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The fate of Afghan Women - Consistent violation of women's rights in Afghanistan: A Legal Study

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The Taliban emerged during the civil war that eventually resulted in the withdrawal of Soviet troops in 1989 chiefly in the Southwest and the Pakistan border areas. Their initial claims were that they would battle instances of corruption and security threats, but instead, they were close to embracing an austere style of Islam. By 1988, they had gained control of the majority of the country. The Taliban authorities have seized power quickly and exerts their violent dominance as they engaged in conquering strategies at lightning speed and the ease with which they establish supremacy prevails. The forces diverted strong control of Kabul on 15 August 2021 thereby operating a military offensive that started in the initial phase of May 2021. After being apprehended a few hours later, President Ashraf Ghani fled the country, worrying about his security and life threats. Most of the provincial capitals were already residing in succession amidst the US troop agreement that was resolved on 30 August 2021. The Taliban officials issued orders to respective forces to halt their ongoing advances at the gates of Kabul declaring that they have no intention to seize the city through forces and already made an entry in its outskirts.

Keywords: *civil war, troop agreement, taliban, islam.*

INTRODUCTION

The first question that comes to our minds is 'who are these Taliban', these are individuals who had emerged themselves during the civil war that eventually resulted in the withdrawal of Soviet troops in 1989 chiefly in the Southwest and the Pakistan border areas. Their initial claims were that they would battle instances of corruption and security threats, but instead, they were close to embracing an austere style of Islam. By 1988, they had gained control of the majority of the country. Their restriction restricts their hardline Shariah version of Shariah law, implementing punitive punishments. While the men were allowed to grow beards the women were strictly instructed to cover themselves in an all-covering burqa. Different forms of entertainment including TV, music, and cinema were banned. The Taliban authorities have seized power quickly and exerts their violent dominance as they engaged in conquering strategies at lightning speed and the ease with which they establish supremacy prevails. Before I divert the attention to the current tensions that surround the country, I would like to introduce the dilemma by explaining the Fall of Kabul (2021) for better understanding. The Taliban forces diverted strong control of Kabul on 15 August 2021 thereby operating a military offensive that started in the initial phase of May 2021. After being apprehended a few hours later, President Ashraf Ghani fled the country, worrying about his security and life threats. Most of the provincial capitals were already residing in succession amidst the US troop agreement that was resolved on 30 August 2021. Next concentrating on the Capture of Kabul, the scene went somewhat like this. On 15 August the Taliban officials issued orders to respective forces to halt their ongoing advances at the gates of Kabul declaring that they have no intention to seize the city through forces and already made an entry in its outskirts. One such Taliban commander, Muhammad Nasir Haqqani, informed that he had already arrived at the gates and was unable to spot a single soldier or policeman in vision. Regardless of any officially proclaimed announcements, locals reported that the fighters had successfully advanced into the urban areas regardless of any officially announced declarations.

Talking on their impact on civilians, the Taliban advances created tensions and provided alarming notices to the residents. The locals, including women, were fearful even thinking

about the refurbishment of Taliban rule and conveyed feelings of both betrayal and abandonment by the Ghani government and NATO allies; a minority group of residents celebrated their advancements. Zarifa Ghafari, working with the defense ministry informed the media that there wasn't anyone to help her or her family. She was just sitting with them and her husband. She is left with no other option but to sit and wait unless they come looking for people like her and kill her. She isn't in a position to leave her family and leaves in a dilemma about where would she go. It was also brought to knowledge that sales of burqas otherwise recognize as Chadaree rose under the Taliban regime with its price increasing from 200 to 3000 (approximately US\$2.50 to \$37.25) in terror that the authorities would re-impose the above being mandatory on women and target those who refused following them. An absurd atmosphere continues to worry the commoners on their dilemma of what's next and for the women who's next. Various reports have stated that the authorities have banned all forms of educational standards connecting women and girls with restrictions including stoning, lashing, and amputation thereby confining women within the four walls of their houses unless escorted by a male family member, who consistently denied them equal access to most employment opportunities.

I would take forward my discussion by discussing the treatment of the women as subjected by the Taliban. They were branded as notorious by world standards for their misogyny and violence against women during their brief reign in Afghanistan (1996-2001). They stated clearly that their goal is to create a safe environment in which women's chastity and dignity are once again valued, based on Pashtunwali values about living in purdah. Since the authorities seized the majority of areas in Afghanistan in 2021, there is an existing number of concerns. Women were compelled to wear burqa whenever they went out in public, because one such spokesperson believed, "the face of women serves as a source of corruption" for those men who weren't similarly related to the above group. Simultaneously, in assembling an effort dependent on systematic segregation otherwise classified as gender apartheid, women were consistently excluded from work or get educated after eighteen years and were exclusively permitted to study the Quran. Women who had the fortitude to seek an educational scenario were required to be present in secret schools wherein they and their

teachers were vulnerable to being executed if they were discovered. Moreover, they weren't assured permission to be treated by male doctors unless accompanied by a male chaperone, often resulting in common illnesses going untreated. For breaking Taliban laws, they were sent to public flogging and execution. In some situations, however, the government did allow for girl weddings under the age of 18. Furthermore, according to Amnesty International, about 80% of Afghan marriages are arranged by force.

