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The Prospect of Women's Rights in the Post-Taliban-Government Peace Agreement

By Fahim Yousufi¹

Abstract

The Taliban, backed by Pakistan, emerged in Afghanistan in 1994, announcing their establishment of the Islamic Emirate of Afghanistan. Initially appearing as the saviour of Afghanistan, they disappointed Afghans by introducing an unprecedented version and understanding of Islam. They restricted women's movement in the public, banning their education and work outside the home. Charged with harbouring Al Qaeda's leader, the Taliban regime was overthrown by the US in October 2001; they rose again and began their insurgent attacks against the foreign forces and the government after 2003. Their position towards women's education and work outside of the home has been fraught with ups and downs since then. Initially, in 2006, the Taliban instructed their fighters to attack any government-run schools, particularly girls' schools; Around 2010-2012, their position softened, allowing girls to attend schools and women to work as teachers and doctors. However, this purported modification was accompanied by hard-to-meet precepts that have continued to deprive women of education and work outside the home. Many studies postulate that the Taliban's position has altered regarding women's education and work outside the home, however, Taliban fighters' behaviour on the battleground and their leadership's actions in the peace talks say otherwise. The change in the Taliban's policy appears nominal, deceptive, and tactical, only there to attract the attention of national and international media and foster popular support for a return to power. Using secondary data, this article explores the Taliban's position regarding women's rights to education and employment, to determine if, how, why, and to what extent the Taliban's position has changed in this regard and examine the prospect of women's rights in Afghanistan if the current peace talks between the Taliban and the Afghan government bear results. Based on the findings, some recommendations are suggested to ensure women's voices are heard and that the probable peace-agreement is gender-responsive.

Keywords: Taliban, Women's Right to Education, Women's right to Work, Taliban's position, Peace-talks, Peace negotiations, Women's participation in the peace process

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Introduction and Context

This article² explores the Taliban's³ policy and practices regarding women's right to education and work. By studying the past and current policies of the Taliban, as well as their actions, it aims to ascertain the extent to which the Taliban's position may have changed regarding women's rights, what this change means, and the prospects for women's rights in Afghanistan if the Taliban come to power through military takeover or through the ongoing intra-Afghan peace talks.

The Taliban emerged in 1994 proclaiming that they would purify society and defeat the 'corrupt' *Mujahidin* groups who had caused civil war and chaos in the country. Mullah Mohammad Omar, the leader of the Taliban, announced the creation of the "Islamic Emirate of Afghanistan-IEoA" (Kuehn, 2018:36-37; Rashid, 2001:20-23; Yadav 2010:140; Nojumi, 2009:97-101; Johnson and Mason, 2007:73). This radical Islamist regime that brutally discriminated against women and persecuted both Shiite Muslims and non-Muslim communities had no precedence in the history of Afghanistan (Foxley, 2013:73-4; Faerber, 2003).

However, having harboured the leader of Al-Qaida and refusing to hand him over to the US after the 11th September attacks, the Taliban were overthrown by the US in October 2001 (Foxley, 2013:73-4; Khan, 2012:21). In December 2001, a new democratic government structure was agreed upon by the opponents of the Taliban. The Taliban's exclusion from this led to their resurgence around 2003; they engaged in a violent insurgency against both foreign and Afghan forces (Moghaddam, 2018:65; Kuehn, 2018:39).

Following more than sixteen years of insurgency, the Taliban entered into peace negotiations with the US in late-2018 (Ruttig a, 2019:3; Eide, 2019) which resulted in the 'peace process agreement' signed on 29 February 2020 (State Department, 2020). Despite constant refusal from the Taliban, direct talks began between the Taliban and the Afghan government on 12 September 2020 in Qatari capital, Doha (The Guardian, 2020). At this time of writing, the two sides have been in a stalemate for over four weeks, unable to agree on two of the 21-point ground rules for negotiations. The two sticking points proposed by the Taliban are (i) to resolve any disputes that arise during the negotiations based on the Hanafi Islamic Jurisprudence, leaving out Shiite Islamic Jurisprudence and (ii) that the intra-Afghan peace talks shall be viewed as a part of the US-Taliban deal (BBC, 2020). Both of these suggestions have been opposed by the government's negotiation teams.⁴

Currently, there are four women in the government negotiation team, including Fauzia Koofi and Habiba Sarabi, former vocal Member of Parliament and Governor of Bamyán Province respectively. Given that the Taliban have been in a war against women since their inception, the question I pose is: can the presence of these four senior women result in a gender-responsive peace agreement with the Taliban? While the form of a future government remains unknown, power-

² This research was initially conducted as part of my Master's Dissertation at the University of Bradford, UK in December 2019.

