



WOMEN UNDER TALIBAN RULE: A CRISIS OF HUMAN RIGHTS ENFORCEMENT

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ABSTRACT

The purpose of writing this article is not to create hatred against any particular country, religion, or community, but to highlight the basic rights that every human being in this world is entitled to and which should not be taken away under any circumstances. Most people have heard about the Taliban's takeover of Afghanistan, and many are aware of the difficult conditions faced by people living there. This article undertakes a detailed study of how the Taliban captured power, removed the earlier government, and established a new regime that operates as a non-recognised government ab initio. The main focus of this article is the rapidly worsening condition of women under Taliban rule. Women are denied their fundamental rights, including access to education, employment, healthcare, freedom of movement, and freedom of expression. Girls are not allowed to attend schools, women cannot work freely, and healthcare is restricted unless a female provider is available. Women also face degrading travel restrictions and are prohibited from protesting or speaking for themselves. This article brings attention to these realities and stresses the urgent need for reform so that Afghan women may live with dignity, equality, and basic human freedom like any other citizen in the world.

Keywords: Women's Rights, Human Rights, Ab Initio, Gender Equality.

INTRODUCTION

On 15 August 2021, prominent international media outlets, including Reuters, BBC, and Al Jazeera, reported the Taliban's entry into Kabul,¹ an event that led to the immediate collapse of the internationally recognised Afghan government and marked the beginning of a renewed era of Taliban rule in Afghanistan. Nevertheless, the Taliban's takeover in 2021 was not the

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¹ Reuters, 'Taliban Enter Kabul as Afghan Government Collapses' (Reuters, 15 August 2021).

first of its kind, as a similar situation had unfolded in 1996 when the group initially seized control of the country. In international relations, the capture or takeover of one state by another armed group or regime is not uncommon and has occurred several times throughout history. Instances such as Iraq's invasion of Kuwait in 1990, Russia's annexation of Crimea in 2014, and the ongoing Russia-Ukraine conflict show how changes in territorial control often raise concerns under international law, particularly regarding sovereignty, use of force, and humanitarian obligations. These events generally attract global attention due to their implications for peace, security, and compliance with international legal norms.

However, Afghanistan became a particularly intense subject of international debate following the Taliban's return to power, as the takeover was not merely a political transition but rapidly evolved into a grave human rights crisis. Widespread violations—including women's rights violations, men's rights concerns, persecution of ethnic and religious minorities, suppression of freedom of expression, denial of fair trial and access to justice, gender-based and communal violence, a severe humanitarian and socio-economic crisis, and restrictions on civil and political rights—raised serious concerns under international human rights law. These developments directly implicate obligations enshrined in instruments such as the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and other United Nations human rights frameworks.² The United Nations and the wider international community expressed grave concern over the systematic violation of fundamental rights, particularly those of women, children, and minority groups. Consequently, Afghanistan attracted global attention not only because of the manner in which power was seized, but also due to the anticipated rollback of basic freedoms and the apparent inability of international legal mechanisms to effectively prevent or address these violations.

As history has repeatedly demonstrated, in situations of crisis or armed conflict, women and minority groups disproportionately bear the burden of violence and repression due to pre-existing social inequalities and systemic discrimination that undermine their protection and access to basic rights, even in the 21st century. This pattern is evident in conflicts such as the Syrian civil war and the crisis in Myanmar, where ethnic and religious minorities were subjected to mass displacement, targeted violence, and systematic exclusion, constituting

² Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III); Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

serious violations of international humanitarian and human rights law. In Afghanistan, the situation has further deteriorated, particularly for women, who are denied access to education, restricted from moving freely without a male guardian, compelled to adhere to strict dress codes, and subjected to severe limitations on their presence and expression in public spaces.³ These conditions reflect a broader pattern of exclusion and repression, illustrating how crises exacerbate existing inequalities and render women and marginalised communities especially susceptible to 1/16/2026 exploitation, violence, and the denial of fundamental human rights while simultaneously exposing the limitations of international legal mechanisms in ensuring effective protection and accountability.

