

Women's rights in Afghanistan

An ongoing battle

SUMMARY

Since the Taliban regime overtook the country in mid-August 2021, Afghanistan's record on women's rights has been manifestly one of, if not the worst, worldwide. Despite promises to 'uphold women's rights in line with Sharia law', from the very first weeks of its rule, the Taliban started suppressing the rights of their citizens, with women the main target of restrictions. As well as prohibiting women and girls from traveling without a male relative, the Taliban have also denied them post-primary education, banned them from numerous public places and restricted their employment to health care and primary education. In December 2022, women were also banned from working for non-governmental organisations (NGOs) in most sectors. Then, in early April 2023, the Taliban extended the ban to include Afghan women working for the United Nations Mission in the country.

This crackdown on women's rights has attracted considerable international condemnation, including from Muslim states. In response to the regressive policies, many international donors have reduced or threatened to halt their humanitarian assistance, upon which the country is strongly reliant. It is feared that women could, unintentionally, be those most impacted by this reduction or suspension of humanitarian aid. The Taliban nevertheless appears inflexible, leaving international actors with a dilemma as to how to proceed.

The European Union (EU) has been engaged in Afghanistan since the mid-1980s and has prioritised advancing Afghan women's rights. While changing its terms of engagement, it has continued to provide humanitarian aid and to support civil society. The European Parliament has followed the situation closely and recommended further action to support Afghan women and girls.

This briefing analyses the current situation of women's rights in Afghanistan, taking a long view. Women's rights have been an intense battleground between different actors for over a century, with periods of promising reforms followed by resistance and often reversals of progress. This helps to explain how a country, where women won voting rights in 1919 – earlier than in most of the Western world – has ended up by treating its female population in a manner possibly amounting to a crime against humanity.



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Introduction

The Taliban's return to power in Afghanistan in August 2021 has once again brought women's rights into the spotlight. It is increasingly clear that the current Taliban regime intends to make a doctrinaire and restricted vision of women's position in society central to its blueprint for the country's future. The successive curbs imposed by the leadership are already having a hugely detrimental impact on women's fundamental rights and freedoms. The gravity of the situation was underlined in the [United Nations \(UN\) Security Council](#). Both [UN experts](#) and the [EU](#) stress that the action of the Taliban equates to [gender persecution](#) that may amount to a [crime against humanity](#) under the [Rome Statute](#), to which Afghanistan has been party since 2003.¹ At the same time, in the face of the country's reliance on humanitarian assistance, one of the dilemmas facing international donors (including the EU), which have strongly supported women's empowerment in the country over the past 20 years, is how to respond to the decimation of women's rights, while also helping the population to meet their [basic needs](#). Before turning to the current situation of women's rights in Afghanistan and the international response, this briefing takes a longer historical perspective, essential to understand how a country where women obtained the right to vote in 1919 – earlier than in most Western countries – has ended up suffering periods of gender persecution.

Women's rights overview: From 1880 to 2021

Since the birth of modern Afghanistan, women's rights have been a contested issue, caught up in encounters between self-governing local communities and a [series](#) of centralising, state-building projects that have led to resistance and lengthy periods of conflict and insecurity. This has contributed to [pendulum swings](#) between liberal and regressive policies. It may also help to explain why top-down reforms have not become embedded across the country and why they have [arguably failed](#) to foreground the concerns of Afghan women themselves.

Building the modern state (1880-1978)

Afghanistan is an [ethnically diverse](#) country, where local communities have historically exerted significant [control](#) over their own affairs. Key aspects of daily life, including marriage, the division of property and justice have been shaped by [combinations](#) of Islamic law and [customary practices](#), with strongly delineated gender norms for women and [men](#). While Afghan women have [played](#) an important role in the household and rural economy, the social norms set out in these codes, enforced by [male-dominated](#) local leadership, place severe [restrictions](#) on women's autonomy and participation in decision-making and public life.

When Afghanistan's [first monarch](#) banned certain customary practices related to women as part of his modernising reforms, the stage was set for women's rights to become entwined with power struggles between the centre and the periphery and contesting visions of modernity, nationalism and cultural integrity. Abdur Rahman Khan, descendant of the [Pashtuns](#) and founder of modern Afghanistan, who ruled as emir from 1880 to 1901, raised the age of marriage and gave women rights to divorce under specific circumstances, as well as rights to their father's and husband's property. Following his death, his son Amir Ḥabībullāh Khan, **opened a school for girls** as a part of his societal and economic reforms. However, education for women and the state's interference in marriage institutions and traditional codes in general, challenged the power of local leaders and was often perceived as going against tradition. The resulting rebellion by conservative groups led to the killing of Ḥabībullāh Khan in 1919.