³ From the Arabic "Talib" meaning student or seeker of religious education. Taliban is the plural form in Pashtu. Other literature treats Taliban as a singular noun, however, I see and use "Taliban" as a plural noun.

⁴ After three months of serious negotiations, the two sides finally agreed on the negotiation procedure and its preamble, though the agreement was never officially publicized. The two sides agreed that the US-Taliban Doha agreement, the demand of the people of Afghanistan, the commitment of the two sides, and the repeated demands of the United Nations shall serve as the foundation of the peace talks. If a disagreement emerges about the interpretation of Sharia texts during the negotiations, a joint committee of the two negotiation teams shall make a decision about it.

sharing by the Taliban is certain if negotiations succeed. This has many implications for the Human Rights agenda in Afghanistan, particularly those concerning women's rights.

In recent years, a considerable number of researchers such as Gopal and Osman, Sheikh and Khan, Gossman and Moghaddam argued that the Taliban's views of women's rights have changed given their previously extreme stance prohibiting women's education and employment. However, by looking at the literature regarding the Taliban's practices since 2003, their position at the current negotiation table and the accounts of people from the Taliban controlled areas captured after May 2021, it becomes tremendously hard to prove any substantive change in their ideology.

Women's Education during the Taliban Regime

From their initial days, the Taliban proclaimed that they were instating an Islamic government. The Ministry of Promotion of Virtue and the Prevention of Vice was established, violently enforcing Sharia-based rulings and punishing people for any activities they viewed as 'immoral' (Foxley, 2013:73-4; Cole, 2009:132-6; Drissel, 2015:102). Justified by their understanding of Sharia and their dominant patriarchal attitude, the Taliban's attitude towards women was sternly hostile.

Aside from their complete elimination of women's presence in the public (Ellis, 2000:61-3; Rashid, 2001:105), they banned women from schooling and working⁵ (Keating, 1997:12; Rashid, 2001:106). Prior to the Taliban rule in Kabul, girls comprised over half of students, yet by 2000, 90% of girls and 75% of boys were not attending school (Skaine, 2002:65; ICG, 2013:2).

In 1998, a newly graduated girl from Kabul University narrated the situation that women faced: "Two years ago, I graduated from Kabul University, but now the university door is closed to all female students. Afghan women have no rights today..." (Iacopino, 1998:53-76). Surprisingly, despite the Taliban's generic verdict to close girls' schools, some NGO-funded schools continued operating for some time (Rashid, 2001:106; Ruttig, 2011:1; Moghaddam 2018:67) before they were ordered to close in 1998. Although girls up to the age of eight were allowed to go to school, they were only permitted to learn the Quran. Women were beaten with lashes if caught teaching or leaving the home for educational purposes. One woman's story from 1998 describes how she was flogged by three Talib when her books—hidden under her arms—fell on the ground (HRW, 2010:18).

The Taliban's Behavior towards Women's Education Since 2001

After the Taliban re-emerged around 2003, they took an even fiercer stance against women's education. They developed codes of conduct (*Layha*) approved by their main councils (*Shura*) in Pakistan that regulate the Taliban's policies (APPRO, 2015:10). The first *Layha* was issued in 2005 and stated that working for all government-run schools was strictly forbidden while informal education using Islamic Emirate textbooks in the mosques was encouraged (Bjelica and Clark, 2018:3).

Following this verdict, Taliban attacks on girls' schools spiked from 2005 to mid-2006. A total of 204 physical attacks led to the closure of 300 schools both for boys and girls during this period (HRW, 2006:31-2; Rubin and Rudeforth (2016:9). In 2005, a mother of two daughters explained how her village was threatened by the Taliban:

⁵ Except as medical staff in rare cases with strict conditions.

"...the girls were still going to school. There was a letter posted on the community's mosque saying '... girls going to school need to be careful about their safety. If we put acid on their faces or they are murdered, then the blame will be on the parents.'"

While the community ignored the first letter, the villagers had to stop sending their girls to schools when they received a second letter in less than a month (HRW, 2006:3 & 32).

