
AFGHAN WOMEN AFTER TALIBANIZATION

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ABSTRACT

Bread, Work, and Freedom nowadays Afghan women slogans in streets of the Kabul capital of Afghanistan who is suffering from fundamentalism prison of Taliban. It is the voice of those who cry out for the depth of their helplessness, suffering, and loneliness under the rule of the Taliban. While screaming these slogans they have to tolerate the insult, humiliation, and mayhem of Taliban forces. With the rise of the Taliban, the demands, rights, and freedoms of Afghan women were limited to the Taliban's Shari'a and their interpretation of Islam. After nearly four months of Taliban rule, have brought nothing but poverty, hunger, unemployment, deprivation, and suffering to women. Moreover, in the darkest day and most symbolic activity after the Taliban took control of Kabul, the Ministry of Women's Affairs' door was closed by the Taliban, and the ministry was renamed "Enjoining the Good and Forbidding the Evil or (امر به معروف و نهی از منکر)." All-female employees of the ministry were told that they no longer had the right to return to work. The suffering of Afghan women in Afghanistan's traditional and highly anti-feminist structure goes beyond that. They were captive to Afghanistan's tradition, religion, patriarchal and anti-feminist society for many years and lived in poverty and deprivation. Over the past two decades, women in various political and social arenas have sought to make their mark. They tried to change the traditional, patriarchal laws, structures, and patterns in their favor. But with the rise of the Taliban, many of their aspirations were dashed. The current study uses a descriptive-analytical approach to answer the following questions: what is the situation of women after the Taliban took control over Afghanistan? what is the rule of women in Afghan society? How do the Taliban violate women's rights? What are women's rights according to Islamic sharia and international human rights law?

Keywords: Women, Taliban, Afghanistan, Afghan women, Harassment, Rights, and violence.

Introduction

Afghan women were the primary victims of the Taliban's extremist rule, which pushed them to the margins of society. Women have been pushed out of Afghanistan's social, political, and economic life due to Taliban policies. Women were unable to leave their houses alone, meet other people, study, or seek medical attention. Women's roles were restricted to housework, with doors and windows shuttered and painted over. A woman in the Taliban State was seen as a thing, an object, rather than a living being. Afghanistan is one of the most difficult countries in which to live for women. Disappointment came from Afghanistan's democratic authorities when, in 2009, President Hamid Karzai approved a family law that was discriminatory against women and partially restored Sharia law in their favor. Some of the most contentious provisions, such as the prohibition on women leaving their homes without their husbands' consent, have been repealed as a result of international public pressure (Jureńczyk, 2019). Nonetheless, this case has demonstrated that in Afghanistan, gender equality is merely a facade. Emancipation opportunities for Afghan women and girls vary. Rural residents, tribal Pashtun populations, and particularly Taliban-controlled areas are finding it difficult to exercise their rights.

Furthermore, they are frequently the victims of abuse and ill-treatment, and they are frequently unable to rely on the assistance of the state machinery. Forcible marriages, sexual harassment, and physical and mental abuse are still prevalent. Millions of Afghan women continue to be impoverished, fearful and humiliated. According to a Global Rights study, 87 percent of Afghan women have been subjected to physical, sexual, or psychological violence, and 62 percent have been subjected to much violence. (UN Women, 2018)

Historical Background:

Afghan women before 2001 or the Taliban first took control of Afghanistan from 1995-to 2000

The Afghan women's movement started around 100 years ago, and in different stages of history, it has faced many ups and downs. One system paved the way for women to be very tough, and another one restricted and prevented them from promoting the progress of Afghan women (Maghsoudi & GhaalaDar, 2011). For the last three decades, Afghanistan was administered by a dictatorial statesman. King Zaher Shah, the absolute government of Dawood, the communist government under the control of the Soviets, and the end of the Mujahedin

regime. After mentioned regimes before the Taliban took control of Afghanistan, the condition worsened because the Taliban going to take control with a religious appearance and used religion to justify their brutal totalitarian rule, which lacked any moral or religious value (Dalton, 2007).

In the 1950s, women made up the workforce of Afghanistan and were able to be employed in the service sector as secretaries, nurses, and flight attendants. Several highly educated women were able to choose careers such as medicine, law, engineering, and journalism (Marsden, 1998). Before 1995, Afghan women had political partnerships in the government structure, and in the 1964 and 1977 constitutions, women's rights and freedoms were mentioned, despite these Afghan women living in rural areas and staying indoors. But based on the mentioned constitutions, Afghan women could study and take part in the elections. For example, during the Mohammad Zahir Shah period, there were three women ministers in the cabinet, and by the early 1990s, most teachers, half of the government employees, and 40 percent of the country's medical staff were women (Safforanchi, 1994).

