Collectively, these ventures were estimated to have generated over 130,000 jobs, illustrating the potential economic contributions of Afghan women despite pervasive structural constraints.¹⁰

Sex Discrimination and Employment

Following the Taliban’s takeover of Afghanistan in August 2021, Afghan girls and women have faced systematic violations of their right to employment. Taliban edicts, bans, directives, laws, policies, and practices have eliminated many girls and women from the formal and informal workforce, and more broadly forced them out of public and civic life. The advancements women made in gender inclusion in employment were largely dismantled following the Taliban’s return to power, resulting in severe restrictions on women’s engagement in public and governmental affairs. Under the current regime, women are entirely excluded from official governance structures. These actions are compounded by other Taliban laws, such as mahram¹¹ requirements and restrictive orders on hijab and burkas. The ramifications of these actions include girls’ and women’s economic hardship and destitution, and the deterioration of their physical and mental health.¹²

The systematic exclusion of girls and women from employment is widespread and mandated by the highest levels of Taliban leadership. A 2022 book by the Taliban’s Chief Justice Abdul Hakim Haqqani, with a foreword by their Supreme Leader, argues that under Sharia Law, “women should stay at home as their homes are their ‘cover’ (*al-satr*)... they should stay with their children and parent them... women are weak and their intellect and religion are deficient (*naqes al-aql wa al-din*).”¹³ Haqqani argues in detail using discriminatory language that women “cannot become leaders,” at the local, communal, national, or international level.¹⁴

These restrictive measures are enforced by the Taliban’s Ministry of Vice and Virtue, whose officers are well-known for their discrimination against and

abuse of girls and women. Women working in the public and private sectors have been subjected to random visits by Taliban officials who monitor their behavior and adherence to the Taliban’s dress codes.¹⁵ On 7th May 2022, the Taliban ordered older girls and women to cover their faces in public, announcing that failure to comply would result in potential imprisonment or dismissal from state jobs for their fathers or closest male relative.¹⁶ In Herat, Taliban officials ordered neighborhood men to prepare lists of women who worked for “big organizations, government offices, and were reporters, civil society activists, and those who spoke against the Taliban in the media or criticized the Taliban.”¹⁷ Those targeted included high-ranking women members of the former provincial government.¹⁸

On August 24, 2021, a Taliban spokesman announced that women should not show up to work until unspecified systems were implemented to “ensure their safety.”¹⁹ On September 11, 2021, female employees of the Ministry of Finance were instructed to stay home until “a proper work environment is provided.”²⁰ Since then, girls and women across Afghanistan have been systematically prevented from coming to work in both the formal and informal sectors. Some girls and women have attempted to continue working despite intimidation and physical danger. Others have been forced to stay home due to Taliban enforcers physically barring them from traveling to or entering their workplaces.²¹

According to more than 70 percent of women-headed households surveyed, social and cultural restrictions are the main barrier to women’s employment. Taliban’s bans on women’s freedoms since August 2021 are cited as playing an important role.²² Furthermore, in 2023, 42 percent of women-owned businesses reported a deteriorating security environment, compared to 12 percent of men-owned businesses.²³

The Taliban’s systematic removal of girls and women from the labor force and their discriminatory restrictions on employment caused disproportionate job loss among girls and women. The job loss rate for women increased by 25 percent between June 2021 and the end of 2022, whereas for men it increased by 7 percent.²⁴ Women with high-value jobs were the most negatively affected.²⁵ By 2024, according to UN Women, 24 percent of women were active economically, compared to 89 percent of men. Notably, this rise in women’s economic activity is not due to more economic opportunities for women.

Rather, the ongoing severe food insecurity and humanitarian crises Afghans are facing are pushing women to look for ways to support themselves and their families. Afghan women work mostly in lower-paying, informal, and insecure forms of employment, frequently engaging in home-based work with limited legal protections and social benefits.²⁶

The Taliban's exclusion of girls and women is enforced in the public, private, and non-governmental sectors. Most all women government employees who worked under the Republic have been ordered to stay home, except for some women employed in the health and education sectors. Private sector employers have dismissed many women, especially those in senior positions.²⁷ Women who are still working, for example, in healthcare and primary education, are often not paid, as these sectors were almost entirely funded by foreign donors, and aid has been significantly reduced or completely cut off.²⁸

Other discriminatory practices enforced by the Taliban, including the mahram²⁹ requirement and strict dress codes, compound direct measures excluding girls and women from employment. The mahram requirement makes the employment of women near-impossible, as it requires male family members to accompany women to work and "to essentially become a second unpaid worker."³⁰ In cases where women do not have a family member available to act as a mahram, the requirement is entirely prohibitive.³¹ Those older girls and women who work outside the home are forced to walk long distances to work, or are unable to go at all, because bus and taxi drivers have been instructed not to pick up single girls and women due to the mahram requirement.³² Those who break the rule put themselves in danger. Amnesty International and UNAMA have reported that "any public appearance without a mahram exposes women to the risk of punishment," including harassment, beating, and arrest by Taliban agents.³³ The result is that older girls and women are forced to stay home rather than go to work.³⁴

Government Work

On September 7, 2021, the Taliban announced a transitional government with no women in the Cabinet.³⁵ The deputy head of the Taliban political office in Qatar stated in an interview shortly after the Taliban took power that women are forbidden in the Taliban government's top posts.³⁶ Since then, no

woman has been appointed or allowed to remain in post in any policymaking, administrative, or judicial capacity in the Taliban's government or any state institutions. Women have also been banned from attending the national *jirga*, which was attended by 3,500 so-called representatives from across Afghanistan.³⁷ The Deputy Prime Minister stated that the presence of women was unnecessary, and that they were "somehow involved" because "their sons will be part of the gathering."³⁸

In September 2021, women civil servants were directed by the Taliban to stay home, except where they could not be replaced by male colleagues in health, education, and security sectors.³⁹ The Taliban Minister of Finance directed that women employed in the Finance Ministry nominate a male family member to take their place and for the women to remain at home. Similar Taliban measures to prevent women from showing up to work occurred at the local level across the country.⁴⁰

Employees of the former government, members of security and defense institutions, and people who protested against the Taliban's discrimination and violence have been targeted by the Taliban.⁴¹ To illustrate, 248 former government employees who protested were reportedly arrested and detained between 15 August 2021 and 15 November 2022.⁴² These include many women who subsequently were arrested by the Ministry of Vice and Virtue.⁴³

The Legal Sector

The Taliban completely removed and barred all women judges, prosecutors, and lawyers from working in the justice sector in 32 of Afghanistan's 34 provinces.⁴⁴ Following a mass firing of prosecutors in August 2021, the Taliban Ministry of Justice started procedures for re-licensing lawyers.⁴⁵ These positions are now only open to men. Women are unable to renew their legal licenses or appear in court.⁴⁶

The exclusion of women from the justice sector is intertwined with the religious fundamentalist ideology of the Taliban. The Taliban fired all women and men judges and replaced them with an "all-male cadre of Taliban members educated in *madrastas*, schools offering basic religious education, rather than legal training."⁴⁷

In 2023, the Taliban transformed the Attorney General's Office and renamed it the General Directorate for Monitoring and Follow-Up of Decrees and Directives.⁴⁸ With the erasure of the Attorney General's Office, the Taliban now operate under a system of impunity. In response to these policies and actions, a group of women who were arrested and violently beaten for protesting Taliban discrimination against women and girls. They were forced into vehicles by the Taliban and taken to undisclosed locations. They were imprisoned for multiple days and tortured as punishment for protesting.⁴⁹ Though the Taliban acknowledged they had committed these crimes, there was no way to hold the violators accountable as the Taliban had dismantled the entire legal sector and replaced it with their loyalists. Taliban restrictions on the lives of women and girls have forced many girls and women to stay indoors out of fear of violence, effectively erasing them from public life.⁵⁰

Journalism and Media

The Taliban has systematically purged Afghanistan's press and media, disproportionately targeting women and all those who vocally oppose their regime. Since taking power, the Taliban have repeatedly prevented women journalists from entering their offices or reporting in the field.⁵¹ In August 2021, the Taliban began carrying out house-to-house searches looking for journalists and individuals with ties to the Republic and Western forces.⁵² By 2022, an estimated 80 percent of women journalists had lost their jobs or left the profession, and hundreds of media outlets had been forced to close.⁵³ The few women permitted to continue their work in the media were ordered to wear headscarves on screen.⁵⁴

In November 2021, the Taliban barred women from appearing in television dramas.⁵⁵ On February 28, 2024, the Taliban's spokesperson for the Ministry of the Promotion of Virtue and Prevention of Vice, Abdul Ghaffar Farooq, announced that women appearing on television must wear a black hijab and have their faces covered, only leaving their eyes visible.⁵⁶ In April 2024, the Taliban in Helmand verbally instructed media outlets to refrain from airing women's voices. Also in April 2024, the Taliban instructed media outlets to ban women from co-hosting shows with male journalists and to refrain from reporting on women's rights and violence against women.⁵⁷

The Taliban's actions have made media outlets "an oppressive space" for women, with some women journalists forced into exile, while others have been detained and beaten for covering protests by women activists.⁵⁸ With Afghan girls and women's rights being systematically suppressed by the Taliban, there are few women reporters left to tell their story. Women have also disappeared from entertainment media.⁵⁹

Primary and Secondary Teachers

Female teachers have been severely affected by Taliban restrictions. With girls' schools forced to shut, and women prohibited from teaching any males, including male primary school students, thousands of female teachers have lost their jobs and have not been offered alternative employment. This includes approximately 4,000 women who lost their jobs after teacher training units were suspended across Afghanistan.⁶⁰

Those who continue teaching in girls' primary schools are subjected to intimidation and face threats and violence. In May 2023, in an extreme example, a 28-year-old female teacher was murdered and dismembered in Kunduz province, an attack widely blamed on the Taliban. The Taliban confirmed this attack but denied that the murdered woman was a teacher.⁶¹ In another example, an Afghan woman high school teacher told Amnesty International that she had received death threats from the Taliban and had been summoned by a local court as she had previously taught co-educational sports. She received a letter from the Taliban stating that if they caught her, they would "cut your ears off, and this will be a lesson for others in [your] province."⁶² She is now in hiding, and her family believes she has fled the country.⁶³ In 2022, the Taliban closed almost all the primary schools for girls (the only schools for girls allowed to operate), thus ensuring the loss of work for women teachers in those schools.⁶⁴

A 28-year-old woman teacher from Samangan Province who was forced out of work by the Taliban stated:

"Everything has changed. I was an independent woman and now I stay home. Women are deprived of all their rights and freedoms...I was teaching courses, but the Taliban forbade me to teach...My income was a big help. I could spend the money on my children and use my

own money to pay for my travel costs, but now I'm dependent on my husband. He gives me spending money...It's the worst situation when a woman who works and earns her own money is suddenly forced to stay home all the time—that affects our mental health. Once again, we have become the *siyasars* ['blackhead'] of the house. In the past, we felt as strong as men. When I participated in a conference, I was proud of myself. I felt like I was someone."⁶⁵

There are also reports of female teachers' salaries who are allowed to continue to work not reaching their bank accounts, while male colleagues' salaries continue to be paid.⁶⁶ (For more information see Article 10.)

Healthcare Sector

Despite some ability for some women to work in a limited number of jobs in healthcare, the Taliban has created a hostile environment for these women that, at times, prohibits them from carrying out their work.⁶⁷ On February 1, 2023, the Taliban ordered all female staff of hospitals in Kabul to wear a black hijab and be masked at all times. On February 22, 2023, the Taliban closed four medical centers run by female doctors in Ghazni because male patients were treated by female doctors.⁶⁸ There are also reports of female healthcare workers' salaries not being paid for up to five months at a time.⁶⁹

In December 2024, the Taliban closed all midwifery and nursing schools and programs to women and girls.⁷⁰ With the current ban on girls attending secondary school and university, older girls' and women's entry into the health profession is now nearly impossible.⁷¹ (For more details on the healthcare sector, see Article 12.)

Women's Employment in NGOs

Even before the official edicts limiting women's roles in NGOs came into being, the Taliban pressured NGOs to hire only men.⁷² As the Taliban increased pressure to exclude girls and women from informal and formal work, employers saw that hiring or retaining their female employees was creating additional security and administrative risks. The Taliban's laws on gender-segregated workspaces and covering mahram travel costs also placed additional financial stress on employers, further disincentivizing them from hiring women.⁷³

In 2022, over 400 gender-motivated incidents, including 39 of threats and intimidation and 57 restrictions on the movement of women aid workers, were linked to Taliban actors.⁷⁴ Many women-led NGOs had their female directors, board members, and bank signatories forced out by the Taliban.⁷⁵ Women who work for gender-based violence providers are at particular risk of Taliban threats of "violence and death" if they continue their work.⁷⁶

On December 24, 2022, the Taliban Ministry of Economy announced an immediate, countrywide ban on women working for NGOs in Afghanistan.⁷⁷ Exemptions existed for women working in health and education, however, those exemptions were not consistently applied.⁷⁸ On April 4, 2023, the Taliban expanded the ban to prohibit Afghan women from working for the United Nations. These restrictions have since been extended to prohibit women from working online from home.⁷⁹ Taliban measures are removing Afghan women from NGOs, humanitarian aid agencies, and the United Nations.⁸⁰ The result is that girls and women find it exceptionally difficult, and sometimes impossible, to directly access aid and public health services.

The Taliban searched for women who worked or continue to work for NGOs. In Ghazni city, a woman who previously worked for an NGO, who is now in hiding, said:

"I heard that they [the Taliban] entered our office. They collected our computers, saying, 'These are the women who work for the foreigners.'... The night that the Taliban attacked the center of Ghazni, I fled to [another province] early the following day. They had asked about me. The imams have told me that the Taliban have asked them to report women who have worked with foreign NGOs and those who attempt to leave the country...I was worried that our neighbors would report me to get credit from the Taliban. ... I fear my colleagues as well; they might report me just to save their own lives."⁸¹

The Taliban's ban on women working for NGOs has also had profound and negative effects on the humanitarian situation in Afghanistan. Immediately following the ban, many INGOs partially or fully suspended activities in Afghanistan, including the United Nations, Norwegian Refugee Council, the International Rescue Committee, Islamic Relief, Care, Christian Aid and World Vision.⁸² According to UN Women, "94 per cent of surveyed national

organizations fully or partially suspended their activities in the immediate aftermath of the ban [on women NGO workers].”⁸³ Following the ban, estimates by UN Women found that 11.6 million women and girls would be left without vital humanitarian assistance.⁸⁴ Widowed and single women are especially vulnerable, due to the absence of a mahram to collect aid on their behalf, and female employees of NGOs are at risk of poverty.⁸⁵ Although some INGOs subsequently resumed activities without any female employees, “the situation remains uncertain for many women-led national organizations and their female employees.”⁸⁶

On August 15, 2024, the Taliban’s Department of Economy instructed NGOs to remove the word “woman” from their organizational names.⁸⁷ To mitigate the impacts of Afghan NGOs shutting down completely, some workers used their personal savings to try and save organizations from collapse. Shamim, who ran an NGO supporting women and children for more than ten years, continues her advocacy work remotely. She said: “I have so far spent from my savings—which are almost running out. But we have no other choice and have to continue—otherwise my colleagues will lose their motivation and hope.”⁸⁸ (See Article 13 for more details on removal of women from work with NGOs.)