RIGHTS OF WOMEN BEFORE TALIBAN RULE

Women's rights were established globally through a gradual and sustained process involving feminist advocacy, national legal reforms, and the development of international human rights law. Over time, the international community recognised that discrimination against women undermines human dignity and violates fundamental human rights, requiring legal protection at both national and international levels. This recognition was formally articulated through the framework of the United Nations, which placed gender equality at the centre of the global human rights regime.⁴

The Universal Declaration of Human Rights (UDHR), 1948, laid the normative foundation for women's rights by affirming that all human beings are born free and equal in dignity and rights, without distinction based on sex.⁵ Building upon this principle, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, provides a comprehensive and legally binding framework to eliminate discrimination against women in all spheres of life, including education, employment, healthcare, political participation, and family relations. Often described as the international bill of rights for women, CEDAW imposes positive obligations on State Parties to ensure substantive equality rather than merely formal equality.

In Afghanistan, significant progress in women's rights was achieved during the period 2001 to 2021, following the fall of the first Taliban regime. The Afghan Constitution of 2004

³ United Nations Assistance Mission in Afghanistan (UNAMA), *Human Rights in Afghanistan: Women and Girls* (UNAMA, 2022).

⁴ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III).

⁵ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III).

guaranteed equality before the law and affirmed women's rights to education, employment, and political participation.⁶ During this period, millions of girls returned to schools, women enrolled in higher education, and female participation increased in public institutions, civil services, and the judiciary. Afghanistan also enacted the Elimination of Violence Against Women (EVAW) Law, 2009, which criminalised forced marriage, domestic violence, and other harmful practices, marking a major legal advancement in protecting women from gender-based violence.⁷

Several Afghan women emerged as influential figures during this era. Malalai Joya, a former parliamentarian, gained international recognition for her advocacy against warlords and for women's rights. Fawzia Koofi, former Deputy Speaker of the Afghan Parliament, played a significant role in legislative reforms and peace negotiations, while Dr Sima Samar, former Chairperson of the Afghan Independent Human Rights Commission, contributed extensively to human rights protection and gender equality at national and international levels. Their contributions symbolised the growing visibility and empowerment of Afghan women during this period.

International jurisprudence has further strengthened women's rights protections. In *Opuz v Turkey*, the European Court of Human Rights held that the state's failure to protect women from domestic violence constitutes gender-based discrimination.⁸ Similarly, in *A.T. v Hungary*, the CEDAW Committee affirmed that states have an obligation to provide effective protection against domestic violence.⁹ Despite these advancements, the reversal of women's rights in Afghanistan after 2021 highlights the fragility of legal gains without sustained enforcement and political commitment.

STATUS OF WOMEN UNDER TALIBAN GOVERNANCE

No school, no work, no parks, no gyms, no salons, and no public voice define the lived reality of women under Taliban rule today. Girls are barred from secondary and higher education, with authorities citing school poisoning incidents, security concerns, lack of gender-segregated facilities, and uniform or dress-code requirements as justifications for prolonged closures.¹⁰

⁶ Constitution of the Islamic Republic of Afghanistan 2004, arts 22, 43, 44.

⁷ Elimination of Violence Against Women Law 2009 (Afghanistan).

⁸ *Opuz v Turkey* (2009) 50 EHRR 28 (ECtHR).

⁹ *A.T. v Hungary* (CEDAW Committee, Communication No 2/2003) UN Doc CEDAW/C/32/D/2/2003.

¹⁰ United Nations Assistance Mission in Afghanistan (UNAMA), *Human Rights Situation in Afghanistan* (UNAMA, 2022).

Reports indicate that incidents of school poisoning have functioned as tools of intimidation, generating fear among girls and their families and discouraging school attendance, rather than being effectively investigated or prevented. Women are similarly excluded from employment, even though Sharia law itself recognises women's right to work. Taliban leaders repeatedly claim that women will be allowed to work only after the creation of "separate" and "appropriate" workplaces—a justification that remains largely unfulfilled and operates as a mechanism of indefinite exclusion rather than genuine accommodation.

These policies echo, and in many respects intensify, the conditions imposed during the Taliban's first period of rule from 1996 to 2001. During that era, women were almost entirely barred from education, employment, and public life.¹¹ Girls' schools were closed nationwide, women were prohibited from working outside the home except in limited healthcare roles, and female professionals—including teachers, lawyers, and civil servants—were systematically removed from public employment. Strict dress codes, including mandatory burqas, were enforced through corporal punishment, and women could not leave their homes without a male guardian. The Ministry for the Promotion of Virtue and the Prevention of Vice enforced these restrictions through public beatings, arbitrary detention, and intimidation, creating a climate of fear that rendered women socially and politically invisible.

