



INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW

An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 5 | Issue 3 | 2026

Art. 21

Women's Rights in Afghanistan under Taliban Rule: A Human Rights Perspective

Gayathri. U

Assistant Professor,

School of Law, Vel Tech Rangarajan

Dr. Sagunthala R&D Institute of Science and Technology

Dr. Ajitha E

Associate Professor,

School of Law, Vel Tech Rangarajan

Dr. Sagunthala R&D Institute of Science and Technology

Recommended Citation

Gayathri. U and Dr. Ajitha E, *Women's Rights in Afghanistan under Taliban Rule: A Human Rights Perspective*, 5 IJHRLR 322-337 (2026).

Available at www.humanrightlawreview.in/current-issues/.

This Article is brought to you for free and open access by the International Journal of Human Rights Law Review by an authorized Lex Assisto & Co. administrator.

For more information,
please contact humanrightlawreview@gmail.com

Women's Rights in Afghanistan under Taliban Rule: A Human Rights Perspective

ABSTRACT

The rights of women all around the globe from time immemorial has been in jeopardy more so in certain geographical regions than others and it has worsened with time. Women's rights have been stolen, their freedom curtailed beyond reason, and their whole entity reduced to a mere animal existence. Though violations of rights and crimes against women are prevalent across the world, their intensity and prevalence have been excessive in certain states. The laws, rules and customs based on religion created by the powers that be, have all contributed to oppress women further. It is pertinent to mention that this study does not aim to diminish religion or is not against any specific religion or customs, but it only seeks to point out the shortcomings of the humans or leaders in interpreting and enforcing such norms for individual benefit and with the ulterior motive of suppressing one gender. This study is limited only to women rights in Afghanistan subsequent to the rule by the Taliban. It focuses on how the Taliban regime tends to affect millions of women's rights and freedom in Afghanistan, and the role of international law in promoting women's rights. This study seeks to analyse the lives of women in Afghanistan before and after Taliban rule, and through that it sheds limelight on how women are treated even in the 21st century, as property of men and are suffering a worse fate than an animal.

KEYWORDS

Women's rights, Afghanistan, Taliban, Oppression, Women's Freedom

INTRODUCTION

Women in Afghanistan had the right to vote even before the women in US were granted adult suffrage. Women had the right to education and the political participation of women was ensured with 27% reservation for women in the parliament by the Constitution. Women had freedom and representation in every walk of life. But these rights and freedoms took a fatal turn with the forceful emergence of the Taliban's rule in Afghanistan. Several civil and basic human rights of women were negated. The threat and restraint increased with years of continued Taliban rule. Women were subjected to complete isolation from public life. They were strictly confined to their domestic work. The status of women became more like a property, a servant, a slave, a caretaker, a reproduction machine, etc. The complete exclusion of women from

employment, education, health care, politics, etc, has curbed their potential and immensely reduced their freedom. The history encompasses a fact that with the emergence of the Taliban regime, women were the most affected victims and continue to be so.

OBJECTIVE OF THE STUDY

1. To study the rights of women in Afghanistan before Taliban regime
2. To study the Taliban's control over Afghanistan, how religion is misused by authority to gain control and profit, with specific reference to the Taliban's interpretation and implementation of Islam,
3. To study how the restrictions imposed by the Taliban affect women's rights and freedom
4. To study the role of international law in promoting women's rights.

HYPOTHESIS OF THE STUDY

"The Taliban's policies significantly restrict women's autonomy, rights, and freedoms, thereby violating women-centric international conventions."

SCOPE OF THE STUDY

This research contributes to the legal understanding of gendered oppression faced by women during the Taliban regime in Afghanistan and stresses the role played by religion and custom in aiding and abetting the crimes against women rights. This research is done with the sole motive to understand the misuse and misinterpretation of religion and how they significantly affect women's rights. There is no hatred or rivalry against any religion, in particular, Islam, and this research only tends to uncover a rationalist perspective of the injustice happening in the name of religion and control. This research challenges only the *"religious conservatives who justify gender discrimination in the name of Islam"*¹ and does not view *"Islam as inherently oppressive to women"*². Further, the researchers give equal importance and respect to the faith and autonomy of people's right to worship any religion. It is pertinent to mention that the researchers do not condemn or prohibit, or oppose the practice or faith of the Islamic religion, and all possible attention and safeguards have been given to meticulously challenge only the misinterpretation of the religious text by the governing authority. Hence, this research challenges only the misinterpretation of the religious text,

¹ Habiba Elahi, *Women's Rights in Islam: A Comprehensive Analysis of Quranic and Sunnah Teachings*, Institute of Islamic Studies, University of Punjab, 2025

² Ibid

not the religion of Islam itself. Furthermore, it is predominant to mention that the views of the researchers do not represent those of the institution, government or any organisation.

