

AFGHANISTAN
HUMANITY DENIED
Systematic Violations of Women's Rights in Afghanistan

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I. GLOSSARY

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| Burqa: | A head-to-toe garment worn by women. |
| Chadar: | A shawl that may be worn loosely around the head. |
| Chadari: | A veil that is culturally specific and variable among different Islamic countries. In Afghanistan, it is a synonym for “burqa”. |
| Edict: | A pronouncement of the Taliban that is binding and enforced. |
| Kandahar: | A city in southeast Afghanistan (also spelled “Qandahar”). |
| Mahram: | A close male relative - that is a husband, father, brother, or son. |
| Mujahidin: | Literally, “those who struggle.” In Afghanistan, this refers specifically to the forces that fought the successive Soviet-backed regimes, although the former <i>mujahidin</i> parties in the United Front continue to use it with reference to themselves. |
| Namaz: | Prayer time for Muslims. |
| Religious Police: | (colloquial) Officials of the Ministry for the Promotion of Virtue and the Prevention of Vice (<i>al-Amr bi al-Ma'ruf wa al-Nahi `an al-Munkir</i>), also referred to as “PVPV”. |
| Shalwar: | Wide-leg trousers worn under a loose fitting, long blouse as part of traditional regional clothing in Asia and parts of Africa (also known as <i>salvaar</i>). |

II. SUMMARY

Women in Afghanistan have suffered a catastrophic assault on their human rights during more than twenty years of war and under the repressive rule of the Taliban. Now, as women face further peril with the intensification of conflict following the September 11 attacks on the United States, the international community must make a firm commitment to uphold women's human rights in any post-conflict settlement. The impunity that has characterized Afghanistan's civil war must not also come to characterize Afghanistan's post-conflict reconstruction and development.

Throughout Afghanistan's civil war, the major armed factions - primarily the Taliban and the United National Islamic Front for the Salvation of Afghanistan (commonly known as the "United Front" or by its previous name, the Northern Alliance), a coalition of mainly Tajik, Uzbek, and ethnic Hazara parties - have repeatedly committed serious abuses of international human rights and humanitarian law. Women have borne the brunt of this violence and discrimination. In the civil war, women have suffered massive, systematic, and unrelenting human rights abuses that have permeated every aspect of their lives. Both Taliban forces and forces now grouped in the United Front have sexually assaulted, abducted, and forcibly married women during the armed conflict, targeting them on the basis of both gender and ethnicity. Thousands of women have been physically assaulted and have had severe restrictions placed on their liberty and fundamental freedoms. Moreover, the Taliban have sought to erase women from public life. They have banned women from employment in most sectors; banned education of girls beyond primary school; forbidden women from going out in public without the accompaniment of a close male relative (*mahram*); and banned women from appearing in public without wearing an all-enveloping *chadari* (a head-to-toe garment). These restrictions assault women's human dignity and threaten their very right to life.

The Ministry for the Promotion of Virtue and the Prevention of Vice (*al-Amr bi al-Ma'ruf wa al-Nahi `an al-Munkir*, hereafter, "Religious Police"), modeled after a similarly named ministry in Saudi Arabia, has ruthlessly enforced Taliban restrictions against women through arbitrary and humiliating public beatings and the threat of public beatings. The Religious Police not only beat women publicly for, among other things, wearing socks that are not opaque enough; showing their wrists, hands, or ankles; and not being accompanied by a close male relative; but also for educating girls in home-based schools, working, and begging.

Having suffered violence and discrimination during Afghanistan's civil war, the U.S.-led intervention in Afghanistan will impact especially severely on women. Many women who have no close male relative to accompany them will face difficulty fleeing the country; escaping in a *chadari* is cumbersome and slow. Women remaining behind may be vulnerable to reprisals and abuses, including sexual assault by the factions participating in the war. Nongovernmental organizations (NGOs) estimate that in Kabul alone there are 40,000 widows. Having very limited opportunities for employment and having their sons or other close male relatives vulnerable to conscription by the Taliban, these women are perhaps in the most precarious position and are among the least likely to be able to escape the conflict.

Throughout the Afghan civil war, all sides in the conflict have committed egregious and flagrant violations of humanitarian and human rights law, including violations of women's rights, with impunity. There is a danger now that the international community will advocate for a political solution that, while serving their immediate political and security needs, bargains away accountability for the long history of human rights abuses suffered by the citizens of Afghanistan generally, and by Afghan women specifically. Discussion of protection of women's rights during the U.S.-led attack on Afghanistan has been largely absent, even though Human Rights Watch and other human rights organizations have documented previous occasions in which both the Taliban and United Front forces have retaliated against civilians in recaptured areas. Historically, when the Taliban have felt threatened, they have redoubled their persecution of women and groups they perceive as opposed to their rule.

Based on interviews with refugees in Pakistan conducted shortly before the September 11 attacks in the U.S., this report focuses on abuses of women's human rights in Afghanistan. However, as the situation in Afghanistan worsens, and women seek to escape the armed conflict, there will be a continued need for the international community, particularly United Nations (U.N.) agencies such as the United Nations High Commissioner for Refugees (UNHCR), to respond to the needs of Afghan refugees and internally displaced persons. Women living in the camps in Pakistan expressed to Human Rights Watch their fears that even in Pakistan, their country of refuge, sympathizers with the Taliban may increasingly infiltrate the refugee camps and threaten the human rights of women.

Any political or military solution to the situation in Afghanistan must include clear commitments by the international community to promote and protect women's human rights and fundamental freedoms. The international community must insist on an end to impunity, for accountability for abuses of women's human rights committed during the civil war and for any violations that occur during the U.S.-led war on terrorism, and for full respect and protection for women's human rights as an integral part of any post-conflict reconstruction and development

III. RECOMMENDATIONS

To both prevent continued violations of women's human rights and to encourage accountability for past abuses, Human Rights Watch calls on:

All parties to the conflict in Afghanistan

Make, and fully abide by, a public commitment to observe international human rights and humanitarian law guaranteeing the protection of civilians, and to investigate and hold accountable military personnel responsible for violations.

The U.S.-led alliance

Ensure that any military actions taken in Afghanistan comply with international human rights and humanitarian law and that specific protections afforded to women under international law in time of war are fully respected; and that all possible steps are taken to address the particular challenges that women encounter living in a conflict zone.

The Taliban and the United Front

Immediately cease violations of humanitarian law, and in particular violations against women. Order the immediate cessation of any practice of rape or other forms of sexual assault.

The International Community

Call for an immediate end to the systematic violations of women's human rights by the Taliban and other political factions in Afghanistan;

Take all steps possible to ensure that adequate humanitarian assistance reaches all affected civilians inside Afghanistan, especially the internally displaced and female-headed households;

Support the efforts of international, domestic relief and Afghan women's rights agencies that are providing humanitarian and development assistance in Afghanistan, and ensure the inclusion of women both as recipients of aid and as equal partners in decision making regarding development and aid projects;

Ensure that any government established in Afghanistan is committed to fully respect the human rights of all the people of Afghanistan and to repealing laws and ending practices that by their intent or consequence discriminate against women;

As foreign aid is allocated to rebuild Afghanistan, ensure that development and reconstruction programs are structured to ensure that girls and women have full access to programs for education, health care, job training, and housing. These programs must be crafted so that they reach women who otherwise might not be aware of or be able to access the programs, including rural women, widows, and women who are disabled, internally displaced, or illiterate;

Hold the Taliban and other political factions in Afghanistan accountable for their massive and systematic violations of women's human rights; and

Hold the Taliban and the United Front accountable for violations of humanitarian law during the civil war, including extrajudicial executions of civilians, "disappearances", sexual violence, and gender-based persecution.

The United Nations

The Security Council, together with the secretary-general and the high commissioner for human rights, should press for prompt and thorough investigations both of violations of international human rights and humanitarian law, including cases of extrajudicial execution of civilians, "disappearances," sexual violence and of the system of

gender-based persecution established in areas of Taliban rule; and should ensure that violations against women are a separate and specific part of any investigation;

In light of the severe gender-based discrimination that has been a hallmark of the Taliban and other previous regimes in Afghanistan, U.N. agencies and programs working in Afghanistan should insist, and take all possible steps to ensure, that their programs in future function free from discrimination based on sex, and are tailored to guarantee to women meaningful access to humanitarian aid and other programs; and

The U.N. should fill its vacant gender advisor position with the Office of the United Nations Coordinator for Afghanistan, and give the gender advisor the authority to monitor and ensure compliance with international human rights and humanitarian law, and also to undertake wide consultation with all interested groups so as to propose not only immediate measures of relief, but also measures to address the situation of women in a post-conflict Afghanistan.