Women Human Rights Defenders

Human rights defenders, including women lawyers, journalists, and civil society activists, have been targeted by the Taliban. In 2021, there were at least 11 targeted killings and 12 detentions of human rights defenders, civil society activists, and journalists.⁸⁹ Four of these were women.⁹⁰ In addition to these cases, there were numerous reports between August and December 2021 of groups of women activists being harassed and beaten during protests, and of women and girl protestors being dispersed through violent methods, including pepper spray, and hitting protestors with rifle butts.⁹¹ Women and girl protestors have reported being beaten and tortured with electric shocks.⁹² The Taliban have reportedly raped girls and women in jail, including filming the gang rape of an Afghan woman activist jailed for protesting; the Taliban voices in the rape film tell her the brutality is a means to try and prevent her from continuing her work.⁹³

Fashion and Beauty

Following the August 2021 Taliban edict telling women to stay home, “Made in Afghanistan” fashion brands such as the Ethical Fashion Initiative have been forced to remove all webpages that link to their work in Afghanistan. To protect their Afghan workers, they have refrained from publishing any personally identifiable information linked to their employees.⁹⁴ Men have since returned to their workshops, but women have stayed home out of fear for their safety.⁹⁵

Ms. Van Bergen of the responsible craftsperson company Nest, which worked with Afghan women craft makers, said: “With women’s rights now in question at best, and artisan businesses feeling the necessity of shutting down social media accounts and websites, the ripple effects economically and culturally are all in question. Frighteningly so.”⁹⁶

All of the approximately 60,000 women and girls who were employed by 12,000 hair and beauty salons across Afghanistan have lost their jobs under the Taliban.⁹⁷ In addition to the professional and economic toll, the social and professional impacts of this shutdown have been profound. Shukriya, a 46-year-old beautician, worked for two years in Kabul before she was banned from employment. Her husband earned a few dollars a week as a day laborer, so her salary was critical. Her work also offered her some respite as she watched the Taliban come to power and immediately begin stripping away women’s rights. She said, “I could get away from anxiety and mental pressure by going to the salon and working.” Shukriya is now one of the 60,000 women who have lost their jobs in the beauty sector.⁹⁸ Heather Barr of Human Rights Watch explained, “This isn’t about getting your hair and nails done. This is about 60,000 women losing their jobs. This is about women losing one of the only places they could go for community and support.”⁹⁹

Impacts of Taliban Forcing Women Out of Work

Job losses are forcing women and their families, especially women-headed households, deep into poverty, which in turn is affecting food security. An assessment by Women for Women International in March 2022 found that 25 percent of women

surveyed who had been earning money from work reported their income had dropped to zero since the Taliban returned to power. Additionally, 92 percent of women's income continued to decrease or had remained at zero over the previous year. With women's lost wages, food insecurity has increased. Only four percent of women in the survey reported "always having enough to eat."¹⁰⁰ 33 percent of women reported they had enough to eat, but it was not the nutritious food they wanted to eat. Overwhelmingly, Afghan women reported they were concerned about a lack of nutritious food for their children.¹⁰¹

Research by the Afghanistan Analysts Network found that Afghan girls and women are experiencing the Taliban's restrictions on employment as "the appropriation of their independence and dignity, the crushing of their sense of self-worth and the shuttering of future options for themselves, their sisters or daughters and for all women in Afghanistan."¹⁰² Many women cited the negative impact of being confined to the home and dependent on "pocket money" from their husbands.¹⁰³ They link this, along with their households' financial hardship, to depression, anxiety, and loss of hope for themselves and their peers.¹⁰⁴ The most extreme manifestation of these psychological impacts has been an "endemic" of girls and women committing suicide in Afghanistan.¹⁰⁵

Restrictions on girls and women's employment leave households with minimal opportunities to earn an income. Households are turning to negative and risky coping mechanisms to feed their families and survive.¹⁰⁶ Households and individuals are migrating to find work and selling belongings of any value.¹⁰⁷ They are also turning to cheaper and less nutritious food.¹⁰⁸ As households become more vulnerable, families are selling the tools and livestock they rely on to earn a living, jeopardizing long-term income generation to meet their immediate needs.¹⁰⁹ People are postponing vital medical treatment.¹¹⁰ At least half of all rural households and more than one quarter of urban households, as of August 2022, had turned to harmful coping mechanisms, including begging, selling their homes, selling their organs, taking on dangerous work, and marrying off their young daughters to receive a dowry.¹¹¹

In addition to its economic impacts, the social and psychological toll of girls' and women's exclusion from employment has been substantial. Limitations on girls' and women's employment are ultimately contributing to a process of "freezing women out of public spaces and into state-enforced seclusion."¹¹² Combined with a general lack of economic security, girls and women's isolation and their reduced ability to generate income are correlated with diminished decision-making influence and unequal domestic power dynamics, and have been linked to increased domestic violence.¹¹³

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ARTICLE 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to healthcare services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

“It can happen that there’s a woman pregnant in the house, and she starts bleeding or she starts being in labor, and if the husband is not around, then she cannot go out of the house—even if she wants to go for medical advice or even if she thinks that her life is threatened by a medical situation.”

—Gala Melgar, a gynecologist in Khost Province on Taliban restrictions on women traveling without a *mahram*¹

“We came only with the clothes we were wearing. We don’t have a heater, and we go to sleep hungry... My brother is my enemy, and my husband is my enemy. If he sees me and my children, he’ll kill us... I am sure they are looking for me because they know the shelter has closed.”

—A woman forced out of a battered women’s shelter closed by the Taliban, and in hiding with her children to avoid violence by her brother and husband²

Introduction

Article 12 CEDAW centers on the promotion of women’s and girls’ health and mandates State Parties to adopt comprehensive measures aimed at eliminating gender-based discrimination within healthcare systems. It obliges States to guarantee equitable access to healthcare services for women and girls, encompassing areas such as reproductive health and family planning. The provision further recognizes the distinct healthcare needs of women and girls during pregnancy, childbirth, and the postnatal period, requiring States to offer suitable medical services, which

may include free healthcare and adequate nutrition throughout pregnancy and lactation.

Article 12 underscores the principle of gender equality in accessing medical care, urging States to remove systemic barriers that hinder women’s full participation in healthcare. This includes ensuring the availability of culturally appropriate services, improving transportation to healthcare facilities, and addressing economic constraints such as the absence of health insurance.

In addition, Article 12 advocates for the development and implementation of preventive healthcare

initiatives. These include health education programs for families, access to reliable family planning information and services, and broader strategies to reduce disease and malnutrition among women and girls. It highlights the importance of securing clean water and nutritious food, especially during critical periods such as pregnancy and breastfeeding. Through these measures, Article 12 of CEDAW aims to foster an inclusive healthcare environment that recognizes and accommodates the specific health needs of women and girls throughout their lives.³

In late 2001, the newly established Afghan government, supported by international donors, prioritized the reconstruction of the country's healthcare system. The 2004 Constitution provides that health services should be available and free for all people. Between 2001 and August 2021, the elected government of Afghanistan and the international donor community worked hard to bring adequate healthcare to Afghans.

Afghan women encountered significant obstacles in accessing adequate reproductive and sexual health services. Following prolonged periods of armed conflict, widespread poverty, and a lack of formal healthcare infrastructure—marked by frequent childbirths occurring without the presence of trained physicians or midwives—Afghanistan, in the early 2000s, recorded one of the highest maternal mortality rates globally. Cultural and legal constraints further limited access, as many women could only be treated by female healthcare providers, while male doctors were generally prohibited from attending to them.

Important gains in healthcare were made during the 20-year rule of the Republic. Healthcare initiatives aimed to extend primary healthcare services across the nation and contributed to measurable progress in women's health outcomes. Access to modern contraceptive methods also improved, with usage rates increasing from 10 percent in 2003 to 22 percent by 2010. Maternal mortality decreased substantially, falling from an estimated 1,450 deaths per 100,000 live births in 2000 to 638 in 2017. Over the same period, the share of births attended by skilled health personnel increased significantly, rising from 12.4 percent in 2000 to 58.8 percent in 2018.

Afghanistan's healthcare system was largely dependent on international donor funding, with approximately 95 percent of the healthcare budget coming from international organizations, and five

percent through the Afghan government.⁴ Progress in healthcare began to regress following the announcement of U.S. and NATO withdrawal plans around 2010. As international aid diminished, the healthcare system experienced a marked decline. A 2018 report by the World Bank indicated that while Afghanistan had achieved substantial improvements in health service delivery between 2004 and 2010, the period from 2011 to 2016 saw a noticeable slowdown in progress. Poverty and insecurity from decades of armed conflict, which at times targeted health clinics and personnel, further reduced people's ability to seek care, and most health centers outside of the main urban areas continued to lack adequate staff and medicines.⁵

Girls' and Women's Access to Health Under the Taliban

When the Taliban took control of Afghanistan in August 2021, the country's healthcare system was already weak, particularly in rural areas. Under the Taliban, healthcare institutions, intended as places of care and healing, became sites of discrimination and violence for women. The Taliban put into place bans, edicts, and laws that directly and indirectly prevent Afghan girls and women from accessing their right to healthcare. These same laws negatively impact Afghan women healthcare professionals' ability to carry out their work.⁶

Simultaneously, as the Taliban began systematically violating women's and girls' rights, international financial support to all sectors, including healthcare, was greatly cut or ceased altogether. The reduction in international assistance caused the closure of clinics and health centers throughout Afghanistan, with rural areas particularly negatively affected. Afghan doctors, nurses, and health professionals who remained working in Afghanistan went for months without receiving a salary.⁷ Many Afghan healthcare professionals fled the country to avoid Taliban repression. In December 2022, the Taliban banned women from working in NGOs, which led to an immediate decrease in NGOs' ability to provide health, nutrition, and counseling services, especially for women and girls.⁸ The result was the significant deterioration of the health sector due to a lack of staff, funding, equipment, supplies, medicine, and blocked access for women and girls.⁹

The Taliban ordered that women and girls cannot be treated by male doctors or health professionals.

At the same time, the Taliban systematically obstruct and prevent women healthcare professionals from providing health services to patients. Some women healthcare professionals who were already qualified and licensed before the Taliban takeover can continue working, but the Taliban forbids them from treating men or working beside their male colleagues.¹⁰ Women who had completed medical school were denied the ability to take their medical exit exams. Additionally, girls were banned from attending secondary school, and girls and women were banned from attending universities, thus preventing a new pipeline of women healthcare professionals.¹¹ One of the remaining areas where women were allowed under Taliban rule to continue training and practicing was as midwives.¹² However, in December 2024, the Taliban closed all midwifery and nursing schools and programs to women and girls.¹³

Taliban restrictions on women's freedom of movement result in numerous obstacles for women health providers to arrive at their work and carry out their jobs.¹⁴ The Taliban require a mahram¹⁵ to accompany all female healthcare providers in transit to and from work. A mahram must also be present while these women perform their healthcare duties. Female patients seeking care must also travel with a mahram and have all medical care undertaken with their mahram present. Without a mahram, transport providers are banned from transporting older girls and women, including healthcare providers and patients.¹⁶

A woman healthcare worker speaking on the Taliban's mahram requirement explained:

“This is one of the really big problems, especially for a woman, because when I'm coming to the office, I am late every day. I am late even if I get out of my house one or two hours earlier. There is no taxi or any other car, no driver is ready to pick up a woman without Mahram or without any other person. So, I have to wait for a long time on the streets and on the roads for a car. I have to be ready to pay the rent of two or three people (the entire cab) and sit in back of the taxi, there is no woman allowed by Taliban in front of car.”¹⁷

The Taliban ordered health facilities to deny girls and women services if they seek care without a mahram present.¹⁸ Even during medical emergencies, girls and women without a mahram are turned away. Explaining the gravity of such denials, one doctor

reported, “There was a woman who needed urgent surgery, but she was not admitted because she had no male relative.”¹⁹

In some provinces, women and girls are largely without access to health care facilities. On May 4, 2023, the head of the Ministry for the Promotion of Virtue and Prevention of Vice in Kandahar, Mawlawi Abdulhai Omar, ordered all the provincial departments to ban girls and women from going to health centers in the province. In his message, Mawlawi Omar claims that “women/girls wear makeup when they go to these places and pretend they are ill ... Anyone whose daughter or sister is like this, if she has a brother, arrest her brother. If she has a father, punish her father and punish him for not correcting her daughter.”²⁰

On May 11, 2023, Taliban officials ordered media outlets not to produce content about women's hygiene issues. On November 11, 2023, the Taliban's Ministry of Public Health informed the Ministry of Economy that NGO programs related to public awareness, women's health centers, social behavior, and mental health offered outside of government-run health centers are prohibited.²¹

In 2023, Afghan girls and women were half as likely as men to access medical care within two hours of travel due to the mahram requirement. Economic hardship also affected girls' and women's access, as the mahram will need to sacrifice employment opportunities to accompany their female relatives. Because of the Taliban's restrictions, Afghan girls and women often do not seek out healthcare until their situations have reached a state of emergency.²²

Sexual and Reproductive Health

The Taliban severely restricted or eliminated sectors of healthcare; in particular, they have sought to strip away all sexual and reproductive health services for girls and women. The Taliban have denied older girls and women access to contraceptives, in part by banning their sale by pharmacies. They claim that contraceptives are against Sharia law. The Taliban have also prevented humanitarian organizations from distributing contraceptives.²³ Some Afghan women resorted to ordering contraception online without understanding what medication and dosage they are ingesting or being monitored by a qualified health professional. Lack of safe access to contraception only heightens health risks for

girls and women. To illustrate, one woman without access to requested contraceptives underwent repeated pregnancies, and without the ability to give her body time to recover before her next child. On giving birth to her tenth child, she and her child died when her uterus ruptured due to her repeated unplanned pregnancies, lack of birth control, and inadequate healthcare.²⁴

Afghanistan has one of the highest maternal mortality rates in the world, with a girl or woman dying in childbirth every two hours.²⁵ Afghanistan's infant mortality rates are the highest in the world. High rates of child marriage and early pregnancies are one of the main reasons for Afghanistan's high rates of maternal mortality, child mortality, and premature births.²⁶ Sixty-four percent of Afghan women and girls deliver their children at home, with fewer than a third of those births attended by a skilled caregiver such as a midwife.²⁷ For families that attempt to travel to a health facility to give birth, mahram requirements for travel and the lack of health clinics create significant obstacles to reaching these facilities for safe deliveries. Some men attempt to carry their wives or pregnant daughters over their shoulders to reach healthcare professionals, and some of these girls and women die on the way to the hospital.²⁸ When women and girls can reach medical facilities, they are at times unable to access sexual and reproductive healthcare due to the presence of the mahram and the inability to speak about their reproductive issues with the men present.²⁹

The Taliban have also restricted the distribution of menstrual health kits by health centers and humanitarian agencies, leaving women and girls without sanitary products. Media outlets are banned from discussing or advertising products for female hygiene.³⁰

Given the situation created by the Taliban, some Afghan girls and women are undergoing dangerous abortions. Some of these abortions result in complications such as ruptured uteruses, permanent damage to their reproductive organs or death.³¹

Health providers who attempt to provide sexual and reproductive health services have received death threats, and, in some cases, the Taliban have set their clinics on fire.³²