The Taliban, after being raised in power, the proportional participation of women in political and social affairs was also forgotten and strongly opposed by the ruling religious forces. The Taliban's ostensible thinking can be seen in the situation of women in the government. In their first decree, they declare women not to appear in public as much as possible. Women have been deprived of any employment as well as the right to education. Ban driving, banning women from buying and selling goods, banning women from using public baths, wearing Afghan Islamic women's dress of full-length Chaduri (Magnus, 1997), etc. were all Taliban's blatant acts against Afghan women. The Taliban imposed severe restrictions on Afghan citizens, especially women, in areas under their control. The Taliban barred women from social and economic activities, and women were only allowed to leave their homes for funerals, visiting patients, or immediate shopping (Maghsoudi & GhaalaDar, 2011). After 1997 Taliban said that women can go outside the home with one of her family members' company or one of the men who is a Muharram (intimate). (Pourqadiri, 2019)

Mullah Mohammad Omar, one of the leaders of the Taliban, says that the respect of women's and girls' rights are opposed to Islam and believed that the social participation of this group in society would lead to moral corruption in society (Kashani, 1988). However, the situation of women during the Taliban regime was much worse and this was related to the Taliban's ideology about women. The Taliban's notion of women's socio-political rights meant

babbling them from any political-social activity. The Taliban leader relying on his reactionary thinking deprived them of all socio-political rights and urged that women's only duty is to take care of their children and husband's family (Asmatollahi, 2009).

Afghan women from 2001-21

With the outbreak of 9/11, global attention turned to Islamic fundamentalism and its center, Afghanistan and Pakistan. Al-Qaeda's unexpected and devastating strike in Global Trade Towers of US on 11 September advent US-led attack with Western countries to the Urabura Mountains, Jalalabad, and the Khyber Valley to dismantle terrorism in its haven (Karbalaei, 2009). September 11 and Bonn Agreement¹ were a nutshell in the formation of a new government in Afghanistan. The Bonn Agreement was founded on the advancement of democracy, which was envisioned through procedures such as constitutional approval, presidential and parliamentary elections, and so on (Maghsoudi & GhaalaDar, 2011).

In 2003, the right of women and girls to education was recognized in the new Constitution law. Article 44 states that: The government is obliged to implement effective programs to create a balance and develop education for women, as well as to improve tribal education and eradicate illiteracy in the country.² In the field of women, the principle of equality between men and women in Afghanistan's new constitution was instrumental in improving the situation of women in the country after 2001. Moreover, the government transferred \$10 million to the Ministry of Women's Affairs to promote the status of women in society. Women were in a relatively better position than they were during the Taliban era. Afghan women candidates in Parliamentary election and selected as a member of parliament. The number of female judges reaches 240. There are two women in the cabinet. Ten women ministers and two women have been elected ambassadors (Pourqadiri, 2019).

In the field of health, Article 52 of the Afghan Constitution mentions health care for the general public as one of the new government's priorities.³ According to this law, the government must provide free facilities for the prevention and treatment of diseases to all

¹ The Bonn Agreement (officially the Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions) was the initial series of agreements passed on December 5, 2001 and intended to re-create the [Islamic State of Afghanistan](#) following the [U.S. invasion of Afghanistan](#) in response to the [September 11, 2001, terrorist attacks](#). Available at 2/7/2022 on: [https://en.wikipedia.org/wiki/Bonn_Agreement_\(Afghanistan\)](https://en.wikipedia.org/wiki/Bonn_Agreement_(Afghanistan)).

² Article 44th of the Constitution law of Afghanistan, enacted at 2003.

³ Article 52th of the Constitution law of Afghanistan, enacted at 2003.

citizens. Thus, it can be seen that the gender perspective in the constitution on the issue of health care has been eliminated and there is no sign of the law forbidding women from going to hospitals and medical centers. (PBS, 2007). Also, with the presence of women in society and not forcing them to wear the obligatory burqa (Chaduri), their mental health has improved significantly compared to the Taliban era.

Also in 2009, a law banning violence against women was passed. It is included in Articles 24 and 54 of the Afghan Constitution. The law defines violence against women and cites many instances of it, and also states: Violence is a crime, no one has the right to commit it in a place of residence, government or non-government office, institution, public place, vehicle, or other places. In case of committing per the provisions of this law, will be punished (Pourqadiri, 2019).