Nevertheless, his son Amānullāh Khan, who ruled from 1919 to 1929, was even more progressive. Inspired by Mustafa Kemal Atatürk's [reforms](#) in Turkey, he guaranteed civil rights for both men and women, and **granted women the right to vote in 1919** – one year before white women won the right to vote in the United States (US). Amānullāh Khan decreed administrative, economic and social reforms to improve the rights of women. He opened new schools for both boys and girls, prohibited forced marriages, advocated against polygamy and mandatory dress codes. His wife, Queen Soraya,

removed her own veil and launched Afghanistan's first women's journal, which advocated gender equality. However, these reforms were not received equally positively throughout the country. They provoked a mobilisation of conservative groups against his government and forced Amānullāh Khan into exile in 1929. Khan was briefly succeeded by Ḥabībullāh Kalikani, and then by [Nadir Shah](#) who **removed women's right to vote**, closed girls' schools, mandated women to wear conservative clothing and reversed many other reforms. This caused dissatisfaction among more liberal forces and in 1933, Shah was assassinated. While his conservative rule lasted only four years, it took far longer to reverse the structures imposed during this period.

Mohammad Zahir Shah, the liberal-minded son of Nadir Shah, who ruled the country from 1933 to 1973, revived many of Amānullāh Khan's initiatives. Girls' schools were reopened and a new university was established. In urban areas, women attended colleges, and participated in economic and even political activities. Importantly, the new Constitution, adopted in 1964, once again gave women the right to vote and **introduced the right to run for office**. However, these [reforms](#) were received with disapproval from local leaders, who often continued to disregard them. Consequently, as under previous rulers, reforms reached elite and middle-class women, while rural and less-prosperous populations continued to live under traditional norms and customary law. Then, in 1973, taking advantage of the more traditional groups' disapproval, Mohammad Daud Khan, the first president of Afghanistan, overthrew Shah and abolished the monarchy. While ruling the country as president from 1973 to 1978, Khan adopted a cautious approach on women's rights, to avoid opposition. Nevertheless, he still expanded the freedoms, liberties, and status of women. During his rule, women were [elected](#) to the parliament and **the first female government minister**, Kubra Noorzai, served as Afghanistan's Minister of Public Health.

Foreign interference and civil wars (1978-1996)

In the early 1930s, the Soviet Union became Afghanistan's most important commercial and political [partner](#). Zahir Shah (1933-1973) and Daud Khan (1973-1978) successfully [balanced](#) between the Americans and the Russians. However, in April 1978, Afghan communists overthrew and killed President Daud Khan. The Afghan communists announced that they would lead everyone to a prosperous, just society, where people were equal and women enjoyed freedom. However, the communists were [not welcomed](#) by the majority of society, mostly because of their denial of religion. Conservative groups were also outraged by other progressive ideas, including on equality between men and women. Another issue was that the communists were heterogeneous and split between two factions that turned to terror, including against each other. This resulted in the murder of the leader of one of the factions, which the Soviet Union interpreted as secret interference by the Americans. As a result, in September 1979, the Soviet Union invaded Afghanistan, bringing its own agenda for socialism.

The Communist government, backed by the Soviet Union, introduced numerous social reforms, including compulsory education for girls, and a minimum marriage age ([16 years](#) for girls). In 1983, Afghanistan also [signed](#)² the United Nations **Convention on the Elimination of Discrimination against Women (CEDAW)** – an international legally binding instrument that requires state parties to eliminate discrimination against their female population and promotes women and girls' equal rights. The efforts to close the gender gap seemed to be paying off in urban areas. According to [estimates](#), by the early 1990s, around 70% of schoolteachers, 50% of government workers and university students, and 40% of doctors in Kabul were women (while the situation in rural areas was less progressive).

Once again, the 'foreign' agenda with radical reforms and the Communists' top-down approach to gender equality provoked conservative rebellion and nationwide resistance. In this context, the United States decided to use the opportunity to weaken the Soviet Union by financing and providing arms to guerrilla [fighters](#), or *mujahideen*, resisting the Soviets. When the last Soviet troops left Afghanistan in 1989, the country dissolved into civil war between the *mujahideen* and tribal powers, which had at least one thing in common – neither supported a progressive approach to

women's rights. Following the withdrawal of Soviet forces, *mujahideen* guards and other factions [systematically targeted](#), raped and murdered Afghan women. Although the Communist government finally fell in 1992, the civil war continued, while the deterioration of women's rights accelerated. In 1995, in the midst of the civil war, the Taliban became dominant. This new militia was formed with support from Pakistan, and largely consisted of students (*ṭālib*) from the Pashtun areas of eastern and southern Afghanistan, educated in very conservative traditional Islamic [schools](#) (*madāris*). By 1996, when the Taliban defeated the remnants of the *mujahideen* and controlled most of the country, women's rights were removed in almost every sphere of life.

Taliban 1.0 (1996-2001)

The Taliban's takeover of Kabul in 1996 followed more than 20 years of civil war and political instability. Initially, many Afghans, especially from the more conservative and religious areas, welcomed the Taliban as good Muslims returning law and order to the country. The [Taliban](#) banned many customary practices. However, despite eliminating some highly oppressive customary laws, women's rights were [removed](#) under a mandate of religious extremism. While this did not appeal to a more progressive, often urban, part of society, the Taliban silenced all protest with violence.