THE RIGHT TO EDUCATION PROVIDED UNDER THE RULES OF AFGHANISTAN

The term '**education**' holds significant importance in our lives including that of Afghan women who are consistently denied the same. Education is recognized as the fundamental basis of social work as per community standards. It helps offer a bright future for all individuals. Access to education has been recognized as the fundamental right of every individual, principally women in concern regardless of respective race, family norms, knowledge of the language, social standards, etc. The educational sphere formulates an inherent change in their mental and social aspects to examine, contemplate and be accurate. Over the past 20 years or something, brief progress had been initiated for girls receiving education in the state. At one instance there have been resultant attacks on various schools and villages drastically enlarged while on the other international support has slowly declined. It is being apprehensive that around 1 million children would unquestionably miss out on education. Before moving on to the current situation that is faced by the women of Afghanistan it would be reasonable to discuss the right to an education that was initially guaranteed under the rules of the country which otherwise promised to safeguard them. The state of Afghanistan has affirmed that women continue to study without facing any legal hurdles in the field of education. The Islamic law confers the fact that any individual can choose to pursue the road to education and both sexes have been ensured with equal rights. Women have been provided with some added privileges. The tenets of Islam have pointed out that if an individual has three daughters or sisters in the family and up brings them in a well-phased manner, he is carving the way to heaven. According to Article 21 that was imbibed in its new constitution, any form of discrimination aimed at the interest of both men and women

is forbidden, and the law applies in an equal manner for all its citizens. Article 43 and 44 of the Afghan constitutions exclusively state that its citizens are legally entitled to the primary right to education. Article 43 ensures unrestricted free edification up to degree level. The government provided all relevant opportunities to its people, predominantly in nationwide languages.

Article 44 focuses exclusively on women's elementary standards. Besides, both the Central and State governments are also accountable for executing different educational programs thereby applying relevant measures that would encounter illiteracy in Afghanistan. Evidently, Afghans have the right to study and that nobody should remain destitute of their constitutional rights. Inopportunately, various issues pertaining to the lack of security measures—one of the major reasons for not being in a position to exercise the right in legal terms. Depriving women of their educational opportunities is considered an offence under Article 35 and are subjected to six months imprisonment. In infringement of the Afghan constitution as well as Islamic law, women, in particular, come across several difficulties being applied to misguided customs that prevent them from implementing the same in proper terms. Nearly 90% of the population has been living in extreme conditions and is illiterate. The 'Right to Education' was conventionally formulated in international documents, specifically in the Universal Declaration of Human Rights and the Convention on the Elimination of Discrimination intended against women. Its introduction subsequently took place on 18th December 1979 had in due course noted that the United Nations Charter formulates equal rights and non-discrimination for every individual. In an attempt to address the respective concerns, various countries have signed the above Convention wherein it was decided:

- Women should be guaranteed their right to equality to stand at par with men in professional education.
- They should be provided with the same set of rights previously ensured to men, with better accessibility of resources.
- To promote a striking effort in training and curriculum reviews of books and related courses.

- Establishing planning schemes in the promotion of women's educational standards and literacy to help narrow down the existing gap between men and women.
- Implementing schemes that would address the consistent rise in school dropout rates among girls.
- Including relevant information targeting educational norms, family planning, etc.

Article 26 formulated at the Universal Declaration of Human Rights strongly upholds the right to education being equally guaranteed to every individual. It is visioned to be the same for both men and women in an equal manner. Back in 2002, the overall significance of their educational importance was realized at the worldwide level, in the Dakar World Forum on Education that was attended by 180 countries wherein a reform was formulated that by 2015 every child would be capable to attend school level education.

THE SCENARIO BACK IN 2002

Since 2002, the scenario was somewhat different wherein millions of Afghan girls displayed courage in attending school in cities controlled by the Afghan government, and women have taken an active role in the public sphere as well as exerting political framework in significant numbers than ever before in Afghanistan's olden times. Such a set of gains proved to be fractional and flimsy even in areas under the control of the government. Despite consistent efforts on part of both the government and donor-funded agencies, resultant programs have led to a substantial increase in the total count of girls enrolled in school-level education. It was statistically calculated that the total number of girls enrolled in school at the global level began experiencing a gradual decline after 2014 owing to insecurity measures, discrimination, corruption charges, and diminishing funding strategies. Even though Taliban officials have no official statement that curbs girls' education, quite a few are allowed to attend school past puberty whereas others don't permit girls' school at all, no matter what the situation is. Today, they might inform that you are capable to study till the sixth grade whereas the next day considering someone else's situation might even exclude the concept. Taliban officials operating in Kunduz districts were tolerant to girls attending primary education and in certain cases, both girls and women were allowed to travel across government-controlled areas to

attend respective schools and colleges. The prevalent situation visions closely regulated districts in Helmand province, possibly lagging explicit functioning of such schools leaves alone secondary schools. Additionally, the rural districts lagged in similar functioning despite being under governmental surveillance. Especially in these areas where the Taliban have gained force, various NGOs running communities have been operating to enable girl students to derive their basic right to education wherein no other schools are made accessible to them. The severity struct precisely wherein some districts have accordingly imposed “taxes” on teachers’ salaries, therefore, threatening both teachers and residents whose relatives have been teaching in adjoining government-regulated areas. Taliban officials have made comparable statements, claiming that for security reasons, disparities in the educational sphere exist between districts and provinces resulting in acceptance of girls’ educational backgrounds within community standards. In certain parts of Afghanistan, there is consistent opposition to their educational standards. Furthermore, there is resistance in terms of education in several areas of Afghanistan.