Following the Taliban's return to power in August 2021, many initially claimed that the movement had "changed." However, the lived reality of women since 2021 demonstrates not reform but a return to—and expansion of—the same ideology, now implemented with greater bureaucratic control and ideological confidence. While the first Taliban regime relied heavily on overt violence and public enforcement, the current regime combines formal decrees, moral policing, and structural exclusion to achieve similar, and often more pervasive, outcomes.

Restrictions on freedom of movement remain severe. Women are not permitted to travel without a male guardian, and in several reported instances, women have been denied access to regular car seating and compelled to travel in the car trunk—a practice that reflects extreme dehumanisation and symbolic erasure. Such restrictions mirror the earlier Taliban period, when women could be beaten for appearing in public without a male escort or for perceived violations of modesty. What distinguishes the present regime is the extent to which these restrictions are

¹¹ Human Rights Watch, *Afghanistan: The Taliban's War on Women* (HRW, 2001).

normalised through administrative orders and informal enforcement rather than sporadic punishment alone.

Just over three years into Taliban rule, the Islamist group has curtailed women, laid hammer blows to their rights, banned them from every aspect of public life, and today, women are virtually invisible from Afghan public life—but now they cannot be visible in private either. As formal bans have multiplied and reached their limits, the Taliban have adopted increasingly creative and intrusive mechanisms of control. This includes prohibitions on visible household windows to prevent neighbours from seeing women inside their homes. Essentially, women are permitted to exist only on the condition that they remain unseen, extending the logic of exclusion from public spaces into the domestic sphere itself.

This ideology has been openly articulated by Taliban leadership. Prominent spokesperson Zabihullah Mujahid stated that seeing women working in kitchens, standing in courtyards, or collecting water could provoke “obscene acts.” Such statements reflect a worldview that places the burden of male conduct entirely on women, while legitimising extreme restrictions on women’s visibility and autonomy. Similar reasoning underpinned Taliban policies in the late 1990s, when women were punished not for actions but for allegedly “provoking” men simply by being present in public spaces. The continuity of this logic demonstrates that women’s exclusion is not incidental but foundational to Taliban governance.

Women today face arbitrary detention and punishment on grounds that would be considered private or personal under any rights-based legal system. Women may be arrested if found begging, and reports indicate that women are imprisoned for refusing forced marriages, including being compelled to marry relatives or being forced to live with men involved in extramarital affairs. Detention under these circumstances serves not as law enforcement but as a mechanism of social control. During the Taliban’s first regime, forced marriages—particularly involving Taliban fighters—were widely reported, and refusal often resulted in violence or imprisonment. The recurrence of these practices underscores a persistent pattern of treating women as transferable property rather than rights-bearing individuals.

Reports further indicate widespread abuse in detention, including rape, torture, and extrajudicial killings. These acts, despite their gravity, are rarely investigated or acknowledged and are not framed by Taliban authorities as “obscene” or morally transgressive. Instead, moral scrutiny is reserved almost exclusively for women’s visibility, mobility, and autonomy. This

selective moral framework exposes a deep contradiction within Taliban governance, where extreme violence against women is tolerated or ignored, while ordinary acts of domestic or public presence are criminalised.

Beyond individual cases, the Taliban have resumed public executions and corporal punishments since 2021, including floggings and amputations for offences such as theft or alleged moral crimes. These practices were a defining feature of the 1996–2001 regime, when executions were carried out in stadiums and public squares as spectacles of control. Their reintroduction raises serious concerns under international prohibitions against cruel, inhuman, and degrading treatment and signals a deliberate rejection of international human rights norms.

Women-led protests that emerged in the early months following the Taliban takeover—demanding the right to education, work, and political participation—were met with swift repression. Women protesters in Kabul and other cities were arbitrarily detained, beaten, threatened, and, in some cases, forcibly disappeared. Several women activists and journalists were detained without due process, subjected to intimidation, and coerced into silence. These actions violate fundamental protections relating to freedom of expression, peaceful assembly, and personal liberty, and mirror the Taliban’s earlier intolerance for dissent during their first rule.

Restrictions on women’s movement and public presence have been reinforced through strict dress codes and moral policing. Taliban decrees require women to cover their faces and bodies and to be accompanied by a male guardian at all times. These measures effectively confine women to private spaces, amounting to social house arrest. Similar restrictions existed between 1996 and 2001, but the current regime enforces them through a combination of religious justification, administrative penalties, and social coercion, making resistance increasingly difficult.