The role of Afghan women in the society

In any kind of society, women make up half of it. Afghanistan is a country where the fires of war have affected all aspects of its citizens' lives and women's activities in the social, economic, political, and cultural spheres. Women's activities in the social sphere have grown slowly, and bad traditions have also had a negative effect on these activities. But despite all the difficulties, Afghan women are struggling with the challenges that lie ahead. Afghan women in Afghanistan today are engaged in activities that in the past were done only by men and women did not have any activities in these sectors (Habib, 2021).

More than three decades of war and violence in Afghanistan have spontaneously led to all kinds of misconduct and violence in Afghan society, and people in the society, by imitating the culture of war, practically show the most violent behavior in dealing with each other. One of the most vulnerable sections of Afghan society affected by violence is women. Of course, violence against women is not limited to the family and the home environment. Many Afghan men can not accept the presence of women in socio-political competitions and women in social activities (Nikaaen, 2013).

In recent years, a positive development in the social participation of Afghan women has been advanced, the formation of civil society. Civil society, on the one hand, has highlighted the role of women in social activities and, on the other hand, has made them economically self-sufficient. The role of women business and the establishment of private institutions and companies in various fields such as educational centers, science, factories, handicrafts and

providing the possibility of work from home and providing productive services in the open market are the major measures that can be mentioned (Panjshiri, 2018).

Based on UN Security Council Resolution 1325⁴ of 31 October 2000 Nations, (Nations, 2000), which addresses the impact of armed conflict on women, the National Action Plan for Women, Peace, and Security (NAP 1325) was launched in Afghanistan in July 2015. (Jureńczyk, 2019)

The program aims to increase the activity of women in the social, political, and economic life of Afghanistan, strengthen their rights and protect women against violence and poverty. It also aims to increase the involvement of women in the peace process and the security sector. “The detailed objectives of the plan are as follows:

- *participation of women in civil service decision-making and leadership, in resolving security, peace, and social reintegration issues;*
- *active involvement of women in national and regional elections;*
- *women’s access to effective, efficient, and accountable justice;*
- *medical and psychological support for victims of sexual and domestic violence;*
- *protecting women from all types of violence and discrimination;*
- *increase funding for measures in the field of protection of women in emergencies;*
- *counteracting impunity for violence against women and other crimes against them;*
- *involving boys and girls in the fight against violence against women;*
- *institutional support for women’s organizations and associations;*
- *increase women’s economic security through increased employment opportunities;*
- *increase access to education for girls and women, including higher education, especially for those returning from external and internal migration”* (Jureńczyk, 2019).

The social position and rights currently enjoyed by women in Afghanistan are incomparably greater than under the Taliban regime. At present, Afghan women can move around the place of residence or even travel without the presence of a man. The girls arrange and go to play with their friends without being afraid to dance and sing there. (Jureńczyk, 2019)

⁴ United Nations (2000). United Nations Security Council Resolution 1325 (2000). Adopted by the Security Council at its 4213th meeting, on 31 October 2000. New York, 31 October. Available at: <https://www.un.org/womenwatch/osagi/wps/> (Access date: 2/11/2021).

Taliban perspective on women rights

As mentioned earlier, women in Afghanistan played an important role in society in all areas, before Afghanistan fell into the hands of the Taliban. Afghanistan witnessed a rapid scientific renaissance, and women had the right to exercise all their natural rights, but when Afghanistan was under Taliban rule, especially between 1996 and 2001, women have suffered from many challenges and difficulties, as many restrictions were imposed on women and girls. They were stripped of all her rights except for some of them, which were deemed insufficient to lead a normal life.

During that time, the Taliban gained a bad international reputation for their treatment of women, the movement stated goal that was ***“to create a safe environment that preserve the dignity and purity of women”*** and due to that women and girls were forced to wear the “Burqa”, a traditional afghani dress worn by women for decades, according to a Taliban spokesperson who justified that by saying “a women’s face is a source of corruption for unrelated men”.

Again, after the fall of the Taliban regime after 2001, women gradually returned to the exercise of some of their rights, and all rights granted to women were protected under the new state constitution drawn up in 2004. This constitution clearly indicated that the rights of citizens of Afghanistan were protected without discrimination. Based on race, gender, and color, and under this constitution, a specialized ministry was established to look after women's affairs and eliminate all forms of discrimination in society.

Today, and especially after 15 of august, 2021 many women activist in Afghanistan has shed the light on women’s rights under the rule of the Taliban, while the Taliban again have imposed a ban on women traveling long distances using transportation without the companion of a male relative, the Taliban calling in a package of "guidelines" for all vehicle owners to transport women who wear only the hijab, and to stop playing music. After ordering television channels not to show films and series in which women and journalists working in television are represented, the headscarf should be worn on the screen. Also, reports have shown that the Taliban enforce girls to get married to fighters, and women are forced again to stay at home (Eco-Business, 2021).

