

JOINT STATEMENT ON THE ROLLBACK OF WOMEN'S RIGHTS IN AFGHANISTAN UNDER TALIBAN RULE

10/12/2024

We stand in solidarity with the women and girls of Afghanistan, who have faced a devastating and systematic rollback of their fundamental rights since the Taliban's return to power in August 2021. As feminist organizations committed to gender equality and women's rights in Muslim contexts, we are deeply disturbed by the rapid erosion of women's and girls' rights, which threatens their safety, dignity, and future.

The Taliban has reintroduced a series of oppressive policies that exclude Afghan women from public life. Bans on education, employment, and even access to public spaces are part of a broader strategy to erase women from Afghan society. Afghan women, in all their diversity, are now at the mercy of a regime that seeks to control every aspect of their lives, denying them basic rights, agency, and autonomy.

Since the Taliban's takeover, Afghan women have been banned from secondary and higher education, prohibited from working in most sectors, and forced out of public spaces like parks and gyms. Under the guise of religious authority, they have replaced the Ministry of Women Affairs with the Ministry for the Promotion of Virtue and Prevention of Vice and its laws, which severely restrict women's movement without a male guardian (mahram), prevent access to healthcare and education, and impose strict dress codes.¹ These decrees are systematically eliminating women's presence from public life, causing irreversible damage to their social, educational, and economic prospects effectively creating "gender apartheid". These policies are part of a calculated effort to turn back the clock on decades of progress for and by Afghan women.

Our partners, human rights defenders, and women's rights advocates have reported horrific conditions, with activists and women leaders being targeted and silenced. The Taliban has continued its attacks on those who once fought for justice and equality. Reports of arbitrary killings, forced disappearances, and systematic violence against women human rights defenders highlight the scale of the crisis.

We condemn these actions which violate both international human rights law and the core principles of Islam. Islam promotes equality, justice, and dignity for all individuals, including women and girls. The Taliban's distorted interpretation of Islamic teachings to justify their oppression is a gross violation of the values that Islam upholds.

¹ <https://www.hrw.org/news/2021/09/29/afghan-women-frightening-return-vice-and-virtue>

Islamic teachings clearly affirm that no one has the authority to force religious adherence or practice upon another, as demonstrated in the Qur'anic verse (2:256). This foundational principle underscores the broad diversity and richness of Islamic jurisprudential thought, which thrives on differing interpretations and has given rise to multiple schools of law (madhahib). Women, equally with men, are tasked with the responsibility of interpreting Shari'ah, and it is vital that this inclusive and pluralistic tradition continues, especially in countries like Afghanistan.

Those in authority in Afghanistan must be fully aware of the critical distinction between Shari'ah and Fiqh within Islamic legal tradition. Shari'ah, meaning "the way" or "the path", is divine guidance, embodying universal values and principles applicable to all Muslims. It is timeless and eternal. Fiqh, by contrast, refers to human efforts to interpret and apply these divine principles to specific social contexts. Fiqh is subject to change and varies with time and place. This interpretive flexibility has enabled Islamic jurisprudence to remain relevant in ever-changing environments, including the diverse realities Muslims face today. The concept of ikhtilaf—or difference of opinion—has been regarded as a mercy in Islamic tradition. Afghanistan must continue to embrace this heritage of legal diversity, ensuring that its legal structures reflect the evolving needs of society while upholding the core values of Islam.

Islam recognizes the right to education as fundamental, and throughout Muslim history, women were among scholars and leaders in various fields, exemplifying that there is no religious basis for banning women's education. The Qur'an encourages seeking knowledge for all, as seen in Surah Al-Alaq (96:1-5), which commands all Muslims to "Read in the name of your Lord," a directive that includes both men and women. Furthermore, the Prophet Muhammad (PBUH) also stated the unequivocal imperative to seek knowledge irrespective of gender saying, "Seeking knowledge is an obligation upon every Muslim."