Gender-Based Violence

During the Republic Period (2004-2021), Afghanistan already had one of the highest rates of gender-based violence in the world, with 9 out of 10 women experiencing violence in their relationships.³³ Domestic violence and gender-based violence in Afghanistan are serious public health issues that negatively affect girls' and women's physical, reproductive, sexual, mental, and emotional health.³⁴

Under the Taliban regime, women and girls are increasingly exposed to gender-based violence in their homes and public without protection or redress. To illustrate, a service provider based in Nangarhar said that the cases they now see are very extreme, "We had a case where a man took the nails off his wife's fingers... [One] man took a crowbar and peeled off his wife's skin... There was one woman who faced a lot of abuse from her family. She couldn't even use the bathroom anymore."³⁵

The Taliban closed nearly all gender-based violence response and prevention services at a time when violence against women and girls is rising. In many cases, the Taliban then looted or appropriated the shelters or offices of the service providers.³⁶ In some regions, women and girls reported no access to gender-based violence services.³⁷

Afghan girls and women now account for over 80 percent of reported suicide attempts in the country.³⁸ Their increase in suicide is the result of high levels of domestic and Taliban violence, rising rates of forced and child marriages, and the Taliban's attempts to block women and girls from realizing their rights. A girl interviewed in a hospital after she narrowly survived her attempt to kill herself rather than be forcibly married stated: "If he comes back and my family tries to force me [into marriage] again, I will make sure I don't survive."³⁹

Mental Health

Women's and girls' mental health remains critically under-addressed, and mental health services are often viewed by the Taliban as nonessential.⁴⁰ 86 percent of women in one survey reported that they suffered from mental health problems, and of that group, 82 percent said that their access to mental health services was extremely restricted.⁴¹ Severe mental stress due to the increasingly restrictive Taliban decrees, while also trying to provide for their

families, has led some women to take any medication they can obtain without proper instruction.⁴²

While many in Afghanistan are facing a nutritional crisis, women and girls continue to be the most severely affected by malnutrition. To illustrate, according to the World Food Program, 40 percent of pregnant and lactating women in Bamyan province needed assistance with breastfeeding due to malnutrition.⁴³ In another study, 25 percent of mothers reported that they experienced difficulty

breastfeeding due to inadequate food or milk supply.⁴⁴ Due to the Taliban's mahram requirements, there are increased financial constraints regarding travel to medical facilities and healthcare costs.⁴⁵ Girls and women are less likely than men or boys to be taken to medical facilities because of issues of malnutrition, putting them at heightened risk for illnesses resulting in increased medical complications or increased likelihood of death over treatable illnesses.⁴⁶

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ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a. The right to family benefits;
- b. The right to bank loans, mortgages and other forms of financial credit;
- c. The right to participate in recreational activities, sports and all aspects of cultural life.



“It’s like having a flower, or a rose. You water it and keep it at home for yourself, to look at it and smell it. It [a woman] is not supposed to be taken out of the house to be smelled.”

—Syed Ghaisuddin, Taliban Minister of Education, on why women must not leave their homes¹

“It’s a magical place to go because you see families laughing and picnicking and enjoying themselves. And that’s what the Taliban have just taken away—the ability of families to enjoy a day out together, with the women in the family being part of that.”

—Heather Barr, Human Rights Watch, on the Taliban banning women from parks²

“[I] miss sports almost as if it is one of my children. From time to time, I go to where I’ve concealed my mementoes. My tears flow as I look at my appreciation letters, cups and medals.”

—Afghan woman member of the national ping-pong team who is now denied the ability to compete by the Taliban³

Introduction

Article 13 of CEDAW addresses the elimination of discrimination against women in the economic and social spheres. It obligates States Parties to ensure that women enjoy equal rights with men in areas such as access to family benefits, financial services—including bank loans and mortgages—and participation in cultural and recreational activities,

including sports. Article 13 underscores the importance of guaranteeing women equal access to resources and opportunities that enable their full participation in public life.

By affirming women’s rights in both formal and informal sectors of social and economic life, Article 13 reinforces the broader objectives of CEDAW and complements provisions related to education,

employment, health, political participation, and private life. Its core principle lies in ensuring that women are not disadvantaged or excluded based on gender, thereby promoting the full realization and indivisibility of human rights.⁴

During the Republic period, Afghan women and older girls, particularly those living in urban areas, experienced increased gains and freedoms in their economic lives. Women and girls—particularly in urban areas—also experienced notable growth in social freedoms, including greater autonomy in mobility and personal expression. Freedom of movement was a central element of women’s public participation and social engagement.

Urban women were more likely to navigate public spaces independently and exercise choice in matters such as dress, often with less reliance on male guardianship or mahram⁵ accompaniment. In contrast, women and girls in rural areas continued to face significant restrictions rooted in conservative customs and patriarchal norms. Despite national legal protections guaranteeing freedom of movement regardless of gender—including for domestic and international travel, emigration, and repatriation—rural women frequently required male permission for routine activities and were expected to be accompanied by a mahram. The requirement to wear the hijab or burqa also remained more strictly enforced in rural regions, where traditional gender roles persisted with greater intensity.⁶

The divergence between urban and rural experiences underscores the uneven impact of legal and social reforms across geographic and socio-cultural contexts in Afghanistan. While legal frameworks under the Republic formally upheld women’s right to movement, the extent to which these rights were realized in practice varied considerably, shaped by localized interpretations of gender norms and community expectations.^{7,8}

Bathhouses, or *hammams*, hold cultural and practical significance in Afghan society, functioning as gender-segregated spaces used for both hygiene and social interaction. For many Afghan households, particularly those lacking access to adequate home heating or water-heating infrastructure, bathhouses provided essential facilities—especially during the winter months—where women could bathe in a warm environment.

Beyond their hygienic function, bathhouses served as important communal spaces for women and girls, offering a rare environment free from male oversight where they could relax, socialize, and foster interpersonal connections.⁹ These spaces also played a central role in women’s participation in social and cultural life, including the female-only components of weddings and religious celebrations. Moreover, bathhouses enabled women to fulfill religious obligations under Islamic law, including ritual purification after menstruation, childbirth, and sexual activity. As such, bathhouses represented not only a practical space for health and hygiene, but also key sites of female sociability, cultural expression, and religious observance in Afghanistan.¹⁰

Public parks and picnic areas have long held cultural and social significance in Afghanistan, serving as cherished communal spaces for leisure and familial gatherings. For women and girls in particular, these environments offered a rare and valued opportunity to participate in public life within a socially acceptable framework. During occasions such as the spring holiday of Nowruz, parks became important sites for socialization, where women and girls could engage in family celebrations, interact with peers, and experience a degree of freedom not typically available in other public settings. These spaces allowed women and girls to read, sing, and express themselves in a relaxed atmosphere, often free from the threat of harassment or social scrutiny. As such, parks functioned not only as recreational sites but also as important arenas for women’s and girls’ presence in public life, providing a measure of visibility and autonomy within a context of prevailing gender restrictions.¹¹

In certain urban areas of Afghanistan, particularly in Kabul, cafés and restaurants functioned as important social spaces where women and girls could engage in leisure and social interaction with relative freedom. These venues provided environments in which women and older girls could associate with male peers without the immediate threat of social censure or punitive consequences. In some instances, women and older girls felt sufficiently at ease to remove their hijab, reflecting a temporary suspension of normative gender expectations.

Beyond their role as spaces for relaxation, cafés also served as informal hubs for youth and women’s civic engagement, fostering dialogue, networking, and forms of cultural expression that challenged dominant patriarchal and conservative norms. These

settings became symbolic sites of resistance, where women and girls asserted autonomy and negotiated their identities within an increasingly restrictive socio-political context. The significance of such spaces was frequently documented and expressed through social media, where urban Afghan women and older girls highlighted the role of cafés in supporting female independence, self-expression, and community formation.¹²

Before the Taliban's return to power in August 2021, women working in offices and female entrepreneurship in Afghanistan had been on the rise. By 2020, women were active in professional offices and the workforce. Women made up 21 percent of all Afghan civil servants and held 16 percent of managerial positions. Women comprised 6 percent of middle and senior management positions. Sixty-eight women were members of the national parliament (27 percent of parliament), with 9 holding deputy-minister or minister positions. In 2020, there were 280 women judges, more than 500 women prosecutors, and 21 percent of the defense counsel were women. There were more than 1500 women in the armed forces, and more than 3100 in the police forces. Women comprised nearly half of the medical profession and were prominent in the media and airline industries.¹³ A 2020 survey conducted by the Afghanistan Women's Chamber of Commerce and Industry found that "26 percent of the 2,471 formal/licensed businesses owned and run by women were registered between the years 2017-2020," with half of these entities in "non-traditional sectors for women."¹⁴ Additionally, the survey reported that women owned and ran over 56,000 informal businesses throughout the country that generated over 130,000 jobs.¹⁵

Women's participation in Afghanistan's traditionally male-dominated service industry steadily increased, especially in urban areas. Women began working as baristas, waitstaff, and, in some cases, as owners and managers of cafés and restaurants. These establishments often served as safe spaces for female clientele, fostering a sense of community and autonomy. Despite these advancements, women in the service sector frequently faced harassment, intimidation, and social stigma by individuals and groups opposed to women's public presence and economic independence.¹⁶

Before August 2021, increasing numbers of women and girls were actively engaged in sports, and many Afghan girls' and women's sports teams were

formed. Afghan women achieved international visibility through their involvement in sports. Female athletes represented Afghanistan in various international competitions across a range of disciplines, including basketball, wheelchair basketball, football (soccer), handball, cricket, athletics, cycling, martial arts, and volleyball. Their participation not only demonstrated the expanding role of women in public life but also challenged prevailing gender norms by asserting women's presence in traditionally male-dominated arenas on a global stage.¹⁷

Freedom of Movement

Freedom of movement is essential for Afghan women and girls to engage in economic and social life. Upon returning to power in 2021, the Taliban's official restrictions—such as requirements to wear specific clothing items, being accompanied at all times by a mahram¹⁸ in public, and for taking transport—have significantly limited women and girls' ability to participate in economic and social life.¹⁹ Such measures have been wide-ranging in scope, targeting women and girls' mobility, attire, access to public places and specific services, and independent economic activities. These restrictions have caused significant fear among Afghan women and girls and contributed to their exclusion from the economic and social life and public sphere.

In December 2021, the Taliban banned vehicle owners from giving rides over 72 km to women without a mahram²⁰ and indicated that women who seek to use any transport must wear a hijab.²¹ Subsequent restrictions concerning road transport have further constrained women's mobility. In May 2022, the Taliban stopped issuing women drivers' licenses. They prohibited unaccompanied women from using public transport nationwide on May 29, 2022,²² and banned women from taking taxis without mahrams in Kandahar Province on May 27, 2022²³ and Jawzjan Province on November 27, 2022.²⁴ The Taliban's countrywide ban on issuing driving licenses to women was announced on May 5, 2022.²⁵ In April 2023, the Taliban decreed that the Taxi Drivers' Union of Kandahar city must ensure that no women are allowed to ride inside the car and instead must ride in the vehicle's trunk. If the woman had a mahram with them, he could ride inside the car.²⁶

A woman who was forced to ride in the trunk of a taxi due to Taliban restrictions in Kandahar city recounted her story to journalists:

“It was on the third day of her daughter’s visit that Mahgul, [age] 54, realized they needed to take her to the hospital, as her stomach ache was worsening. So Mahgul, who lives in the Damaan district of Kandahar, set out with her daughter, Rana, and her 4-year-old grandson. It was a hot 15-minute walk to the taxi station. Once there, they couldn’t find a taxi driver willing to take them to the hospital. Finally, one said he’d take them but they had to ride in his vehicle’s trunk. Mahgul, her daughter, and her grandson climbed on board and sat next to a 10-kilogram gas cylinder. A few minutes later, the driver stopped to pick up three more women, who also crammed into the small space, with the weight of the trunk’s hood resting on their backs. ‘We struggled to breathe, our clothes, even my burqa, were soaked in sweat from the intense heat. My daughter clung to the gas cylinder, groaning in pain,’ Mahgul recounted. After 90 minutes, they reached the hospital. While Rana was treated, Mahgul realized she was having a skin reaction as well as heat burns due to travelling for so long in such a confined space in the extreme summer heat of Kandahar. ‘It was extremely hot inside the trunk. We were wearing black hijabs and chadors. The air was completely trapped. My entire body was soaked with sweat, and I felt like I was burning,’ she explains.”²⁷

Taliban authorities use violence against women and girls they perceive as non-compliant with mahram restrictions. Amnesty International and UNAMA reported that women who appear in public without a mahram risk harassment, beatings, and arrest by Taliban members.²⁸ Notably, Taliban enforcement practices are sometimes stricter than the edicts demand.²⁹ For example, local Taliban have told some women that they need a mahram to travel shorter distances than stated in the decree, whereas women in other areas have said the local Taliban does not allow women to move outside their homes without a mahram.³⁰

Women without a mahram are not allowed to move through Taliban checkpoints, even in urgent situations, or when accompanied by other women.³¹ Since August 2023, women in Bamiyan have been prevented from going through Taliban checkpoints unaccompanied by a mahram, and the Taliban

forces women back into their homes if they are not accompanied.³² Taliban actions restricting access to transport without a mahram include preventing women in Kandahar, Sar-e Pol, Jawzjan, Ghor, Baghlan, and Herat Provinces from accessing taxis without a mahram.³³ The Taliban have instructed bus drivers in Kandahar to deny entry to women without a mahram.³⁴

Since March 2022, Taliban policies have prevented women from traveling outside of Afghanistan without both a mahram and a reason deemed legitimate by the Taliban.³⁵ To illustrate, in August 2022, the Taliban banned female students in Kabul from flying abroad without a mahram.³⁶

Logistical difficulties associated with mahram requirements include the fact that the men serving as mahrams must be able to travel, have funds to support the travel of both people, and incur economic costs of lost work opportunities. Additionally, the well-founded fear of enforcement by the Taliban of both women and men has resulted in many women being confined to their homes.³⁷ Single women and women without access to a mahram are locked out of social and public life.³⁸

The Taliban are also making efforts to prohibit older girls and women from going to restaurants and cafes, an important part of female socializing in cities. In Herat, in January 2022, and Takhar, in March 2023, café and coffee shop owners were ordered not to serve older girls or women unless they were with a mahram. In April 2023, the Taliban Ministry for the Promotion of Virtue and Prevention of Vice banned unmarried women entirely from restaurants. In May 2024, the Taliban required couples to show their marriage certificates to allow the wife to eat together in a restaurant.³⁹

A 23-year-old woman engineering student in Kabul, who is now forced out of school by the Taliban, spoke about how Taliban restrictions have made being outside the home and accessing specific social activities in public places difficult:

“We don’t enjoy going out anymore because there are so many restrictions. For example, they tell us where [we should] and where we should not go. They tell us not to go where men are [present] in places like Qargha or Paghman [favorite picnic spots on the outskirts of Kabul]. Both places are restricted for women [on their own] ... This is why I prefer to stay home. About a

month ago, I went to Qargha with my family; we were in the car when the Taliban told us to go to a place where there were no men. It's the same with restaurants. Most of the time, they enforce restrictions so that families must eat in a dark and secluded place inside the restaurant."⁴⁰

The effect of Taliban restrictions directly affects women's and girls' engagement in economic and social spheres. A 2023 MSF report found that some women in Kabul who have tried to ride in shared taxis without a mahram have "sometimes [been] requested to sit in the back seat of the car and cover the cost of all three seats," which can make transport prohibitively expensive.⁴¹