Nevertheless, Taliban and provincial authorities have helped govern the application of pertinent policies under controlled areas. Such unreliable approaches aiming for girls’ education reflect the conflicting views relating to Regional Taliban leaders. In special cases wherein certain districts, localized demands for education have consistently induced or duty-bound Taliban authorities to uptake a liberal approach.¹

THE GOVERNMENT ISSUES NEW RULES FOR WOMEN WHO SHOW COURAGE ATTENDING UNIVERSITIES

The world is preoccupied with the lens of consistent conflict wherein different scenarios have taken effect in the state of Afghanistan, the center of the struggle. **Abdul Baqi Haqqani**, the new education minister on a particular Sunday picturized a complete set of views concerning the women. At one level, women engage themselves in different universities together with post-graduate level students, and on the other level, the classrooms have been segregated

¹ ‘Afghanistan: Taliban Rights Efforts Fall Far Short’ (*Human Rights Watch*, 30 June 2020) <https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held> accessed 03 September 2021

based on gender with the added consequence that arises compulsory flowline of Islamic dress. He well indicated the fact that women would be allowed to study, but their consistency wouldn't be at par with men. Furthermore, he made appropriate announcements for the review of subjects included in the curriculum. In the current scenario, the Taliban have stated that they would not prevent women from being educated or having their desired jobs. Earlier that day, he laid down some of the newly segregated policies upheld at a news conference, quite a few days after the country's rulers framed its all-male comprised government. Such an eventual event was addressed on Saturday wherein they raised the flag over the presidential place that singled a new era of their government.

Meanwhile, the world continues to keep a close watch on the Taliban's regime ensuring its changed approach from the initial period wherein it came to power, in the late 1990s wherein it has denied both girls and women from getting educated and were subsequently excluded from the public sphere. The authorities made suggestive measures that they have changed, including the stern attitude that was previously addressed to women. Nevertheless, women candidates have been isolated from specific sports events alongside the authorities that continue to exert force against women protestors challenging an equal share in rights. Taliban have used violence in the current times against the women protestors who have been demanding equal rights and opportunities as reported by the US-based agency The Christian Science Monitor. He strongly formulated that the Taliban had no intent to turn the clock followed 20 years back, and was sure to construct the building owing to the current times. Despite all such acceptances, the real implementation visions a different perspective for women. Various female universities have been imposed with restrictions together with an obligatory dress code. Additionally, Haqqani hijabs have been made compulsory as face coverings as well. Gender segregation should be followed which means co-education would not be implemented at any cost with consistent review of subjects even at the school level. While he ignored any such further elaboration on the issue, he sought graduates attending university-level education to fully attain their competitive superiority with the rest of the world. The authorities have subscribed to the strict application of Islamic practices, banned all forms of music and art during poverty play. During the initial period, women have been asked

to return to their scheduled workplaces, television continues to remain around and the news channel still focuses light on female presenters, but then again the Taliban messaging stands erratic. Music had been banned as per Sharia guidelines, followed by feminine voice notes reflected on both television and radio platforms exclusively in Kandahar. The Taliban confidently stated that singers and filmmakers would be required to alter their respective professions unless assessed against the Shariah.²

“A woman can't be a minister; it is like you put something on her neck that she can't carry. Women don't need to be in the cabinet – they should give birth. Women protesters can't represent all women in Afghanistan,” the above were the comments put forward by Sayed Zehrullah Hashimi, a renowned Taliban spokesperson at YOLO News, a popular Afghanistan News Station on 10th September. By the time, the Afghan women had already taken to the local streets demanding equal rights and opportunities across all spheres. On one hand, the authorities hadn't formulated active participation on their behalf and the other spokesperson believed that female candidates weren't needed in the cabinet. The majority of students attending university opted to either cover themselves in headscarves or were forced to abide by the proposed rules treated parallel with tradition. Considering the elementary-high school scenario where both boys and girls have been taught unconnectedly and idiosyncratically even before the regime gained power. Girls attending high schools were instructed to properly get dressed up in tunics and headscarves. Furthermore, jeans, makeup, and jewelry have not been permitted.³

THE NOTION THAT PROTESTING WOMEN DON'T HELP REPRESENT AFGHANISTAN AND NOT A SINGLE WOMAN ADMITTED IN THE CARETAKER CABINET

² Poulomi Ghosh, 'From music to women's education in Afghanistan: What Taliban said so far' (*Hindustan Times*, 29 August 2021) <<https://www.hindustantimes.com/world-news/from-music-to-women-s-education-in-afghanistan-what-taliban-said-so-far-101630257015180.html>> accessed 15 September 2021

³ 'Taliban issues new rules for female university students' (*ANI*, 13 September 2021) <<https://www.aninews.in/news/world/asia/taliban-issue-new-rules-for-female-university-students20210913232744/>> accessed 15 September 2021

It has been speculated that the authorities strongly bifurcate the opinion that women protesting on the streets don't help represent their country. Most of them come either from Kabul or adjacent cities in Afghanistan and have by now arrived in greater numbers on the streets thereby staging violence that demands equal share in rights and recognition back in their workplaces and educational centers. To its response, Taliban forces have reflected destructively by retaliating with force in dealing with the protestors and have also snatched away the posters. Video clips have flogged the internet and have clearly captured the social media platforms with extreme atrocities caused by Taliban fighters who lashed out with whips on the commoners consisting of both women and men. Hashimi stalwartly believes that the above-classified group doesn't represent the whole of Afghan women of Afghanistan. Moreover, women in their true sense refer to those who usually give birth, educate their children on Islamic ethics as quoted by the Spokesperson.

