

---

**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

---

**WOMEN'S RIGHTS IN AFGHANISTAN: UNFOLDING THE 2021  
TALIBAN INVASION AND ANALYSING THE AFTERMATH**

- Anaya Mapari, Utkarsh Bhushan Pandey & Harshit Upadhyay<sup>1</sup>

**ABSTRACT**

Advocating women's issues and showing the world a mirror of the harsh reality that surrounds us has become an action of the utmost importance in today's times. The issue in Afghanistan is no different. Since the Taliban takeover in 2021, a lot has changed prima facie Afghan politics and socio-political scenarios. Starting with stating some of the renowned socio-political movements that have changed the perspective of the world, this article talks about how increasingly, such socio-political events have affected and shaken the global community along with international organisations who work against events like this.

Women are considered to be a weaker sex of the others. Hence, they are the most vulnerable in socio-political issues. Having said that, past occurrences of anarchy, dictatorship or totalitarianism have affected women and children the most. The womenfolk are victims to all sorts of torture in the past and the Taliban takeover resulted in no different outcome. This led to a revolution against unethical governance, suppression of an entire gender class as well as against the general concept of violent and anarchical governance.

The Taliban, as mentioned further in this article, did not spare the women and deprived them of their most fundamental rights. Objections were raised regarding some of the basic daily chores like stepping out of the house or even education. Such basic rights were violated, which led to the weakening of almost half of the country's population. However, international organisations like United Nations, Amnesty International, etc. took heed of the situation to bring the status of Afghanistan back to normalcy. This will, however be a gradual process as an entire country today, stands at the brink of either being in total anarchy or totally protected internationally.

This research article explains the Taliban invasion, along with a brief history of the Taliban, and Women's issues post the Taliban regime.

---

<sup>1</sup> Students at Bharati Vidyapeeth Deemed to be University, New Law College, Pune

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

## INTRODUCTION

The concept of socio-political movements has developed over the due course of time. The global community is a fast-paced evolution that is never-ending. Socio-political movements play a vital role in the same, as the people are directly affected by the changes and views of the particular movement. And in some exceptional cases, a country is known for such landmark movements which have developed and taken shape during progressive times. Many such recent developments in certain movements are an example of the fact that a mere idea or a personal view has snowballed into a revolution of thousands of people. May it be the Dandi March of 1930<sup>2</sup> in India or the Landless People's Movement of South Africa<sup>3</sup> there have been numerous incidents of a single movement or a rally that has affected the entire nation and made the rest of the world to think about their own laws and the manner in which they govern a particular country. The Taliban is no different. Their ways and means of trying to take over Afghanistan have proved controversial and harmful in many ways not just to the people of Afghanistan but to the rest of the world as well.

## WHAT IS THE TALIBAN?

The Taliban arose in 1994 amid the turmoil that followed the withdrawal of Soviet forces from Afghanistan in 1989. The group was rooted in rural areas of Kandahar Province in the country's ethnic-Pashtun heartland in the south. The history of Afghanistan before 1989 is that the Soviet forces invaded Afghanistan in 1979 to prop up the communist government of Afghanistan and eventually met the fate of big powers past and present that have tried to impose their will on the country; it was driven out. The Soviets were eventually destroyed by the Islamic fighters called the Mujahedeen, a patchwork of insurgent factions supported by the USA government back then, who were too happy to wage a war against its cold war rival Soviet Union. However, the joy over the victory was short-lived as the various factions fell out and began fighting for independent control. Eventually, the country fell into a brutal civil war.

The Taliban is a fundamentalist Islamic force founded by Mullah Mohammed Omar. The Taliban drew fighters from the Mujahedeen patchwork of 1989 mentioned above. With about 50 followers in 1994, the faction fought for control of Afghanistan during the post-Soviet Era Civil War. In a span of 2 years, the Taliban captured their origin region Kandahar and swiftly took control of Kabul in 1996 while imposing Islamic rules. It ruled Afghanistan from 1996

---

<sup>2</sup> A socio-political movement led by well-known leader Mahatma Gandhi to protest against the salt tax imposed by the British during India's struggle for independence.