The mahram system imposed by the Taliban is also contrary to Islamic teachings, which do not mandate such restrictions on women's mobility. Women in early Islamic history traveled, engaged in trade, and contributed to society without needing male guardians for every aspect of life. The Taliban's policies contradict the Islamic principle that both men and women are to live their lives with dignity, autonomy, and responsibility for their own actions.

We also recognize that Afghan women's exclusion from political processes is unacceptable. The Qur'an establishes principles of justice and mercy (Surah An-Nisa 4:58), where authority is to be exercised justly, with no room for oppression or violence. The Prophet Muhammad (PBUH) emphasized the equal dignity of men and women, instructing in his Farewell Sermon to "Treat women well, for they are your partners and committed helpers." The Taliban's denial of education, employment, and mobility to women violates the spirit of mutual respect and responsibility enshrined in these teachings.

The protection of those who are vulnerable, including survivors of violence, is a priority in Islam. The Prophet (PBUH) emphasized the duty of Muslims to actively prevent wrongdoing in all its forms, urging them to use their voice, actions, or at least their hearts to resist evil when they see it.

When the values of human dignity, equality, justice and mercy—all rooted in Shari'ah—are adhered to, they align with universal principles of human rights, particularly gender equality and justice. Shari'ah, as an ethical guide, leads humanity toward justice and equitable conduct, offering a framework that supports the rights of women and girls.

Afghan women are not passive victims; they are agents of change who continue to resist despite the dire circumstances. We honor their courage and resilience and commit to standing by them in this fight for justice and equality.

Our demands are clear:

1. **Support for Afghan Women and Girls:** We urge the international community, particularly governments and regional organizations, to ensure that Afghan women and girls are not abandoned. It is critical for states with influence to put pressure on the Taliban to restore access to education and employment for women and girls, freedom of movement and the protection of all rights threatened by the Taliban.
2. **Inclusion in Decision-Making Processes:** Any peace or political settlement that excludes Afghan women is illegitimate. Women must be at the heart of any resolution to this crisis, with full participation in decision-making processes.
3. **Safe Passage for Asylum:** Countries must keep their borders open to those fleeing violence and persecution. We call on the international community to ensure that Afghan refugees, particularly women and children, are provided with safety, asylum and resettlement options.
4. **Freedom of Expression for Journalists and Media Professionals:** We urge the international community to advocate for protecting freedom of expression in Afghanistan. Particular attention must be given to supporting women journalists who have been forced out of their professions and face dangerous conditions in exile in the region, in Iran and Pakistan, living in legal limbo and with no protection. It is essential to ensure their safety, amplify their voices, and preserve Afghanistan's independent media in the country and in exile.
5. **Resource Support for Women Human Rights Defenders:** We call on donors and international organizations to increase their support for initiatives aimed at ensuring the safety and empowerment of Afghan women.
6. **Recognise Gender Apartheid as an international crime:** We call on states to codify Gender apartheid as a crime under international law in order to combat oppression against women and girls, particularly in Afghanistan.
7. **Support accountability:** We call on states, particularly those sharing cultural, religious, or similar legal systems with Afghanistan, to support the legal initiative to hold Afghanistan accountable for violations of CEDAW in the International Court of Justice. Cross-regional and broad support for this initiative signals global solidarity with the women of Afghanistan and can be a source of hope.

We call for immediate action to halt the rollback of women's rights in Afghanistan. We urge religious and political leaders, both within and outside of Afghanistan, to take a firm stand against the Taliban's gender apartheid and to advocate for the fundamental rights of Afghan women and girls.

In Solidarity,

Signed by:

- Rawadari
- Musawah
- Afghanistan Human Rights and Democracy Organization (AHRDO)
- Women and Children Research and Advocacy Network
- Afghanistan Women's Political Participation Network
- Spontaneous Movement of Protesting Women in Afghanistan
- Musawer
- Window for Hope Network
- Human Rights Defenders Plus (HRD+)
- Sisterhood and Solidarity
- INSAN
- Horia Mosadiq, Director of Conflict Analysis Network
- Wazhma Frogh, Human Rights Lawyer
- Free Speech Hub - Afghanistan