The Taliban outlawed girls' access to education after the age of eight, suspending secondary and university education, and banned women's employment, with narrow exceptions in the field of healthcare. However, even in the professions exempted from the ban, women operated with much-reduced freedom of movement due to the segregated bus system, the obligation to be accompanied by a male family member (*mahram*), and widespread harassment. Some women were forced into leaving their job. In parallel, the Taliban forbade women from seeking treatment from a male doctor unless accompanied by a *mahram*. This, combined with the reduced number of female healthcare workers, resulted in **deteriorating women's health**. Numerous other [restrictions](#) affected almost every aspect of women's life, including a ban on women travelling without a *mahram* and without wearing a full body covering (*burqa*). Women were not allowed to speak loudly in public. The Taliban ordered that all street-level windows be covered to prevent women from being seen from outside. Taking and displaying pictures of girls and women in public and private spaces was banned, and women's participation in the public sphere ended. Women were not authorised to ride bicycles or motorcycles, even with their *mahram*, or to participate in sport.

These restrictions were even more devastating for women without a *mahram*, as they could not leave their home to work or receive essential healthcare. In many instances, these women struggled to feed themselves and their children. While female-led households were increasingly common (up to 25 % of households) due to the fatalities of civil war, the acting foreign minister of Afghanistan at the time, Mullah Mohammad Ghaus, [dismissed](#) the possibility that a woman may not have a living male relative.

Western influence (2001-2021)

Following the [events](#) of 9/11, the US and its allies [proceeded](#) with [military action](#) in Afghanistan, lasting roughly 20 years. In 2001, the UN-sponsored Bonn Conference established the political foundations of a presidential Afghan republic, [reinstating](#) the 1964 Constitution as the interim basic law. During this period, the US, its allies and numerous international donors, provided intensive development assistance and [guidance](#) on building democracy, including targeted support for gender equality.

Legal developments

In early 2001, a [Ministry of Women's Affairs](#) was created as 'the lead agency for promoting women's rights and advancement in Afghanistan'. To address the vacuum in the legal order and counter [harmful customary practices](#), Afghanistan adopted a [new constitution](#) in 2004, drafted under the intense scrutiny of the international community. Although the new constitution was perceived as progressive in terms of women's rights, it nonetheless lacked protection and enforcement, as neither a supremacy nor a remedy clause was included.

Constitution of Afghanistan (2004)

The 2004 Constitution enshrined numerous women's rights, including the right to vote and run for office, the right to education and the **principle of non-discrimination**. In particular, Article 22(2) provided that 'the citizens of Afghanistan – whether man or woman – have equal rights and duties before the law'. Article 44 underlined the state's commitment to implementing 'effective programs for balancing and promoting of education for women'. To promote female participation in government, Article 83(6) specified that at least two female delegates must be elected to the House of Representatives in each province. In parallel, Article 84 provided that 50 % of the people appointed by the President to the Senate had to be female.

In 2009, Afghanistan adopted the **Elimination of Violence Against Women Law (EVAW)**, which defined and penalised 22 types of violence against women, including rape, battery, forced marriage, preventing women from acquiring property, and prohibiting a girl or woman's right to education, work or access to health services. In parallel, the National Action Plan for Women of Afghanistan (**NAPWA**) was adopted to support the implementation of UN Security Council Resolution (**UNSCR**) **1325** on women, peace and security. To operationalise the progressive legal developments, with assistance from the international community, numerous funding schemes and projects were launched to empower women, and promote their participation in civil society, media, culture, sport, business and other sectors.

However, while the EVAW law and other legal developments had the potential to improve women's rights in theory, enforcement was poor, as families and even judges often continued to disregard them, especially in more remote areas. In 2009, the country's parliament passed the **Shia Personal Status Act (SPSA)**, which discriminated against women under international standards. There was a backlash to the act from women's rights activists in the country and worldwide, including from the European Parliament (see section below), which expressed its concern regarding this discriminatory law in consecutive non-legislative resolutions. The adoption of the act also intensified the clash between women's rights activists and conservative groups.

Shia Personal Status Act (SPSA) (2009)

'Article 132: *It is the duty of the wife to defer to her husband's inclination for sexual enjoyment.*

Article 133(4): *A wife cannot leave the house without her husband's permission unless she has urgent cause, or is in extreme difficulty.*

Article 176: *Maintenance consists of the basic necessities... such as food, clothes, residence, medical treatment.*

Article 177 (2): *Until a disobedient wife pronounces herself obedient either by words or by action, and the husband has access to her, maintenance shall not be provided.*

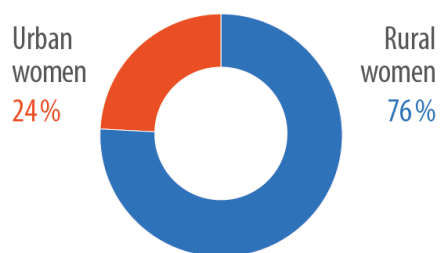
Article 177 (4): *[If a wife does not submit herself to] her husband's reasonable sexual enjoyment, and her prohibition from going out of the house, except in extreme circumstances, without her husband's permission... she is considered disobedient.'*

Unofficial translation of the SPSA by the United States Agency for International Development (USAID).