Likewise in November 2005, a group of five girls in Kandahar province had acid thrown at their faces, leaving two of them gravely disfigured. In 2007 in Logar province, two schoolgirls were killed and six others injured by unidentified men who were believed to be members of the Taliban (HRW, 2006:32). Until late 2009, the Taliban fiercely campaigned against girls' education by posting warning letters—known as night-letters—on people's house or mosque doors at night, threatening the public to stop sending their daughters to schools. Those who defied these letters were physically attacked with acid, murdered, or severely injured.

In early 2010, for the first time the 2006 *Layha*, which banned girls from going to school, was revised; it instructed fighters to stop their violent attacks (Rubin and Rudeforth, 2016:10). This was a turning point for the Taliban's public relations and communications. Through policy change and media interviews, they began touting a softer position on women's rights. However, despite this softening of position on paper, in 2011 the level of violence against girls' in education remained as high as in 2010 as 440 schools were attacked in 2011 compared to 500 in 2010, although not all of these attacks could be ascribed only to the Taliban (Ahmad, 2012:42).

In 2012, although the Ministry of Education (MoE) reported that over 500 schools—mainly girls' schools—were shut down chiefly by the Taliban (Rubin and Rudeforth (2016:11), a Taliban shadow district education commissioner in Wardak province rejected the Taliban's involvement in physical attacks against education infrastructures. However, he warned that girls and teachers would be attacked if they did not comply with the conditions set for women's education (Giustozzi and Franco, 2013:12). This, along with other interviews, seemed to be part of a campaign to publicise a lenient Taliban policy.

The key provisions of the *Layha* that continue to guide the Taliban's attitude on women's rights to education are as follows: (APPRO, 2015:10; Giustozzi and Franco, 2013:9)

1. Women at schools and universities should always be covered with an Islamic Hijab and can only be taught by female teachers.
2. Any subjects that are against *Jihad* and "women's role in society" as defined by the Taliban, will be curtailed.
3. The focus of classes must be Islamic subjects such as the Holy Quran, *Fiqh*⁶, *Aqaid*⁷, Hadiths, and the Arabic language.
4. Girls who are attending co-education will be killed after two warnings.
5. Teachers who talk about the equal rights of men and women will be killed after two warnings.

In January 2016, for the first time the Taliban issued a policy condoning the study of science and was silent about any support for girls' education. However, this same year, Taliban interviews expressed support for girls' education if they were taught by women only, segregated

⁶ Islamic Jurisprudence.

⁷ Islamic creed.

from boys, security permitting, and compliant with Islamic dress code, all of which reinforced the previously mentioned stringent conditions (Rubin and Rudeforth (2016:11-12).

Women's Right to Work during the Taliban Regime

Like education, banning women's employment was among the first actions taken by the Taliban in 1996 (Keating, 1997:12). A widowed mother in 1998 said that "... there are beatings for showing up in public without a male chaperone or showing your face. Worst of all is not being allowed to work..." to feed her hungry children. As a result, many women, particularly those who had lost their male family members, were forced to become street beggars or prostitutes to feed their families (Skaine, 2002:69; ICG, 2013:5).

Another female health professional told of her experience as a doctor during the Taliban regime: "Taliban beat me and my husband because we were working together in the same clinic. When I tried to reason, they beat me and told that they should hang me if I showed up again in the clinic" (Iacopino, 1998:66). These and other examples show that women's presence in public, including the mixing of men and women in the working environment, was harshly opposed by the Taliban. Despite numerous accounts showing the Taliban's punitive attitude towards women, they maintained and continue to justify that they gave women their Islamic rights (APPRO, 2015:6).

The Taliban's Behaviour towards Women's Work Since 2001

Below are some of the provisions of 2012 *Layha* regarding women's right to employment (APPRO, 2015:10).

1. Women's employment outside the home is forbidden except as female doctors and teachers if accompanied by a *Mahram* and segregated from men.
2. Women are not allowed to work within the Afghan government or military institutions.
3. If women talk to and shake hands with non-*Mahram* males in the workplace, their hands will be cut off.
4. Women can only seek treatment from female doctors.
5. A woman who disobeys these rules will be beaten by her husband, father, or brother in front of the Taliban.

These restrictions resemble the Taliban's era in the 1990s and continue to be enforced in their areas of control as of now. Based on these rules, the Taliban continue to impose their extreme ideology towards women. Jackson (2019:10) reports that women's movement is enormously limited in the Taliban controlled areas.

After their resurgence, the Taliban reacted towards women's employment outside the home as harshly as in the 1990s (Bjelica and Clark, 2018:3). The HRW report (2010:24) documents evidence of continued repressive behaviour on the part of both Taliban and Hezb-e-Islami towards women's employment. Female civil servants, police officers, members of Provincial Councils and Parliament, NGO staff, and even health workers were threatened, attacked, injured, and killed. While men faced similar violence, women working outside of the home faced additional threats partly due to cultural constraints.