<sup>3</sup> A social movement independent to the country of South Africa where landless people boycotted parliamentary elections and has a history of conflict with the African National Congress.

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

until being toppled by the USA military in 2001, following the 9/11 attacks in USA.

The Taliban is comprised of young men and boys of Afghan descent who had hardly lived in Afghan society. They were raised in refugee camps and trained in ultraconservative religious schools called “Madrasas” in Pakistan. Pakistan, Saudi Arabia, the United Arab Emirates were the only countries that granted the Taliban regime of Afghanistan official recognition.

In addition, thousands of Pakistanis and hundreds of Arabs fought alongside the Taliban in Afghanistan. Pakistan was the primary source of support to the Taliban, supplying military aid and personnel; Saudi Arabia, the United Arab Emirates and known terrorist organizations provided the Taliban with financial support. Additionally, Afghanistan is and was under the Taliban the world’s largest producer of opium and a major drug-processing centre; almost all areas of poppy cultivation are occupied by the Taliban. But perhaps the biggest potential for financial support for the Taliban in Afghanistan was to be royalties for an oil or gas pipeline to be built from the Caspian Sea region through Afghanistan to a port in Pakistan.

### **THE ISSUE: THE INVASION OF 2021 AND ITS IMPACT**

The Taliban entered the Afghan capital, Kabul, on August 15 2021 after swiftly seizing much of the country in the past 10 days following the withdrawal of US military troops.

Due to the Taliban invasion, the Western-influenced Afghan government fell. Even the Afghan President Ashraf Ghani fled the country, claiming that he chose to leave to avoid further bloodshed.

In September 2021, the Taliban announced an interim government made up of hard-line leaders. The regime will be known as the Islamic Emirate of Afghanistan, and the Taliban previously said the government will be led by a religious leader and draw its legitimacy from clerics. No mention of elections was done. Under the U.S.-backed government, Afghanistan was an Islamic republic that was led by a president and drew legitimacy from universal suffrage in accordance with international laws and norms. No women or officials from the preceding government and only a few representatives from ethnic minority communities were included in the Taliban’s cabinet. Experts say it is unlikely that the Taliban will meaningfully share power with any former government officials.

There were many questions that arose in people’s minds: Who will govern Afghanistan? Will there be violation of rights if extreme actions are taken? Suppression? Oppression? What’s next for Afghan citizens? The global community was taken aback by the method of conduct of the

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

Taliban fighters when they were set free on the roads of Afghanistan. And with the advent of the internet and social media, videos, photographs and news items spread like wildfire among the world. The scenes were shocking. Videos of Taliban members shooting with their guns pointed up to the sky, dancing with heavy ammunition in their hands, playing kids games in amusement parks, roaming freely in the Presidential Palace, with their military tanks out on the road, sitting on the President's chair in the Parliament...such was the immediate reaction of the Taliban fighters when they captured the Afghan capital city of Kabul. Whether to term it as Dictatorship, Totalitarianism or absolute Anarchical chaos was the ultimate challenge for the global fraternity.

After the Taliban takeover, their actions accelerated Afghanistan's human rights crisis, which made it difficult, or next to impossible to survive in such a forbidden and restricted country.

The Taliban believes in Sharia rule, which in turn means that they believe in patriarchal rule which led to the liberty of women being curbed. In the Pashtun culture from where the Taliban originally emerged, Pashtun tribalism is again patriarchal where rights of women are very limited. Hence this had a direct impact on the policies of women in the Taliban.

From the ancient times, numerous factors led to a build-up of patriarchal society in many regions of the world; however, the Middle-East and the Indian subcontinent were at the peak of patriarchy, and probably still are. Factors namely geographical conditions, religion, and the socio-political scenario, combined with an orthodox Islamic religious view and unstable political order, all caused the said unrest in the region. Women in Afghanistan were not given an equal opportunity to prove themselves. Thus, attaining an equal status at par to men was a dream far from reality. But with the onset of modernisation and industrialisation, globally the world moved on and women started to get the required attention and equal status both from the government and society. Unfortunately, for a country as primitive as Afghanistan in its approach, politically and socially positive events never lasted long as the country, after battling several national crisis, eventually lost its power to the cold-blooded Taliban Regime in 2021 once again.