RESEARCH METHODOLOGY

The research methodology used in this study primarily examines the literature available regarding the women's rights in Afghanistan and International Conventions concerning women's rights. Initially, the relevant materials were identified using hardcopy books and journals available in the institution's library and through the journal databases and general searches on Google. Subsequently, the researchers used the historical method (to trace the history of women's rights in Afghanistan and the rise of Taliban and the various instances that led to Taliban seizing power); systematic method (to understand the scope and nature of the international law relating to Women Rights); and the analysis method (to systematically review the large volume of research papers related to the issues discussed in the paper).

RESULTS AND DISCUSSION

(A) Women in Afghanistan Prior to Taliban's regime- A Historical Perspective

The life of women in Afghanistan was not always demeaning; there are a few chapters in history that prove that women enjoyed freedom and public participation under different regimes. The most important rulers who excessively promoted women's rights are Amanullah Khan (1919–1929) and Mohammed Zahir Shah (1933–1973)³. Their policies, laws, and societal practices made women's lives easier and more prosperous.

The Amanullah Khan Regime, from 1919 to 1929, introduced several reforms and aimed at significantly improving the social status of women. He was influenced by modernist ideals, which made his government promote female education and women's participation in public life. His rule also discouraged forced marriages, and Queen Soraya Tarzi, wife of Amanullah Khan, also played a crucial role in improving women's empowerment during that period. Initially, though, these reforms were challenged and faced immense resistance from the conservative and orthodox sections of society; the foundation for women's empowerment was laid down under Amanullah Khan's rule⁴.

This development was later progressed under Mohammed Zahir Shah's

³ Valentine M Moghadam, *Modernizing Women: Gender and Social Change in the Middle East* (Lynne Rienner Publishers 2003).

⁴ Nancy Hatch Dupree, *Women of Afghanistan* (The Asia Society 1980)

Regime from 1933 to 1973. The establishment of the Afghan Constitution of 1964 has granted a bundle of rights to women, namely “*right to vote, contest elections, pursue higher education, and participate in government services*”⁵. The new law and policies led women to enter different professions such as “*teaching, medicine, law, journalism and public administration*”⁶.

It is pertinent to mention that the urban areas of Afghanistan, specifically Kabul, witnessed more progress in women's development than the rural areas in the 1960s and 1970s. It is in this period that more “*women attended universities, worked in government offices, served as judges, doctors, and professors, and actively participated in cultural and political life*”⁷. During this period, educational opportunities expanded, thereby resulting in female literacy rates, and several women occupied seats in parliament and equally contributed to national development.

Apart from regime change, even regional tensions shifted the way women's rights were perceived. From 1978 to 1992, during the rule of the People's Democratic Party of Afghanistan (PDPA)⁸, under the Soviet-backed government, women's educational and employment rights progressed in urban areas. But due to political instability and armed conflict, these reforms were not effectively implemented.

It is pertinent to mention that these reforms and advancements in women's rights were not absolute; the challenges opposing these reforms always persisted through “*Patriarchal customs, tribal traditions, child marriage, and unequal access in rural areas*”⁹. An important problem surrounding this issue is that these reforms never really reached urban areas due to stronger patriarchal and conservative social norms that directly hindered the implementation and effectiveness.

However, after the Taliban regime in 1996, all the developments dramatically reversed, and women were once again under the clutches of oppressive rule, and all the rights were snatched back.

(B) Rise of Taliban

The rise of the Taliban in Afghanistan is a historical event that changed the structure of Afghanistan as a whole. The term “*Taliban*” refers to

⁵ Deniz Kandiyoti, 'Old Dilemmas or New Challenges? The Politics of Gender and Reconstruction in Afghanistan' (2007) *Development and Change*

⁶ Hafizullah Emadi, *State, Revolution, and Superpowers in Afghanistan* (Praeger 1990)

⁷ Barnett R Rubin, *The Fragmentation of Afghanistan* (2nd edn, Yale University Press 2002)

⁸ Dupree NH, *Women of Afghanistan* (The Asia Society 1980)

⁹ Valentine M Moghadam, *Modernizing Women: Gender and Social Change in the Middle East* (Lynne Rienner Publishers 2003)

“*student*” in the Pashto language.¹⁰ It started as a political-religious movement in the 90s and soon rose to the level of conquering states' administrations or governments. They gained the trust of the countrymen through religion. At the global level, they are seen as militant, extremist, terrorist, human rights violators, etc.