The UNHCR

Working with host and donor governments, UNHCR should develop a coordinated strategy effectively to identify and separate militants and armed elements from civilian refugees. Separation should take place inside host countries at the border and involve an international monitoring presence; and

In registering refugees, UNHCR should take into consideration the persecution of women in Afghanistan by all the political factions.

IV. BACKGROUND

The extreme violence and discrimination against women under the Taliban, the authorities currently ruling most of Afghanistan, follows years of deteriorating conditions for women. Successive regimes have imposed severe restrictions on women's rights, while warring factions have targeted women for gender-specific violence, such as rape and forced marriage, because they are women and/or because they belong to a certain ethnic group.

In the years following the Soviet withdrawal in 1989, women experienced gender-specific violence and discrimination as armed groups struggled for territorial control. The parties that had fought the Soviet-backed government divided up the country while battling with each other to control the capital, Kabul. The United Front forces, a coalition of mainly Tajik, Uzbek, and ethnic Hazara¹ parties, were part of this conflict. During this time the rule of law was virtually non-existent in Kabul and large parts of the countryside, and three of the main factions of this coalition engaged in rape, summary executions, arbitrary arrest, torture, and "disappearances."²

During the short-lived and nominal rule of President Burhanuddin Rabbani, from 1992-1996, Kabul experienced full-scale civil war, with indiscriminate shelling of civilian areas causing heavy casualties and destruction. As Human Rights Watch documented, a number of the United Front's factions were responsible for perpetrating widespread rape during fighting in Kabul neighborhoods in 1993 and 1995.³ In 1995, for example, a predominantly Tajik party, Jamiat-i Islami, a faction led by Commander Ahmed Shah Massoud and President Rabbani, conducted a punitive raid on a Hazara neighborhood of Kabul. Similarly, in instances documented by Human Rights Watch in 1998, violence against women was carried out by various warring factions, and in particular by the Taliban, as a means to punish and terrorize their perceived opponents.⁴

Life under the Taliban

The Taliban, which began as a religious movement of students educated in traditional Islamic schools in Pakistan and Afghanistan, emerged as a military force in 1994. The Taliban draws its support primarily from the country's largest and historically dominant ethnic group, the Pashtuns.⁵ Concentrated in the eastern and southern areas of Afghanistan, the Pashtuns are, like their neighbors in Pakistan, overwhelmingly Sunni Muslims.

With the extensive assistance of Pakistan, the Taliban captured Kabul in September 1996, and under its leader Mullah Mohammed Omar, declared itself the government of the "Islamic Emirate of Afghanistan." However, only three states (Pakistan, Saudi Arabia, and the United Arab Emirates) recognized it. The latter two have withdrawn recognition since the September 11 attacks on the United States.

Taliban decrees⁶ have greatly restricted women's movement, behavior, and dress, and in fact, virtually all aspects of their lives.⁷ In public, women are required under threat of severe punishment to wear the chadari,⁸ and

¹ Tajiks constitute 25 percent of the population, Uzbeks are 6 percent, and Hazaras make up 19 percent. Jim Lobe & Abid Aslam, "Self-Determination Regional Conflict Profile: Afghanistan," Foreign Policy in Focus, <http://www.fpif.org/selfdetermination/conflicts/afghan.html>

² See Human Rights Watch, "Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War in Afghanistan," *A Human Rights Watch Short Report*, Vol. 13, No.3 (C), July 2001, p. 22.

³ See Human Rights Watch, "Crisis of Impunity," p. 22. These three factions were Jamiat-i Islami, Ittihad-i Islami, and the Hizb-i Wahdat.

⁴ See Human Rights Watch, "The Massacre in Mazar-i-Sharif," *A Human Rights Watch Short Report*, Vol. 10, No. 7 (C), November 1998, p. 12. See also, Human Rights Watch, "Crisis of Impunity," pp. 18-22.

⁵ Pashtuns presently constitute 38 percent of the population. See Lobe and Aslam, "Self-Determination Regional Conflict Profile: Afghanistan," Foreign Policy in Focus, <http://www.fpif.org/selfdetermination/conflicts/afghan.html>

⁶ See Appendix I.

⁷ During Human Rights Watch's August mission to Pakistan, we interviewed Afghan female refugees who had lived in areas controlled by other mujahidin factions, such as Hizb-i Wahdat and the Uzbek forces of General Abdul Rashid Dostum. These

to be accompanied by a close male relative at all times. Violations of the dress code, in particular, can result in public beatings and lashing by the Religious Police, who wield leather batons reinforced with metal studs.⁹ Women are not permitted to work outside the home except in the area of health care, and girls over eight years old¹⁰ are not permitted to attend school.¹¹ According to reports on Afghanistan by the U.N. Special Rapporteur on violence against women, these decrees are generally more strictly enforced in urban areas, and are especially targeted against educated women who, before the Taliban took power, accounted for 70 percent of all teachers, about 50 percent of civil servants, and 40 percent of medical doctors in the country.¹²

These decrees have had a significant negative impact on women's lives. The rate of illiteracy among girls in Afghanistan is now over 90 percent.¹³ The restriction on women's mobility has meant that women do not enjoy satisfactory access to health care.¹⁴ As a result, an estimated forty-five women die everyday from pregnancy-related causes.¹⁵

women reported political pressures on women, including pressure to veil. These women described a general atmosphere of insecurity compelling them to stay at home. In some cases, women who did not wear the chadari felt it was safer to do so in order not to be seen and thus avoid abduction or forced marriage. Human Rights Watch interviews, Gul Nawaz, Peshawar, Pakistan, August 26, 2001; Abdullah Hafiz, Peshawar, August 27, 2001; Kobra Khalid, Akora Khattak Camp, Peshawar, Pakistan, August 30, 2001; Mahan Sardori, Akora Khattak Camp, Peshawar, Pakistan, August 30, 2001; Ayesha Gul, Quetta, Pakistan, September 3, 2001; and Sara Ahmed, Peshawar, Pakistan, August 25, 2001. All names of interviewees have been changed to pseudonyms to protect their privacy and to prevent retaliation. See also U.N. Special Rapporteur of the Commission of Human Rights, "Mission to Pakistan and Afghanistan, submitted by Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, in accordance with Commission resolution 1997/4," E/CN.4/2000/68/, March 13, 2000, pp. 7-10.

⁸ For the purposes of this report a few terms will be used: "chadari" is the word most women we interviewed used to describe the head-to-toe garment they were required to wear that obscures their features and hides their bodies. A burqa is a similar garment. The refugee women Human Rights Watch interviewed for this report used the latter two words interchangeably. A "chadar" is a shawl that may be worn loosely over the head.

⁹ The Taliban also closely police the appearance of men, for example, by punishing them if their beards are not long enough or if they are not wearing a proper headdress. However, most men do retain some control over their lives. They can participate in the public sphere, be politically active, associate freely, and work.

¹⁰ Physicians for Human Rights, *Women's Health and Human Rights in Afghanistan*, May 17, 2001, p. 67. See also U.N. Special Rapporteur of the Commission of Human Rights, "Mission to Pakistan and Afghanistan, submitted by Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, in accordance with Commission resolution 1997/4," E/CN.4/2000/68/, March 13, 2000, p. 7. According to a recent Taliban edict, aid agencies may only provide primary education to girls within the confines of a mosque.

¹¹ However, there has been an exception to the edict banning education for girls beyond primary level in the medical profession. A limited number of women have been allowed to study for a medical degree, although Afghan education specialists questioned the standard of teaching and resources available. Human Rights Watch interviews, Dr. Fauzia Akram, Peshawar, Pakistan, August 23, 2001 and Dr. Soraya Anwar, Peshawar, Pakistan, September 6, 2001. All names of interviewees have been changed to pseudonyms to protect their privacy and to prevent retaliation.

¹² See U.N. Special Rapporteur of the Commission of Human Rights, "Mission to Pakistan and Afghanistan, submitted by Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, in accordance with Commission resolution 1997/4," E/CN.4/2000/68/, March 13, 2000, p. 7. See also, U.N. Special Rapporteur of the Committee of Human Rights, "Final Report on the situation of human rights in Afghanistan submitted by Mr. Choong-Hyun Paik, Special Rapporteur, in accordance with Commission resolution 1996/75" E/CN.4/1997/59, February 20, 1997, para. 71.