Results and perceptions

Statistics show that the situation of Afghan women and girls **improved** in several aspects throughout the first 20 years of the 21st century. In 2003, fewer than 10 % of girls were enrolled in primary schools. By 2017, that number had **grown** to 33 %. In parallel, female enrolment in secondary education **grew** from 6 % in 2003 to 39 % in 2017. Women's **life expectancy** also increased by 10 years, from 56 years in 2001 to 66 in 2017, and **maternal mortality** declined almost threefold – from 1 100 deaths per 100 000 live births in 2000, to 396 per 100 000 births in 2015. By 2020, 21 % of Afghan civil servants were women, including 16 % in senior management levels, and 27 % of Afghan members of parliament were women – a major achievement, as there were no women in the civil service or politics under the Taliban.

Figure 1 – Distribution of rural and urban women in Afghanistan, 2017



Data source: [CSO](#), Afghanistan.

However, improvements were not equally distributed throughout the country. While women in urban areas benefited from the numerous programmes, many rural women, [estimated](#) to account for 76% of the female population of Afghanistan in 2017, did not see the same change in their daily lives, since formal legal provisions were rarely implemented. Moreover, in many rural areas, [women suffered](#) from intensifying fighting between local militias, the Taliban and government forces supported by the US-led alliance, which undermined development efforts, impeded access to education and healthcare, and led to high civilian casualties. A sizeable share of these women

prioritised peace, even on the Taliban's terms. Some [perceived](#) the Taliban as being able to offer a higher level of security by reducing the sexual predation, assaults and robberies that had seriously affected women's lives in some areas since 2001. Nevertheless, even these who credited the Taliban for increasing security in the late 1990s, often [did not favour](#) its notorious record on ultra-conservative views on women.

The International Men and Gender Equality Survey in Afghanistan ([IMAGES Afghanistan](#))¹ carried out by UN Women and its partners in 2017, outlined that a large proportion of Afghan men were [not supportive](#) of progress on women's rights. For example, only 15% of Afghan men surveyed [answered](#) that women should be allowed to work after marriage and **two-thirds agreed or strongly agreed that Afghan women had too many rights**. The survey also confirmed that young Afghan men were becoming [increasingly conservative](#) and unsupportive of women's rights. In particular, a younger generation of Afghan men perceived improvement of women's rights negatively, while the older generation was slightly more moderate. One reason for this shift could be that a lack of support and economic opportunities for young men in the post-war society fuelled an [identity crisis](#). Experiences of [disempowerment](#) under the Taliban may also be leading some men to reassert their [masculinity](#), including through violence towards women. The same survey [revealed](#) that **8 out of 10 women had experienced domestic violence**, and nearly 2 out of 10 suffered sexual violence from their intimate partner.

As women's rights gradually improved, conservative and fundamentalist groups resisted the change. Scepticism and resistance towards the new values 'imported by the West' was present since the 2001 allied intervention. While conservative groups were not prominent initially, they expanded over the years, benefiting from public dissatisfaction with the focus of international assistance on Kabul and provincial capitals, [insecurity](#) and [corruption](#). These groups often perceived **women's rights and empowerment in Afghanistan as an urban and elite concept**, imposed by the West as 'social engineering', with no connection to rural, 'ordinary' women and undermining traditional Islamic values. To reduce the influence of women's rights activists, conservative groups adopted a discourse emphasising the division between urban and rural women and educated and uneducated classes. They also criticised activists for their dependence on the international community.

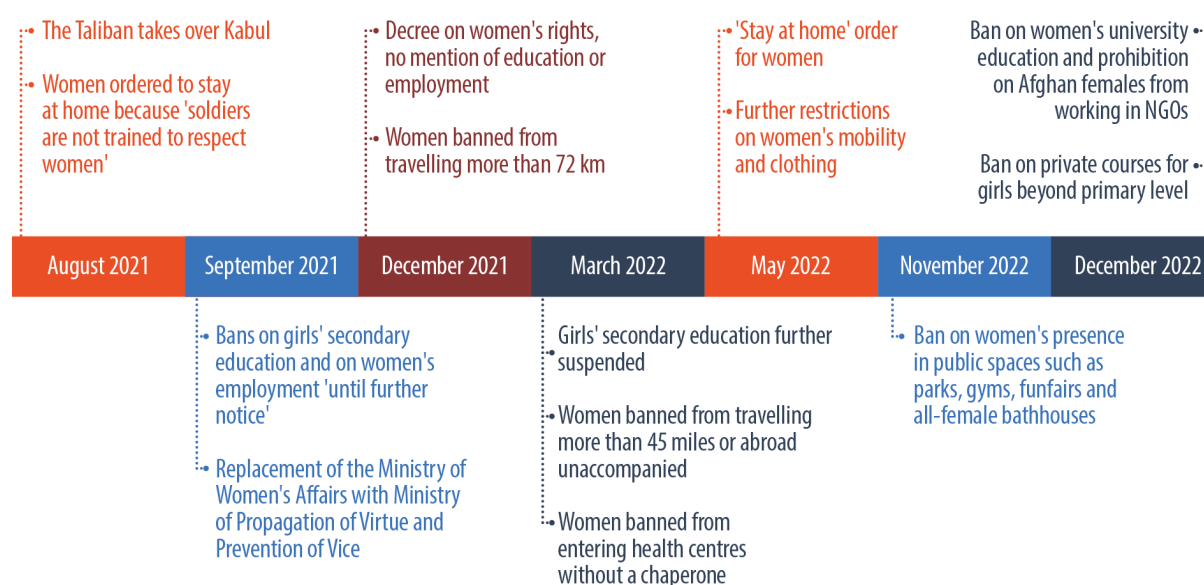
Therefore, while women [regained](#) significant rights and guarantees in law, gender inequality once again became central to tensions between centre and periphery, tradition and modernity and local and foreign values. In February 2021, the US Special Inspector General for Afghanistan Reconstruction published a detailed review of the past 20 years of US support, which concluded that 'US efforts to support women, girls, and gender equality in Afghanistan had yielded mixed results'. While health and education programmes had been effective and broadly welcomed, some of the 24 gender-related programmes had been designed 'based on assumptions that proved to be ill-suited to the Afghan context and the challenges women and girls faced'. At the end of this period, the continuously disadvantaged position of women in the country was also reflected in several indexes such as the [Women, Peace and Security Index 2019/20](#), where Afghanistan ranked 166 out of 167 countries examined, and the UN [Women, Business and the Law 2019](#) survey, where only 10 countries scored worse than Afghanistan.