The beginning of the Taliban's rule could be traced back to the Soviet Afghan War that occurred for nearly 10 years from 1979 to 1989¹¹. The internal and external political reasons influenced this war. One of the most prominent forces that actively resisted the Soviet war was the “*Mujahideen*”¹²; they were strong resistance fighters. They were actively backed up by the US, Pakistan, Saudi Arabia and China through money, weapons and training¹³. The subsequent withdrawal of the Soviet Union in 1989 gave these resistance fighters an upper hand. The existing Communist government were overthrown by the mujahideen, leading to a chaotic environment. Due to increasing rivalries within the Mujahideen, there were intense civil wars, warlord factions, rise in criminal activities, corruption, and societal instability¹⁴.

As the state was descending towards destruction, due to the uprising political instability, a new group emerged to stop the horrendous civil wars and bring peace and stability. They were called “*Taliban*”- the religious students, and were led by Mullah Mohammad Omar¹⁵. They slowly began to rise due to subsequent events that took place; they protected the civilians from the warlord's exploitations. Through that, they gained civilians' support and started to conquer several areas. The most important factor that helped the Taliban in achieving civilians' support was religion. Since they were religious students, they used religion as a means to convince and gather support from the civilians. This strategic use of religion, along with peace and stability propaganda and other states' support, paved a stronger way for the Taliban's rule in Afghanistan. In 1996, the State of Afghanistan was officially ruled by the Taliban after successfully defeating President Burhanuddin Rabbani¹⁶. They declared Afghanistan an Islamic Emirate of Afghanistan¹⁷.

The rule of the Taliban took root from 1996 to 2001. The reason for the sudden tumult in the Taliban's rule was caused due to international events such as the 9/11 attack that forever reshaped the course of actions

¹⁰ Lindsay Maizland, *The Taliban in Afghanistan, Backgrounder*, 2025

¹¹ *Ibid*

¹² *Ibid*

¹³ *Ibid*

¹⁴ *Ibid*

¹⁵ Lindsay Maizland, *The Taliban in Afghanistan, Backgrounder*, 2025

¹⁶ *Ibid*

¹⁷ *Ibid*

that constitute a major part of history. The Al-Qaeda attack on the USA and the refuge provided by the Taliban to them spiked the international tensions. The subsequent attack of the US, UK and NATO on Afghanistan further weakened the Taliban's regime¹⁸. This resulted in the collapse of the Taliban government. From 2001 to 2021, for nearly 20 years, the Taliban couldn't attain power or support due to the USA's iron fist surveillance and military presence in Afghanistan. However, things slowly started to change when the US fell out of the picture. As the focal reason for the USA's presence in Afghanistan was diminishing due to the Taliban's influence in many rural areas, rising military costs, emerging global threats, corrupt and weak Afghan government, the USA made a refined move to enter into an active plan with the Taliban to end the chaos forever. The enforcement of the Doha Agreement in 2020 by the USA and the Taliban paved a new way¹⁹. The withdrawal of US troops, the permanent ceasefire imposed on the Taliban, severe imposition to stop and prevent terrorist groups like Al Qaeda from operating from Afghan soil, and the Taliban's peace talks with the existing Afghanistan government were all major points under this agreement. After the withdrawal of the USA, the Taliban recaptured power.

This is the history of the Taliban's rule in Afghanistan. It is pertinent to mention that the Taliban followed Sharia-based laws; their strict and rigid interpretation of these laws created a space that tended to be oppressive towards women's rights.

(C) Religion and Women's Rights: Taliban's interpretation

It is evident from the analysis by several scholars and through various studies, the Holy Quran has not biased or oppressed women's rights; in turn, gender justice is rooted in it²⁰. However, the Taliban authority has actively misused and misinterpreted Islamic teachings or the Islamic religion to gain control, profit and suppress any potential challenges that may arise.