¹³ UNESCO estimates that as few as 3 percent of Afghan girls may be receiving some form of primary education. See U.N. Special Rapporteur of the Commission of Human Rights, "Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World: Report on the situation of human rights in Afghanistan submitted by Mr. Kamal Hossain, Special Rapporteur, in accordance with Commission resolution 1999/9," E/CN.4/2001/43, March 9, 2001, para. 46.

¹⁴ When the Taliban initially came to power, they banned female health care workers and designated a substandard hospital without sanitation for women. Several hospitals now have women's wards and female health care workers and nurses are being trained. These wards and hospitals run on limited resources - in some cases even water and electricity are scanty. See Coomaraswamy, *Mission to Pakistan and Afghanistan*, p. 8.

¹⁵ WHO Afghanistan paper cited in the report of Kamal Hossain, U.N. Special Rapporteur on the Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World, *Report on the Situation of Human Rights in Afghanistan*, para. 45.

Widows, whose numbers after twenty-three years¹⁶ of war are significant,¹⁷ are acutely affected by the restrictions on women's employment and movement. Although the Taliban issued an edict in 1999 allowing widows with no other means of support to take paid work, employment opportunities remain extremely limited.¹⁸ International aid agencies, including U.N. bodies, have provided work for some women. However, in July 2000 the Taliban issued a decree banning all Afghan women from working in aid agencies except for those in the health care sector.¹⁹ The Taliban has also allowed HABILAT, a U.N. agency, to employ over 3,000 women in pasta processing centers in several urban areas.²⁰ The general restrictions placed on women's employment have reportedly caused an increase in women begging on the streets and participating in prostitution.²¹

The anti-Taliban Forces

After the Taliban captured Kabul in 1996, the opposing groups formed an alliance called the National Islamic United Front for the Salvation of Afghanistan, commonly known as the United Front. The United Front supports the Faizabad-based government headed by President Burhanuddin Rabbani, known as the Islamic State of Afghanistan (ISA). However, the most powerful figure within the ISA was its defense minister, Ahmad Shah Massoud, who was assassinated on September 9, 2001. The membership of the United Front has varied over time, but all of its current major factions previously committed serious human rights abuses and violations of international humanitarian law, including rape of women.²² However, in some areas under United Front control, such as in Mazar-i-Sharif,²³ women have had access to health care and been permitted to study up to university level.

Treatment of ethnic and religious minorities

Both the Taliban and certain United Front forces have targeted civilian ethnic minorities during their periods of control, and have used widespread rape, forcible displacement, and abduction of minority women as a weapon of war.²⁴ The U.N. Special Rapporteur on violence against women has cited reports of the Taliban abducting Hazara girls from village and forcing them into marriage with Pashtun tribesmen.²⁵ Human Rights Watch's own reporting in 1998 found that when the Taliban captured the city of Mazar-i-Sharif in northwest Afghanistan, their forces systematically targeted members of the Hazara, Tajik, and Uzbek ethnic communities, including by committing sexual assaults against women. Consistent reports indicated that the Taliban abducted a number of young women from various neighborhoods of Mazar-i-Sharif, whose whereabouts remain unknown.²⁶

The current crisis

Out of an estimated twenty two million²⁷ Afghans, most of those who depend on international assistance for their survival are women and children. The withdrawal of international aid workers and the disruption of food

¹⁶The Soviet Union invaded in 1979.

¹⁷There are an estimated 40,000 widows in Kabul alone. Human Rights Watch interview with an international humanitarian organization with experience in Afghanistan, August 27, 2001.

¹⁸Coomaraswamy, *Mission to Pakistan and Afghanistan*, p. 9.

¹⁹Hossain, *Report on the Situation of Human Rights in Afghanistan*, paras. 50-51.

²⁰See "Afghanistan: Pasta Project Employs Hundreds of Women," *Integrated Regional Information Network*, July 6, 2001. At the time this report went to press in late October, there was no confirmation on how many of these centers were still operational.

²¹Coomaraswamy, *Mission to Pakistan and Afghanistan*, p. 9.

²²Human Rights Watch, "Military Assistance to the Afghan Opposition," October 5, 2001, p. 3.

²³See also U.N. Special Rapporteur of the Commission of Human Rights, "Mission to Pakistan and Afghanistan, submitted by Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, in accordance with Commission resolution 1997/4," E/CN.4/2000/68/, March 13, 2000, p. 9.

²⁴Human Rights Watch, "Crisis of Impunity," pp. 20-22.

²⁵Coomaraswamy, *Mission to Pakistan and Afghanistan*, p. 10.

²⁶See Human Rights Watch, "The Massacre in Mazar-i-Sharif," *A Human Rights Watch Short Report*, Vol. 10, No. 7 (C), November 1998, p. 12.

²⁷The total population of Afghanistan is estimated to be 27 million people, including the four million who are refugees in neighboring countries, and the one million that are internally displaced within Afghanistan. See the World Bank Group,

shipments are likely to have a devastating effect, especially on widows who are the sole providers for their families. Since the September 11 attacks, tens of thousands of Afghans have continued to flee Afghanistan, most of them towards Pakistan, but because of official border closures many thousands remain trapped at the border without any access to humanitarian assistance.²⁸

Attacks on humanitarian relief agencies in Taliban-controlled areas of Afghanistan have been increasing since the weekend of September 22, 2001, when the Taliban cut off almost all communication between U.N. field offices inside Afghanistan and the outside world, and seized 1,400 tons of U.N. World Food Program (WFP) food stocks in Kandahar, in southern Afghanistan.²⁹ Again, on October 16, Taliban soldiers reportedly seized WFP food warehouses in Kabul and Kandahar, taking control of some 7,000 tons of food.³⁰ Human Rights Watch has also received reports of Taliban and other armed elements carrying out widespread attacks on humanitarian workers in the Taliban-controlled cities of Kandahar, Kabul, Jalalabad, and Mazar-i-Sharif in Afghanistan.³¹

World Development Indicators database, April 2001. *See also*, United Nations Appeals, 2001 Appeal for Afghanistan, "To Support an Inter-Agency Emergency Humanitarian Assistance Plan for Afghans in Afghanistan and in Neighboring Countries," September 27, 2001, <http://www.reliefweb.int/appeals/afg/2001/index.html>

²⁸ *See* Human Rights Watch, "Afghanistan: Refugee Crisis: Global Backlash Against Refugees and Migrants," press release, October 18, 2001. *See also*, Human Rights Watch, "No Safe Refuge: The Impact of the September 11 Attacks on Refugees, Asylum Seekers and Migrants in the Afghanistan Region and Worldwide," backgrounder, October 18, 2001.

²⁹ *See* "Afghanistan: WFP to Resume Food Shipments to North and West," *Integrated Regional Information Network*, September 26, 2001.

³⁰ *See* Human Rights Watch, "Afghanistan: Attacks on Aid Increasing," press release, October 18, 2001.

³¹ *Ibid.*

V. INTERNATIONAL LAW

Women living in Afghanistan have suffered massive and systematic violations of their human rights under the Taliban. The Taliban have issued numerous edicts that control literally every aspect of women's behavior in both the public and private spheres. These edicts are officially issued by the Ministry for the Promotion of Virtue and the Prevention of Vice, and announced to the general public through the Taliban radio station, the Voice of *Shariat* (Islamic law). With a few exceptions, the Taliban have banned women from participating in the public sphere. Women are forbidden to take employment, to appear in public without a male relative, to participate in government or other public debate, and to receive secondary or higher education. The impact of this discrimination has been to silence women and strip them of all control over their lives. Afghan women do not experience these violations as separate and discrete incidents; rather, the discrimination is cumulative and so overwhelming that it is literally life threatening for many Afghan women. Women are deprived of the means to support themselves and their children.

The Taliban enforce their discriminatory edicts through summary and arbitrary punishment of women by the Religious Police. By engaging in widespread discrimination and violence against women, the Taliban are daily violating international human rights law. The current Taliban regime, as well as all future regimes in Afghanistan, is bound by basic principles of international human rights law and, in particular, by the human rights treaties signed and acceded to by Afghanistan.³²

These rights violated by the Taliban's discriminatory³³ policies include the right to freedom of expression, association, and assembly, the right to work, the right to education, freedom of movement, and the right to health care.

International law guarantees all persons the right to freedom of expression.³⁴ The Taliban's imposition of extreme types of restrictions on women's freedom cannot be reasonably construed as fitting within any of the exceptions to this right.³⁵

The rights to freedom of association, peaceful assembly, and freedom of movement are guaranteed under the International Covenant on Civil and Political Rights (ICCPR).³⁶ The Taliban's decrees and practices effectively constitute a prohibition on all association, assembly, and freedom of movement on an indefinite basis.