Before attacking women, handwritten 'night letters' were posted on houses' or mosque doors. These letters aimed to dissuade people from cooperating with foreigners and the Afghan

government, calling them "infidels" and "hireling"⁸ respectively (Drissel, 2015:113). The night letters had devastating effects on women's employment in the provinces. Either women left their jobs fearing harm by the Taliban or they were killed when found defying the warnings. In 2005, people in Helmand province were asked to stop cooperating with the government and foreigners in any form, including working for NGOs. The night letters stated that cooperating with 'infidels' made them like infidels, thus they should be killed like foreigners (HRW, 2006:46-47).

Sometimes the letters were addressed to an individual. A female teacher received a letter in October 2009 stating: "We warn you to leave your job as a teacher...otherwise we will cut the heads of your children and we shall set fire to your house." (HRW, 2010: 24). Some night letters were more specific. A night letter addressed to a woman working with an NGO said: "you are working with a foreign organization which is the enemy of religion and Islam. You receive a salary from them..., you shake hands with strangers.... We, herewith, inform you to stop doing this otherwise we will take such action against you that a Muslim has not yet done to another Muslim" (HRW, 2010:5-10). When such threats were ignored by women, they were often killed. For example, a young female aid worker who had previously received threatening phone calls from the Taliban was shot dead in Kandahar in April 2010.

Likewise in early 2010, a woman working for an international NGO was warned:

"We would warn you today on behalf of the Servants of Islam to stop working with infidels... If you defied our order, you will get killed in the same way as Hossai...whose name was on our list, your name and other women's names are also in our list." (HRW, 2010:25-26).

Threatening night letters continued in 2012. Two Directors of Women's Affairs in Laghman province were killed within six months of each other, and at least 10 female journalists have been killed in the years since the Taliban resurgence (ICG 2013:21-22).

The Taliban failed to present a single firm reason for women to abstain from work outside of the home. The reason given for NGO staff was fear of possible unveiling and hand-shaking with men. However, the former Taliban ambassador in Pakistan⁹ points to another reason as to why women should not work with NGOs or in joint offices with men. It was argued that women working with men in a shared space could result in illegal interactions, alluding to sexual incitement (HRW, 2010:29).

However, this reasoning had no relevance for women teaching in schools. Banning all women's work in the 1990s cannot be justified for cooperating with foreigners or illegal interaction with men, rather it explains a Hegelian approach of the Taliban who oppose "entry of women into the public sphere, including mass co-education, mixed-sex...office work..." Cole (2003:776). The general view of the Taliban towards the mixing of male and female is that it can entice men to misbehave. Therefore, they believe that women should be either secluded or banned from work outside the home.

The deadly attack of the Taliban in mid-2019 against Counterpart International—a US-based NGO—is illustrative of the Taliban's entrenched policy in this respect. The Taliban accused Counterpart International of promoting "harmful western values" and "inter-mixing" of women and men. This attack killed five people while injuring 24 others (BBC, 2019).

⁸ A pejorative term used by the Taliban for all those cooperating with outsiders and the Afghan government. By this term, they mean to call those people agents, spies, and workers of the outsiders.

⁹ Mullah Abdul Salaam Zaef.

Equally, female politicians have been targeted throughout the country by insurgent groups, chiefly the Taliban. Women who have been bold in their position, discussing topics such as gender equality, have been particularly targeted. The government has repeatedly failed to protect prominent women such as Malalai Kakar, Sitara Achakzai, Zakia Zaki and Safia Amajan, who were killed due to their activism. The murder of these women, in a time where women had just gained relative freedom after the fall of the Taliban, had a demoralizing effect on women throughout the country (HRW, 2010:33).

The HRW report (2009:22-28) presents tens of examples of threats by the Taliban against women's employment across the country, particularly in Kandahar, Helmand, Paktia, and Kunduz provinces. Fatima Aziz, a Member of Parliament from Kunduz, was threatened during her election campaigning in 2005. She received a letter which stated that if she loved her family, she should quit politics.

Malala Kakar, the head of the police department for crimes against women in Kandahar, was assassinated in September 2008. Sitara Achakzai, a vocal member of the provincial council, was shot dead in front of her house in April 2009. Both murders were claimed by the Taliban, who explained that these women were killed because they worked in public offices, which the Taliban had been categorically dissuading for women. Another female MP from Herat province received a phone call in 2009 telling her to stop working in Parliament (HRW, 2009:17-28).