NOT A SINGLE WOMAN TO BE ADMITTED IN THE NEW TALIBAN CARETAKER CABINET

Within a duration of three weeks or so, the Taliban swiftly brought the country as on 15th August coupled with the instantaneous announcement of the formation of a new cabinet that is imbued with the responsibility of regulating the country at their fingertips. The newly formed cabinet was far from being "inclusive" and "representative" as undertaken by the militant group. The new cabinet now consists of 33 members, out of which almost 17 were identified as terrorists by different countries as well as international organizations together with the new PM Mullah Hasan Akhund. It isn't shocking that there isn't a single woman in the newly established cabinet which indicates the negligible representation of ethnic minorities.⁴

PRESENT STANDARDS OF WOMEN'S EDUCATION SO FAR

From here onwards I shall discuss the present standards of women's education in Afghanistan

⁴'A Woman Can't be a Minister': Taliban Spokesperson Sayed Zekrullah Hashimi' (*The Quint*, 11 September 2021) <<https://www.thequint.com/news/world/a-woman-cant-be-a-minister-taliban-spokesperson-sayed-zekrullah-hashimi-on-women-rights-and-protests#read-more>> accessed 25 September 2021

Separate private universities have already resumed classes in the country as pictured by sources that portray students sitting in their respective classrooms subdivided with drapes that soon took a toll on the social platform. Earlier the week, the afresh formed all-male interim government had permitted female students to regularly attend classes provided they abide by the stated restrictions that are otherwise severe. It is common to observe that co-education has been in conflict with Islamic principles and nominal values are aimed against customs and traditions practiced by Afghans. The government provided for separate entrances considering the condition of both males and females. Universities should either construct time schedules or ensure proper partition in the classrooms for respective genders. Further, female lecturers would be permitted to teach their female students solely. It has been speculated that the privately operated universities should have a count of 2400 students out of which 60 percent comprised of women. At the end of the week, the university realized it was definitely not easy to organize smooth functioning of classes as the majority of the teaching staff fled after the Taliban's take over. Correspondingly, the director of the Gharjistan University informed AFP that around 10-20 percent out of 1000 students who enrolled last year failed to return to the campus last week. Furthermore, 30 percent of the students took their leave with the collapse of the government. Additionally, students and teachers consciously expressed specific safety concerns as the majority of them fear walking in the streets, excluding universities. There has been a striking increase in overall female enrollment numbers i.e. from almost zero in 2001 to 2.5 million in 2018. According to UNESCO's Press Release, 4 out of every 10 students are girls as reported in 2021.⁵ The new Taliban rulers propagated the establishment of a ministry further preserving the "propagation of virtue and prevention of virtue" subsequently held the agenda of the Women's Affairs Ministry. It came as a troubling sign wherein the Taliban focused their restrictions considering women's rights as they belong within the parameters of the governmental arena. An advanced sign was established outside the women's affairs ministry that announced would be addressed as the "Ministry for

⁵ 'Explained: What have Taliban said about women's education so far?' (*The Indian Express*, 15 September 2021) <<https://indianexpress.com/article/explained/afghanistan-women-education-gender-segregation-universities-lack-funds-staff-7508337/>> accessed 25 September 2021

Preaching and Guidance and the Propagation of Virtue and the Prevention of Vice.”⁶ The Ministry was replaced with the Taliban's police force. Reuters had additionally reported that female employees were locked in the building arenas.

WOMEN'S RIGHTS IN TALIBAN'S AFGHANISTAN

Within a small fraction of time, the Taliban authorities took adequate control of Kabul in August after which a successful press conference was held in which **Zabihullah Mujahid** asserted the rights of women and stated that their rights would be sustained within the realm of Islamic law. It was speculated that women are capable of exerting an active role in society but provided the same must take place within the framework of Islamic principles according to Mujahid. He pledged to abide by the rights provided they restrict themselves within Islamic ideologies but displayed a casual approach regarding their limits. They issued that at the international level, there would be no form of discrimination against women. He further added that women should be permitted to rightfully work and receive their desired educational standards. However, the above proved futile to offer definite possibilities. Such a diverse range of restrictions relating to women's attire, professions were exposed to obvious potentials like gender segregation was eventually imposed- thereby causing various individuals either inside or outside the country to fear some of its vilest uncertainties applied on women's autonomies. In certain areas that came under the domain of Taliban control, the group forced limitations on females. They were prohibited from parting their houses without the company of a male member either a relative or known one thereby compelling them to dress up entirely in burqas. The chief superiors necessitated families to judiciously hand over their unmarried women to the fighters. Back in the city of Kabul, beauty parlors have either been painted or ripped over. Female teachers have been stopped from teaching boys, and female journalists have been stopped from going to work. The bright future of women seems austere at the foremost moment with the women who possibly lagged courage to back out.

⁶ AP, 'Taliban replace ministry for women with 'virtue' authorities' (*The Hindu*, 19 September 2021) accessed <<https://www.thehindu.com/news/international/taliban-replace-ministry-for-women-with-virtue-authorities/article36546937.ece>> accessed 26 September 2021

It's been two weeks already for Afghan women to launch protesting demands intended against the officials in Kabul and its adjacent cities that have been constantly demanding equal rights and opportunities.⁷

Amidst the takeover of Afghanistan, fears have been continuously stirring among Afghan woman who continues to suffer punitive treatments that they had initially encountered during the early 1990s. The estimated period served as one wherein the Taliban levied hard-liner clarifications of Sunni Islam that ultimately helped declare Afghanistan as a pariah state. Throwing light unambiguously on the certified position of Taliban plainly targeted at women, to seize Afghanistan's control, the officials led the development of a moderate image as compared to the time they lost power in the 1990s.