³² Afghanistan ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR) on January 24, 1983. Afghanistan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on August 14, 1980 and the Convention on the Rights of the Child (CRC) on September 27, 1990. Afghanistan ratified the CRC on March 28, 1994.

³³ The two major human rights treaties, the ICCPR and the ICESCR, guarantee all persons the enjoyment of basic human rights, free from discrimination of any kind, including on the grounds of sex.

³⁴ Article 19 of the ICCPR.

³⁵ Under Article 19(3) of the ICCPR, a state may limit this freedom only insofar as it is necessary for the protection of the rights of others, national security or public order, or public health or morals. These limitations must be expressly provided for by the law and must be strictly construed. "Public morals" is not defined in the ICCPR. The Human Rights Committee has stated, "public morals differ widely. There is no universally applicable common standard. Consequently, in this respect, a certain margin of discretion must be accorded to the responsible national authorities." Although the definition of public morals differs widely, it is the view of Human Rights Watch that it cannot be used to defend the imposition of severe limitations on women's human rights and fundamental freedoms. *Views of the Human Rights Committee under Article 5(4) of the Optional Protocol to the International Covenant on Civil and Political Rights concerning Communication No. R.14/61*, para 10.3, Human Rights Committee, in *Report of the Human Rights Committee*, U.N. General Assembly, 37th sess., U.N. Doc A/37/40, Supp. No.40 (1982), pp. 161-165.

³⁶ Articles 22 and 21. They are also set forth in Article 20 of the Universal Declaration of Human Rights. The right to freedom of association and peaceful assembly is subject to the same exceptions as the right to freedom of expression.

The right to freedom of movement is protected under the Universal Declaration of Human Rights (UDHR)³⁷ and specifically in the ICCPR.³⁸ The Taliban's decrees restricting women's movement in public constitute discrimination on the grounds of sex and are a breach of the ICCPR's guarantee of women's equality before the law.³⁹

The right to work is set forth in the UDHR,⁴⁰ the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁴¹ and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁴² Under these instruments, states are obliged to recognize the right of "everyone to gain his living by work, which he freely chooses or accepts."

The right to education is set forth in the UDHR,⁴³ the ICESCR,⁴⁴ the Convention on the Rights of the Child (CRC)⁴⁵ and CEDAW.⁴⁶ These instruments declare the right to education to be universal. CEDAW specifically obliges states to address the problems faced by women, in particular those in rural areas, in securing enjoyment of this right.⁴⁷ In particular, states are obligated under the ICESCR and the CRC to provide primary and secondary education to all without discrimination as to sex, and to guarantee equal access to higher education.⁴⁸

Women's right to equal access to health care services is a critical element of the right to health guaranteed under international law. CEDAW guarantees this right to all women, including women living in rural areas.⁴⁹ The ICESCR provides equal rights to the "highest attainable standard of physical and mental health."⁵⁰

In Afghanistan, not only do women face Taliban decrees that are discriminatory, but they are also subjected to summary physical punishment without the protections of due process. Under international law, states are required to prosecute violations of bodily integrity, and to act to protect women from gender-based violence and discrimination. The ICCPR protects women from gender-based violence in its guarantees to the right to life,⁵¹ the right not to be subject to torture or cruel, inhuman or degrading treatment or punishment,⁵² the right to liberty and security,⁵³ and the right to equality before the law, including effective protection against discrimination on the ground of sex.⁵⁴

³⁷ Article 13. Article 2 stipulates that everyone is entitled to the enjoyment of these rights and freedoms without distinction of any kind such as that of sex.

³⁸ Article 12. This right is subject to the same exceptions as the right to freedom of expression.

³⁹ Article 26.

⁴⁰ Article 23(1).

⁴¹ Article 6. Afghanistan became a party to the ICESCR on January 24, 1983.

⁴² Article 11. Afghanistan signed CEDAW on August 14, 1980. According to Article 11(1)(a) of CEDAW, the right to work is an "inalienable right of all human beings." Article 11(1)(c) guarantees women the right to a free choice of profession and employment.

⁴³ Article 26.

⁴⁴ Articles 13 and 14.

⁴⁵ Article 28. Afghanistan signed the CRC on September 27, 1990 and ratified it on March 28, 1994.

⁴⁶ Articles 10 and 14(2)(d).

⁴⁷ Article 14(2)(d).

⁴⁸ Articles 13 and 2(2).

⁴⁹ Article 14(2)(b). Article 6 of the ICCPR recognizes a broader right to life and survival.

⁵⁰ Article 12. Under Article 2(2) of the ICESCR, states are obligated to guarantee that such rights outlined in the Covenant "will be exercised without discrimination of any kind."

⁵¹ Article 6.

⁵² Article 7.

⁵³ Article 9.

⁵⁴ Article 26.

VI. ILLUSTRATIVE CASES

Historically, a succession of different governments, regimes, and political factions have manipulated women's rights in pursuit of their own political agendas, and some of these have sought to strip Afghan women of their fundamental human rights, freedoms, and dignity. Afghan women have symbolized their families' and societies' honor, and this concept of honor has been a potent source of political mobilization and manipulation by various competing forces. In particular, the seclusion of women and strict control over their movement is central to this honor code that is inextricably tied to the conduct of women. Under the Taliban, this control has been institutionalized by various edicts governing all aspects of women's public and private lives, by severely restricting women's freedom of movement and association, and their access to education, healthcare, and employment. Women in the cities have been especially targeted and have borne the brunt of the zealous enforcement of these decrees by the Religious Police. But women in rural areas have also been adversely affected.

The Taliban edicts formally order the seclusion and segregation of women from men unrelated to them. Thus, women are effectively banished to the domestic sphere, and may not be seen in public unless they are almost totally concealed in a chadari or *burqa*⁵⁵ and then only when accompanied by a mahram (a close male relative). Furthermore, women must not wear clothes that are decorated, brightly colored, or form fitting, and women are not permitted to travel alone in a taxi. Even as regards access to healthcare, it is not only the structural consequences of continuing armed conflict, but the restrictions on women's movement, such as traveling with a mahram and wearing a veil in public, that severely constrain their ability to seek and receive medical treatment. The very same discriminatory edicts inhibit the ability of female health care professionals to carry out their work safely and effectively and limit the few opportunities for professional development that women doctors hope to achieve. Similarly, access to education for women and girls has been further aggravated by discriminatory policies that ban girls from all but elementary levels of education, and ban women teachers from working.⁵⁶ The punishment for violating these codes is severe. Typically, members of the Religious Police accost and may assault or imprison women who breach these restrictive requirements.

Women living under Taliban rule report being in a constant state of fear. The slightest infraction, real or perceived, of gender-specific norms or mores as expressed by Taliban edicts can and often does lead to summary beatings by the Religious Police. There is no defense or appeal. Punishment is immediate and harsh. The opinions, thoughts, expressions, resistance and very existence of women is effectively denied by the existing policies that seek to make Afghan women invisible, as the cases documented below illustrate.

Most women Human Rights Watch interviewed⁵⁷ had either been beaten or had witnessed other women being beaten. Women are not just beaten for violations of the dress code. They are beaten if they travel without a mahram. A woman doctor who left Kabul in January 2001 recounted the risks she had taken simply to get to work at her hospital. She worked long shifts and so took her infant son, whom she was breastfeeding, with her to her work.

⁵⁵ For the purposes of this report a few terms will be used: "chadari" is the word most women we interviewed used to describe the head-to-toe garment they were required to wear that obscures their features and hides their bodies. A burqa is a similar garment. Refugee women interviewed by Human Rights Watch for this report used the latter two words interchangeably. A "chadar" is a shawl that may be worn loosely over the head.

⁵⁶ Although boys are not forbidden to attend schools, the impact of the devastation on their education is also significant. Recently, a higher concentration of religious subjects has been added to lower grades that boys are finding hard to understand. In interviews with education specialists Human Rights Watch was told that because of the low salaries, even male teachers lack the motivation to teach, and that out of necessity many combine teaching with other employment. Human Rights Watch interview, Asma Hussain, Quetta, Pakistan, September 4, 2001. All names of interviewees have been changed to pseudonyms to protect their privacy and to prevent retaliation.

⁵⁷ Throughout this report all names of interviewees have been changed to pseudonyms to protect their privacy and to prevent retaliation.