Fauzia Koofi, a renowned former MP and famous critic of the Taliban, escaped attempted assassinations three times; the second attempt led to injuries of her two bodyguards (Koofi, 2015). Furthermore, the third attack in August 2020 led to the grave injury of her right arm when her car carrying her and her daughter were attacked (BBC, 2020). Though no one claimed responsibility, it is believed that the Taliban could be behind such attacks considering her past negotiations with the group regarding women's rights. Likewise, Shukria Barakzai, another prominent female politician, survived a suicide attack by the Taliban in 2014, which left three civilian bystanders killed (BBC, 2014). These cases, along with many others, clearly illustrate the engrained stance of the Taliban resisting women having active roles outside the home.

What has Changed in the Taliban's Position?

The above examples show almost zero change in the Taliban's position on women's right to education and work. Despite this, since 2010, the Taliban have been touting their softened position towards women's rights. According to Shinn and Dobbins (2011:92), several Taliban commanders conceded that they could not revert to some of their social practices of the late 1990s.

Pointing to the Taliban's reformation, a senior Talib said that they did not expect people to adhere to the strict interpretation of Islam the group promoted two decades ago (Sheikh and Khan, 2019:37). The former Taliban Minister of Finance went a step further, claiming a 100 percent change in the Taliban's position. He said the Taliban have no objection to women working outside the home, without reference to any of the Taliban's edicts (Paiman, 2019).

Another senior Talib made a revolutionary comment in this regard: "The Taliban are evolving and more open in their thinking...". They said that the Taliban understand that circumstances have changed and their hard interpretation of Islam is not expected to be obeyed by Afghans now (Sheikh and Khan, 2019:42). Alluding to a 'reformed system based on Islamic values' the Taliban's leader, Hibatullah Akhundzada in his public statement in June 2019 implied a transformation in the Taliban's view (Akhundzada, 2019).

Influenced by this rhetoric, many academics and journalists have presented arguments to demonstrate this leniency in the Taliban's policies towards women's rights. Gopal and Osman (2016:26) attributed this changed position towards women's work and education partly to completion of the Taliban's leaders' education and exposure to more liberal Islamic countries. One Talib revealed that his daughters attended universities in Qatar with full knowledge of the Taliban's leadership. Gopal and Osman found that women were allowed to work as teachers and doctors in segregated working environments. However, the Taliban continued to equate joint offices for men and women with satisfying their lust, hence it remained strictly forbidden. Nonetheless, Gopal and Osman viewed this conditional permission of female work as an indication of a modified Taliban position.

Sheikh and Khan (2019:42) also determined from their interviews with the Taliban that their views on women's rights had transformed. Their conclusion derives from the Taliban's readiness to discuss the future constitution and a mutually agreed-upon interpretation of Sharia. Considering the previous position of this group, Sheikh and Khan view this as an indication of a softer position from the Taliban. Gossman (2018:125) also asserts a modification in the Taliban's view, owing to the Taliban's claim that women can perform any job aside from acting as head of state or judge *Hudood*¹⁰ related crimes. This view was expressed in the case of the Taliban's rise to power. As mentioned previously, currently, the Taliban forbid female employment within the government and NGOs, while permitting severely limited employment in health and education sectors. Likely for this reason, Gossman does not mention the work-related conditions expected by the Taliban.

Further to the formerly stated conditionalities, Jackson's (2018:13) research discovers that in rural Taliban controlled areas, girls attending secondary schools will only be allowed to attend if their schools have a perimeter wall and if there is a means of secure transport for girls. These two conditions aim to hide women's physical presence from the public, a customary practice common in most parts of Afghanistan. Most parents would rather accept these conditions than deprive their daughters of an education (Rubin and Rudeforth, 2016:13).

Moghaddam (2018:66) backs Gossman's claim, viewing Taliban engagement with women alongside government delegates in an informal meeting in Oslo in 2015 as a modification in the Taliban's worldview. Her conclusion may derive from the comparison between this meeting and the Taliban's banishing of women from politics and employment in the 1990s.