HAS THE TALIBAN CHANGED?

Despite the rhetoric impact on women's rights exerted by the Taliban leaders, there is still a major disconnect existing between the statements they issued on the TV interviews and what they practicality did at the ground level wherein their commanders imposed severe rules. With the advent of the Taliban's power play in Afghanistan, everybody counting women were accordingly scared for their dignity and civil liberties. Such a promising nature of the Taliban includes many who continue being anxious that the military group hasn't reformed its overall mindset so far. The filmmaker Sahara Karimi posted a video on her social media handle highlighting the ground situation in Kabul after the authorities stormed the capital with both force and violence. She stated that he was in the hospital after her brother suffered a neurotic heart attack and she was there to take care of him. On getting the news of the authorities who had by the time captured the state, she was asked by the Bank Manager to leave the place at the earliest. She was unable to get a taxi and was informed to take the back door for her quick escape. On the way, she decided to go live wherein she told the world of what the situation

⁷ 'Women whose work can be done by men to stay at home, says Taliban Mayor of Kabul' (*India Today*, 20 September 2021) <<https://www.indiatoday.in/world/story/women-work-men-stay-at-home-taliban-mayor-kabul-afghanistan-1854691-2021-09-20>> accessed 26 September 2021

was and how it had been affecting the people.⁸ Two Afghan journalists were then trampled in police custody for making relevant exposure of the continuing protest by women in Kabul wherein they were detailed by the authorities. Zaki Daryabi, the founder and editor of Etilaat Roz newspaper took the help of social media to share a glimpse of the atrocities that had taken place. They looked bruised and were cut in the images that later were verified by Reuters. "But can we trust the Taliban on women's rights" has resulted in being one of the favorite questions frequently asked by journalists in recent years? Initially, the answer was "no" and now the above doesn't even matter. Afghan women were already living in an atmosphere of uncertainty and the same was replaced with terror and misery.

AFGHANISTAN: TALIBAN'S INHERENT ABUSE ARISES WIDESPREAD FEAR AMONG GIRLS AND WOMEN

The government exerting force in Afghanistan's western city of Herat has been committing popular human rights violations in opposition to dilemmas formulated by girls and women as stated by Human Rights Watch and the San Jose State University Human Rights Institute. August 12, 2021, while the Taliban took overall control of the metropolis, the government imparted worry in the minds of girls and women using insightful high-profile girls; denying their liberty of moving out of their doors; applying obligatory dress codes by subsequently curbing out employment potentials, education and restricting the right to peaceful assembly. Women living in the city informed the two organizations that their lives lay in the periphery of devastating circumstances the moment the Taliban gained powerplay within its boundaries. Before the Taliban took control, the women had been living in smoothing conditions redefining their scheduled lives. The majority of them were either employed outside their homes or were students shaping an active leadership role in their respective communities. Immediately after the authorities took over the entire administrative roles, they found their existence trapped indoors, terrified to step open-air without being accompanied by a male family member, or because of the all-encompassing dress restrictions with their access to

⁸ Sneha Mordani, 'Taliban haven't changed: Afghan women leaders claim threat to life, rights' (*India Today*, 22 August 2021) <<https://www.indiatoday.in/world/story/taliban-afghanistan-women-leaders-threat-to-life-rights-1843902-2021-08-22>> accessed 27 September 2021

education and employment that changed essentially for once and all. They complained of economic anxieties due to lost income and inability as they did earlier. There was an atmosphere stirred with constant distress and mental health consequences as their dreams abruptly came to a halt and there seemed no way out. Though the women remained unscathed but were forced into a diminished existence that ruined their lives. Human Rights Watch and the SJSU Human Rights Institute cooperatively conducted Dari-language telephone interviews with seven women in the city together with activists, educators, and students relating to their experiences in the Taliban dominance. Additionally, the women correspondently addressed fear and worry regarding their safety concerns.

The above-mentioned women were the first to rightfully organize protests in terms of defense seeking fortification of their rights after the Taliban gained control of Kabul including the adjacent countries surrounding it. Moreover, a clear clarification on part of both the organizers and protestors that they wouldn't engage in anti-Taliban protests or favor of former government but exclusively went about demanding respect: to live without dread of reprisal aimed against them or their family members; to safely return to their jobs without requiring a mahram and girls above sixth-grade should return to their schools. With the authorities having gained control over the captured territory, women eventually approached the local Taliban leaders to evaluate their rights, and days later they were lastly tolerable to get face to face with their representatives. Despite the flexible nature of the officials, they were informed that they need to stop insisting on their rights and if displayed proper insights by supporting them, they would be handsomely rewarded with amnesty of past activities and might even occupy new positions in their newly-established government.