Taliban transport restrictions have had a deleterious effect on women healthcare workers, as they have impeded their ability to engage economically and provide healthcare. In a 2022 report from the Johns Hopkins Center for Public Health and Human Rights and Johns Hopkins Center for Humanitarian Health, 59 percent of surveyed women health workers indicated that they had been stopped and harassed by the Taliban because they did not have a mahram. They reported this harassment had contributed to their "lack of safety" while traveling to and from their healthcare jobs.⁴² Taliban agents have made taxi and bus drivers fearful of transporting unaccompanied women.⁴³ The consequent increase in wait time for transportation, in conjunction with harassment, "sometimes resulted in [women health providers] being late to relieve colleagues or depriving women and children of care."⁴⁴

Despite official Taliban edicts indicating that women 'only' needed a mahram to travel more than 45 miles, some women have reportedly had "to walk long distances to work or...[have been] unable to get to work at all because bus and taxi drivers have been told they are not allowed to pick up single women."⁴⁵

Mahram requirements have also made it difficult for girls to travel to school.⁴⁶ In a 2022 Amnesty International report, a teacher in Kunduz indicated that girls cannot always find a mahram to accompany them on their commute.⁴⁷ A January 2024 report found that mahram restrictions have increased unaccompanied women's risk of harassment and abuse while traveling to receive and pick up humanitarian aid at distribution points.⁴⁸

Taliban restrictions not only limit women's ability to move freely in public but also reduce their access

to specific places and services in social and cultural life, such as public baths. The Taliban closed public baths for women in Balkh Province on December 29, 2021⁴⁹ and in Badghis Province on November 6, 2022.⁵⁰ Then, in November 2022, the Taliban's Ministry for the Propagation of Virtue and Prevention of Vice ordered that women-only bathhouses were "un-Islamic" and ordered all of them to close around the country. The General Directorate of Craftsmen and Trade reported 1,136 public bathhouses countrywide, approximately 20 percent of which were women-only.⁵¹ Public baths were "a critical resource for girls' and women's hygiene, particularly those with specific hygiene needs, such as pregnant or breastfeeding women, children, and young girls during their menstrual cycles."⁵² Poor menstrual hygiene can result in "reproductive and urinary infections, increased spread of infection, and long-term infertility and birth complications."⁵³

In September 2023, in Helmand province, the Taliban Department of Information and Culture informed media outlets not to invite women to their programs without first obtaining their permission. The Department has also warned women and girls against using Facebook, TikTok, Twitter, and other social media tools. These edicts were also delivered through Imams in mosques on behalf of Helmand's governor and the Department.⁵⁴ The Taliban banned women and girls from calling radio stations in Khost, Kandahar, Paktia, and Paktika provinces.⁵⁵

Taliban measures threaten to increase gender-based violence and harmful practices and strengthen harmful gendered social norms. Interviewees in a 2022 Amnesty International report indicated that mahram restrictions may increase the rigidity of gender norms, increasing the control that male family members exercise over the movement of female family members and cementing a gendered division of labor within families. Additionally, participants in focus group discussions in a February 2024 report by the Overseas Development Institute noted that in cities, people were now "more inclined towards an earlier age of marriage" for their girls after girls lost the ability to travel alone. Child marriage dramatically decreases girls' ability to participate in social life and limits their opportunities for economic involvement.⁵⁶

Economic Life

Starting on September 11, 2022, the Taliban rolled out a series of decrees that restricted and eventually forbade women from working in offices. Women were instructed to send their male relatives in their place to work in offices, and women were ordered to stay in their homes.⁵⁷

The Taliban's actions and restrictions make it nearly impossible for self-employed women to run their businesses. While the Taliban has not completely shut down all women-owned businesses,⁵⁸ their restrictions have both indirectly and directly created a hostile environment for self-employed women to carry out economic activities. Taliban policies have targeted self-employed women's economic activities and seek to limit women's ability to participate in economic life. The Taliban banned women's beauty parlors around the country; closed down women-run bakeries in Kabul in December 2022;⁵⁹ forbade female tailors in central Daikundi Province⁶⁰ from sewing men's clothes and interacting with men either as customers or employers in November 2022;⁶¹ closed women-run dressmaking shops in Kabul, telling their owners to "work from home" in November 2022; and shut down five women-run cafes in Herat city in November 2024.⁶² In October 2023 in Faryab Province, the Taliban ordered private videography/photography companies not to hire female employees for work at wedding ceremonies, ensuring no images of uncovered females could be taken.⁶³

95 percent of Afghan women have no access to formal banking, credit, or financial services.⁶⁴ The Taliban have ordered gender segregated banking services in several provinces.⁶⁵ For example, in March 2023, in Balkh province, the Taliban segregated banking services based on gender.⁶⁶ In Herat, women coming to the bank are searched by male guards and then must wait in a dark room, full of old files, with no electricity, to be called for their turn to see a bank teller.⁶⁷

Micro-credit programs funded by external donors for Afghan women exist. However, their reach is limited. A 2024 study by UNDP found that only 2 percent of women surveyed had ever received a loan from formal or micro-credit financial services, and most women received personal informal loans from family, friends, and other businesses.⁶⁸

The Taliban's violation of women's right to movement has limited women and girls' access to markets and basic services. In 2023, the OCHA-coordinated Multi-Sectoral Needs Assessment surveys found that only 27 percent of women and girls in male-headed households said that they could travel to markets alone,⁶⁹ a 21 percent decline from 2021.⁷⁰ Women in rural areas had even lower unaccompanied access to markets, with only 14 percent reporting market access.⁷¹

Mobility restrictions on women and men buyers and sellers have limited women's access to markets⁷² by erecting practical and financial barriers.⁷³ For example, multiple female IDPs in the Barikab settlement near Kabul⁷⁴ said they were forced to rely on male relatives to buy their business supplies or sell their products at Kabul and Qarabagh markets. The women also reported difficulties negotiating contracts for their businesses.⁷⁵ In Majboor Abad, an informal settlement of Afghan returnees from Pakistan outside of the city of Jalalabad (Nangahar province), where women are subjected to fewer mobility restrictions, women business owners are nonetheless wary of the Taliban deciding they are coming too often or for no good reason to the market and determining they are engaging in "inappropriate behavior."⁷⁶

The Taliban has taken direct action to limit women's self-generated economic activities. They closed women's tailoring shops throughout Mazar-i-Sharif city (Balkh province) in October 2023, declaring that the women tailors could only operate in the Noor Market in an area they designated only for women.⁷⁷ The Taliban also ordered at least 30 female shopkeepers at the City Walk market in Mazar-i-Sharif to close their shops in January 2023.⁷⁸ The shops were allegedly shut down by the Taliban due to women working with men and not wearing the restrictive version of hijabs.⁷⁹ The Taliban opened a women-only market in Balkh province in March 2023, but female vendors said that its distant location made it difficult to attract enough customers to make a profit.⁸⁰ Some women shopkeepers in the women-only market had to close their shops due to the lack of sales.⁸¹

To illustrate, a woman tailor in Kabul spoke about how Taliban restrictions have negatively affected her business:

"The mass arrests of women under the Taliban's pretext of an 'improper hijab' is not the only fear

that Parisa has to deal with every morning when she leaves her home for work. The 37-year-old sits idly behind the desk in her shop with no customers. Since the Taliban crackdown on women's clothing began in January, Parisa says her days mostly pass like this because fewer girls or women are leaving their homes. The mother-of-three has been selling women's accessories in a Kabul shopping center for four years. 'These imposed restrictions completely prohibit women and girls from going outside. Their families don't allow them to go out,' she says. 'There are no sales. We are paying the business rent, electricity, and water bills from our own pockets... If it continues like this, I'll have no choice but to close the shop. But this shop is my only source of income, which the Taliban are now taking away from me with their restrictions. I don't know what to do,' she says. 'Women are now completely excluded from society. They used to at least go out shopping, but now they are not even able to do even that. There is no one listening to us.'"⁸²

Additionally, widespread harassment and intimidation from Taliban police and from some male shop owners has led to a decrease in women-run businesses.⁸³ Religious police in Lashkar Gah city in Helmand Province routinely keep the women's market under surveillance, seeking to catch women who are shopping alone. They then "subject these women and girls to humiliation, insult, and mistreatment."⁸⁴ Taliban authorities have also told market vendors to prevent women from entering their shops.⁸⁵ In September 2022, authorities detained and beat shopkeepers at a women's market in Kandahar that allowed women into their shops.⁸⁶ The Taliban closed shops in Mazar-e-Sharif in October 2022 for selling items to women not wearing Taliban-sanctioned hijabs.⁸⁷ Additionally, Taliban religious police are "regularly inspecting CCTV cameras in women-owned businesses in Herat city to enforce strict hijab requirements."⁸⁸

The impacts of Taliban restrictions on women's ability to pursue self-employed economic activities are significant. Around 29 percent of the 117 women-owned firms surveyed for a March 2024 World Bank report indicated that they were permanently or temporarily closed, "a significant disparity compared to surveyed men-owned firms."⁸⁹ The report found their closure was directly related to the Taliban's restrictions on their economic activities.⁹⁰ Additionally, in comparison to men-

owned businesses, women-owned firms reported a significant deterioration of their security at work.⁹¹

Freedom of Expression in Dress and Appearance

Taliban policies requiring women and girls to wear hijabs or other specific clothing items in public settings also inhibit their freedom of movement and freedom of expression. On May 7, 2022, Taliban authorities ordered Afghan women and girls of "reproductive age" to wear "proper hijab" and cover all parts of their face besides their eyes in the presence of unrelated men.⁹² The Taliban stated that "the best way to observe hijab is to not go out unless it's necessary."⁹³ In some locales, the Taliban imposed stricter clothing requirements. In January 2024, the Taliban ordered girls and women to wear burqas in Paktia province and black hijabs, face masks, and gloves in Farah province, and prohibited girls and women from wearing white pants and shoes in Logar province, and warned that those who ignore the orders will face harsh consequences.⁹⁴ Even women and girls traveling with a mahram have been subjected to harassment from Taliban authorities. Religious police have reportedly "employed loudspeakers from moving vehicles or within crowds to critique women and their mahram, focusing on elements such as clothing choices, hijab styles and shoe colors."⁹⁵ In November 2022, the Taliban ordered male tailors in central Daikundi province to stop taking measurements for and making women's clothing.⁹⁶ In November 2023, the Taliban ordered male tailors in Herat province to stop making women's clothing.⁹⁷

Women and girls have also faced violence and repression, including arbitrary arrest or detention, threats, beatings, torture, and inhuman treatment⁹⁸ from the Taliban for appearing in public without Taliban restrictions reflected in their dress. In November 2021, when clothing restrictions were not perceived as compulsory, a woman in Takhar Province⁹⁹ was "beaten with an iron rod by a Taliban agent at a checkpoint for not wearing a black niqab or a burka."¹⁰⁰ On July 17, 2023, Taliban authorities in Herat province told taxi drivers and three-wheeler operators that "drivers would be detained and imprisoned" for having female passengers who were not wearing a full hijab.¹⁰¹ Since August 26, 2023, women in Bamiyan province have been taken back to their homes by the Taliban from checkpoints if they do not have the required hijab.¹⁰²

Taliban officials in Bamiyan publicly lashed two young women on September 24, 2023, for violating hijab requirements, and assaulted two young women for wearing white shoes.¹⁰³

In January 2024, Taliban authorities escalated their enforcement of clothing and dress restrictions in Kabul, Bamiyan, Baghlan, Balkh, Daikundi, and Kunduz provinces.¹⁰⁴ The UN Special Rapporteur on the Situation of Human Rights in Afghanistan verified that many women were “arbitrarily deprived of their liberty” as part of this crackdown, which disproportionately targeted Hazara women and girls.¹⁰⁵ Women and girls were publicly arrested, taken in police vehicles, and detained, where some were subjected to threats, intimidation, and physical violence.¹⁰⁶ Detainees were denied any access to any legal representation and were only released after a male family member agreed that they would follow the Taliban code of dress.¹⁰⁷ Taliban dress restrictions are also being used to regulate how women and girls decorate their bodies. On May 8, 2023, a Taliban official in Kandahar told security agents at inspection checkpoints to interrogate women and girls who were wearing makeup or had henna on their hands.¹⁰⁸

Women report that measures such as the mandatory presence of mahrams and dress code requirements that limit women’s and girls’ freedom of movement and expression make them feel “suffocated, depressed, isolated, and worthless,” and contribute to increased suicidality.¹⁰⁹ Afghan women and girls “now account for three out of every four suicides and suicide attempts in the country.”¹¹⁰ According to a clinical psychologist, individuals arbitrarily deprived of their liberty and or abused, such as victims of the Taliban’s hijab crackdown in January 2024, face “pain and bodily symptoms..., emotional distress, anxiety, fear, and mistrust of other people.”¹¹¹ Measures restricting women’s and girls’ access to gyms, city and national parks, and historic sites where women and girls exercised and were able to move about to mitigate rising depression from Taliban restrictions,¹¹² as well as social isolation from mobility restrictions,¹¹³ threaten to exacerbate this mental health crisis among Afghan women and girls.

The responsibility of women’s male family members for “women’s adherence” to the Taliban’s decrees that restrict women’s and girls’ freedom of movement and expression may also increase male family members’ action to control their female kin’s daily lives. Such dynamics may increase the risk of SGBV and domestic violence.¹¹⁴

Water and Food

Mobility restrictions have affected women’s and girls’ access to water. In 2023, OCHA-coordinated surveys¹¹⁵ found that only 52 percent of women and girls in male-headed households can access a water point on their own, a 24 percent decline from 2021.¹¹⁶ This effect has been even more pronounced in rural areas, with only 39 percent of respondents in these communities reporting that women and girls had unaccompanied access to water.¹¹⁷ Additionally, the Taliban’s closure of public baths has limited Afghan women’s and girls’ ability to access washing facilities¹¹⁸ and blocked a critical resource for women and girls to maintain their hygiene. These impacts are particularly felt by rural women and girls who are less likely to have access to water near or inside their homes.¹¹⁹

Mahram restrictions have also limited women’s and girls’ access to food through requirements in some provinces that women and girls must be accompanied by mahrams when coming outside their homes. Fear of Taliban violence against women, girls, and their mahrams for any perceived infraction has caused many families to limit or prohibit women and girls from traveling outside their houses.¹²⁰ Some interviewees in a 2022 CARE report indicated that “they used to be comfortable going to markets to buy food,” but they now have “anxiety and fear about such movements.” The Taliban restrictions and checkpoints have limited women’s and girls’ travel and led them to outsource food-related outings to male family members.¹²¹

Participation in Sports and Recreation

Taliban actions and restrictions have ended women’s and girls’ access to sports and recreation. In September 2021, the Taliban enacted a sports ban for women and girls.¹²² They barred female athletes from any sports practices, activities, or competitions.¹²³ Taliban restrictions on women’s and girls’ ability to play and exercise have gone beyond those related to formal sports, banning women and girls from gyms and fitness facilities on November 10, 2022.¹²⁴ The Taliban have also banned women and girls from going to city and national parks in Herat,¹²⁵ Kabul,¹²⁶ Faryab, Bamiyan, and Balkh provinces.¹²⁷

The Taliban “announced...[a] ban” on women’s beauty parlors on July 6, 2023.¹²⁸ They forbid

women from eating at restaurants without mahrams in Takhar province on March 15, 2023,¹²⁹ and from eating at “restaurants with gardens or green spaces” in Herat Province on April 10, 2023.¹³⁰

Afghan women traditionally enact the sprinkling of water on their loved one’s graves to keep their memories alive, requiring routine visits and

caretaking.¹³¹ On May 4, 2023, Mawlawi Omar, the head of the Ministry for the Promotion of Virtue and Prevention of Vice in Kandahar, ordered all the provincial departments to prohibit girls and women from going to cemeteries, prohibiting them from even visiting and paying respects to the dead.¹³²

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ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - a. To participate in the elaboration and implementation of development planning at all levels;
 - b. To have access to adequate health care facilities, including information, counselling and services in family planning;
 - c. To benefit directly from social security programmes;
 - d. To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - e. To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
 - f. To participate in all community activities;
 - g. To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

“The Taliban have instructed us not to treat any female patients who is not accompanied by a mahram or is not in full hijab. These restrictions seem to be implemented with particular severity outside major urban areas in the southern provinces and rural areas of Afghanistan.”