However, the Taliban's commanders' behaviour on the ground during peace-talks suggests otherwise. This is particularly demonstrated by their behaviors towards women and girls in the dozens of the district centers recently captured by the Taliban. These behaviours resonate with the Taliban's version of Islamic Emirate enforced in the 1990s. In 2015, even after this purported softening of the Taliban's position, a school in Nangarhar Province was set ablaze because it had contravened the Taliban's conditions. A letter was left at the school, calling girls' schools "brothels" (GCPA¹¹, 2018). In 2018, HRW (2019:21) documented a repertoire of cases of school closures or attacks by the Taliban. 29 schools were closed in Logar Province. Similarly, Overseas Development Institute's research in 2018 did not identify a single secondary school in Logar province that girls attended, with the strict conditions of the Taliban depriving girls of education, yet conditional permission itself is viewed by many as an indication of flexibility in the Taliban's position (Jackson, 2018:13).

¹⁰ Islamic laws defining the limits ordained by Allah, including the deterrent punishments for crimes such as robbery, adultery, drinking alcohol, etc.

¹¹ Global Coalition to Protect Education from Attack.

In August 2019, in one of Kabul's districts, a girl's school was set ablaze by the Taliban (Amir, 2019). In August 2020, the Taliban prevented 180 girls from sitting university entrance exams in Badakhshan Province. The Taliban threatened these girls with dire consequences if they sat the exam (Reporterly, 2020). Similarly, in July 2019, the famous sole female prosecutor in the conservative province of Kandahar received a death threat from the Taliban. The handwritten letter, containing a bullet, was tacked to the windshield of her family's car and said: "From now on, you are our target. We will treat you like other Western slaves." While she had received numerous threats before, she could not ignore this one because her male colleague was shot dead by unknown men earlier that year (Engelbrecht, 2019).

Illustrated here, contrary to their public statements and rhetoric, the Taliban continued obstructing women's education and work, using schools' non-compliance of their precepts as an excuse. Their real position was expressed during negotiations with the government negotiating team. In mid-2019, when negotiating a declaration for the Doha informal dialogue, the Taliban stood against the inclusion of women's rights. Fouzia Koofi was called vulgar terms from the Taliban when she insisted on women's rights based on international conventions. As a result, women's groups boycotted the negotiations several times (Ahmadi, 2019; BBC Farsi, 2019).

Also, Hawa Nuristani's¹² anecdote from the February 2019 Moscow talks, confirms that the Taliban's views on women's rights are not genuine. She says that the Taliban supported women's rights in the general discussions, but when the discussions got to the specifics of women's roles, the Taliban froze up. They insisted women were "too delicate and sympathetic" for senior positions such as a commissioner or mayor (Engelbrecht, 2019).

Recently the Taliban's spokesperson in Qatar evaded answering a question on their stance of "women as ministers or judges" (Etilatroz, 2020). Rather, he reiterated their common mantra that "women's rights would be respected within the Islamic framework". Similarly, the statement of the Taliban's chief of staff in Doha regarding women's right to divorce was another salient example of the unchanged Taliban attitude. Referring to the 5000 cases of divorce in 2018, Amir Khan Mutaqi said these cases of divorce only destroyed families' relations and stated that Afghan women should not be proud of such freedoms (@Zabehulla_M33, 2019).

This blanket statement and numerous other remarks of the Taliban negate all progress on women's rights over the last 20 years, discrediting any claims of legitimate divorce while demonstrating the prejudiced and suspicious attitude of the Taliban regarding women's rights. Further, Amin Ahmadi, Hafiz Mansoor and Habiba Sarabi (current members of the Afghan government negotiating team) acknowledge the no-change theory in the Taliban's position. They argue that the Taliban's public statements starkly contradict their stiff position on the negotiation table. Unlike their public rhetoric, the Taliban's language on the negotiation table implies a totalitarian and exclusionary regime that disregards the gains of the last 20-years, including gender equality, rights of the minority, and a democratic regime (ToloneWS, 2020).

Dr Habiba Sarabi, a female negotiator narrates that one day when she and her colleague met members of the Taliban in a hotel lounge in Qatar, some turned their faces away to avoid her while they warmly greeted the State Minister for Peace Affairs of the government. She asserts "it is still hard for the Taliban to face and talk to women" (ToloneWS, 2020). It was based on this worldview that the Taliban banished women from the public view in the 1990s. They viewed looking at women as un-Islamic. This belief seems to remain in their behaviour both on the battleground and in political spaces.

¹² Currently the head of Afghanistan's Independent Elections Commission.