This regime being inherently oppressive, aggressive and united by extremely orthodox views, was the beginning of nightmare for Afghan citizens and especially the women there.

What other ideology has influenced Taliban is the Deobandi Movement<sup>4</sup>. Deoband believes in

---

<sup>4</sup> An Islamic movement insisting on following orthodox customs and rituals, intending that Sharia law is the path to salvation. The name is originated from an Indian town called Deoband as the founder of the movement was once a prominent figure in the town located in the northern state of Uttar Pradesh in India.

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

Taqlid (strictly following the religious rule & regulation) and whosoever believes and follows Taqlid is known as a Muqallid.

“Acting upon the word of another without Hujjah (Proof / Lawful Authority)” by Ibn al-Hajj, “To follow the opinion of another person without knowledge of authority for such opinion” by Abdul Rahim. Such are the definitions and explanations of Taqlid given by literary enthusiasts. According to the definitions, blind faith and following the Jurist’s decision without arguing is considered to be imperative.

Shortly after they took control of the country, several oppressive rules were announced which unfortunately, were not in favour of women, and they were threatened to dire consequences if a law is not followed in its true essence. Here are some of the specific aspects of suppressed women’s rights in Afghanistan:

**Long-distance Travel:** Afghan women were banned from travelling alone for a distance of more than 72 kilometres. The presence of a male relative to travel such a distance was compelled upon the women from 26<sup>th</sup> December 2021. Males were directed not to give lifts to females who were alone.

**Media:** Women were banned from appearing on television and movies. Even female journalists were directed to wear some sort of scarves/hijabs or anything else that would not reveal their facial features completely. The Taliban’s stance on women not revealing their faces is so rigid that even existing art, paintings, posters, etc. which had a woman's face on it, were altered and faces were either removed or hidden. Many female employees in the media stopped working after the Taliban took over.<sup>5</sup>

The Women's Affairs Ministry, which was established in the year 2001 by the Afghan Interim Administration, was the backbone for promoting Women's Rights in Afghanistan. The Taliban regime officially removed this ministry and declared a new ministry named 'Propagation of Virtue and Prevention of Vice Ministry' in its office.

**Barring Education for Girls:** According to a report by 'Human Rights Watch' Taliban have prohibited girls from receiving secondary and other higher education. This move was also implemented in the previous Taliban regime also. Also, a separate Islamic dress code had been notified for females and gender segregation had also been made mandatory.

**Ban on Working Women:** This move was a very hard blowback for all the women in Afghanistan as it posed as a hurdle in the progress of women empowerment and employment to ground zero all over again. All those years of spreading awareness and motivating women to

---

<sup>5</sup> Report by “Reporters Without Borders (RWB).

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

work was just washed by a single rigid order of the Taliban regime. An incident reported several armed Taliban men entering a public office and threatening all the women staff to quit. One of the senior Taliban members declares to a news agency, compelling that Afghan women should not work alongside men.

**Ban on Women in Sports:** Taliban banned all sorts of athletic sports in Afghanistan. Hundreds of athletes, especially female athletes went into hiding with the fear of being banned and the future of female athletes in the country hence proved to be uncertain.

Along with these above restrictions there are other day to day gross misconducts and misogyny that the Afghan women have to bear in this Taliban regime.

The status of Afghan women hung in the balance as the situation got more tense. The implications for women in rural areas where Taliban have absolute control were more dire compared to women working in major urbanised cities like Kabul. For example, Afghan women were shot and blinded, for doing any kind of job or being an employee at a corporation, and the Taliban tribunal once gave women 40 lashes for talking to a man on the phone in a public place. Ahead of the US exit in September 2021, many businesses, firms and institution employing women in Afghanistan started making alternative plans, anticipating the Taliban's return to power. Some women have started to quit their jobs. Other firms relocated their offices from Afghanistan. "Women would be allowed to study, but not next to men," said by Higher Education Minister Abdul Baqi Haqqani.

After Taliban banned women employment, single bread earners and single mothers of the family have particularly been affected due to the immense restrictions imposed by the Taliban in order to seek and exercise full control.