Taliban 2.0

Following the signature of the US-Taliban [peace agreement](#) in February 2020, and the consequent [withdrawal](#) of US troops, the Taliban [recaptured](#) Kabul without facing significant opposition from the Afghan [government](#) or [military](#) on 15 August 2021. Despite their [promises](#) to uphold women's rights by allowing them to continue to go to school and work in line with Sharia law, from the very first weeks of their rule, the Taliban began [suppressing](#) the rights of its citizens, with women the main [target](#) of [restrictions](#).³ The [reversal](#) of progress on women's rights has been the most notable and consistent [characteristic](#) of the [de facto](#) Taliban authorities.

Soon after the take-over of Kabul, the Taliban revoked the 2004 Constitution and replaced female officials and civil servants with men. In September 2021, the Taliban [shut](#) the Ministry of Women's Affairs and [replaced](#) it with a Ministry of Promotion of Virtue and Prevention of Vice, which had existed during their previous regime, to police behaviour and enforce a strict [interpretation](#) of Sharia law. As in the late 1990s, women were prohibited from commuting and travelling without a male relative, and required to wear full body covering outside the home. In subsequent months, women and girls were [denied](#) secondary, and then [university education](#) and banned from numerous [public places](#) such as parks, gyms and bathhouses. Women were prohibited from [working](#) in sectors other than health care and primary education. This ban was then extended to cover Afghan women working in NGOs. In parallel, systems for reporting gender-based violence were [suspended](#), the countrywide network of shelters was shut, and other support services were discontinued. According to Amnesty International, women have been [arrested](#) and detained for motives such as appearing in public without a *mahram* or a failure to satisfy the strict dress code. These women were charged with the 'crime' of 'moral corruption'. Those detained due to alleged 'moral corruption' or for fleeing abusive husbands have systematically been denied access to legal services, and subjected to ill-treatment and inhumane conditions in detention.

Figure 2 – Timeline of main restrictions on women's rights under the Taliban (2021-2022)



Source: EPRS.

Through their decrees, statements and practices, the Taliban regime has once again created systemic **institutionalised exclusion of women** and suppression of their rights. The strict discourse and harsh enforcement of the regime's policies have created a state of fear and uncertainty. As a result, women are not only bound by the Taliban's decrees and official narrative. The widespread fear and anxiety has resulted in many Afghan families, communities and even workplaces policing women themselves. [Moreover](#), while many women and girls continue to circumvent or protest against the new norms,

uncertainty is leading others to resort to self-censorship. This pre-emptive policing of female Afghans further limits women's freedom, while reinforcing the most conservative approaches to gender roles.

Impact of the restrictions: Examples

Ban on higher than primary education and work. The restrictions on women's rights are producing numerous harmful outcomes for Afghan women and the country as a whole. For instance, the ban on women's secondary and higher [education](#) and work is [set](#) to have destructive [consequences](#) at individual and collective levels. The bans on education and work compromise women's ability to sustain themselves and their families, and this is especially problematic where a woman is the head of a household. As under Taliban rule in the 1990s, numerous women without male relatives are forced to sell their property and beg to survive. From the collective perspective, women's ban from the workforce has a heavy impact on the already collapsing economy. The ban on education, combined with other restrictions, also hampers women's access to vital services such as healthcare and justice. Even if there is a fragile exception to a work ban in the field of health care and basic humanitarian assistance, as under the previous Taliban regime, many women have quit their jobs due to fear, intimidation and the numerous obstacles they face. As a result, women who are not allowed to consult a male health professional without being accompanied, often receive no medical aid at all, due to the lack of female professionals and numerous obstacles when outside their house. Because of this, mortality rates of Afghan women are set to [worsen](#).