The Taliban have issued orders in the districts of Takhar Province, instructing women to not leave home alone and men to grow their beards, among other diktats (Hindustan Times, 2021). Also, another shocking piece of news from the Badakhshan and Takhar Provinces is “an order [by the Taliban] to the local leaders to provide them with a list of girls over the age of 15 and widows under the age of 45 for ‘marriage’ with Taliban fighters and inculcation in ‘authentic Islam’.” While the Taliban consider these marriages legal, the residents of these provinces have been angered and view this as an act of organized mass sexual slavery of women and an intentional tactic of war to break down their morale to resist against the Taliban. These behaviours breach the provisions of the UN Security Council Resolution 1820 and other international Human Rights Treaties, including the Fourth Geneva Convention (WLUML¹³, 2021).

Discussions

The evidence presented in the preceding sections demonstrates only slight flexibility in the Taliban’s policy towards women. This deceptive leniency is only conditional permission for women’s rights to education and work. Due to violent Taliban campaigns since their resurgence, most female teachers either left their districts or are too frightened to resume work in Taliban controlled areas. School-aged girls and female teachers fear the unpredictable wrath of the Taliban. The strict segregation in other professions is so strenuous that many feel it impossible for women to get an education and work outside the home.

When analyzing the nature, extent, and implications of this conditional modification, there appears to be no substantive change in the Taliban’s position. First, the nominal softer position comes with strict conditions such as dress code, segregated buildings with perimeter walls, and control over educational content. Also, segregation of offices by sex with no interaction between the male and female staff is another impeding condition that makes it impractical to work in an office in this interconnected and interdependent world. Meeting all of these hard and nearly impossible conditions has not been easy for girls, their parents, and women at large to attain their right to education and work.

The Taliban’s adamant position and systematic implementation of their precepts for women’s education and work led to the closure of hundreds of girls’ schools in Taliban areas. As HRW (2010:30-32) and APPRO (2015:10) also concur, most female students were denied education due to the shortage of exclusively girl schools in the rural areas and a lack of sufficient female teachers, both of which were caused by the insecurity instigated by Taliban fighters. Furthermore, numerous examples that I’ve mentioned previously in this paper demonstrate zero flexibility in the Taliban’s worldview and attitude towards women’s right to work and political participation.

Examples from 2005 onward and the 2010-*Laya* show that working with NGOs or the government is still viewed with hostility, and the Taliban believe this justifies the killing of these women. The attacks on the Counterpart International office, the attempted assassination of Fauzia Koofi, threat letters to the sole female prosecutor in Kandahar province, their behavior towards women in the dozens of districts recently captured since May 2021, and many other examples demonstrate zero flexibility and change in the Taliban’s worldview regarding women’s right to work and political participation.

Cases of murder, injury, and threatening letters presented so far imply the following: (i) working with foreigners and receiving a salary from them is considered un-Islamic, as it is viewed

¹³ Women Living Under Muslim Laws.

un-Islamic for men and women to work together (ii) women's work with foreigners or in mixed offices with government or non-government institutions involves possible physical contact, such as hand-shaking or unveiling, both of which are viewed un-Islamic and a way of satisfying lust which justifies their killing by the Taliban.

Surprisingly, since peace-talks began with the US in late 2018, the Taliban have repeatedly expressed interest in diplomatic missions and humanitarian and development agencies staying in Afghanistan. However, this will not benefit women if they dominate the future government, considering the Taliban's unchanged position. Second, public statements from the Taliban's political leadership and their actions in the field are starkly discordant. The Taliban's actions on the ground are reflective of their true position concerning women's right to education and work and their live more generally. The warning letters to and attacks on girls' schools, including physical attacks on women's offices, plainly cast doubt on the genuineness of this group's public statement of support of women's rights.

This lack of harmony between words and deeds of the Taliban suggests a rupture between the field-fighters and leadership of the Taliban. While the leadership have continually tried to exhibit a softer position on women's rights, the reality on the ground has almost always been different (Gopal and Osman, 2016:28). The leadership routinely turns a blind eye to the actions of its commanders, including the recent call of mass marriages of young women with the Taliban fighters, merely to ensure their continued support. These actions put women at the risk of organized rape and inhibit their right to employment and education. This approach of the Taliban's leadership shows how they compromise women's vested Islamic rights in exchange for expediency in keeping their soldiers allied to the movement's agenda. For this reason, the Taliban's political leadership perpetually evade in their public and private statements commenting on their conflict of policy and commanders' practices.