These misinterpretations have led to a significant gap between the original ideals of the Holy Quran and Sunnah and the current notion in practice in Afghanistan²¹. These gaps arise from "*differed cum misled cultural practices, imposed conditioning, restrictive interpretation, incorrect justification, selective and decontextualized readings, distortion of original verses, and patriarchal control*".²²

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid

²¹ Ibid

²² Habiba Elahi, *Women's Rights in Islam*, 2025 (n3)

As it is pertinent to mention that the original teachings of Islam represent equality, education, financial independence, freedom to women and gender justice is abundantly rooted in it, but due to selective interpretation and patriarchal ideologies of the authorities,²³ women's rights are in jeopardy.

The restrictive policies curtailing women's rights, freedom, autonomy and the severe limitations imposed on them are the reflection of that state's socio-political ideologies and its leadership²⁴. There is a connection between the Taliban's rigid ideology on women's rights and its subsequent decontextualized readings and selective interpretation of Islamic texts to impose its rules in Afghanistan. The Taliban, being the sole power structure or authority in that state, is defining and confining women's roles²⁵. This imbalance is purely arising out of the Taliban's patriarchal view of women and not the ideal views envisioned in the original Islamic text²⁶. These distorted narrations by the Taliban Regime establish a conditioned stereotype that blames Islam as a religion for the oppressed position of Afghan women.

The visions of the Taliban are enslaving women and curtailing them to an idealised societal obligation that they are made to follow. In Judith Butler's *Theory of Gender Performativity*, he states that the role of gender is itself imposed by societal expectations²⁷. This being the scenario, all the restrictions imposed on women are purely based on deliberate religious misinterpretation by the Taliban. Furthermore, different interpretations of religious text provide different perspective of how women's lives might subsequently change.

The misinterpretations promoting patriarchal customs had affected the true spirit of the Islamic doctrine²⁸. These extremist interpretations are denying basic rights, freedom and dignity to women. Furthermore, the rise of these extremist ideologies has intensified rigorous control over women's bodies and autonomy²⁹.

²³ Ibid

²⁴ Intan Erwani, Faculty of Cultural Studies, Universitas Sumatera Utara, Indonesia, *The Role of Women in Islamic Sacred Texts: A Critical Study of Women's Narratives and Authority in Islamic Tradition*, Pharos Journal of Theology, 2025

²⁵ Ibid

²⁶ Ibid

²⁷ Intan Erwani, Faculty of Cultural Studies, Universitas Sumatera Utara, Indonesia, *The Role of Women in Islamic Sacred Texts: A Critical Study of Women's Narratives and Authority in Islamic Tradition*, Pharos Journal of Theology, 2025 and Judith Butler, *Gender Trouble*, Routledge, 1990

²⁸ Umang, Amity Law School, Amity University, *Women and Religion: A Critical Analysis of Gender Roles and Religious Norms*, International Journal of Human Rights Law Review, 2025

²⁹ Ibid

(a) Taliban's restrictions on Women

It is a well-known fact that the Taliban regime has brought severe impediments to the growth of women and their welfare. Their policies and practices have caused gross violations and severe abuse of human rights in Afghanistan³⁰. Further, their policies, laws, and restrictions are in direct contradiction³¹ with the basic human rights guaranteed by the UDHR and other significant international instruments, thereby violating the Jus Cogens norms.

Severe limitations have been imposed on women, whereby they have been denied access to fundamental human rights such as education, employment, health care, the freedom of movement, political participation, freedom of choice, etc. Women's role in society has been diminished to a mere slave or subordinate. The imposed involvement of women in domestic tasks, and limiting their role as daughter, wife, mother, caretaker, reproduction machine, and domestic worker has restricted their voice, freedom, independence, basic rights, etc. It is pertinent to mention that these are not mere rules but strict and severely imposed conditions that bring severe punishment when disobeyed. Several women activists led protest are severely punished by the Taliban's Moral Police forces, which includes "*whipping, public stoning and execution*"³².

The status of women has not always been this restrictive; there were a few prominent leaders who paved the way for the promotion of women's rights in Afghanistan, such as King Amanullah Khan, King Mohammed Zahir Shah, and President Mohammed Daoud Khan³³. During their regime between the 1920's and 1970's, women were guaranteed several civil rights and were actively participating in education, employment and government service.