—Sharifa M., a woman doctor in Afghanistan¹

Introduction

Article 14 of CEDAW addresses the distinct vulnerabilities and needs of rural women, acknowledging their disproportionate exposure to discrimination and structural inequalities. It obliges State Parties to adopt targeted measures aimed at eliminating discrimination against rural women and ensuring their full and equal participation in rural development processes. The Article outlines a comprehensive framework for enabling rural women to access essential resources and services, including healthcare, education, social security, and economic opportunities such as credit facilities and market access.

Article 14 emphasizes the active inclusion of rural women in decision-making and planning at the community level, recognizing their role in shaping rural development initiatives. It also mandates state parties to guarantee rural women's access to adequate living conditions, encompassing safe housing, clean water, sanitation, electricity, and reliable transportation. Equal participation in education and vocational training, including literacy programs, is considered fundamental to empowering rural women.

Moreover, Article 14 underscores the importance of enabling rural women to engage in income-generating activities and self-employment by providing them with equitable access to financial services and infrastructure. The right to participate in self-help groups and cooperatives is also supported in Article 14, which can facilitate community-based economic and social empowerment. The principle of equitable access to land ownership and land tenure security is often recognized by commentators as an implicit but critical component of Article 14's objectives.²

Approximately 73 percent of Afghan girls and women live in rural areas.³ While all Afghan women and girls are impacted by the Taliban's actions, deeply rooted patriarchal gender norms in Afghanistan have resulted in rural girls and women being particularly marginalized in Afghan society. Historically and during the Republic Period (2004-2021), rural Afghan girls and women had only limited autonomy and access to financial resources, employment, education, healthcare, and public and private decision-making. Highly discriminatory and sexist gender norms and practices have negatively affected the physical and mental health of rural girls

and women and reduced their access to educational, economic, and political opportunities.⁴

By 2020, however, there were tangible outcomes in rural girls' and women's political, educational, and economic inclusion. The government ratified CEDAW in 2003, which influenced the new 2004 constitution of Afghanistan. The 2004 constitution prohibited discrimination and guaranteed equal rights and duties for all citizens. It required provinces to elect at least two women to the lower house of parliament. It also required the President to appoint a third of the upper house, with at least half of those appointments being women.

The constitution mandated programs to promote girls' and women's education. From 2002 to 2021, 3,816,793 girls were enrolled in primary through secondary education. Women teachers made up 80,554 of the approximately 200,000 total teachers in Afghanistan. Educational access increased with 18,765 public and private schools operating in the country. By 2020, over 100,000 Afghan women attended public and private universities in the country, and 2,439 women were employed as lecturers at colleges and universities. Education provided significant opportunities for girls and women to improve their own lives and contribute to their families and the country.⁵

Girls and women had more economic opportunities. Over 54,000 informal businesses were owned and run by women. These businesses created over 130,000 jobs and supported another 100,000 women artisans in rural areas to sell their work in the cities of Afghanistan.⁶

Harmful Norms and Practices and Rural Girls and Women

Following the Taliban's takeover of Afghanistan in August 2021, long-standing discriminatory and patriarchal gender norms have intensified, undermining and reversing the gains achieved over the previous two decades in advancing gender equality and the empowerment of girls and women. The Taliban institutionalized and enforced harmful norms and practices, resulting in widespread denial of girls' and women's human rights. Compared to girls and women in urban areas, rural girls and women are among the most affected because they were already facing less access to services and more

physical, economic, social, and cultural barriers to realizing their rights.

By restricting girls' and women's mobility and barring their employment with humanitarian and other organizations, the Taliban have seriously curtailed women's and girls' ability to obtain health care, especially in rural areas. Furthermore, Taliban bans on education for older girls and women have severely limited the training of future female healthcare workers, significantly reducing their numbers in the medical field.⁷

Rural Women and Girls and Healthcare

Girls and women seeking health care have reported that conservative, patriarchal norms, together with Taliban laws, decrees, bans, and practices, have erected substantial obstacles to obtaining medical treatment—particularly in rural areas—and to accessing humanitarian assistance, including aid critical to their health.⁸ One NGO staff member further reported that two months after the Taliban takeover, Taliban security forces physically assaulted a male doctor “for providing health services to female patients in a village of Samangan province.”⁹

In a 2023 report, a male Afghan working for Médecins Sans Frontières said:

“Already I see that the Taliban at checkpoints looking for any excuse to prevent women from moving freely. For example, my sister was sick recently and when she was travelling to our hospital for a check-up, they did not allow her to go because she didn't have a mahram. She stood there for about 50 minutes, outside in the cold. Then my brother came, and they allowed them to leave.”

A health worker at an international aid group said, “Before the takeover, we had 2,500 female staff who used to go house to house, providing community services, and distributing hygiene kits. Now all these programs, including our mental health programs, have stopped.” Another aid worker said, “We are not allowed to distribute hygiene kits; a lack of those leads to increased urinary tract infections and problems with childbirth.... [the Taliban] don't understand that this is not a luxury; it's a basic need for women.”¹⁰

Afghanistan's economic crisis has driven increasing numbers of people into poverty and heightened vulnerability, rendering the health-care system reliant on out-of-pocket payments even more regressive and further undermining girls' and women's right to health.¹¹ Along with highly restrictive gender norms, cost acts as a major prohibitive factor in accessing health services in rural households.¹² Data from 2022 indicate that only 10 percent of girls and women could satisfy their basic health needs through existing health services, whereas 23 percent of men were able to do so.

Rural areas, where the fighting over the past 20 years was most intense, continue to lack qualified health workers, and female staff in particular. The Taliban's discriminatory restrictions on women and girls have therefore intensified longstanding barriers to health-care access in rural areas. In remote regions such as Daikundi, where poor road infrastructure has long limited access, and in Badakhshan, where heavy snowfall frequently renders roads impassable, girls and women must already travel considerable distances to obtain health services. In Helmand, the availability of health clinics was already limited.¹³

Because of the Taliban's mahram¹⁴ requirement, rural girls' and women's access to healthcare services has now become even more difficult. Previously, NGOs operated mobile clinics in rural areas or arranged transportation to enable staff to travel to rural communities to deliver health care. Under current conditions, Taliban restrictions have sharply curtailed these mobile services by barring female staff from traveling in vehicles and by scaling back door-to-door activities conducted by community health practitioners in private homes.¹⁵ An Afghan nurse, sharing her experience of Taliban's obstruction of women from accessing healthcare services in a rural area in northern Afghanistan, explained, “They stop us. Yes, even if a woman is dying, she cannot be treated by a male doctor.”¹⁶

Afghan doctors were pessimistic and expressed concerns about the future of healthcare access under the Taliban, comparing the degradation of improved services before and after the Taliban takeover in 2021. The Taliban's prohibitions on female health professionals and their restrictions on women's access to medical training have produced significant shortages of female doctors, nurses, pharmacists, and other health-care workers, with particularly severe effects in rural areas. For example, one organization in Paktika province was forced to

re-advertise a vacancy for a female doctor multiple times over a six-month period and was still unable to fill the position due to the lack of women applicants willing to work in rural settings.¹⁷

With particularly negative consequences for girls and women in rural areas, the Taliban issued an edict on December 26, 2021, prohibiting women and girls from traveling “long distances” by taxi or public transport unless accompanied by a mahram. The directive defined a long distance as 72 kilometers (approximately 45 miles) or more. In practice, however, some Taliban officials and security forces have interpreted the rule far more broadly, applying it to shorter journeys, including travel outside the home for purposes such as commuting to work or seeking health care. In addition, the ban on education for women and girls has effectively halted the training of future female health-care workers nationwide.¹⁸

In January 2022, in Ghazni province, Taliban officials barred women from attending healthcare appointments unless they were accompanied by a mahram. An NGO official in Kandahar district told Human Rights Watch that female staff were required to be accompanied by a mahram throughout the day. He further explained that female patients were likewise required to have a mahram present and would be denied access to health-care services in the absence of one.¹⁹ These restrictions, thus, disproportionately affect rural girls and women and force them to delay or sacrifice their health treatment.

A report illustrated the dire circumstances faced by pregnant rural girls and women trying to reach health care. “A pregnant woman from a remote village in Daikundi province had to rent a car for 38,000 Afghani (\$400) and endured an 8-hour journey to reach the provincial hospital in the capital of Daikundi province. Her sole intention was to ensure a safe delivery for her child. Unfortunately, upon arrival and undergoing the necessary medical check-ups, the doctors informed her that her child had already passed away due to the rough and bumpy roads she had traveled.”²⁰

A country-wide representative study on mental health found that mental illness affects the rural Afghan population and rural women disproportionately. “More than half of the Afghan population suffers from depression, anxiety, and post-traumatic stress disorder, including many

survivors of conflict-related violence, yet only about 10 percent have ever received effective psychosocial therapy.”²¹ Studies find that the incidence of Post-Traumatic Stress Disorder and suicidal behaviors was more prevalent in Afghan women compared to Afghan men. The studies found that living in a rural area was a significant risk factor for poorer mental health outcomes.²²

Agricultural Activities and Access to Water

The Taliban’s prohibitions on freedom of movement and employment have severely affected rural girls and women. The proportion of households in Afghanistan facing obstacles to accessing water increased from 48 percent in 2021 to 67 percent in 2023, compounding the challenges faced by rural girls and women who are already subject to mobility restrictions and heightened exposure to harassment and gender-based violence when traveling to water sources.²³ In rural communities where girls, women, boys, and men previously worked together in agricultural activities, local authorities have imposed increasingly strict interpretations of purdah, enforcing greater separation of the sexes. These forms of mixed sex, communal cooperation are no longer allowed.²⁴

Because of the Taliban’s restrictions on freedom of movement, marginalized groups in rural areas—including women and girls, women-headed households, older persons, and persons with disabilities—are disproportionately excluded and rendered dependent on male family members to obtain information and to provide feedback on community or humanitarian assistance.

Rural Afghan Women and Identity Documents

In Afghanistan, the process of obtaining civil documentation is burdensome and protracted. Multiple obstacles persist, including government office closures, rising document fees, problems with online application systems, lengthy waiting periods, and unclear application procedures. Rural communities—particularly rural girls and women—are disproportionately affected by the time and financial costs associated with travel to administrative offices. Girls and women also encounter additional barriers due to requirements that a male guardian or mahram accompany them to complete necessary procedures. In many

cases, the absence of female staff within relevant government offices compels women to interact with male officials in order to access services.²⁵ One study found that displaced women and women living in rural areas are especially impacted: 24 percent of rural households reported that no women or girls possessed civil identification documents, compared with 5 percent of urban households.²⁶

Rural Women-Headed Households

In Afghanistan, households headed by women spend 17 percent less on basic needs than those headed by men, and an estimated 48 percent of women-headed households experience poor food consumption, compared with 39 percent of men-headed households.²⁷ By 2023, 60 percent of women heads of household reported cutting health-related spending, an increase from 40 percent in 2022. Reliance on negative coping strategies to sustain household livelihoods is more prevalent in rural areas than in urban ones and affects 32 percent of rural women-headed households and 26 percent of rural men-headed households. To meet basic needs, women-headed households are especially likely to resort to harmful coping practices,

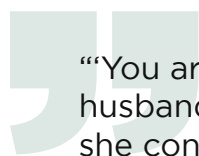
including child labour, delaying or foregoing medical treatment, early and forced marriage of daughters, and skipping meals. In 2023, 60 percent of women heads of household reported reducing health expenditures, an increase from 40 percent in 2022. The adoption of negative coping strategies to sustain household livelihoods is more widespread in rural areas than in urban settings and affects 32 percent of rural women-headed households and 26 percent of rural men-headed households. Women-headed households are particularly likely to rely on such coping mechanisms to meet basic needs, including child labour, delaying or foregoing medical treatment, early and forced marriage of daughters, and skipping meals. In the same year, 21 percent of women-headed households withdrew children from school due to insufficient food or income to purchase food, compared with 8 percent of men-headed households. Women-headed households—especially those in rural areas—frequently face barriers to accessing credit or loans, as requesting informal loans is often considered socially and culturally inappropriate for women, and many rural women lack the identification and documentation required to apply for formal credit.²⁸

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ARTICLE 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women in civil matters a legal capacity identical to that of men, and the same opportunities to exercise that capacity. In particular they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all states of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to movement of persons and the freedom to choose their residence and domicile.



“‘You are a woman, we will put you in the prison.’ They said to my husband, ‘Take this woman home and punch her in the mouth. If she continues talking, break her teeth.’”¹

—A 27-year-old woman in Balkh district recounts what she was told by a Taliban judge in a public court session where she sought a divorce from her violent husband.

Introduction

Article 15 of CEDAW protects women’s rights to equal protection of the law and equality before the law. Equal protection of the law, an expansion of equality before the law, requires that laws and procedures be equal, non-discriminatory, and non-arbitrary. Article 15 affirms the principle of legal equality between women and men, particularly in civil and legal matters. It requires State Parties to recognize women’s full legal capacity, on equal terms with men, in all areas of civil law. Article 15 requires equal access to decision-making bodies, including but not limited to entities such as courts, tribunals, ministries, and informal justice mechanisms. It guarantees an equal right to non-discriminatory administration of justice by such institutions.

By mandating that women be accorded the same status as men before the law, Article 15 seeks to dismantle legal barriers that limit women’s autonomy

and civil agency. It obliges state parties to eliminate any legal provisions or practices that deny or restrict women’s legal capacity. Article 15 serves as a foundation for ensuring that legal systems uphold substantive equality and protect women’s rights in both public and private spheres, including contractual, property, and family law domains, and the right to participate fully in legal proceedings. Article 15 further underscores that women must have equal rights regarding freedom of movement and the ability to determine their domicile and residence independently.²

Afghanistan is a signatory to key international human rights instruments and has demonstrated a formal commitment to gender equality through its ratification of major treaties. The country is bound by the UN Charter and the Universal Declaration of Human Rights and has ratified several core human rights conventions, including:

- International Covenant on Civil and Political Rights (1983)
- International Covenant on Economic, Social and Cultural Rights (1983)
- International Convention on the Elimination of All Forms of Racial Discrimination (1983)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
- Convention on the Rights of the Child (1994)
- Convention on the Elimination of All Forms of Discrimination against Women (2003)
- Convention on the Rights of Persons with Disabilities (2012)

Importantly, Afghanistan ratified CEDAW without reservations, indicating a formal acceptance of its full scope and obligations. These treaties collectively guarantee the rights of women and girls and obligate the state to prevent discrimination and ensure equal protection under the law.