This practice of the Taliban dates back to their first leader, who turned a blind eye to a ban on women's employment and secondary education due to fear from his field-fighters (Gopal and Osman, 2016:22-24). His behaviour institutionalized this attitude which has been continued by his successors. Third, the Taliban's talks and engagement with women in recent years is often interpreted by academics as reformation in the Taliban's worldview regarding women's rights. But this inference seems crude and does not convincingly prove a substantive modification in the Taliban's position for the following reasons. The women's participation in Oslo 2015, Moscow and Doha 2019 dialogues, and the subsequent Doha peace negotiations took place without the Taliban's consent; they were forced to face women and hear what they had to say. The anecdote where the members of the Taliban's leadership turned their faces away from a female negotiator in Doha substantiates this.

Rejecting the notion of gender equality, the Taliban categorically stated in the Moscow talks and continue reiterating that women's rights will not be equal to those of men under the 'Islamic System' they envision. Their statement in Moscow denounced the current women's empowerment programmes in Afghanistan, saying that "Under the name of women's rights, there has been work for immorality, indecency, and the promotion of non-Islamic cultures..." (Bezhan, 2019). Such a statement can be rendered only by the Taliban's actions that target women working with government and NGOs in mixed offices or defying the Taliban's dress code and other precepts set for the secondary and higher education. Further, this statement conspicuously reflects their 2010-*Layha* regarding women's right to work and education, in which they assert that any teacher promoting gender equality must be killed.

Finally, it is worth noting that the Taliban's spokesman, Zabihullah Mujahid, in reaction to the declaration of the 2019 Consultative Peace Jirga held in Kabul, said that the rulings of Islam are "fixed and codified" and have already been commented upon, interpreted, and explained by the Taliban (IEOA¹⁴, 2019). This statement and their spokespersons blatant evasion of the question on women serving as 'ministers or judges' not only supports the no-change thesis, but also negates previous arguments made by the Taliban members, touting an evolution and reformation in their view towards women's rights.

Thus, the slight, yet punitively conditional permission for women's work and secondary and higher education is deceptive and only belongs to the political section of the Taliban. This strategy appears more tactical, to attract the attention of the international community and gain popularity among Afghans for ruling in the future, rather than to impact any meaningful change in the advancement of women's rights.

Conclusions¹⁵

The Taliban's unchanged position as explained above has dire social and legal implications for women's rights and gender equality agenda in a post-conflict Afghanistan. Evidence suggests a darker outlook and the possible erosion of progress from the last 20 years if the Taliban share power either through a negotiated agreement or military means. Socially, the Taliban do not have the propensity and do not seem willing to compromise, to allow women to work or get an education under current conditions in government-controlled territories. Similarly, under a regime with a role for the Taliban, women's leadership and political participation will be faced with numerous inhibitions that will undermine the gains of the past two decades and impede their growth in the future.

Legally, the Taliban have taken a hard stance from day one to institutionalize their interpretation of Islam on any issues, including women's rights. While the use of religion may not be practical in such a case, the tenacious position of the Taliban speaks for their continued determination to use religion to defend their stance on anything they choose including their recent actions in the Northern provinces. It is overwhelmingly likely that this strategy of the Taliban will continue, and as such, it will challenge and eventually invalidate many national and international legal frameworks supporting women's rights such as the Convention on the Elimination of all Form of Discrimination Against Women. Similarly, it is likely that the provisions made by the Afghan constitution granting equal rights to men and women and other minority groups (including Elimination of Violence Against Women Law which criminalizes 22 acts of violence against women) will in all probability be amended or nullified to satisfy the Taliban's view. Furthermore, other government policies, strategies, and programmes that promote and empower women inter alia, Women, Peace and Security National Action Plan and Women's Economic Empowerment National Priority Programme will likely be cancelled as they stand against the worldview that the Taliban hold for women.

Therefore, to protect women in relation to gains in rights and freedom they've made over the past two decades, the government must take a clear stance during peace negotiations. The leverage of the international community is pivotal and consequential to pressurise the Taliban to agree on a fair women's rights agenda with the government. If women's rights are overlooked at

¹⁴ Islamic Emirate of Afghanistan.

¹⁵ I undertook this research during 2019 and the findings sadly foreshadowed events up to 2021 where we now see conditions dramatically deteriorating.

this stage, the missed opportunity will be irreversible in the foreseeable future, and the post-conflict reconstruction and recovery agenda will be inspired by what will be agreed upon by the two parties on the negotiation table. Thus, women's rights must be protected from the beginning.

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¹⁶ Given the status of Taliban's leader, his message is attributed to himself unlike the spokesman whose message is attributed to the movement of Taliban (IEoA).

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