Some of these women were lastly left with no other choice but to protest in the mere hope of getting their demands heard accordingly. At the collective level, they did organize two significant demonstrations; the foremost was organized on 2nd September and the 2nd attended by around 60-80 women alongside the Taliban who lagged interfering signs. However, the utmost response stressing to the second protest that took place on 7th September was somewhat violent and abusive. In response, the agitated fighters violently lashed on the

protestors with indiscriminate firing with constant attempts to disperse the crowd gathered via the killing of two men and wounding at least eight. Their subsequent attempt was the banning of protests didn't impose prior approval from the Justice Ministry in Kabul with additional orders coming from the organizers to include relevant information relating to protests and slogans on requests upheld by the ministry. Women had the right to express their views on all matters whether crucial or meager especially the basic rights- to study, work and even leave their homes and are in jeopardy as stated by Heather Barr, a well-known associate of women's rights director at Human Rights Watch. The authorities have compounded dissimilar abuses committed against women wherein they are denied the right to counter out atrocities committed. The inclusive experience that women were exposed to arose grave concerns in terms of leadership strategies in Kabul who willingly took control of the actions concerning its members across the country on innumerable civil liberties including human rights. The leadership has to rightfully ensure appropriate statements upholding various rights that ought to be respected for practical implementation across Afghan provinces.⁹

THE COUNTRY CANNOT SACRIFICE WOMEN'S RIGHTS AT THE ALTAR OF GEOPOLITICS

Afghanistan remains at a standpoint as a 'poster child' of landmark UNSC (United Nations Security Council) Resolution 1325 (2000) pertaining to women, peacetime, and security apprehensions. There was a brief demonstration redefining the elements of women's power of speech, involvement, and required leadership skill-building schemes in peacekeeping schemes and peacebuilding buildings that are otherwise crucial to clearly achieve sustainable peace modes, developmental strategies, and just society. Contrariwise, various women's rights have been constantly violated and they have been accepted from major governance decisions, peace-making reforms, and nation-building, the overall conflict has therefore become pervasive.

⁹ 'Afghanistan: Taliban Abuses Cause Widespread Fear' (*Human rights Watch*, 23 September 2021) <<https://www.hrw.org/news/2021/09/23/afghanistan-taliban-abuses-cause-widespread-fear>> accessed 27 September 2021

Both the issues including the role and rights relating to women have taken an unexpected turn in being center-stage with the gradual Taliban takeover. Moreover, Taliban 1.0 notorious for its suppression has resulted in infringement of women's rights, religious extremism, and terrorism. In 20 years of the American/ North Atlantic Treaty Organization (NATO)'s presence, the UN-supported sequential Afghan government efforts that laid the foundation of gender equality and women empowerment thereby framing a similar basis in the political, social, economic, and cultural sphere despite the attacks driven by Taliban. Nevertheless, well-defined meaning gestures dealing with western powers and the UN to include women on the stage as peace actors in politically driven negotiations, exist as marginalized in central parleys in Doha and elsewhere. The US's prestigious withdrawal from Afghanistan made Afghan women and girls vulnerable to the loss of their rights, politically orphaned, and left at the mercy of a developed misogynist, Islamic, and militarist Taliban 2.0 regime. After the takeover by the authorities, the UN reported "incredible fear" and constant uncertainty among women and girls, family members, and supporters at the international level. Their constant claims that women's human rights would be protected within the Islamic Shariah Laws serve as an understatement for severe curtailment of their rights. Various reports have stated that group gangs have been going around terrorizing women, flogging the streets, compelling women to exclude themselves from their workplaces, and going back home in an attempt to enforce Islamic morality. The new regime sought to establish the full black burqa mandatory, forbid them from actively engaging in workplaces, restrict their right to education, and cite their incapacity to carry its weight around their necks. While women proved their bravery by coming out to protest politically, the Taliban proved quick to crackle down and prohibit the ongoing protests. UN Women that initially supported a network of Afghan women's human rights advocates, defenders, and organizations existing in civil society had expressed grave concerns that uphold women's human rights and might be hounded and harmed.

Most of the International concerns involving women had been prominently articulated the respective issues in the India-chaired landmark UNSC Resolution 2395 (2021) on 30 August that singled three landmark benchmarks on their rights that the authorities would sacrifice similar gains in human rights and rule of law for the past 20 years, respect and protect

women's rights and minorities thereby forming a group of inclusive government members through conveyed settlement at the political level with equal, equal and meaningful women participation. Pakistan's PM Imran Khan has publicly declared that their rights cannot be imposed from outside and Chinese and Russian have been constantly holding back the UNSC Resolution, the Taliban regime had slightly slighted these injunctions. While the authorities have expressed distress concerning the civilian population the UN's humanitarian aid appeal of over \$600 million in terms of yield resources. Hence, women's rights are in proxy owing to the sacrifices made at the altar of politics.¹⁰

COLOURFUL AFGHAN ATTIRE COUNTERS TALIBAN DRESS CODE

Coming across the relevant photographs of specific black-clad women who were covered in full-fledged veils at a Pro-Taliban rally accordingly in the cities of Kabul, Bahar, Jalali a recognized Afghan-American historian focusing on the pulsating color scheme in traditional Afghan dress code. "I was very concerned that the world would think that those clothing worn by those women in Kabul was traditional Afghan clothing and I don't want our heritage and culture to be misrepresented."

She took to social media by highlighting the hashtag **#DoNotTouchMyClothes** and **#AfghanistanCulture** with women posting photos of themselves dressed up in intriguing, embellished Afghan attire with pleasant faces.

"Afghan women don't usually wear hijab", she expressed the AFP.

"We wear a loose chiffon headscarf that usually reveals our hair. And anybody familiar with the country's history, culture is aware of the clothing worn by those women who had never been seen before here," she added addressing numerous demonstrators at the continuing protesting event at a University-level lecture in Kabul, in the former month. Around 3000 females were spotted in all black from head-to-toe following strict policies especially in the

¹⁰ Lakshmi Puri, 'Afghanistan: Don't sacrifice women's rights at the altar of geopolitics' (*Hindustan Times*, 20 September 2021) <<https://www.hindustantimes.com/opinion/afghanistan-don-t-sacrifice-women-s-rights-at-the-altar-of-geopolitics-101632141186479.html>> accessed 20 October 2021

educational sector under the regime-waved Taliban flag alongside the speakers who conducted rallies against the West thereby voicing their supportive attitude.