The administration also banned women for revealing their faces on all kind of media, as well as advertisement and television. Schools were shut for girls, and women were not allowed to roam about freely without their male partners. Women were compelled to follow a particular dress code which would cover them from head to toe. Teachers were not getting their salary on time, and a school teacher, who was a single bread winner for her family of ten, said on record that she had not received her salary in the last 3 months.

It was a tendency of the Taliban, according to certain activists, to notoriously violate women's rights. Activists claimed that it would be the case this time as well. The Taliban truly cracked down hard on women and girls and their oppression intensified over time.

Though this time the Taliban initially depicted a softer approach towards women and valuing their rights along with upholding general interest of public as said by its spokesperson

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

ZabiullahMujahid, who in an attempt to reassure women, said "Our Sisters, Our Men have the same rights." The reality of Taliban's approach is hidden from no one and all these promises to uphold the rights of women and their betterment were just a fake front to gather international solidarity and support. Soon after the regime took power on August 15 2021, a steady stream of horrifying news came striking on the womenfolk of Afghanistan.

Rural areas in Afghanistan were already in a worse condition, so much so, that even Women Approval Rate was 92% overall with regards to their husband beating them for simple acts such as stepping outside without informing, burning food while cooking, denying sexual acts, arguing etc. This approval proved to be higher in women who are not exposed to secondary or higher education.

### **THE SOLUTION: WHAT LEARNING DOES THE WORLD TAKE FROM THIS?**

By providing women with some special rights, international organisations like the United Nations' CEDAW are empowering females to create a balanced and more developed society.

The United Nations has works extensively towards the development of women. The UN Charter itself states that the UN is determined to provide equal rights to women and also to work towards the betterment of the people. CEDAW stands for Convention on the Elimination of all forms of Discrimination Against Women. It was adopted in 1979 by the United Nations General Assembly, and enforced on 3<sup>rd</sup> September 1981. It is described as the International Bill of Rights for Women.

There is an Optional Protocol to the CEDAW Committee, which was adopted by the United Nations General Assembly in 1999. This protocol is abbreviated by the name OPCEDAW.

It includes all the provisions which are not fully covered in the actual set of articles of the Convention. OPCEDAW is an international document which is like a branch of CEDAW.

This document gives women and girls the right to file a complaint if their rights are violated. This document also includes the methods and privileges of certain governing bodies to carry out investigations regarding several heinous crimes which in turn lead to injustices.

Through the efforts of various international and national agencies in Afghanistan, women had seen a ray of hope and really started moving out of their oppressed lifestyle to an open and modern living and it really started showing a difference. Organizations like Amnesty International, Woman Human Rights Defenders, the HABITAT Women's Company Foraprogramme, UNCHR, UNICEF project with mothers and their children, etc. have done exceptional work in the field of raising the overall standard to living for the Afghan women.

Even after the menacing and horrendous restrictions placed on women in this regime, Women

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

are fighting back for their rights more than ever and the international community should take strict cognizance of these restrictive acts leaving the status of just neutral mute spectators even after having a feminist oriented international policy.

These incidents in Afghanistan are more than a warning to the whole world especially the women that if absurdity and madness will be allowed to take over, all the progress made in numerous years would just vanish in a matter of few weeks as it happened in Afghanistan.

Women, especially those living in rural or under developed areas, or even in primitive thinking countries, think that they need to be told what their opinions are, preferably by their husbands or someone elder who is in authority. They need to be educated more on such matters, that even they, can have opinions and can fight for their own rights, even without the consent of the ones who matter. Domestic Violence, or even Mental Torture, seems to be like a community issue rather than an individual household problem, because women who live in the same environment with a negative ambience are likely to experience the similar types of issues. And unfortunately, due to this similar neighbourhood, they do not understand the graveness of this issue, simply because they think that if it is happening in the houses next door, it is normal, and happening everywhere. If negative influence can spread like wildfire among such unfortunate societies, the idea of standing up for one's own rights should also be advocated and preached thoroughly. Even if women have the slightest idea of women's rights, or even human rights for that matter, it will be a huge step towards creating an ambience of independence in the truest sense.