My husband hailed a taxi to take my child and me to the hospital. Five minutes later, a Religious Police car stopped the taxi. He made me get out of the taxi. I was lucky my husband told the taxi driver I was a doctor. The taxi driver told the Taliban that he was taking me to the hospital. There were three Taliban. One of them beat the driver with a yellow cable that was pretty wide. I was scared. He asked me why the holes in my chadari were so big? Why are you alone in the taxi? I asked, “Are you going to beat me?” I put my child away in the car and told them, “Beat me, but do not hurt the child.” He beat me. I hid my face. He hit me several times – on the back and arms. I had bruises.⁵⁸

Women reported being beaten for all manner of dress code infringement including wearing their chadari loosely, or wearing the wrong chadari; for wearing wide ankle trousers that revealed their ankles; for revealing their hands; for lifting the veil when they could not see; and for not wearing socks or for wearing the wrong type of socks. The Religious Police beat Shokeria Ahmed, a widow, because she lifted her veil to inspect some cloth before she purchased it from a shop in Kabul:

In March 2001, on a Monday, I went to get some material for tailoring. I took a piece of cloth and some colored string for that cloth with me. I had to put up my chadari to compare the color because the shop was dark. The Taliban came and they beat both the shopkeeper and me. They beat us with a wire, made from rubber with a wooden handle and the rubber attached to the end of it. They said to me, ‘stupid, cover your face.’ No one helped because no one can.⁵⁹

Similarly, in another case, a woman from Kabul was beaten for lifting her chadari to reveal her face:

About nine months ago, I was in Kabul. I was sitting in the front seat of a car. It was in the Foroushgah area – in the bazaar. I had gone to buy some cloth for the children. It was too hot and I had lifted the chadari from my face. A Taliban came and hit me on the shoulder. He hit me with a cable. It hurt a lot. I had a bruise.⁶⁰

Meena Akram, a forty-year-old teacher from Helmand who had spent part of her life in Kandahar, the seat of Taliban power, related how various political factions in Afghanistan have sought to control women’s external appearance, especially their use of the veil.

Before the Taliban and *mujahidin*, we wore a small *chadar* even in school. During the *mujahidin* period we wore a *chadar namaz*—like in Iran—our faces were visible. Once the Taliban came, we had to wear the chadari. We consider this to be the imprisonment of women. We cannot go out of the house and we have no freedom. If one has no freedom, one has nothing. If something is not according to a person’s wishes, then it’s not life; it’s a prison for them.⁶¹

Even women doctors are not exempt from obeying the dress code while they are carrying out surgery or other medical work in hospitals. Amna Atmar, told Human Rights Watch that female staff were required to wear a chadar when performing surgery rather than the usual headwear worn to protect patients from contamination. Dr. Atmar recalled an incident in late 2000 when the hospital administrator instructed her to wear the chadar while she was in the middle of an operation:

⁵⁸ Human Rights Watch interview, Amna Atmar, Peshawar, Pakistan, August 31, 2001.

⁵⁹ Human Rights Watch interview, Shokeria Ahmed, Peshawar, Pakistan, September 6, 2001.

⁶⁰ Human Rights Watch interview, Nabia Massoud, Akora Khattak Camp, Peshawar, Pakistan, August 30, 2001.

⁶¹ Human Rights Watch interview, Meena Akram, Peshawar, Pakistan, September 9, 2001.

How do you want to prevent hair from falling off with a chadar? This is a hygiene issue. One time, he [hospital administrator] came in. I had a hat on in the surgery room. He said, "Go wear a chadar." The other doctors and I insisted that I stay. We had a debate on Islam, but I didn't leave. Ten minutes of discussion. The patient was lying there unconscious. I had already opened him. We kept saying we have to operate.⁶²

Another woman doctor from Kabul described how she had been assaulted in 1998 when she traveled alone in a taxi to the hospital where she worked:

The Religious Police chased my taxi, and when I got out in front of the hospital, they stopped me and asked why I was traveling alone. I said I was a doctor and had to go to work, but they said women of Kabul are just prostitutes and addicted to traveling in cars alone. I had to call my boss to identify me as an employee of the hospital, but my boss said he could not confirm who it was because I was wearing a chadari. The Taliban asked me to put up my veil, and once my boss identified me, they hit me with their wire on my head and injured my eye. It took fifteen to twenty days to heal.⁶³

Some women were imprisoned as well as beaten for violating these edicts. Human Rights Watch interviewed one doctor who reported having treated three women who had been detained in *Dar-al-Tadib*, a women's detention center in Kabul. One, the doctor reported, had been beaten on the head for begging; another had been detained for wearing a wide ankle shalwar (trousers), and the third for taking a taxi without a mahram. The last of these was a twenty-five-year-old widow suffering from facial paralysis, who was worried that her deceased husband's family would not accept her back because the Taliban had detained her. The three women had been detained for between twenty and forty-five days when the doctor saw them.⁶⁴

A female manager of a clinic told Human Rights Watch of a woman patient whom the Taliban had detained. She had gone to a store to buy sweets for a guest but was stopped and questioned by Religious Police. When she became angry at their persistent questioning, they took her and her infant child to Dar-al-Tadib detention center. Her husband tried to find her, but when he was told that she had been arrested for insulting the Taliban, he divorced her. As a result, when she was released from prison, she had nowhere to go with her child and so arrived at the medical clinic to seek help.⁶⁵

Many women told Human Rights Watch how they had feared being beaten and had adjusted their behavior and routines to reduce the threat. Zhora Shah, a twenty-seven-year-old literature graduate, described how difficult she had found it to give up work and to stay at home: "If women are deprived like this – of work and education – they will all go crazy." But fear had made her very cautious. "I spent my days at home. I lived with my family. Shopping for food was difficult. The Taliban sometimes beat up women where we shopped. My brother did most of the shopping. When I went out, I was very careful and did not go far."⁶⁶ Another woman acknowledged that after years of seeing the Religious Police beat women for the most minor infractions, the threat was enough to ensure conformity: "Now there is less beating. People have understood and do not do anything to be beaten."⁶⁷

⁶² Human Rights Watch interview, Amna Atmar, Peshawar, Pakistan, August 31, 2001.

⁶³ Human Rights Watch interview, Dr. Lyla Gul, Peshawar, Pakistan, September 6, 2001.

⁶⁴ Human Rights Watch interview, Amna Atmar, Peshawar, Pakistan, August 31, 2001.

⁶⁵ Human Rights Watch interview, Dr. Foraza Shah, Peshawar, Pakistan, September 6, 2001.

⁶⁶ Human Rights Watch interview, Zohra Shah, Peshawar, Pakistan, August 30, 2001.

⁶⁷ Human Rights Watch interview, Zhora Ahmed, Peshawar, Pakistan, August 31, 2001.

Khalida Parveen, a thirty-year-old mother of three who moved to the Saidabad neighborhood of Mazar-i-Sharif in 1997, after the mujahidin looted her house, told Human Rights Watch that after the Taliban takeover, she had rarely left her home:

“I stayed home. I only went to the bazaar with a chadari and came back fast. We were scared to look around. We heard that women were beaten for having their hand out or for having nail polish. People live in fear. If one is punished, everybody fears being the next.”⁶⁸

Women from the cities, such as Kabul, Herat, and Kandahar, complained that these restrictions seriously affected their daily lives and caused them a great deal of stress. One Afghan man well informed about the conditions and their impact on women in Afghanistan said that for many, the restrictions are so great as to render them house-bound and cause them to become extremely depressed, as there is nothing other than house work to occupy their time: “no television, no music, or videos. They have lost hope. ...They are oppressed by laws, by the state, and by the family.”⁶⁹

Many urban-based women have a pervasive fear of the Religious Police, having either been victims of their violence or having witnessed it. This fear further restricts their movements, forcing them to make arrangements to avoid leaving the home or traveling alone and to ensure that if they go out, they are accompanied either by their young sons, brothers, or a group of women. For those women who do have a level of mobility because of their work as health care professionals, the challenge is in dealing with the rules governing such limited mobility. One Kabul doctor, who had fled Afghanistan six months earlier, spoke of the problems she had faced:

We had problems less in the hospital than in our daily life. Going shopping, for example, was a problem. That is why my younger brother had to stay behind. He was fourteen, and when my parents left, he wanted to flee to Pakistan with them. But, if he had, I would have been unable to move around.⁷⁰

The general decrees controlling women’s mobility also impair women’s ability to access medical treatment. Women who must travel to seek medical attention may have to put off a visit to a clinic if they have no mahram who can accompany them. Even those women who do have a mahram may be reluctant to ask him to take time off from work to make the trip. In emergencies, this can prove too difficult to organize. Majida Akbar, a seventeen-year-old from Kabul whose sister-in-law went into labor on April 2001, stated:

We could not take her to the hospital. It was one hour away by car. We were scared to take a taxi alone, and the taxi driver would not even take us. No one helped us. There were two old grandmothers who helped. Even the mid-wife cannot come out alone to help.⁷¹

My other sister-in-law was in labor four months ago too. She also had to give birth at home. She bled a lot. We had to wait for the men to come to get the medicine to stop the bleeding. The baby came at 1:00 p.m. The bleeding started at around 2:30 p.m., and we received the medicine at about 7 or 7:30 p.m. The children were born ten days apart.⁷²

⁶⁸ Human Rights Watch interview, Khalida Parveen, Quetta, Pakistan, September 3, 2001.