When the Taliban regime came into force from 1996 to 2001, their ruthless ideologies affected the women population beyond comprehension. This created a system of "*gender apartheid*"³⁴ that oppressed women further. From 2001 to 2020, after the fall of the Taliban regime due to the 9/11 attacks and the US-led interventions against Al-Qaeda, women's rights were restored; however, it was short-lived as their return to power in 2021 further deteriorated the

³⁰ Sebghatullah Qazi Zada & Mohd Ziaolhaq Qazi Zada, *The Taliban and women's human rights in Afghanistan: the way forward*, The International Journal of Human Rights, 2024

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ Ibid

conditions³⁵.

The blatant restrictions imposed on Afghan women by the Taliban policies are intended to relegate women to a position of sub human existence. The educational opportunities and their access have been severely limited for women. Girls are actively banned from attending schools above 6th grade and from enrolling in university education³⁶.

Women's employment rights have been snatched away. They are no longer allowed to work and have been banned from entering into jobs. This curtails their financial freedom and intensifies their dependence on men. Women cannot travel without a male companion. This rule has restricted freedom of movement.

Due to several travel restrictions and the prohibition of treatment from male doctors and the lack of female doctors, there is an impending women's health crisis. The lack of health care is proportional to the rising death rates of women due to be child birth and other reproductive diseases. No woman holds a government post under the Taliban rule. They have been intentionally left out from public sphere.

Rising voices against these ruthless policies are being cut down. Peaceful protests initiated by the Afghan women are met with serious consequences, such as *"arrest, detention, torture, abuse, forceful disappearance, confinement under dangerous conditions, and denial of due process³⁷"*. The Taliban undertakes such extreme measures to silence them.

(b) The Law on the Propagation of Virtue and Prevention of Vice Law (PVPV)

"This law was codified by the Taliban, complying earlier decrees into a comprehensive legal framework, and it's also known as the Morality Law³⁸". Its structures are often derived from a strict interpretation of Sharia law³⁹. Several restrictions have been legalised under this law. The public presence of women has been severely restricted; without a male companion, she cannot access public places⁴⁰. The major dress code restriction is that women must compulsorily cover their full

³⁵ Ibid

³⁶ Sebghatullah Qazi Zada & Mohd Ziaolhaq Qazi Zada, *The Taliban and women's human rights in Afghanistan: the way forward*, The International Journal of Human Rights, 2024

³⁷ Ibid

³⁸ Afghanistan Analysts Network, Unofficial AAN Translation, *The official gazette of Law on the Propagation of Virtue and Prevention of Vice*, 2024

³⁹ Ibid

⁴⁰ Ibid

bodies by wearing a burqa⁴¹. The harshest of them are women are no longer allowed to speak or sing in public places, and their voices have been concealed from being heard by other men⁴². The women must not have direct eye contact or speak with other unrelated men. Apart from this, morality enforcement⁴³ forces have been deployed to implement these codes and impose punishment for failure. This so-called morality law directly creates gender based restrictive policies and completely excludes women from public and social life.

(c) The Consequences

"Women are largely confined to their homes and are being erased from public visibility⁴⁴". It is pertinent to mention that the Taliban are systematically erasing⁴⁵ women from their public life by absolutely restricting their rights, thereby creating gender segregation or exclusion. This system, created by the Taliban, strips women of their independence and makes them dependent and vulnerable to their families, which again increases the rate of domestic violence at their hands⁴⁶. Due to complete restriction from secondary education and University and subsequent ban from work, girl children are pushed into early marriages, which again shifts them to a vicious cycle of poverty, reproductive-related complications, dependence and domestic violence⁴⁷. All these restrictions not only isolate women but also give excessive opportunity to their male companions or family members to control them and violate them further at home. These restrictions have a profound impact on their physical, mental and emotional well-being. *"The rigorous political or ideological radicalisation, systematic erosion and regressive interpretation of Islam"⁴⁸* by the Taliban has made Afghan women's lives miserable beyond words.

These systematic repressions are creating a dynamic where women's exclusion is perceived as normal and inevitable, and male supremacy is seen as its potential byproduct⁴⁹. This gendered exclusion is not something that takes form during *"visible battlefield violence⁵⁰"* but is

⁴¹ Ibid

⁴² Afghanistan Analysts Network, Unofficial AAN Translation, *The official gazette of Law on the Propagation of Virtue and Prevention of Vice, 2024*

⁴³ Ibid

⁴⁴ Women and Children Research and Advocacy Network, *The Impact of Taliban's Edicts on Women and Girls in Afghanistan, Research Report 2025*

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ UN Women, *Four years of Taliban Rule: Afghan women resist as restrictions tighten, Gender Alert: Afghan Women Resist, 2025*

⁵⁰ Ibid

acquiring its essence silently under the “*invisible forms of control*⁵¹” that happen inside the home or in a society that perceives women’s roles as outside the public dynamic. Further, these kinds of gender exclusions are strongly implemented and enforced through “*strict restrictions, surveillance, and the fear of punishment*”⁵² and have been normalised by society.