The Afghanistan Independent Human Rights Commission, established in 2002 and constitutionally recognized in 2004, served as a key institution for monitoring and promoting human rights. The Afghanistan Independent Human Rights Commission played a central role in advancing women's rights, documenting violations, and advocating for legal and policy reforms to address gender-based violence and discrimination.

The 2004 Constitution reflects Afghanistan's international commitments, particularly under CEDAW. It guarantees gender equality, prohibits discrimination, and affirms women's full participation in public and political life. Article 83 introduced a gender quota, reserving approximately 25 percent of seats in the Wolesi Jirga and 17 percent in the Meshrano Jirga. Additional electoral provisions required that 20 percent of seats in all subnational councils be allocated for women.

Several national policy frameworks were adopted to support these commitments, including the National Policy on Gender Mainstreaming (2008), the National Action Plan for the Women of Afghanistan (2008–2018), and the Afghanistan National

Development Strategy. These policies set targets for increasing women's representation across sectors, including a 30 percent target for female employment in the civil service and security forces by 2020, and gender mainstreaming across government ministries and agencies.

In 2009, the Elimination of Violence Against Women Law criminalized a wide range of gender-based violence, including rape (as a distinct and punishable offense); forced and underage marriage; physical, sexual, and psychological abuse; and denial of education, employment, or inheritance. The law also required government action to prevent violence, protect survivors, prosecute offenders, and raise public awareness. However, implementation faced significant obstacles, including resistance from traditional justice systems (*jirgas* and *shuras*), deeply rooted patriarchal norms, and limited access to formal justice mechanisms—particularly for women in rural areas. Despite these challenges, the law provided a critical legal foundation for the protection of women and girls and was reinforced by the monitoring and advocacy work of the Afghanistan Independent Human Rights Commission.

By 2020, Afghanistan had between 250 to 300 women judges, representing approximately 8 to 10 percent of the judiciary.³ In Afghanistan, female judges held judicial roles across various legal institutions, including courts addressing domestic violence, terrorism, drugs, and juvenile justice. Women judges also served at multiple levels of the judiciary, including appellate courts, civil courts, and municipal courts. Women judges were appointed to specialized tribunals dedicated to combating corruption and addressing cases related to violence against women. Two women were nominated to serve on the Supreme Court but their nominations were not confirmed by parliament.⁴ Additionally, by 2020, the Afghanistan Independent Bar Association recorded approximately 1500 women out of 6,000 total members. These women judges and lawyers provided valuable legal access and services, particularly for Afghan women and girls seeking justice and assistance through the legal sector. Furthermore, women lawyers played a crucial role in defending women's and children's rights in cases of violence and in promoting social justice.⁵

Afghanistan's formal commitments to international human rights treaties and its domestic legal and institutional frameworks laid important groundwork for gender equality and the protection of women's

rights. However, systemic barriers, including weak enforcement mechanisms and conservative patriarchal resistance, continued to undermine progress.

Equality Before the Law and Equal Protection of the Law

The concepts of “equality before the law” and “equal protection of the law,” while closely related, address distinct aspects of legal equality. “Equality before the law” refers to the principle that all individuals, irrespective of their social status, background, or identity, are subject to the same legal standards and judicial procedures. It emphasizes uniformity in the application of legal norms. “Equal protection of the law” pertains to the state’s obligation to enforce laws in a manner that is fair and non-discriminatory. This principle prohibits arbitrary or unjustified differential treatment by public authorities and requires that any distinctions made under the law be supported by legitimate and reasonable justifications.

After reclaiming power in August 2021, the Taliban implemented sweeping legal and institutional changes that significantly curtailed women’s rights. They rejected the 2004 Constitution as a Western imposition, repealed the Elimination of Violence Against Women Law, dissolved the Afghanistan Independent Human Rights Commission, and replaced the Ministry of Women’s Affairs with the Ministry for the Promotion of Virtue and Prevention of Vice. This new body, supported by the Morality Police, began enforcing restrictive and discriminatory laws, policies, and practices targeting women and girls. The Taliban closed the Special Prosecutor’s Office and the Special Court for the Prohibition of Violence against Women and the Prohibition of Harassment of Women.⁶ Over the following months and years, the Taliban issued more than 100 decrees and bans that violated both national and international legal standards, including Afghanistan’s commitments under the CEDAW.

The Taliban’s numerous edicts, orders, directives, and laws undermine girls’ and women’s equality before the law and equal protection of the law. Under the Taliban regime, girls and women face barriers to having their complaints heard in a chosen and appropriate forum. Girls and women are subjected to discriminatory treatment during judicial proceedings and complaint processing. Girls and women cannot seek or achieve meaningful redress

for their complaints, including those involving abuse. The Taliban have, for all practical purposes, made it impossible for girls and women to navigate the justice system.

Taliban restrictions on women in the legal and judicial professions have resulted in a substantial decrease in girls’ and women’s ability and desire to seek formal legal assistance, which limits their access to judicial institutions. The Taliban has refused to renew women lawyers’ law licenses and prevented women from taking bar exams.⁷ Women lawyers in some provinces have worked outside their homes⁸ and used their former licenses to appear in court. However, no women law students have been able to continue since the Taliban’s December 2022 ban on women attending university or working in NGOs and the United Nations. Most reports of continued legal work by women involved activities outside of court appearances.⁹

The Taliban has dismissed all women judges.¹⁰ Law enforcement and judicial employees are now entirely men.¹¹ These actions limit girls’ and women’s access to courts and lawyers’ offices and discourage them from seeking justice through the formal justice system.¹² Restrictions on girls’ and women’s freedom of movement have made it more difficult for girls and women to file complaints or lawsuits and forced domestic violence survivors to undergo further violence.¹³

By 2023, Specialized Elimination of Violence Against Women prosecution units were only present in 17 provinces, as compared to the original 22.¹⁴ They have banned shelters and safe houses for older girls and women and their children seeking sanctuary from abusive family members.¹⁵ By late 2023, interviewees in a United Nations Assistance Mission in Afghanistan “almost unanimously confirmed that...there are no State-sponsored specialised women’s protection centres or shelters across the country where survivors can seek refuge.”¹⁶ The remaining protective infrastructure discriminates against girls and women.¹⁷ In particular, 12 provinces prohibited the involvement of women prosecutors in the Elimination of Violence Against Women prosecution unit investigations.¹⁸ Furthermore, women police officers in Family Response Units in eight provinces could only come into the office when their male supervisors asked them to do so.¹⁹ Such restrictions on the participation of women personnel dissuade girls and women survivors from bringing complaints.²⁰ By 2025, all the

Specialized Elimination of Violence Against Women prosecution units were non-functioning.

The Taliban have obstructed girls' and women's ability to have their cases heard in the appropriate legal forum without discrimination. They limited, and in some cases blocked, girls' and women's ability to seek justice and access meaningful remedies.²¹ Even when girls and women can surmount the barriers of the limited protective infrastructure and attempt to bring complaints, they confront a tangled judicial landscape.²² Some acts criminalized under the Elimination of Violence Against Women Law, such as forced marriage and beatings, are now treated by some Taliban authorities as civil, not criminal, cases. The Taliban's current delineation of what constitutes civil and criminal cases and what formal justice actor is meant to address each part of the complaint process is unclear.²³ This lack of clarity makes it confusing to which entity girls and women should report gender-based violence. Thus, there is no effective legal protection for women and girls, including a lack of full "access to the protection and remedies offered through criminal law."²⁴ The Taliban's deliberate dismantling of protective infrastructure and legal frameworks has increased Afghan girls' and women's vulnerability to abuse and has made it more likely that domestic violence survivors will be forced to stay with their abusers.²⁵

Older girls and women who have brought complaints through the formal justice system have had little success. Taliban authorities are unwilling to hear their complaints. According to the Law Society of England and Wales, "[t]he majority of judicial bodies will reportedly not accept women's petitions."²⁶ Additionally, the Taliban prohibited older girls and women from suing men in Herat on June 16, 2022.²⁷ To date, Taliban courts have only been willing to hear older girls' and women's complaints on issues of inheritance.²⁸ Courts have generally disregarded complaints related to gender-based and sexual violence, divorce, and human rights violations, especially those involving domestic violence and abuse.²⁹ Even when Taliban authorities have considered women's cases, most of them have been settled outside of courts in administrative offices such as the Ministry for the Propagation of Virtue and the Prevention of Vice, which is "the sole entity vested with authority to address women's legal cases" in Balkh, Takhar, and Baghlan Provinces.³⁰ In such procedures, women have not had access to legal representation, and their cases have been settled without formal records.³¹ This legal landscape

limits girls' and women's ability to access appropriate remedies for the harm suffered and escape abusive situations.

The Taliban has also engaged in retaliatory behavior toward girls and women who have brought complaints to the courts. Authorities have detained women who have reported incidents of gender-based violence.³² Police have told women who reported domestic violence that they "should not complain," that the women "deserved being beaten," and that "such matters are private and should remain in the family."³³ Additionally, women in Kandahar have been "humiliated, insulted, and expelled" from Taliban courts for not bringing mahrams³⁴ with them when making complaints to the court.³⁵

The Taliban invalidated tens of thousands of divorce rulings with a March 30, 2023, order obliging courts to "re-examine and invalidate" divorce and domestic abuse cases finalized under the previous government that the Taliban claim "did not comply with Sharia."³⁶ To illustrate the kind of treatment girls and women are facing, a 13-year-old girl spoke about how Taliban officials rejected her request for a divorce from her physically abusive husband and portrayed domestic violence as normal and an unworthy basis for divorce:

"My brother and I initially went to the Department of Vice and Virtue. My brother explained that my husband beats me a lot, and I wanted a divorce. The Taliban responded that such issues occur between couples; men sometimes beat their wives, but it's not so serious to seek a divorce. They advised my brother to resolve the matter among the village elders and advised us to reconcile... The Taliban judge told us that sometimes a man gets angry and hits his wife, but that's not a reason for the woman to get a divorce. He told me that you women also cause a lot of trouble, and they shouldn't want a divorce for minor disputes. He even told my brother that he should make her sister behave well. There must be something wrong with her since her husband beats her."³⁷

Because of the Taliban's unwillingness to consider divorce requests initiated by girls and women, some girls and women have indicated that they view dying by suicide as the sole solution to their predicaments. For example, Karima, a woman from Pul-i-Khumiri in Baghlan Province who sought to escape an abusive marriage, spoke about her dilemma after having

Taliban officials reject her request three times and force her to move back in with her husband: “Once, I went to my room and hung a noose around my neck, but I couldn’t go through with it because my daughter was crying so much. Another time, I thought about taking rat poison. If I don’t get a divorce, I might go through with it next time.”³⁸

If Afghan girls and women succeed in having their cases heard or complaints processed in formal judicial or legal institutions, the Taliban restrict their legal capacity and subject them to discriminatory treatment during judicial proceedings and complaint processing. Women “may only appear in matters in which they are a party” and are often required to bring a mahram with them to court.³⁹ Once in court, a girl’s or a woman’s testimony is given half the weight of a man’s testimony and is sometimes not accepted at all.⁴⁰ Girls and women seeking to divorce their husbands have faced discriminatory treatment from judges, who have scolded them for wanting a divorce without evidence of physical abuse. Taliban judges in divorce cases have told girls and women to “get...[their] husband’s consent first,” and said, “you cannot divorce.”⁴¹ According to a defense lawyer in Mazar-e-Sharif, many girls and women have been “forced to give up their cases.”⁴²

An account from a woman in Balkh Province highlights the discriminatory treatment that Taliban judges have subjected women to during divorce proceedings, even in cases where their husbands had been abusive toward them. The 27-year-old woman from Balkh district explained she was told by a Taliban judge in a public session of the court, “‘You are a woman, we will put you in the prison.’ They said to my husband, ‘Take this woman home and punch her in the mouth. If she continues talking, break her teeth.’”⁴³

Taliban courts in Ghor and Kunduz provinces reportedly punish girls more severely than boys for an elopement or ‘moral crimes.’⁴⁴ Taliban courts do not grant divorces when domestic violence is implicated or the husband is not in favor of separation, and verdicts on family cases are often in men’s favor, as documented in Badakhshan and Balkh Provinces.⁴⁵ This has forced girls and women to return to abusive situations.⁴⁶ Some women have been forced to marry Taliban members to be granted a divorce from their husbands. Others are imprisoned until they agree to marry or return to their abusers.⁴⁷

To illustrate, a 16-year-old girl in northern Balkh Province was imprisoned after refusing to marry her abusive fiancé:

“Benafasha took her case to the Taliban court in Balkh province three months ago. According to Qudsia, the Taliban judge’s opening comments—without hearing from Benafasha or asking questions—told her that she had two options: prison or give up on divorce... The judge took her husband’s side saying women are always looking for a small excuse to separate. She quoted the judge as saying to Benafasha: ‘It looks like you don’t like [your fiancé] anymore and you want someone else. Look at the man, he’s healthy and handsome. What else do you want?’ Ultimately, Benafasha’s claims held no weight. ‘If your fiancé doesn’t want it, you have no right to separate from him,’ Qudisa said the judge told her...The only sentence the Taliban judge said was that the right of divorce belongs to the husband. Qudsia said that when given the options, her sister chose to go to prison. ‘The Taliban told her that as long as she refuses to live with her fiancé, she will remain in prison’”⁴⁸

Afghan girls and women have also faced discrimination through the overturning of divorce cases, leaving them without access to meaningful legal remedies and undermining their rights. The Taliban has reversed tens of thousands of divorce rulings since August 2021, forcing girls and women to return to their ex-husbands, including in cases where abuse had been implicated or the woman had remarried.⁴⁹ Authorities have reportedly even forced some girls and women previously granted divorces to return to their husbands through non-judicial mechanisms.⁵⁰ Girls and women can face severe repercussions for going against Taliban decisions on this matter. To illustrate, one woman refused the Taliban’s order to re-marry her ex-husband, she, her current husband, and her father were imprisoned, and her daughter “was forcibly married to a member of the former fiancé’s family in *baad*.”⁵¹

Well-founded fear of revictimization and retaliation from Taliban authorities, as well as the absence of an operational legal system, has led girls and women to increasingly seek redress through non-judicial mechanisms.⁵² However, Afghan girls and women have limited access to such channels. An International Organization for Migration, UNAMA, and UN Women report based on consultations with 888 Afghan women and 64 men in April 2024,

found that only 7 percent of women participants, compared to 50 percent of men participants, indicated that they had access to informal dispute resolution mechanisms.⁵³

Afghan women who have their complaints or complaints addressed through non-judicial mechanisms experience discrimination in how they are treated and in the provision of remedies. Informal mechanisms often violate the rights of women and privilege men's priorities and the so-called "family or community cohesion" over women's and girls' rights and safety.⁵⁴ As a result of the patriarchal, conservative dispute mechanism, survivors are often forced to live with their abusers.⁵⁵ Informal justice systems tend to have minimal oversight or due process, putting women at additional risk of gender-based justice and inhibiting girls' and women's access to justice.⁵⁶ In a case that highlights the discriminatory nature of informal justice mechanisms' decision-making, a local jirga of male elders in Badghis Province ruled that for a man who assaulted his wife and fatally set her on fire, the punishment was to provide land to his late wife's father and family.⁵⁷

Afghan girls' and women's inequality before the law in all stages of formal and informal justice processes has increased their vulnerability to violence, abuse, and other forms of harm. Gender-based violence survivors' lack of access to justice and meaningful redress for the harm suffered has emboldened some perpetrators in their abuse and increased threats of violence against girls and women.⁵⁸ For example, one woman, Marwa, was forced to return to her abusive ex-husband, who beat her so hard that she had her hands and teeth broken, fingers cracked, and chunks of her hair and scalp pulled out.⁵⁹ Blocked access to justice, in conjunction with the courts' violence towards girl and women survivors for attempting to bring complaints, "contributes to the further devaluation of women's lives, the neglect of their safety and well-being, and their erasure from Afghan society."⁶⁰ This impunity threatens to produce a cyclical effect of human rights violations, dissuading survivors from reporting their abuse in a context where the Taliban's systems of discrimination against girls and women have made violence against them more likely to occur.⁶¹

Furthermore, the Taliban have imposed numerous legal and procedural restrictions that have denied girls and women equal protection of the law. Such measures have violated girls' and women's right

to education, employment, access to healthcare, and freedom of movement. While some Taliban measures differ by locality, the restrictions have created a landscape in which legal protections concerning discrimination against girls and women are minimal, and laws that could be used to pursue justice are discriminatory.