Prohibition against visiting public places. When in November 2022, along with the [prohibition](#) to visit gyms, funfairs and public parks, the Taliban imposed a ban on women going to all-female bathhouses, known as *hammam*, women's sanitation and health were further compromised. The use of the bathhouses is not only an ancient tradition, but also the only chance for many people to wash themselves, as the majority of households (79% based on UN [estimates](#)) do not have direct access to heating and/or water. Deprived of basic sanitation and relief from cold winters, many Afghan women are set to suffer from worsening health conditions, including more prevalent vaginal infections. In addition, the [prohibition](#) on women going to parks, gyms, bathhouses and other places not only affects women, but the [bans](#) lead to many business owners losing many or even all of their clients. This compromises business owners' ability to sustain their families and is set to shrink the country's economy even further.

Ban on women in NGOs. Before the ban, [women](#) made up 30-45 % of staff in international NGOs, and 50-55 % in national NGOs. The [ban](#) on Afghan women working in national and international NGOs, imposed in late December 2022, has jeopardised the delivery of humanitarian aid that is crucial for the survival of millions of Afghans – men, women, and [children](#) – in a country suffering from a [deep crisis](#) caused by numerous environmental, economic and political factors. Within a few days, a fragile exception was agreed for women working in NGOs in the health and education sectors, against a background of [divided opinions](#) within the Taliban and [international pressure](#). However, despite [high-level discussions](#) between the UN and the Taliban leadership, women remained barred from taking part in other sectors of NGO activities. In early April 2023 the Taliban went a step further, barring Afghan women from working for the UN's mission in the country. Female [participation](#) in NGO activities is not only important for the social and economic empowerment of Afghan aid workers, it is essential to the successful delivery of aid to Afghan women in need. Due to social norms, in more traditional rural areas, it is almost impossible to identify needs and deliver aid without female staff, especially to vulnerable [female-led households](#). In addition, without female staff, it is difficult or impossible for aid organisations to meet the [needs](#) of many other women who are in a vulnerable position due to gendered economic, cultural, and practical [barriers](#) to food security (such as restrictions on their right to work and practical difficulties regarding *mahram* requirements). For example, female Afghans often receive the smallest [share](#) of food in their families, and therefore, in times of [scarcity](#) such as [today](#), they are the most vulnerable to malnutrition and deteriorating health.

In January 2023, a [survey](#) led by the UN Gender in Humanitarian Action ([GiHA](#)) Working Group and the Humanitarian Access Working Group (HAG), found that many NGOs continue to be strongly affected by the ban. The majority (93 %) had seen a change in their access to women; 81 % reported that their female staff were unable to come to work; only 22 % were fully operational, with specific services for women particularly affected. At the same time, many organisations were exploiting possibilities for maximising their engagement. The UN is currently continuing to implement its [2023 humanitarian action plan](#), while making efforts to overturn the ban and [assessing](#) the situation to avoid becoming complicit in further depletion of women's and girl's rights.

Impact on women's mental health. The almost total exclusion of women through numerous bans on education, work, mobility, and participation in society and the reinforced discriminatory nature of local communities and family units, according to the [UN](#) and other accounts, have led many women to a state of [distress](#) and [despair](#). Subjected to a deliberate attack on women's autonomy, freedom and dignity, the return of universal impunity for domestic violence and forced marriage, the [annulment of divorces](#), and [harsh](#) oppression in the case of [protests](#), women's mental health has deteriorated and **female suicide rates have increased**. While reliable official statistics are inexistent, [accounts](#) of the [state](#) of women's mental health are numerous and depictive of the deteriorating situation in Afghanistan.

Resistance. Nevertheless, even under the most difficult conditions, many Afghan women are [resisting](#) the Taliban regime. Some of the bravest women regularly [take](#) to the streets to [protest](#), risking detention, torture and even death. Others defy the regime using [social media](#) to document the situation on the ground. Some run or attend [secret](#) schools. [Others](#) advocate for Afghan women's rights from exile. All these types of resistance show that a significant part of Afghan society does not want total gender segregation. Such bravery was commended by the international community, including the European Parliament, which nominated a group of 11 Afghan women as one of three finalists for the [European Parliament's 2021 Sakharov Prize](#).

International reaction

Latest developments: UN launches review into its operation

In early April 2023, despite months of negotiation between the UN and the Taliban, the latter [reaffirmed](#) their hard-line policy by barring Afghan women from working for the UN mission and agencies inside the country. In response, besides strong [condemnation](#), the UN has instructed its Afghan staff (both women and men) to stay at home on full pay until 5 May 2023, when it will conclude a [review](#) of its operation. While [stressing](#) its desire to stay and deliver vital services and support, the UN has warned that it is ready to [pull out](#) of Afghanistan in May if it cannot persuade the Taliban to let local women work for the organisation.

The drastic crackdown on women's rights by the Taliban has attracted international condemnation. The decisions to ban women's university [education](#) and prohibit Afghan women from working in NGOs and for the UN have received particularly negative [feedback](#) from the international community.

Beyond condemnation, the ban on women working in NGOs has led international donors to [pause](#), reduce and or threaten to halt their humanitarian assistance, due to the impact on women's rights, their own female employees and delivery of aid. As stressed at the [2023 EU Humanitarian Forum](#), the international community, particularly policymakers, aid donors and organisations, therefore face a dilemma. While a 'stick' and 'carrot' [method](#) has been widely adopted by many actors since the Taliban takeover in August 2021, it seems that the Taliban is unwilling to show anything more than minimal flexibility and has a record of renegeing on its promises. While it is feared that emphasis on the 'stick' may not make the Taliban

reverse its policies, it is widely agreed that the reduction in humanitarian aid would deeply hurt the Afghan population, with girls and women paying the greatest price.