All these restrictions are enforced by the Taliban to maintain absolute authority and control over society (Afghanistan). One way to control a society is by controlling its women and preventing the discriminated from raising their voices. The reason why women's rights are predominantly controlled, made dependent and powerless is to reduce the opposition. The patriarchal dominance is being enforced in the name of religion. These religious policing creates fear and obedience and thereby suppress critics, scholars, journalists, and activists. Their rigid interpretation of Islam leaves no room for independent interpretation, thereby controlling the narrative of the religious text.

Through the rigid and absolute control gained from these restrictions, the Taliban gain political profit, through which they can justify their rule and avoid accountability by claiming divine authority. They are using religion as their shield to legitimise their rule and to suppress the voices. They gain control over economic profit through power concentration. They also gain strategic profit by maintaining loyalty through fear and extreme ideology.

The Taliban’s oppressive control is born out of the misuse of religion and not due to the religion itself. The majority of the Taliban’s interpretation contradicts the Islamic Jurisprudence, because in the original verses, women are treated as equal to men and they are bestowed with numerous rights such as education, work, political participation, inheritance, etc. Hence, this gender injustice is political and not Quranic.

(D) International Law and Women Rights

International law serves as a bedrock in promoting and protecting women's rights. It lays down a strong foundation for women's empowerment and addresses gender discrimination. The adoption of the Universal Declaration of Human Rights and several other international treaties has significantly focused on elevating women's social status by rendering equality between men and women.

⁵¹ Ibid

⁵² Ibid

The most important frameworks among them are the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture (CAT), and the Convention on the Rights of the Child (CRC)⁵³. These instruments establish a comprehensive framework for the protection of women's rights by imposing legal obligations on states to eliminate discrimination and promote gender equality.

These conventions obligate states *"to eliminate all forms of discrimination against women"*⁵⁴ and grant them the right to education, employment, health care, political participation, equality before law, freedom of movement, freedom of expression, right to development and adequate standard of living, protection against unlawful arrest, torture, cruelty, inhuman and degrading treatment.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is regarded as the cornerstone treaty dedicated specifically to women's rights. It requires States to eliminate discrimination against women in *"political, social, economic, cultural, and family life"*⁵⁵. Key provisions include *"equal rights in education, employment, healthcare, political participation, marriage, and family relations, as well as measures to remove gender stereotypes and discriminatory practices"*⁵⁶. The ICCPR complements CEDAW by guaranteeing women *"equal enjoyment of civil and political rights, including the rights to life, liberty, security, freedom of expression, freedom of movement, participation in public affairs, and equality before the law"*⁵⁷. Similarly, the ICESCR protects women's *"economic, social, and cultural rights by ensuring equal access to work, fair wages, social security, health care, education, and an adequate standard of living"*⁵⁸.

The CAT and CRC further strengthen the international protection of women and girls. The CAT *"prohibits torture and all forms of cruel,*

⁵³ Sebghatullah Qazi Zada & Mohd Ziaolhaq Qazi Zada, *The Taliban and women's human rights in Afghanistan: the way forward*, *The International Journal of Human Rights*, 2024

⁵⁴ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), arts. 2

⁵⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), arts. 2, 3, 7, 10, 11, 12, 15 & 16.

⁵⁶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), arts 11, 12, 15 & 16.

⁵⁷ International Covenant on Civil and Political Rights (ICCPR), arts. 2, 3, 6, 7, 9, 12, 19, 25 & 26.

⁵⁸ International Covenant on Economic, Social and Cultural Rights (ICESCR), arts. 2(2), 3, 6, 7, 9, 10, 11, 12 & 13

*inhuman, or degrading treatment and has been interpreted to cover gender-based violence, sexual abuse, rape, and other forms of violence against women*⁵⁹". The CRC "protects the rights of all children, including girls, by guaranteeing non-discrimination, access to education and healthcare, protection from violence, trafficking, child labour, sexual exploitation, and harmful traditional practices"⁶⁰". Together, these conventions recognise that women's rights are an integral part of human rights and require States to take positive measures to ensure equality, dignity, empowerment, and protection for women and girls in all aspects of life.