“Afghan women don’t dress the way they are instructed. They mostly dress up in colorful clothes that they show the world.”

Their rights were sharply curbed under the persisting regime that sparked throughout 1996-2001. Since they returned to power, they made claims to contrivance a life-threatening rule. At one instance they wouldn’t be permitted to continue their university-level education as long as appropriate measures ensured segregation by sex or were separated by a curtain and on the other women would be trained to wear abaya robe and niqab thereby covering face and body perfectly. She still recollects the country existing under the domain of secular rule with a few outfitted in short-length skirts and sleeveless dresses roaming on the streets while others were compelled to wear headscarves.

NOTABLE INSTANCES HIGHLIGHTED SO FAR

Thousands of women had been protesting outside the domain of United Nations headquarters in the city of New York over serious violations concerning human and women’s rights thereby opposing the Taliban imposed restrictions. There have been some notable instances that were brought to light like Shakila Majadadi, a popular women’s rights defender took consideration. She further added that United Nations should stalwartly focus on different limitations imposed by authorities on their commoners, particularly women; that is what they deserve in the right manner. Innumerable activists have alleged that they aren’t able to endure their prearranged activities. Roya Afghanyar has been constantly working as a women’s rights activist for the last 20 years due to the downfall of the Ghani government. She even added that she wasn’t able to continue her arranged schedules. All the respective women have been residing in extreme conditions and consequently lost their rights to education and work. Additionally, female political leaders who originally attended United Nations Assembly in New York called for Afghan women’s rights shouldn’t be snatched away and duly respected in a dignified framework. Dissimilar female leaders in the announcement introduced by

Slovakia resident Zuzana Caputova and the Icelandic PM Katrin Jakobsdottir made it virtually clear that they would continue following significant developments thereby listening to the voices of Afghan women and girls as conveyed by YOLO news platforms. Further, they said that they would inform all the authorities to prevent existing forms of violence targeted at women and girls. Different female politicians had engaged in meeting with UN High Commissioner dealing with Human Rights agendas stated that females should retain their rights.¹¹

WHERE DO WE STAND- TALIBAN'S STRIKING BLOW ON AFGHANISTAN WOMEN'S BLEAK EXISTENCE AND RIGHTS

The Islamic law confers an individual having the right to pursue education and both sexes being ensured equal rights. Damages did in the name of religion, not just for an individual but for all of the world's major faiths. Taliban tightened restrictions on its women, as the present Chancellor announced that the above class is barred from the institution either as an instructor or student. He obviously assumed that unless an actual Islamic setting isn't appropriated to them, women wouldn't be allowed to be present at universities or work, prioritizing their religion. The misrepresentation, misuse, and manipulation of religious scriptures influence social and cultural norms, including their daily lives. It must be taken into consideration that individuals shouldn't be subjected through a religious lens. The primarily recognized strategies resonate wherein Taliban authorities practiced power play during the 1990s. The mentioned period is pragmatic wherein women were allowed in the public sphere if accompanied by male individuals either a close relative or family member and would then be compressed for defying the said orders and kept far away from schools and colleges. Various individuals including the female staff members who had seen the light of relative freedom that persisted for over two decades questioned the idea formulated by the Taliban's monopoly on their definition of the Islamic faith. The universities are visualized as holy places and signify nothing un-Islamic were the words of one such female lecturer. There is a lack of fruitful hope

¹¹ 'Hundreds protest outside UN headquarters over women's rights' (*The Times of India*, 27 September 2021) <<https://timesofindia.indiatimes.com/world/us/hundreds-protest-outside-un-headquarters-over-womens-rights-violations-in-afghanistan/articleshow/86546408.cms>> accessed 22 October 2021

that the entire higher education system would be able to get back its prior position until these authorities continue to rely on their vision and are obstinate in their attitude towards the women. Tens of thousands of students are forced to stay back home because their schools remain closed. Kabul University is considered as the home to the nation of Afghanistan that consequently became the hub that promotes barring of females from teaching or studying in Afghanistan. Why despite being equal in eyes of God, they aren't equal in the eyes of men. The institutions are dominated by such men who instill similar leadership and create policies in their likeness.

The basic foundation is grounded meaning economic and full participation of women is far. The progressive world includes these Taliban authorities who are bound in their unaware and unprogressive atmosphere with no intention to ensure equal rights and opportunities to them. These armed individuals witness the world from the lens of violence and inferiority against a specific community mainly Muslim women. Women are respected across the corners of the world with their rights and dignity being a nation's priority wherein the Taliban emerges as a group that refuses this fundamental. The issue is indeed a serious human rights violation and deeming for those who fall within the periphery of the religion. Citing religious scriptures for their defense has paid off. Both these terms women's rights and religion aren't militarily exclusive indicating the women are fearless while they decided to stop giving their positions, refuse to remain silent within their houses, and protest for getting themselves heard.