In this context, some actors advocate principled engagement and more flexible aid delivery. The International Crisis Group (ICG) [argues](#) that 'kneejerk reactions' such as cutting aid budgets or extending sanctions should be avoided and that donors should continue engaging in humanitarian

assistance while mitigating harms inflicted on vulnerable groups, including the female population. The European Council on Foreign Relations makes a [similar argument](#), calling on cooperation between different partners to develop a strategy. The UN Women's Special Representative to Afghanistan [recommends](#) a twin-track approach of using every possible tool to reverse the ban and rethinking delivery by prioritising inclusiveness, maintaining funding for women's organisations and using every opportunity to hear Afghan women's views on how to respond to the challenges. Women's rights defenders also [call for](#) Afghan women to be consulted on any decisions on cutting aid. The [Afghan Women Leaders' Forum](#), established with EU support in 2022 to provide a platform for Afghan women to voice their concerns and give policy advice, [calls](#) more broadly for an Afghan-led strategy to protect women's rights. They urge the EU and the international community to act carefully, remain engaged, including with allies in Afghan civil society and neighbouring countries, and use the leverage they have to find solutions.

Reactions from the Muslim world

The Taliban have [justified](#) their policies as the implementation of Islamic (Sharia) law. However, as Sharia is [open to interpretation](#), the Taliban's version of Sharia is particular to the regime and differs from those in other Muslim countries. Numerous Muslim states and entities have expressed their [concern](#) over certain restrictions on women imposed by the Taliban. For example, the Organization of Islamic Cooperation (OIC) [expressed](#) its 'deep disappointment' over the secondary education ban in Afghanistan and reiterated that 'Afghan people, boys and girls, need to see their fundamental rights, including but not limited to education, fully respected in a bid to ensure that Afghanistan wades its way toward stability and economic prosperity'. Following the prohibition on women's university attendance, the Secretary-General of the OIC [expressed](#) his 'grave concern and denunciation of this disconcerting decision' and called on the Kabul authorities to reverse it. In response to the ban on Afghan women working in NGOs, he [noted](#) that this 'perplexing decision' would not just deprive Afghan women of a source of livelihood but also seriously affect humanitarian and relief operations conducted in favour of vulnerable Afghan communities. Turkish President, Recep Tayyip Erdoğan, has also been vocal regarding the consecutive restrictions on women rights under the Taliban regime, [denouncing](#) the order to ban university and secondary education for Afghanistan's women as inhumane and un-Islamic. In a joint statement with China, Iran has also [urged](#) the Taliban to end restrictions on women's work and education, while Saudi Arabia and the United Arab Emirates [joined](#) other Muslim-majority countries expressing [concern](#) over the Taliban's restrictions on women's rights.

EU action

The EU has been [delivering](#) humanitarian and development assistance in Afghanistan since the early 1990s, incorporating a [gender perspective](#) through gender mainstreaming and [projects](#) in areas such as support for women's economic empowerment and role in decision-making.⁴ Since the return of the Taliban regime in mid-August 2021, the EU has [changed](#) the terms of its engagement. While it has ruled out recognising the new Taliban government, it acknowledges the need to engage and, in January 2022, established a minimum presence on the ground in Kabul. Within these parameters, the EU has suspended its regular development assistance, but continues to provide [humanitarian aid, livelihood and basic needs support](#), with women and girls as priority beneficiaries. This aid now goes directly to the Afghan population via international organisations and NGOs, avoiding government channels and is [conditional](#) on commitment to the rule of law, and human rights. In March 2023, the Council of the EU [reiterated](#) that the EU is committed to continuing this assistance, [based](#) on humanitarian principles, when women remain beneficiaries and can participate meaningfully in delivery. However, where activities cannot be continued in line with this approach, the EU will reconsider its support. The EU's Special Envoy for Afghanistan has [noted](#) that the Commission's [Directorate-General for European Civil Protection and Humanitarian Aid Operations](#) is taking the lead on implementing this 'do no harm' approach to aid delivery. The envoy also notes that, through its presence in Kabul, the EU is maintaining direct contact with Afghan women from

different sectors, allowing for granular understanding of the evolving situation and providing a space for women to communicate with each other.

In parallel, in [December 2022](#) and [March 2023](#), the Council of the EU strongly condemned the restrictions on women's rights and large-scale, systematic gender-based discrimination by the Taliban. The EU has [called](#) on the de facto authorities 'to honour Afghanistan's obligations under international law, in particular human rights, refugee and humanitarian law, and to ensure respect for human rights and fundamental freedoms of all the Afghan population'. It has also [pledged](#) support to Afghan civil society and to women and girls. In addition, the EU was one of the most vocal in [stressing](#) that the Taliban's treatment of women may amount to a crime against humanity under the Rome Statute. On 7 March 2023, the Council adopted [sanctions](#) against two Taliban ministers as part of a broader package of sanctions against nine individuals and three entities responsible for sexual violence, rape and large-scale violations of women's rights. On 7 April 2023, following the Taliban's ban on Afghan women working for the UN, the EU's High Representative for Foreign Affairs, Josep Borrell, issued a [statement](#) on behalf of the EU, noting that this 'discriminatory Taliban decision (...) constitutes a violation of international Human Rights Law (including Treaties to which Afghanistan is a party), international Humanitarian Law and humanitarian principles'.