⁶⁹ Human Rights Watch interview, Irfan Ahmed, Peshawar, Pakistan, August 27, 2001.

⁷⁰ Human Rights Watch interview, Dr. Fauzia Akram, Peshawar, Pakistan, August 23, 2001.

⁷¹ Human Rights Watch interview, Magida Akbar, Quetta, Pakistan, September 4, 2001.

⁷² Ibid.

Other decrees that are specific to hospitals, particularly a decree requiring that only female doctors treat female patients, are unrealistic and impractical to implement considering the lack of qualified female medical professionals.⁷³ Unless women are allowed full, free, and equal access to education in the future this problem will only worsen. Those women who have been permitted to study often get inadequate training.⁷⁴ In the city of Herat, for example, a medical assistant was reported to be training female medical students outside the faculty, while doctors were training male students in the faculty of medicine.⁷⁵ Local Afghan and international NGOs, struggling to rebuild the health care system throughout Afghanistan, were constrained by a lack of resources, continuing hostilities, restrictions on the training and supervision of female health care providers, and constant struggles in negotiating with Taliban authorities on programs and projects, especially those that involve women either as beneficiaries or as implementing partners.

Irfan Ahmed, a well-informed NGO worker, confirmed that the shortage of female doctors remains a serious and urgent concern.

In smaller towns, such as Khost, Paktia, and Zabol, there are very few female doctors, and in no way could they respond to the need of patients. Most women who get seriously ill have to go to the cities or to Pakistan. The roads are in poor condition and women die on the road. Each month, I hear about a case. In July, I saw a body of a woman who died giving birth on the road. It was July 9, 2001, on the road between Zabol and Kandahar, in Jaldak area near the city of Safa.⁷⁶

Doctors also face many restrictions in their work that both adversely affect their personal lives and curtail their effectiveness as healthcare providers. Women doctors expressed frustration over the rules governing their working conditions; since the gender segregation that is required severely limits the professional expertise and experience they can obtain from their male colleagues. Doctors interviewed by Human Rights Watch confirmed that the few women doctors who today remain in Afghanistan are mostly junior doctors lacking specialist knowledge, who, like any newly trained physicians require supervision by better qualified colleagues. But this is denied to them for the most part as the more qualified doctors are predominantly male.

Dr. Zainab Khan, a twenty-nine-year-old doctor from Kabul, explained the challenges she faced when practicing medicine under the Taliban in 1998:

I didn't have interactions with my male colleagues in the hospital once the Taliban came to power. Our chief doctor was very intelligent and experienced, but we couldn't ask any questions from him when we needed some guidance. About seven female patients with heart conditions died because we couldn't get any advice. It made me feel very disappointed and depressed that I wasn't able to help them since I was a junior doctor. Before the Taliban came, we used to get about one hundred and fifty female patients daily, but now we only get thirty-five female patients because they aren't allowed to go out, and are also too poor to come to us.⁷⁷

⁷³ Many of the most qualified doctors left Afghanistan because of the insecurity surrounding their work, which along with all other work for women had been banned by the Taliban. Later, as an exception, the Taliban allowed female medical staff to work.

⁷⁴ It appears that now some women have been allowed to study for a medical degree, while others have been allowed to receive training in nursing schools. This is an exception to the ban on educating girls beyond primary level. This ban virtually means that there will be no women doctors in the future.

⁷⁵ Information provided to Human Rights Watch by a physician with experience in Afghanistan, August 24, 2001.

⁷⁶ Human Rights Watch interview, Irfan Ahmed, Peshawar, Pakistan, August 27, 2001.

⁷⁷ Human Rights Watch interview, Dr. Zainab Khan, Peshawar, Pakistan, August 6, 2001.

Dr. Massoud Jalil, who works for an international NGO, spoke about the challenges in organizing training for women:

Most of the time we carry on with our work and do not inform the Taliban of our activities. We carry on with our training for females in the clinics.⁷⁸

But, as Dr. Jalil acknowledged, the Taliban edicts banning any form of interaction between unrelated men and women makes this dangerous, including for male doctors like himself.

We do not feel free when talking to women in clinics. We do not feel safe because there is no guarantee that we will get home from work after doing so. We are always worried that the Religious Police will arrest us and put us in jail.⁷⁹

Apart from healthcare professionals, widows are also exempt from the edict banning work for women outside of the home. However, the approximately 40,000 widows of Kabul are destitute and unable to secure stable employment that would sustain them and their families. They also face continual harassment and violence by the Religious Police. Rural women, though not exempt from the Taliban's discriminatory policies, tend to suffer fewer work-related restrictions because of the nature of their occupations. Many of the rural women Human Rights Watch interviewed worked actively on family farms or had been involved in home-based wool spinning and carpet weaving. Even when working from their own homes, however, as Taliban edicts permit, women were not safe from harassment by the Religious Police, especially in the more vigilantly policed city of Kabul.

An educated widow, Zafia Akil, who left Kabul in June 2001, explained the difficulties she had faced in tailoring women's clothes from her home. Apart from the problems of having to travel without a mahram and the difficulty of inspecting the materials she needed to buy for her work while wearing the chadari, the suspicion with which the Religious Police viewed her work was a further threatening impediment:

The Taliban asked my customers, "Why are you going to her house. Are you going to gather and make plans against us?" I had a board outside which read, "Tailoring for women and children." Three times they came and warned me, and I told them, "I am a widow, what should I do?" The third time they took my board down and said that if I do not stop this work they will kill me. They accused me of making plans against the Taliban. They said, "Everyone should sew their own clothes; our wives sew their own clothes. God will assist you, if you do everything as God wishes." It was the Religious Police, and I was forced to close four months ago and leave for Pakistan.⁸⁰

Women in the cities who lost their livelihoods as a result of the Taliban's edicts banning women from working attempted to find alternative means of generating some income for their families. One female refugee who had left Afghanistan two years previously described how she and other women had sought to survive:

I worked in the radio. We were sent home. After two or three months, some women complained that they couldn't survive. So the Taliban said you may come and collect your salary. They did this until 1999. I stayed home, as everyone else I knew did. Women mostly were sewing at home for their survival. Later, even that didn't work because there was no market for what they sewed.⁸¹

⁷⁸ Human Rights Watch interview, Dr. Massoud Jalil, Peshawar, Pakistan, August 23, 2001.

⁷⁹ Human Rights Watch interview, Dr. Massoud Jalil, Peshawar, Pakistan, August 23, 2001. Human Rights Watch was told that male doctors, in public hospitals and in private clinics, continued to treat female patients despite Taliban rules, and sometimes at great risk to their personal safety.

⁸⁰ Human Rights Watch interview, Zafia Akil, Peshawar, Pakistan, September 6, 2001.

⁸¹ Human Rights Watch interview, Laila Musleh, Peshawar, Pakistan, August 25, 2001.