CHALLENGES

The Taliban, being the de facto authority in Afghanistan, incur state responsibility, under which they are accountable for all these systematic discriminatory practices that violate international law⁶¹. Further, all these international instruments have been ratified⁶² by Afghanistan, which binds the Taliban to act in accordance with them. Before the Taliban's rule, there were several laws that promoted the rights of Afghan women, i.e, the **Law on Elimination of Violence against Women (EVAW)** and several bodies such as the **Afghan Independent Human Rights Commission (AIHRC)** and the **Ministry of Women's Affairs (MoWA)**. After the Taliban's rule, these legislations and bodies were charred and remain ineffective⁶³.

Afghanistan is a party to the **International Court of Justice** and the **International Criminal Court**⁶⁴, though the same is being denied by the de facto authority (Taliban). This being the scenario, both these international organisations can initiate requisite actions against the Taliban regime. Though arrest warrants against the Taliban leaders for human rights violations against women are pending before the ICC, it is only through state cooperation can the real objective of these conventions can be effectively exercised.

SUGGESTIONS

The codification of gender apartheid⁶⁵ as a violation against humanity under international law will promote the interests and welfare of

⁵⁹ Convention against Torture (CAT), arts. 2, 12, 13, 14 & 16.

⁶⁰ Convention on the Rights of the Child (CRC), arts. 2, 3, 6, 19, 24, 28, 32, 34, 35 & 37.

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ Women and Children Research and Advocacy Network, The Impact of Taliban's Edicts on Women and Girls in Afghanistan, Research Report 2025

women.

- State cooperation in arresting the Taliban leaders and surrendering them to the ICC for prosecution through CEDAW or other international bodies will ensure accountability against the Taliban.
- Afghanistan, having ratified international conventions relating to women's rights, is legally mandated and have state responsibility to oblige, and the Taliban, being its de facto authority, must comply with it, and the sheer failure of the same must be met with dire consequences, such as, a severe diplomatic pressure⁶⁶ by way of sanctions and no trade policies must be imposed on them, to pressure the Taliban to act as per international law.
- Funding and supporting the women activists,⁶⁷ Women's organisations present in Afghanistan or other organisations that protect the well-being of Afghan women will create a safe space for women to initiate complaints, obtain support and pursue education from home.

CONCLUSION

From the perspective of a theist, religion is of a divine origin; from the perspective of a rationalist, the divinity of the religion is not questioned as long as it is carried out with reason, logic or evidence. In the literal sense, religion is a human-created system; it gives a structure and wholeness to the concept of God. Every religion is an outcome of humans' persistent act of forming a structure to absolve the chaos and to lay down strong principles that could aid a man in his actions and thoughts, and prevent evil or harm to society. Since only structure and order can suppress chaos, human society, for a very long time, right from the inception of the cognitive revolution, has created myths and structured religion so that people can work together in harmony and peace. Such being the scenario, problems tend to arise only when the authority in power tries to misuse religion for its own control and profit.

It is pertinent to mention that Religion has been used to justify systemic violence against women in many societies⁶⁸. The current situation of women in Afghanistan is pathetic, and is beyond human rights abuse; this systematic oppression is a **gender apartheid** carried out by the Taliban in the name of religion. The "*restrictive cum extremist interpretation*

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Umang, Amity Law School, Amity University, *Women and Religion: A Critical Analysis of Gender Roles and Religious Norms*, International Journal of Human Rights Law Review, 2025

*of the Holy Quran, selective cum decontextualised readings, distortion of original verses, incorrect justification, misled cultural practices and imposed conditioning*⁶⁹ are the root causes behind gender apartheid carried out by the Taliban against Afghan women.

This being the case, this research conclusively establishes that the Taliban's policies significantly restrict women's autonomy, rights, and freedoms, thereby violating women-centric international conventions. There is an urgent need for co-operative efforts of all international institutions and states to act with purpose and cohesion to end this gender apartheid in Afghanistan.

⁶⁹ Habiba Elahi, *Women's Rights in Islam: A Comprehensive Analysis of Quranic and Sunnah Teachings*, Institute of Islamic Studies, University of Punjab, 2025