The Taliban has implemented numerous laws and decrees limiting girls' and women's right to access education without discrimination. Most notably, the Taliban has banned primary school for girls above 10 years of age, and secondary and tertiary (university) education for girls and women.⁶² They have closed multiple educational centers that provided education to girl students beyond the sixth grade.⁶³ Girls still allowed to attend school have been subjected to dress restrictions, with women's madrasa students in Kandahar required to wear burqas, and female students in education centers in Herat required to wear full hijabs.⁶⁴ The Taliban has prevented many girls from attending primary school, barring girls over 10 years of age from attending school in Kandahar.⁶⁵ (See Article 10 for more details.)

Taliban laws and policies have also violated older girls' and women's right to employment without discrimination. The Taliban has prohibited women from registering organizations and has imposed discriminatory restrictions targeting older girls and women working in specific sectors.⁶⁶ The latter set of laws and policies has included a ban on women working for international or national NGOs and the United Nations.⁶⁷ They have mandated that women TV presenters wear face coverings.⁶⁸ The Taliban issued an edict that women government employees should not work in offices or remotely.⁶⁹ (See Article 11 for more details.)

The Taliban has also denied girls and women equal protection to access healthcare. The Taliban ruled that girls and women need mahrams to visit health centers.⁷⁰ In Kandahar province, the Taliban completely banned young women from visiting health centers.⁷¹ The Taliban have also prohibited any health programs related to female health offered by NGOs, further limiting girls' and women's access to healthcare.⁷² Additionally, the ban on women's medical education has intensified longstanding shortages of women healthcare professionals.⁷³ (See Article 12 for more details.)

Taliban restrictions have gone beyond specific sectors, targeting all-encompassing areas of life,

such as girls' and women's freedom of movement. A recent law enacted on August 21, 2024, requires older girls and women to wear face coverings and veil their bodies in public, bans the transportation of older girls and women without mahrams or Islamic dress, and forbids men, older girls, and women from interacting with non-relatives.⁷⁴ The Taliban has also imposed further limitations on girls' and women's mobility, including ceasing the issuance of driver's licenses to older girls and women, and requiring girls and women to have a mahram with them for longer

domestic and all international travel.⁷⁵ Additional Taliban restrictions limiting girls' and women's access to places such as gyms, public baths, and parks have led to their exclusion from the public sphere.⁷⁶ (See Articles 7 and 13 for more details.) These policies have created a legal landscape that is fundamentally unequal and discriminatory, in violation of girls' and women's right to equal protection of the law enshrined in Article 15.

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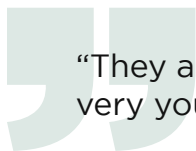
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ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - a. The same right to enter into marriage;
 - b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - c. The same rights and responsibilities during marriage and at its dissolution;
 - d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.



“They asked for my daughter, but I refuse to give her up. She is still very young and has many hopes and dreams to fulfill.”

—Afghan mother who underwent an illegal operation to sell her kidney to spare her 8-year-old daughter from being married to an adult man as partial debt repayment¹

“Just with an oath, the Taliban ordered me to return to live with my divorced husband, regardless of the former court ruling. The Taliban officials told me that the ruling of Mohammad Ashraf Ghani’s government court is not valid. When I insisted that I would not return to live with that man, I was told that under Islamic law, a man has the right to beat his wife, and that such disputes happen in every home, and we should not destroy the foundation of the family.”

—Nurzia, a 36-year-old woman that a Taliban-led Jirga forced her to return to her former husband despite a court-ordered divorce. Forensic reports indicated that she had been beaten for years by her former husband²

Introduction

Article 16 of CEDAW addresses the elimination of gender-based discrimination within the context of marriage and family relations. It affirms the equal rights and responsibilities of women and men throughout all stages of marriage, including its formation, dissolution, and matters concerning children. The article guarantees that both partners have the right to freely choose a spouse and to enter into marriage with full and informed consent. It also ensures equality in personal matters such as the choice of family name, profession, and ownership of property.

Furthermore, Article 16 establishes equal rights for both spouses regarding decisions related to childbearing, including the number and spacing of children, and emphasizes the importance of access to the necessary information and services to support these choices. It provides for the equal treatment of women and men in the acquisition, management, and disposition of property during and after the marriage. In the event of divorce, it mandates equality in issues such as the division of property, child custody, and financial support.

Importantly, the provisions of Article 16 extend to de facto unions—relationships that function as marriages but are not legally recognized—ensuring that individuals in such arrangements are afforded the same protections and rights. Overall, the article seeks to guarantee women equal legal standing, authority, and autonomy within the family unit, in alignment with the rights accorded to men.³

In Afghanistan, deeply rooted socio-cultural norms that prioritize male authority and family honor have historically contributed to the continuation of violence against girls and women and have impeded access to justice for survivors. These norms dictate that maintaining the family’s integrity is more valuable than addressing or condemning violence inflicted by family members against women and children. There is a deeply ingrained belief that a “good” woman should obey her male relatives and endure domestic violence to uphold the family’s honor, reinforcing a cycle of abuse and silence.⁴

Marriage plays an important role in Afghan society by establishing kinship networks that families rely on for survival. Marriage strengthens community bonds while also serving as a mechanism to control girls’ and women’s sexuality through patriarchal norms that permit sexual activity only within marriage. In Afghanistan, these norms often lead to girls being married off at a young age to preserve family honor and solidify kinship connections. The practice includes a transactional and sometimes economic aspect, with girls and women exchanged between families and bride prices offered. These gendered conservative patriarchal practices perpetuate the subordinate status of girls and women.⁵ Certain interpretations of Shariah law and customary practices permit the marriage of girls based on their physical development and puberty. In conservative regions, a widowed Afghan girl or woman is often married off to her deceased husband’s brother or close relative. This practice aimed at preserving the so-called honor of the widow and the family, even if the male relative is already married.⁶

Girls and women often bring a bride price to their birth families when they marry, making them valuable economic assets. Families consider their future financial stability and prefer to arrange marriages early to secure a good future for their daughters, or as soon as a favorable proposal is available. Girls and women are expected to be virgins at marriage, and families fear that any unsupervised interactions with boys and men might jeopardize their perceived virginity. If girls and women are not married by what is deemed an “appropriate age,” their reputations may suffer, potentially making them unmarriageable. Marriage is thus seen to protect a girl’s and women’s reputation and that of her family, as well as to shield her from potential “vice” and rape.⁷

Afghanistan has one of the highest rates of violence against girls and women in the world, with 90 percent experiencing intimate partner violence.⁸ In 2019, an Iranian-Canadian photographer, Kiana Hayeri, visited Herat Women’s Prison in Afghanistan. Having spent years documenting girls and women who endured abuse but stayed with their husbands, Hayeri sought to understand what drives someone to take extreme measures for self-preservation. She discovered that many of these Afghan women’s lives were ruled by fear, which had evolved into anger after years of physical and verbal abuse. Their will to survive had pushed them to violent acts. By the time she encountered them, these women, now imprisoned and facing lengthy sentences, had transformed into different individuals. She noted that, “These women were filled with emotions, resilience, life, and most importantly, hope.” Despite the harsh conditions of overcrowding, many Afghan women inmates shared with her that they felt freer in prison than they had in their marriages.⁹

During the Republic Period (2004-2021), Afghanistan made progress in improving conditions for girls and women regarding violence and marriage. The establishment of the Afghanistan Independent Human Rights Commission and the Ministry of Women Affairs marked significant steps towards addressing violence against girls and women. These institutions worked tirelessly to advocate for girls’ and women’s rights and provide support to victims of violence. The adoption of the 2004 Constitution was another milestone, as it recognized equal rights for all of Afghanistan’s citizens.¹⁰ The Constitution provided a foundation for further advancements in girls’ and women’s rights and protections. In 2009, the Elimination of Violence Against Women

Law (EVAW) was enacted, representing a major legislative achievement. The EVAW criminalized 22 acts of violence against girls and women, including sexual assault, forced marriage, underage marriage, forced prostitution, beating, and causing injury and disability.¹¹ The EVAW law provided legal recourse for victims to hold perpetrators accountable, signaling a commitment to tackling gender-based violence.

Despite these legislative and institutional efforts, deeply entrenched patriarchal, sexist socio-cultural norms continued to pose significant barriers to justice for girls and women. Many girls and women remained reluctant to report violence in their marriages due to fear of social stigma, retribution, and the belief that enduring abuse was necessary to preserve family honor. The tension between progressive legal reforms and conservative patriarchal norms create a complex environment where girls’ and women’s rights are still frequently compromised. The deeply rooted belief that a married girl or woman must endure and obey her husband persists, resulting in an ongoing struggle for gender equality and justice in the country.¹²

Forced Marriage

Since the Taliban’s takeover in August 2021, they have systematically marginalized women and girls in their choice of if they will marry and if so, who they will marry. They have also barred women and girls from almost every facet of public life thus barring their chances of having a life outside of marriage and child-bearing. Additionally, Taliban violations against married girls and women by the Taliban have had severe consequences, stripping them of fundamental rights and freedoms. Forced marriages rob girls and women of autonomy and often subject them to abuse. Restrictions on contraceptives and the banning of *mehria* undermine their reproductive rights and financial security. Invalidating divorce cases traps girls and women in abusive relationships, while employment bans curtail their economic independence. These actions contribute to a broader environment of systemic oppression and gender-based discrimination, exacerbating the suffering and marginalization of Afghan girls and women.

As the Taliban advanced in 2021, a significant reason for families fleeing Afghanistan was the fear that their daughters would be forced to marry Taliban members.¹³ For those who could not flee, some chose to marry their young daughters to non-Taliban

members to try and protect them. Abdul Zaher, 50, quickly arranged a marriage for his 14-year-old daughter as the Taliban seized Herat province. Having worked in the government and dealt with the Taliban cases, Zaher was terrified of their potential retribution. “You can’t understand a father’s fear,” he says. “I worried they might forcibly marry my daughter as revenge.”

Shafiq, aged 45, arranged marriages for her two daughters early in the Taliban’s takeover of the country due to worsening conditions in Afghanistan and fear of Taliban marriage proposals. Her 16-year-old daughter, Nazanin, who was a tenth-grade student with plans to study engineering, felt compelled to accept an arranged marriage after the Taliban banned girls’ education and out of fear of Taliban suitors. “Given the circumstances and my mother’s worries about my future, I agreed to marry a relative’s son. I’ve been engaged for six months. I’m not happy about it, but felt I had no choice but to accept it.” Human Rights Watch reported that some single women in Herat believed their only way to survive was to marry, allowing them some freedom to move around the city.¹⁴

Since the Taliban’s takeover of Afghanistan, there has been a significant rise in cases of forced marriages with substantial age disparities. There has been a rise in marriages occurring at younger ages, with 69% of respondents reporting that they know of a girl who was married as a child bride.¹⁵

By January 25, 2023, the Taliban instructed pharmacies to cease selling contraceptives, labeling them as *haram* (forbidden) under Islamic law.¹⁶ This action severely restricted girls’ and women’s reproductive rights and their ability to plan their families.

On August 13, 2021, the Taliban ordered imams to compile and submit lists of unmarried girls and women between the ages of 12 and 45, intending to marry them off to Taliban fighters as so-called *Ghanimat* (war spoils).¹⁷ Amnesty International documented instances of girls and women being forcibly married to Taliban members, along with attempts to coerce them into such marriages. Their investigation found that those who refused faced abduction, intimidation, threats, and torture by the Taliban. Amnesty International cited the case of a 15-year-old girl who was forced to marry a Taliban figure despite her family’s objections in Takhar province in August 2021, and a 33-year-old

female journalist and social activist who was forcibly married to a Taliban commander the following month.¹⁸ On the Pakistan border that geographically comes under Afghanistan, Shabnam, a high school student, was systematically harassed by a youth Taliban loyalist in Parwan province. He threatened that if the Taliban came into power, then she must lose her virginity to them. When the Taliban took control of her district, she said, “The same boy who harassed me simply claimed me as his wife and received permission from the local Taliban leaders.”¹⁹

Afghan women, scholars and international human rights organizations reported that Taliban fighters use violence to force girls and women into marriages.²⁰ Despite Taliban spokesman Zabihullah Mujahid’s denial that forced marriages and child marriages continue, victims reported occurrences in Badakhshan, Takhar, and Bamiyan provinces.²¹ One of the victims, Sooma, a mother of five whose police officer husband was killed four years ago, was forced to marry a Taliban fighter when Herat fell on August 13, 2021. The Taliban threatened to kill her children if she refused. With the Taliban’s complete takeover, she felt she had no choice but to comply.²² In early August, the Taliban seized government offices and the police station. In an interview, she recounted how one fighter threatened to rape her and kill her children if she did not marry him. The woman said, “He persisted, and I had no choice. He forced me to marry him in September with a mullah’s consent... It’s like he rapes me every night. I’m in a bad way and want to kill myself, but I have to protect and raise my children.”²³ The Taliban have argued that their arranged marriages for widows benefit society and the children of single mothers.²⁴

On December 4, 2021, likely as part of an attempt appeal to international donors who had frozen funding due to the Taliban’s treatment of girls and women and to hide the widespread practice of the Taliban forcing girls and women into marriage, Taliban leader Haibatullah Akhundzada issued a decree emphasizing the importance of women’s consent in marriage (*Nikah*) and recognizing that women are noble and free individuals, not property.²⁵ He also banned the practice of *baad*, where girls or women are given as compensation to resolve disputes, and the forced remarriage of widows. However, Haibatullah Akhundzada’s declaration has not changed the reality on the ground for girls and women regarding forced marriage.