Some educated women, especially former teachers, have continued to operate in secret home-based schools for girls. These schools have received support from international aid organizations operating in the country, sometimes with the tacit approval of local Taliban officials. But many such schools have been shut down when the Religious Police became aware of them. Teaching in such circumstances takes place in an atmosphere of tension and stress.⁸² Dr. Lyla Gul, who fled Kabul in 1998, but whose friends continue to struggle to educate women in home-based schools in Kabul, commented, “the Taliban have paralyzed half of society—half of society is dead in Afghanistan because the women are prevented from working or studying.”⁸³

Nikba Shah, a former teacher in Samangan’s Lycee Ajani for girls, worked secretly in a home school, soon after the Taliban took over her area in 1998. She told Human Rights Watch:

I was beaten on the way to school. Our papers were torn up. I had books and papers hidden under my arm. I dropped some, and when they fell, three Taliban started to beat me. They were Afghans and had black turbans. We had started to organize schools elsewhere. We were hiding materials under our chadari and wore dirty cloths so that we did not attract attention. They realized because as soon as two or three women got together, they would become suspicious.⁸⁴

A teacher working for an international aid organization that both secretly assisted home-based schools, and ran primary schools for girls in a number of provinces, described the situation in Nangarhar in eastern Afghanistan as typical:

Girls’ schools are only home-based schools, and some girls attend schools up to the age of eight or ten. Until recently, it worked fine, but now there are more restrictions. The Taliban go to the teacher’s husband and ask him to guarantee that she will not teach anymore. It is the same all over Afghanistan. Only very few women can teach.⁸⁵

Teachers have had to be constantly alert to detection and so have evolved ways to conceal their activities, though these are not always effective. Often, family members are harassed as a way to punish or intimidate female teachers. Sahelia Kalim, who had been a teacher working in a home-based school funded by an NGO, explained that in early 2001:

I was teaching. They [Taliban] came in. They did not knock. We all tried to hide in the house. There were six of them from the Religious Police. They were quite young thirty- to thirty-five-years-old. We hid our fourteen- and fifteen-year-old students because teaching them is prohibited. Only up to twelve-years-old is tolerated. They told us, “We will not do anything to you but send us your husband.” My husband went to the office of the Religious Police, and they made him sign a paper saying that I would not teach anymore.⁸⁶

In another case reported to Human Rights Watch, a brother of a woman who taught in a home school was detained and questioned by the Religious Police.⁸⁷ Local Taliban attitudes towards home schools have varied. In some areas, NGOs have successfully negotiated authorization to run girls’ schools, at least at the primary level, but even where this has occurred there is uncertainty, and a tightening of restrictions could be made at any time.

⁸² The Taliban have attempted to close down home-based schools in various areas at different times over the past few years.

⁸³ Human Rights Watch interview, Lyla Gul, Peshawar, Pakistan, September 9, 2001.

⁸⁴ Human Rights Watch interview, Nikba Shah, Peshawar, Pakistan, September 6, 2001.

⁸⁵ Human Rights Watch interview, Nabihah Akram, Peshawar, Pakistan, August 23, 2001.

⁸⁶ Human Rights Watch interview, Sahelia Kalim, Peshawar, Pakistan, August 23, 2001.

⁸⁷ Human Rights Watch interview, Nigar Emadi, Peshawar, Pakistan, August 23, 2001.

One example cited to Human Rights Watch concerned a school that the Taliban ordered closed in 1999. After protracted negotiations, the Taliban authorities had agreed that the school could remain operational, but since then the school's staff has been under greater scrutiny.⁸⁸

Anwar Shah, who works for an international NGO involved in education, pointed to parallels between the mujahidin and Taliban attitude toward girls' education, and charged that these stem from the way in which girls' and women's education historically has been exploited for political purposes:

In one district of eastern Afghanistan, there is one high school and one middle school, but no girls' school. This is because there is a religious leader there who does not allow girls' schools. During the communist regime, the girls' schools started and girls were forced to go to school. Then the opposition to this started, and after one or two years that district was taken over by mujahidin. Both the boys and girls schools closed because of the fighting. The first thing they did was to destroy the schools and they used the schools as a battlefield. The propaganda stated that the schools were where the communists bred. The situation now is almost the same or worse. The Taliban government is not in favor of secular and modern education, only religious education, so there is no support for schools.⁸⁹

Many of the rural women we interviewed were effectively denied access to education both because of the distances involved in traveling to school and the prevalence of conservative attitudes limiting women's role to the domestic sphere of life and reproduction. What was striking, however, was that women who had not had the opportunity themselves clearly wanted their daughters to receive an education. The comment of Durani Hussain, a woman from eastern Afghanistan, was typical:

I wish I had gone to school so that I could read and write. I cannot even read the letters my brother sends from Iran, where he lives with his family. I want my daughters to study so that they can learn something that could be of use to them, for example, to become doctors.⁹⁰

The Taliban has not only targeted educated, urban women for violence, but also women belonging to ethnic minorities, such as Hazara women. One thirty-five-year-old woman from Mazar-i-Sharif spoke of the deep fear among Hazara women of having their daughters abducted and raped by Taliban forces. This, she said, caused families to be eager to have their daughters marry. She said, "We are Hazaras and if there is war, they [the daughters] will be at risk of being dishonored."⁹¹ Another woman who formerly lived in Ali Chapan, a Hazara neighborhood, and had witnessed the Taliban capture of Mazar-i-Sharif in August 1998, said many Hazara families had hidden their daughters to protect them.

We knew that if the Taliban came they would kidnap our daughters, and so we sent them to safe places. I sent my daughters to my sister's house, in the Tajik neighborhood away from the Hazara area. The aim of the Taliban was to attack Hazara places, not the Tajik areas of the city.⁹²

Rural Uzbek and Hazara women, who had recently fled conflict zones from areas in the north of Afghanistan, recounted that when the Taliban took over their areas, women, in particular, were ordered to stay indoors. Many rural women complained that while their freedom of movement was already limited by local custom and family practices, the Taliban's orders had been even more restrictive.

⁸⁸ Human Rights Watch interview, Ayesha Gul, Quetta, Pakistan, September 3, 2001.

⁸⁹ Human Rights Watch interview, Anwar Shah, Peshawar, Pakistan, September 8, 2001.

⁹⁰ Human Rights Watch interview, Durani Hussain, Akora Khattak Camp, Peshawar, Pakistan, August 30, 2001.

⁹¹ Human Rights Watch interview, Leena Gul, Peshawar, Pakistan, August 31, 2001.

⁹² Human Rights Watch interview, Bibi Zabol, Quetta, Pakistan, September 4, 2001.

Zhora Gul, a Tajik woman from Shomali, was forced from her home when the Taliban invaded her village sometime between September and December 1999. She told us that when the women in her family were escaping they lost their chadaries, which made them feel extremely vulnerable.

When we were escaping, we lost our chadaries in the burning of the houses and had to wear only a chadar. When we traveled from village to village, the Taliban tore our chadars away in order to see if we were men or women. But, I think it was because they wanted to know if the women were young and beautiful. They took the young girls for themselves.⁹³

The following eyewitness testimony from a Tajik woman about the abduction of a number of women from the Shomali plains is representative of what many other women mentioned, but had not witnessed, and that human rights monitors have documented as having occurred in July-August 1999. The whereabouts of these women remain unknown.

About nine months or a year ago the Taliban came to Shomali. They told us to leave our homes. Then they set our homes on fire and forced us to sit in their vehicles. They brought us to the Russian embassy in Kabul. We are in favor of Massoud, and this is why they attacked us. At night we reached Jalalabad, where they separated us in different cars. I think about ten or fifteen young women were separated from their families and put into other cars. The Taliban were saying that you are all going to the same place together with your families. The men, women, and children were crying, and shouting, saying why are you separating us and where are you taking us. There were too many Taliban, and a hundred families. There were a lot of cars and no one could disobey their command. They beat the men up with their guns; people did not know what was going on because they were all being beaten. They took us to the Russian embassy in Kabul, and we did not see the young women who were separated from us.

Human Rights Watch encountered widespread fear and rumors of the abduction, forced marriage, and rape of women by Taliban forces, but individual cases were particularly difficult to document. One important reason for this is the shame felt both by a victim and her family, and the victim's fears that her family and community may ostracize her as a woman who is raped and is perceived to have brought dishonor upon her family. Layla Shah, a twenty-year-old Hazara woman, still remembers what happened to her neighbor in Mazar-i-Sharif:

Two Taliban did bad things to her. Now she has a bad name. She came to tell me herself. She was twenty-years-old. She is still there. She has a bad name and no one will marry her. She told me that they came to search the house and she was alone. That was the first time when the Taliban took over Mazar. They did not tell her anything. They just raped her. She said she screamed but they did not say anything.⁹⁴

⁹³ Human Rights Watch interview, Shah Gul, Akora Khattak Camp, Peshawar, Pakistan, August 30, 2001.

⁹⁴ Human Rights Watch interview, Lyla Shah, Haji Camp, Peshawar, Pakistan, August 28, 2001.

VII. CONCLUSION

Afghan women have borne the brunt of the civil war. On top of that, the Taliban have denied them fundamental rights and freedoms, including freedom of movement, association, and expression, and equal access to work and education, in all aspects of their lives. Now, as conflict intensifies with the U.S.-led war against terrorism, Afghan women face the likelihood of further suffering and deprivation of their human rights, fundamental freedoms, and personal dignity at the hands of warring factions.