The broader human rights situation further compounds women’s vulnerability. Reports document enforced disappearances, extrajudicial killings, and arbitrary arrests of former government officials and security personnel, demonstrating a wider pattern of disregard for the right to life and due process. Independent media outlets have been shut down, journalists detained or assaulted, and censorship has become widespread. During the Taliban’s first regime, the media was almost entirely banned; the present erosion of media freedom similarly eliminates accountability and silences documentation of abuse.

According to UNAMA, hundreds of arbitrary arrests, detentions, and cases of torture and ill-treatment have been documented since August 2021, often without due process. Reports have recorded over 330 instances of gender-based violence against women and girls, including femicide and forced marriage. Media freedom has been severely eroded, with hundreds of journalists facing arrest, threats, and censorship under Taliban directives. These patterns reveal a systematic attempt to consolidate power through fear, repression, and the elimination of dissent, with women bearing a disproportionate share of the harm.

Taken together, the Taliban's approach represents a multi-layered system of gender-based oppression. It combines denial of education and employment, restrictions on movement and visibility, intimidation through fear tactics such as school poisonings, punishment for refusing forced marriages, public corporal punishment, suppression of protest, and the criminalisation of ordinary domestic life. This system not only excludes women from public life but also erodes their safety, dignity, and autonomy within their own homes.

The continuity between the Taliban's first regime (1996–2001) and the present period is unmistakable. While the methods have evolved, the underlying ideology remains unchanged: women are to be controlled, hidden, and subordinated in the name of morality and order. The current regime's expansion of restrictions into private spaces marks an escalation rather than a departure from past practices.

The scale and intensity of these violations constitute a serious breach of international human rights law, including obligations under the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Arbitrary detention, forced marriage, torture, sexual violence, public punishment, and suppression of media and dissent represent flagrant violations of fundamental principles of equality, dignity, and justice. The systematic marginalisation and dehumanisation of women in Afghanistan under Taliban rule—past and present—represent one of the most severe contemporary challenges to global gender equality, human dignity, and the rule of law.¹²

¹² Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III); Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981).

CONCLUSION

When I think about Afghan women today, it is impossible not to feel a deep sense of sorrow and injustice. For generations, women have endured discrimination, violence, and silence, yet they have continued to hope—hope that the next era would be kinder, that their daughters would live better lives than they did. In the twenty-first century, it feels devastating that Afghan women are once again forced to carry the burden of a system that refuses to see them as equal human beings. Their suffering is not abstract; it is lived every single day, behind closed doors, away from the world's attention.¹³

There are moments when reality feels almost unbearable. In Afghanistan, a female cat has more freedom than a woman—she may sit outside her home, feel the warmth of the sun, or wander freely. A squirrel has more rights than a young girl, and a bird is allowed to sing in Kabul while a woman must remain silent. These comparisons may sound poetic, but they are rooted in truth. They reflect a society where women are denied the most basic experiences of life—movement, voice, and visibility.¹⁴ It hurts to acknowledge that simply being seen has become an act of defiance for Afghan women.

What pains me most is the loss of possibility. Girls who once dreamed of becoming doctors, teachers, or leaders are now told that education is not meant for them. Women who were once the backbone of families and communities are pushed into dependence and fear. I cannot help but ask: if daughters are not allowed to learn, who will care for women when they fall ill? Who will understand them, speak to them, heal them? A society that denies women education not only destroys women's futures—it weakens its own.¹⁵

From my perspective, the demand of Afghan women is heartbreakingly simple: to live with dignity. To walk without fear. To learn without restriction. To speak without punishment. Yet even today, women are left wondering: Will we ever be allowed to travel alone? Will our daughters ever return to school? Will there ever be a woman who leads this country? These questions are not radical—they are human.

¹³ United Nations Assistance Mission in Afghanistan (UNAMA), *Human Rights Situation in Afghanistan* (UNAMA, 2023).

¹⁴ Amnesty International, *Death in Slow Motion: Women and Girls under Taliban Rule* (Amnesty International, 2023).

¹⁵ Human Rights Watch, *'I Thought Our Life Might Get Better': Implementing the Taliban's Restrictions on Women and Girls in Afghanistan* (HRW, 2022).

Still, despite everything, Afghan women continue to hope. They believe that one day the sun will rise for them again, that freedom will return, and that their lives will no longer be defined by invisibility. What remains deeply unsettling is the world's response. Each time their suffering is reported, there is outrage, hashtags, and statements—but rarely action. Silence follows concern, again and again. If the world continues to look away, it will not be able to claim ignorance. It will have chosen indifference. And Afghan women, once again, will be left to carry the weight of history alone.