The European Union Agency for Asylum (EUAA) has [concluded](#) that the measures introduced by the Taliban affect the rights and freedoms of women and girls, put them, in general, at risk of persecution and make them eligible for refugee status. While EUAA [guidance](#) is not legally binding, in accordance with the [EUAA Regulation](#) (Article 11(3)), EU Member States are required to consider it when evaluating asylum claims. Denmark and Sweden have already issued [statements](#) that Afghan girls and women would be granted asylum solely because of their gender in the context of the continuous crackdown on women's rights under the Taliban regime.

The European Parliament's position

[The European Parliament] condemns the staggering regression in women and girls' exercise of their rights under the Taliban, a situation that currently qualifies as a gender apartheid.

European Parliament
[resolution](#) of
24 November 2022

The day after the Taliban's capture of Kabul in August 2021, the Chairs of Parliament's Delegation for Relations with Afghanistan (D-AF), Committee on Foreign Affairs (AFET) and Committee on Development (DEVE) issued a [statement](#) urging them to respect basic human rights and the achievements of the last 20 years in women's and girls' rights. Parliament subsequently adopted three resolutions, in [September 2021](#), [April 2022](#) and [November 2022](#), condemning the crackdowns on women's rights in Afghanistan, calling for all restrictions to be lifted and urging the EU to take stronger action to assist Afghan girls and women, including a special [visa programme](#) for those seeking protection.

As well as calling attention to the deteriorating situation of Afghan women in its resolutions, Parliament has taken steps to ensure that their voices are heard. In February 2022, Parliament's Subcommittee on Human Rights organised the [Afghan Women's Days](#), enabling prominent Afghan women, including the [group](#) shortlisted for the previous year's [Sakharov Prize for Freedom of Thought](#), to share their [analyses and recommendations](#) with representatives from the EU and the United Nations. On 21 March 2023, a statement from 102 women's organisations across 34 provinces in Afghanistan was heard at a [joint hearing](#) organised by the D-AF and the Committee on Women's Rights, at which the [Special Envoy of the EU for Afghanistan](#) and [UN Women's Special Representative to Afghanistan](#) discussed responses to the ban on women working for NGOs. On 23 March 2023, Parliament's Committee on Foreign Affairs [presented](#) a study pointing out that contestations over women's rights were a key area of tension between the EU and the previous Taliban regime, but the EU's policy of providing humanitarian aid and circumventing the Taliban nevertheless had tangible results on the provision of services to women and girls. However, the study also cautions that the EU should be prepared for worsening conditions for women and girls, and that it should limit its expectations about what can be achieved, focusing on mitigating the

worst effects of the humanitarian crisis. The European Parliament is also set to debate women's rights in Afghanistan during its [plenary session](#) on 19 April 2023.

Before the return of the Taliban regime in August 2021, the European Parliament had followed the women's rights situation in Afghanistan closely and expressed its concerns in a number of non-legislative resolutions. Notably, while Members welcomed the improvements in gender equality since 2001, none of the resolutions⁵ refrained from [pointing out](#) that 'despite some progress in the field of gender equality and fundamental rights', women in Afghanistan remained 'the most vulnerable segment of society' and continued to be 'subjected to threats, intimidation and violence and to suffer from discriminatory laws'.

ENDNOTES

- ¹ While no case has been brought, the International Criminal Court (ICC) has issued [guidance](#) explaining how the crime of gender persecution can be [charged](#) in the ICC context or other accountability mechanisms and how civil society organisations can be supported to collect robust evidence.
- ² The Government of Afghanistan signed the Convention on Elimination of all forms of Discrimination against Women (CEDAW) on 14 August 1980; however, it was not [ratified](#) until March 2003.
- ³ The United States Institute of Peace has compiled a comprehensive [archive](#) of Taliban decrees and public statements on the treatment of women and girls.
- ⁴ For a detailed overview and analysis of the outcome of EU action in Afghanistan see, Afghanistan: [Lessons learnt from 20 years of supporting democracy, development and security](#), Policy Department for External Relations, European Parliament, March 2023. The foundation for EU cooperation on women's rights is addressed on p. 31. For additional assessment of EU support for gender equality in Afghanistan, see for example: [Evaluation of the EU's external action support to gender equality and women's and girls' empowerment \(2010-2018\)](#), European Commission, 2020.
- ⁵ See: European Parliament [resolution](#) of 14 December 2017 on the situation in Afghanistan; European Parliament [resolution](#) of 13 June 2013 on the negotiations on an EU-Afghanistan cooperation agreement on partnership and development; European Parliament [resolution](#) of 15 December 2011 on the situation of women in Afghanistan and Pakistan; European Parliament [resolution](#) of 16 December 2010 on a new strategy for Afghanistan; European Parliament [resolution](#) on 24 April 2009 on women's rights in Afghanistan.

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