Additionally, women are likely to endure some of the most serious humanitarian consequences of the military action. As the international community, and particularly the U.N., ponders the future of a post-conflict Afghanistan, accountability for past abuses and respect for women's rights - in law and in practice - must be a central feature of any reconstruction and development plan. To date, there has been no accountability for the human rights abuses committed during the civil war, nor for the additional violations of women's rights inflicted under the Taliban. Refugees, the majority of whom are women and children, continue to flee from Afghanistan, facing a bleak future and little assistance in Pakistan or other neighboring countries.

At a minimum, the international community must clearly affirm its commitment to ensuring women's human rights. Among other things, it must fully integrate women - not merely as recipients, but also as decision makers - and gender-specific issues into all post-conflict reconstruction and development plans. Second, it should be sure to bar perpetrators of violations of women's human rights from participating in any post-conflict government, and ensure that they are held fully to account for the abuses they have committed.

VIII. APPENDIX I

1. Notice of Department for enforcement of right Islamic way and prevention of evils:

The Department for enforcement of right Islamic way and prevention of evils for the implementation of legal Islamic orders and prophet Mohamad tradition in order to prevent evils which cause serious dangers and problems for Islamic society requests from all pious sisters and brothers to seriously follow 8 articles mentioned below to prevent occurrence of evils:

- a. No exit and travelling of sisters without escort of legal close relative (Mahram).
- b. Those sisters are coming out of their homes with legal escort should use veil (burqa) or similar things to cover the face.
- c. Sitting of sisters in the front seat of cart (gadi) and Jeep (vehicle) without legal relative is forbidden. In the case of appearance serious measures will be carried out against the vehicle and cart rider/driver.
- d. Shopkeepers do not have right to buy or sell things with those women without covered face, otherwise the shopkeeper is guilty and has no right to complain.
- e. Cars are strictly forbidden to be covered with flowers for wedding ceremony and also is not allowed to drive around the city.
- f. Women's invitations in hotels and wedding party in hotels are forbidden.
- g. Sisters without legal close relative with them cannot use taxis, otherwise the taxi driver is responsible.
- h. The person who is in charge of collecting fares (money) for sisters in buses, minibuses and jeeps should be under 10 years old.

The professional delegates of this department are in charge to punish violators according to Islamic principles.

(Translation of Order)

Taliban Islamic Movement of Afghanistan

2. Rules of work for the State hospitals and private clinics based on Sharia principles

- a. Female patients should go to female physicians. In case a male physician is needed, the female patient should be accompanied by her close relatives (mahram)
- b. During examination, the female patients and male physicians both should be dressed with Islamic hejab.
- c. Male physicians should not touch or see the other parts of female patients except the affected part.
- d. Waiting rooms for female patients should be safely covered.
- e. The person who regulates turns for female patients should be a female.
- f. During night duty, in the rooms where female patients are hospitalized, a male doctor without the call

of patient is not allowed to enter the room.

- g. Sitting and speaking between male and female doctors is not allowed. If there be need for discussion, it should be done with hejab.
- h. Female doctors should wear simple clothes, they are not allowed to wear stylish clothes or use cosmetics and makeup.
- i. Female doctors and nurses are not allowed to enter the rooms where male patients are hospitalized.
- j. Hospital staff should pray in the mosque on time. The director of hospital is bound to assign a place and appoint a priest (mullah) for prayer.
- k. Staff of (Amri Bel Maroof Wa Nai Az Munkar) Department are allowed to go for control at any time and nobody can prevent them. Anybody who violates the order will be punished as per Islamic regulations.

— Amirul-Mominin Mullah Mohammad Omer Mujahed

— Mofiti Mohammad Masoom Afghani Acting Minister of Public Health

Islamic State of Afghanistan

General Presidency of Amr Bil Marof Wa Nai Az Munkir (religious police)

Administration Department

3. Letter from the Cultural and Social Affairs Department of General Presidency of Islamic State of Afghanistan No. 6240 dated 26.09.1375 states that:

The role and regulation of Amr Bil Marof Wa Nai Az Munkir is to be distributed via your office to all whom it may concern for implementation.

- a. To prevent sedition and uncovered females (be hejab): No drivers are allowed to pick up females who are using Iranian burqa. In the case of violation the driver will be imprisoned. If such kinds of female are observed in the street, their houses will be found and their husbands punished. If the women use stimulating and attractive cloth and there is no close male relative with them, the drivers should not pick them up.
- b. To prevent music: To be broadcasted by the public information resources. In shops, hotels, vehicles and rickshaws cassettes and music are prohibited. This matter should be monitored within five days. If any music cassette is found in a shop, the shopkeeper should be imprisoned and the shop locked. If five people guarantee, the shop could be opened and the criminal released later. If a cassette is found in a vehicle, the vehicle and the driver will be imprisoned. If five people guarantee, the vehicle will be released and the criminal released later.
- c. To prevent beard shaving and its cutting: To be broadcasted by the public information resources. After one and a half months if any one is observed who has shaved and/or cut his beard, he should be arrested and imprisoned until his beard gets bushy.
- e. To prevent not praying and order gathering prayer at the bazaar: To be broadcasted by the public information resources that the prayers should be done on their due times in all districts. The exact prayer time will be announced by the Amr Bil Marof Wa Nai Az Munkir department. Fifteen minutes prior to prayer time the front of the mosque, where the water facilities and possibilities are available, should be blocked and transportation should be strictly prohibited and all people are obliged to go to the mosque. At the prayer time this matter should be monitored. If young people are seen in the shops they will be immediately imprisoned. If five people guarantee, the person should be released, otherwise the criminal will be imprisoned for ten days.

- e To prevent keeping pigeons and playing with birds: To be broadcasted by the public information resources that within ten days this habit/hobby should stop. After ten days this matter should be monitored and the pigeons and any other playing birds should be killed.
- f To eradicate the use of addiction and its users: Addicts should be imprisoned and investigation made to find the supplier and the shop. The shop should be locked and both criminals (the owner and the user) should be imprisoned and punished.
- g To prevent kite flying: First should be broadcasted by the public information resources advising the people of its useless consequences such as betting, death of children and their deprivation from education. The kite shops in the city should be abolished.
- h To prevent idolatry: To be broadcasted by the public information resources that in vehicles, shops, room, hotels and any other places pictures/portraits should be abolished. The monitors should tear up all pictures in the above places. This matter should be announced to all transport representatives. The vehicle will be stopped if any idol is found in the vehicle.
- i To prevent gambling: In collaboration with the security police the main centres should be found and the gamblers imprisoned for one month.
- j To prevent British and American hairstyles: To be broadcasted by the public information resources that people with long hair should be arrested and taken to the Amr Bil Marof Wa Nai Az Munkir department to shave their hair. The criminal has to pay the barber.
- k To prevent interest charges on loans, charges on changing small denomination notes and charges on money orders: All money exchangers should be informed that the above three types of exchanging money are prohibited in Islam. In the case of violation the criminal will be imprisoned for a long time.
- l To prevent washing clothes by young ladies along the water streams in the city: It should be announced in all mosques and the matter should be monitored. Violator ladies should be picked up with respectful Islamic manner, taken to their houses and their husbands severely punished.
- m To prevent music and dances in wedding parties: To be broadcasted by the public information resources that the above two things should be prevented. In the case of violation the head of the family will be arrested and punished.
- n To prevent the playing of music drums: First the prohibition of this action to be announced to the people. If anybody does this then the religious elders can decide about it.
- o To prevent sewing ladies' cloth and taking female body measures by tailors: If women or fashion magazines are seen in the shop the tailor should be imprisoned.
- p To prevent sorcery: All the related books should be burnt and the magician should be imprisoned until his repentance.

The above issues are stated and you are requested, according to your job responsibilities, to implement and inform your related organizations and units.

Regards,

Mawlavi Enayatullah Baligh
Deputy Minister
General Presidency of Amr Bil Marof Wa Nai Az Munkir

IX. ACKNOWLEDGEMENTS

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Human Rights Watch Women's Rights Division

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Its Women's Rights Division was established in 1990 to monitor violence against women and gender discrimination throughout the world. LaShawn R. Jefferson is the executive director; Widney Brown is the advocacy director; Farhat Bokhari, Chirumbidzo Mabuwa, Isis Nusair, Judith Sunderland and Martina Vandenberg are researchers; and Tejal Jesrani and Smita Varia are the associates. Kathleen Peratis is chair of the advisory committee and Nahid Toubia is the vice chair.

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