The Taliban officials have repeatedly stated that they would grant women their set of rights **"within the framework of sharia law,"** which is otherwise absurd and signals their causal attitude which is otherwise mixed and shifting. The statement that women should be able to return to their respective workplaces until the real Islamic environment is provided to them; conditions today are safer but there still resists no sign of any policy change on their part. Furthermore, they have denounced foreign governments from imposing values specifically on the role of women in Afghan society. Western criticism has highlighted that such an engagement in Afghan female education policies shouldn't be allowed and is not the right way to interfere in their internal affairs. These instances raise serious human rights violations of

women in global standards of rights and opportunities otherwise guaranteed to the community at large. The world looks at them from equal insights of existence whereas the Taliban authorities respectively conduct their violations by refusing them their set of provisions. Such jeopardization of rights makes people question their religious faith negatively. Women's rights and the existence of religious scriptures are mutually not similar and one shouldn't bring religion to fortify their defense.

The above discussion brings into the strict nature of sharia implemented laws by the Taliban officials. **Now before we move to the discussion as to how the Taliban previously applied its notion of sharia in Afghanistan,** it is important we start from the grassroots level. In Arabian terms, Sharia is derived from a word that means "the clear, well-trodden path to water". In a practical scenario, the same is timely realized, rightfully interpreted, and practically executed across the four corners as per differing ethnicities, social norms, and Islamic operational in executive base. Diverting our vision back to the period (1996 to 2001) wherein the Taliban last controlled the country, the militants implemented harsh measures in terms of the sharia law following which the women were compelled to wear burqas, and could force extreme forms of treatment that included beatings if they were spotted outside on their own without being accompanied with a male guardian. In the name of sharia, the authorities could easily compel the people, especially the women to abide by the same. People who violated the established rules were subjected to harsh forms of violence that included public executions, whipping, or stoning. The Afghan women have bravely come out from the shackles of fear to politically protest against the current government and against restrictions that continue to hold them strongly through the regime of emerging voice, choice, and agency.

The United Nations Refugee Agency emphasized the fact that about 80 percent of people who eventually fled the country in hope of better livelihood comprised mainly women and children. Despite the fight that went on for 20 years now, the people still struggle hunting for burqas and hiding their identities. The Taliban had made people visualize a positive outlook but the real implementation speaks otherwise. Several women journalists have taken to the media to make the outer world aware of the real situation adding that they aren't even

permitted to work by the officials. Shabnam Khan, an anchor at RTA stated that she was unable to enter her office despite her efforts. The immediate response formulated by the Taliban is ‘we have changed the regime’ repeated consistently to those who become devoid of their scheduled work. All these were evident even in the eyes of UN Chief Antonio Guterres who considers such acts as curbs on human rights under the Taliban and violative of equal rights and opportunities for women and girls of the country. The Taliban regime is practically categorized by systematized violations aimed against women and girls, cruel punishments that include frequent executions of those who decide to speak up, and extreme suppression of freedom of religion, expression, and education.

WHAT IS SHARIAH LAW, WHAT IT MEANS FOR AFGHAN WOMEN?: CONCLUDING REMARKS

The Taliban authorities are constantly degrading women and girls by consistently stating the provisions of sharia and expects them to remain bounded within its periphery according to their understanding. Thus, it becomes evident to understand the concept of sharia and if at all the law gives the Taliban the authority to violate the rights of Afghan women. I will try covering the basics about sharia law and how it factors the Taliban’s treatment of women. Firstly, the Taliban had vowed that Afghan women would have their set of rights “within the bounds of Islamic law” or according to the provisions of Sharia law under their newly established rule. But talking of the real implementation it isn’t clear what exactly does it mean thereby indicating that various loopholes are going to arise in due course of time as the individuals weren’t clear of their intends. Thus, it could be speculated that the officials had no interest in clearing as to what extent they are willing to provide women their rights and if at all they would. Shariah is based on the Quran is the story of Prophet Muhammad’s life and rulings of different religious scholars thereby forming the moral and legal framework of Islam. The Quran helps redefine the path to a moral life but not a specific set of laws. One specific interpretation of Shariah affords women extensive rights while the other could leave women with restricted ones.

Critics have stated that some of the Taliban restrictions on women that went under the guise of Islamic law go beyond the bounds of Shariah. The interpretation of Shariah is a matter of debate, that has been going on for years across the Muslim world and all groups comprising of the governments have based their legal systems on Shariah and executed the same differently. Over the years, the Taliban despite stating that they have been instituting the principles of Shariah law, there is a constant conflict with the fact that they consistently are doing so in ways that are not agreed upon by Islamic scholars or authorities.

Another argument that can be put forward is the fact that the law does enlist specific crimes such as theft and adultery, and punishments in cases accusations fail to meet a considerable standard of proof. The same offers a certain level of moral and spiritual guidance such as when and how to pray, or how to marry and divorce. However, the law doesn't forbid women to be able to leave their homes without a male escorting them or bars them from working in most jobs. The fact that Quran doesn't bring such strict restrictions that mostly focus on women's rights and dignity formulates a negative atmosphere that the Taliban strongly aims to establish in the name of Shariah. The authorities continue to exert strong measures on women and girls by constantly citing that Shariah is evident that either they lack proper knowledge of the Quran or they simply have no intention to provide them any rights. Instead, they aim at setting a bonded arena within which they should be restricted. Considering the current times wherein women have flourished in almost every field and institution, such backward thinking arises concern. Curtailment of basic rights and opportunities is a matter concerning mankind. For any nation to attain higher growth and better quality of life, it becomes crucial that there is individual equality and equal opportunities provided similarly. However, in a scenario wherein the authority in power is concentrated in diffusing power in a hand of few by rigorous curtailment of a specific group in concern arises worldwide concern. Such backwardness of opinion and practice needs to be strongly condemned.