A 2022 Taliban edict banned polygamy, although exceptions are made for Taliban members. The Taliban assert that *Hanafi fiqh* is the current source of law, claiming that pre-2021 laws remain valid if they do not conflict with Shariah. In practice, however, the Taliban practice forced marriage, including demanding lists of unmarried women and girls over the age of 12 for their fighters to marry, and have nullified girls' and women's divorces and sent them back to their abusers.²⁶ Despite the decree, on July 11, 2022, girls and women in the Balkhab district of Sar-e-Pol were forcibly married to Taliban soldiers.²⁷ On February 17, 2023, tribal elders, influenced by the Taliban, banned the practice of girls and women receiving a *mehria* (a mandatory payment made to the bride by the groom) for marriage. Additionally, the Taliban banned the bride price (*toyana*) nationwide.²⁸

Local sources reported to the Hasht-e Subh Daily that the Taliban were forcibly marrying girls in Faryab province. On September 17, 2022, the head of Taliban intelligence in the Chehelgazi district raided a girl's home late at night. After a marriage proposal was rejected, he arrested the girl's brother, Habibullah, and subjected him to torture. The Taliban official threatened to destroy Habibullah's entire family if his sister did not marry the Taliban official. This incident reflects broader trends of girls and women being coerced into marriages with Taliban members throughout Afghanistan.²⁹ At the same time, some families with limited economic or educational opportunities and facing rampant poverty felt they had no option but to give in to demands to marry their daughters to Taliban members.

Additionally, the dire economic and political conditions, especially in rural areas where most of Afghanistan's population resides, have driven families into dire cycles of debt.³⁰ As a result, some families are choosing to marry off their daughters at younger ages than they would prefer to prevent or pay off debt. Women-headed households in Afghanistan are more likely to marry off their daughters at a young age compared to male-headed households, highlighting how severe economic conditions contribute to child marriage.³¹ Rahmatullah Anwari, aged 30, borrowed money to support his family of eight and cover his father's medical expenses. Unable to fully repay the money, the lender demanded Rahmatullah's 8-year-old daughter as partial repayment for the debt. Nazdana, aged 25, one of Rahmatullah's two wives and the girl's mother,

sold her kidney instead—a practice so widespread in the camp that it has become known as the “one-kidney village.” Despite having recently undergone the illegal surgery, her family's debt remains only partially resolved. “They asked for my daughter, but I refuse to give her up,” Nazdana said. “She is still very young and has many hopes and dreams to fulfill.”³²

Women and Girls Trapped in Abusive Marriages

The Taliban have dismantled the previous legal system, and progressive violence against girls and women and marriage laws have been eradicated and replaced with laws that violate their human rights. The Law on the Elimination of Violence Against Women is no longer enforced, the Ministry of Women's Affairs and family courts have been dismantled, and the majority of women's shelters have been compelled to shut down.

On December 6, 2021, Amnesty International reported that essential services for girls and women who survive gender-based violence in Afghanistan have been shuttered by the Taliban. The Taliban have closed shelters and released detainees from prison, including many convicted of gender-based violence offenses.³³ With shelters closed, staff had to send many girls and women survivors back to their families, and others were forcibly taken back by relatives. Other survivors ended up living with shelter staff, on the streets, or in other tenuous situations. A shelter director, now hiding with some survivors, told Amnesty International, “We don't have a proper place. We can't go out. We are so scared. Please get us out of here. If not, you can wait for us to be killed.”³⁴

Azad, a woman defense lawyer in Balkh Province, reported that during the Republic Period, family cases in Mazar-e-Sharif were handled by the Personal Affairs Division of the Municipal Primary Court. Since August 15, 2021, this court no longer exists, and there is no dedicated family court for women. Instead, family cases are now dealt with by the Civil Court, which primarily handles monetary and land disputes. Azad states that women's petitions for separation are often rejected outright. In one case, a Taliban judge dismissed a woman's plea for separation, stating that complaints about husbands were unwelcome and disregarding her concerns about her husband's absence and drug addiction. The judge told her, “You women always

complain about your husbands. I swear, if you are ungrateful to your husbands, you do not know God at all. Leave, girl. Don't pursue such things. Don't waste our time."³⁵

In Afghanistan, divorce is stigmatized, and cultural norms often punish women who leave abusive marriages.³⁶ Nazifa, a lawyer who handled around 100 divorce cases, noted that during the Republic Period, awareness of divorce as an option grew among women despite societal taboos. However, under the Taliban, divorces are granted only in specific cases, such as drug addiction or abandonment, but not for domestic violence unless the husband agrees. The Taliban assert that divorce is permitted under Sharia law, yet support systems for girls and women have been eradicated, and the Ministry of Women's Affairs and Human Rights Commission have been shut down.³⁷

A female defense lawyer in Mazar reported that Taliban courts widely ignore women's requests and threats against the women bringing cases by their family members and Taliban court officials are common. This has drastically limited women's access to justice, with cases often decided in men's favor without hearing girls' or women's arguments. Legal representation is also complicated, as male lawyers risk harassment for representing girls or women.³⁸

Jirgas, one of the only bodies left to adjudicate marriage cases, are widely criticized for unfair trials and discriminatory decisions against women. For example, one of the victims of a Jirga decision is Nurzia, a 36-year-old woman. On September 21, 2021, a Taliban-led Jirga forced Nurzia to return to her former husband despite a court-ordered divorce. Forensic reports indicated that she had been beaten for years by her former husband.³⁹

Legally Separated and Divorced Women and Girls

Afghan girls and women who were granted legal separation and divorce under the previous government now legitimately fear that the Taliban will reverse their separations and divorces. For example, under the previous government of Afghanistan, girls and women from western Afghanistan could obtain a divorce by testifying to their husband's abuse, even if he did not appear in court. Thousands of Afghan girls and women had previously secured divorces without their husbands'

presence. These "one-sided" divorces were primarily granted to girls and women fleeing abusive or drug-addicted husbands.⁴⁰ Under the previous Afghan government, Marwa was one of the women granted a divorce in Afghanistan. However, when the Taliban took control in August 2021, her husband convinced local commanders to annul the divorce and force her back into the marriage. "My daughters and I cried a lot that day. I felt like the devil had returned."⁴¹

Since the Taliban's return to power in 2021, divorced husbands, especially those with Taliban ties, have gained the upper hand. To illustrate, one woman, originally from a rural area but living safely in an urban setting, saw her legal protections and security disappear with the fall of the Republic government. She started receiving threats from her ex-husband shortly after the Taliban takeover. He claimed to have alerted Taliban members in her home village about her situation and that they were helping him locate her for revenge. With the women's shelters closed by the Taliban, she was forced to go into hiding.⁴²

On March 4, 2023, the Taliban invalidated thousands of divorce cases that had been decided during the Republic Period, effectively trapping many girls and women in unwanted and abusive marriages without legal recourse.⁴³ A woman's defense lawyer recounted a case where a woman seeking divorce due to her husband's violence was insulted by the judge and her case was dismissed. "The judge said 'You came because of a beating? Curse the father of the Republican government for teaching you "violence". This is not violence. I slapped my wife more than a hundred times, not once did she ask, 'Why did you slap me?' You are shameless. You women are incorrigible.'"⁴⁴ The Taliban judge ordered her return to her husband, then sentenced her to imprisonment because she refused to accept the verdict.⁴⁵

Taliban judges repeatedly threaten imprisonment of girls and women who refuse to return to their abusive husbands. The condition of Taliban prisons is appalling, especially for girls and women. Afghan prisons are burdened with individuals charged with "moral crimes" such as drug use, running away from home, and sex outside of marriage—including rape, which can be investigated through coerced virginity tests. In Herat's Women's Prison, around 20 women face charges or convictions for murdering their husbands. Many of these women were forced into marriages as teenagers with significantly older men, who were often criminals, insurgents, or drug

addicts. They endured severe physical and verbal abuse, lacked financial resources, legal protection, and any means to seek divorce. The Taliban legal system offers almost no recourse for violence against girls and women.⁴⁶

Lawyers report that local Taliban commanders with no legal standing are also reversing divorces and forcing girls and women back into abusive marriages. While the Taliban claim this is not official policy, investigations confirmed such cases occurred. For example, for months, Marwa endured relentless

beatings, confined to her home with broken hands and cracked fingers. “There were days when I was unconscious, and my daughters had to feed me,” she recalled. “He pulled my hair so hard that I became partly bald. He beat me so severely that all my teeth are broken.” Summoning the courage to escape, she fled hundreds of kilometers to a relative’s house with her six daughters and two sons, all using fictitious names. “My children say, ‘Mother, it’s okay if we are starving... Mother, after seeing your suffering, we hate the word ‘husband.’”⁴⁷

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CONCLUSION

This report aims to support local and international actors in designing rights-based, gender-just responses for Afghan women and girls. The report offers a detailed and evidence-based analysis of the Taliban's governance from August 2021 to October 2025, with a specific focus on its implications for Afghan women's and girls' rights under CEDAW. It critically examines the legal and institutional rollback of rights and protections in Afghanistan, comparing Taliban laws, decrees, and practices against the normative obligations established under CEDAW's first 16 Articles.

Our report documents that the 2004–2021 Republic Period saw significant—though uneven—gains in gender equality, education, healthcare, and civic participation for Afghan women and girls. However, these advancements have been largely dismantled since the Taliban's return to power in August 2021. Following the Taliban's dissolution of key institutions, laws, and policies, and the rejection of the 2004 Constitution, the regime has imposed more than 100 policies and legal instruments that severely curtail women's and girls' fundamental rights.

We find that the Taliban's legal and policy framework has institutionalized systemic, nationwide gender-based discrimination that violates CEDAW. Under the Taliban regime, Afghan women and girls are subjected to routine and widespread discrimination and violence—physical, psychological, economic, political, and social—with impunity.

The Taliban's systematic violations of Afghan women's and girls' rights under CEDAW are underpinning a national crisis. By stripping half the population of their basic human rights—denying them health care, education, employment, freedom of movement and expression, and participation in civil society and political life—the Taliban have not only harmed individual women and girls, they have harmed Afghan families and communities, hampered humanitarian assistance, and stalled international engagement, further isolating Afghanistan from the global community.

Some may argue that with the end of the United States' War in Afghanistan, the country is more peaceful under the Taliban's authoritarian control.

As our report demonstrates, labeling this “peace” is a mistake. The Taliban's violations of women's and girls' rights under CEDAW are not merely symptoms of authoritarian rule—they are a central driver of Afghanistan's economic failure, humanitarian emergency, and social breakdown, evident in the systematic erosion of human rights, the collapse of social services, and the deepening economic and humanitarian crisis.

The Taliban's violations of women's and girls' rights are not only moral or legal failures—they are directly fueling the country's collapse. As families lose access to food, healthcare, education, and livelihoods, the population is becoming weaker, sicker, and less able to recover. The resulting multidimensional poverty affecting 65 percent of Afghans creates a vicious cycle.¹ As families become increasingly impoverished, nutrition deteriorates, morbidity and mortality rise, access to healthcare declines, and child marriage rates rise. The consequences are intergenerational: malnourished children experience cognitive delays and lifelong developmental and behavioral challenges. More girls are married off (and at younger ages) to help ease the financial burdens of poor households. Child marriage violates girls' rights and significantly harms them. It results in more child mothers, who give birth to more children born into poverty, increasing mother and child mortality, and perpetuating a vicious cycle.²

The Taliban's removal of women from the healthcare sector has had severe consequences—Afghanistan now records the world's highest infant mortality rate and the second-highest maternal mortality rate. Far from ending suffering or bringing peace, Taliban rule has replaced war-related deaths with preventable deaths among women and children due to hunger, disease, and childbirth.

When girls are denied education and women are barred from paid employment and humanitarian service, the impact extends far beyond individual lives. Entire communities lose access to critical aid and essential services, leading to growing shortages of food, clean water, healthcare, education, and livelihoods. These restrictions deepen poverty and accelerate the internal collapse of Afghan society, eroding its capacity to recover and sustain itself.

It is well established that the education and empowerment of women are critical to family and community well-being. Under Taliban rule, by preventing girls' education and women's participation in public life, the regime is undermining the foundation of Afghan families and the nation's future.

The regime's policies, and in particular their violations of women's and girls' rights, have made Afghanistan a pariah state, significantly restricting meaningful international engagement. Global aid agencies have cut funding, both because of the Taliban's treatment of women and girls and due to their siphoning of humanitarian assistance for their own use. The defunding of USAID, a major donor for humanitarian assistance even under the Taliban's de facto rule, has worsened an already severe crisis.

Some claim that limited negotiation or flexibility with local Taliban leadership is possible in certain regions, but our research questions such claims. Our research indicates that most Afghans only comply with Taliban decrees to avoid violence against themselves and their families. As demonstrated throughout this report, the Taliban regime maintains control through intimidation and surveillance, turning men—fathers, brothers, husbands—into enforcers of Taliban dictates within their own homes. It is a system of repression that compels obedience through fear.

The international community has grown increasingly unwilling to engage with the Taliban under these conditions. In July 2025, Russia became the only country to formally recognize the Taliban government, while some of the states in the Gulf Cooperation Council have engaged with the Taliban. Almost all other countries refuse any form of cooperation with the Taliban if their repression of women and girls continues. Meanwhile, the Taliban's corruption and diversion of humanitarian aid further erode international trust.

Despite the oppressive environment, Afghan women and girls—alongside national and international allies—continue to resist. Afghan women have mounted sustained resistance to the Taliban's laws and policies, both within the country and in exile. In the immediate aftermath of the Taliban's return to power, women took to the streets in protest, publicly opposing the regime's gender-discriminatory decrees. These acts of defiance were met with repression, including arbitrary arrest, torture, sexual violence, and, in some cases,

extrajudicial killings. Despite these risks, women continued their resistance through alternative forms—utilizing social media, engaging in symbolic acts such as appearing in public without a burqa, and operating clandestine schools to educate girls under threat of severe punishment.

Within a highly restrictive sociopolitical environment, Afghan women have also persisted in documenting their own experiences and those of others, seeking to preserve an accurate record of abuses for international audiences. Afghan women and their allies in the diaspora have complemented this internal resistance through global advocacy efforts, including public speaking at international forums such as the United Nations, engaging with media, organizing conferences, and lobbying against the formal recognition of the Taliban as a legitimate government. These efforts also extend to pushing for international legal recognition of gender apartheid as a crime against humanity and seeking accountability through global mechanisms. Afghan women's acts of protest, underground education initiatives, ongoing professional contributions, and international advocacy efforts demonstrate both Afghan women's resilience and their commitment to maintaining visibility and agency.

This report underscores the need for sustained international engagement to both address gender-based discrimination and provide material and other support to Afghan women and girls whose rights are being systematically denied. Countries and international organizations should continue to pressure the Taliban to uphold the rights and dignity of women and girls, while also ensuring that Afghan women's voices shape such engagement. Upholding the rule of law, human dignity, and international legal standards should remain central to global responses. Addressing and mitigating the Taliban's gender-based persecution should remain a global priority.

The way forward is deeply uncertain. The Taliban show no sign of reform, and most of the world remains unwilling to consider normalizing relations with a government that practices gender persecution and gender apartheid. At the same time, women's rights advocates and humanitarians continue to try to find ways to assist women and girls inside Afghanistan, while others document Taliban violations and build legal cases. Some states are exploring strategies for pressuring the Taliban to walk back some of their more hardcore policies, while still trying to find increasingly narrow

pathways to address the suffering of Afghan women, men, girls, and boys.)

What remains clear is that Afghanistan's prospects for peace, stability, and development are inseparable from the restoration of the rights, agency, and full legal and social status of women and girls.

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