Based on the news and reports from Afghanistan, it seems clear that the old scenario against women has been repeated despite the assurances announced by the Taliban to respect and protect women's rights, but what appears on the ground proves exactly the opposite.

Therefore, the challenges faced by women in Afghanistan can be summarized as follows:

- They are not allowed to work:

While the right of women to work is enshrined in the 2004 constitution under article 22 (Kamali, 2008), many women have reported losing their jobs since August 15, 2021, due to new restrictions on women's mobility and conditions for participation in the public sphere. Detectives participating in a quick perception survey conducted in October 2021 indicated that they knew women who had lost their jobs in the previous month. Job losses are observed in most sectors, however, women in certain professions - such as the media and civil society - report additional challenges due to the de facto authorities' attitude towards women's right to work. It is important to note that some of these barriers to women's participation in work arise from a lack of clarity and self-censorship by families and women in the absence of any clear guidance from the Taliban.

- They were not allowed to learn or attend schools or universities, they were only allowed to learn and read Quran.
- They were not allowed to move or go out without a male accompaniment:

There have been reports of the Taliban imposing a male accompaniment requirement on women, making the use of a mahram (a male relative) mandatory -As a protective mechanism, families self-censor and restrict the mobility of women and girls, suggesting that the Taliban's effect on women's rights extends beyond enforcing particular laws. These restricted practices feed cultural ideas of family "honor," which are based on patriarchal standards and women's marginalization. This environment of dread and uncertainty, combined with limits on women's movement, will have an indirect influence on women's mental health, employment, education, access to life-saving services, and participation in public and political life. Tackling the issue of freedom of movement is a critical component of addressing the issues of expanded access to services, as well as a prerequisite for women's leadership and involvement in decision-making (Middleton, 2001).

“I feel stress and anxiety, I cannot walk safely with the presence of armed men in the streets.”

Woman activist

- Women who were trying to seek education had to study secretly in a non-governmental school, hiding from the Taliban.

- Women were not allowed to be treated by a male doctor unless they have a companion, which caused the death of many girls due to that restriction.
- Women were also subjected to public flogging and public execution for violating Taliban rules.
- Taliban also allowed and encouraged the early marriage of girls under the age of 16, an amnesty international report that stated 80% of marriages in Afghanistan were performed through coercion (Eco-Business, 2021).

The following photo supports the authenticity of what is happening in Afghanistan



The Taliban has stated that it is devoted to giving women's rights and enabling them to work and attend education as long as they do not violate Islamic or Afghan norms. However, it also stated that it wants to limit women's recent liberties, which it claims encourage "immorality" and "indecentry." Starting from the last point we will explain the rights of women in Islam to explain whether what Taliban is following and imposing on women following the Islamic rules or not.

Women rights in sharia, according to Muslim laws and norms

Human rights are a well-known concept in Islam. Apart from the foundational and structural considerations of the subject matter from the Quran and other basic sources of Islam, it is worth noting that under the leadership of Prophet Muhammad (SAW), the early Islamic society produced the first written constitution in the Gregorian year of 622, more than thirteen hundred

years before the Universal Declaration of Human Rights envisaged a modern pluralistic, religiously tolerant of Free State. The Medina Constitution ignited the flame of liberty by establishing a free state for a multicultural society of Muslims, Jews, and pagans; it is the first of its type in human history. Also, the constitutional law of the Islamic state guarantees the rights of women (Engineer, 2008).

Moreover, Islam pays great attention to women and looks at them with honor and pride. Women in Islam are the mother, sister, daughter, aunt, grandmother, wife, partner with the man in bearing the responsibilities of life.

And God has assigned her with the man to advance the task of succession on the earth, to raise children and bring them up together, and made her on the same level with the man in honor and reverence.

Muslims believe that Islam gave women their rights after they suffered in the pre-Islamic era of their loss, the most important of which is the right to life. Muslim scholars largely agree that at the beginning of Islam and specifically in the early sixth century CE, the Prophet Muhammad ﷺ extended the rights of women to include the right to inherit, own property, marry, alimony, and other rights. The Prophet Muhammad also forbade abusing women and commanded them to be treated kindly and compassionately.

Below we review some of the rights that Islam guarantees to women:

- Islam honored women and guaranteed them the right to life, forbade the barbarism that prevailed in the pre-Islamic era, i.e. infanticide, and gave women rights that raised their status compared to what they were before Islam (Engineer, 2008).
- Education: Islam encourages women to educate and does not stand in the way of their obtaining the highest academic degrees and investing this knowledge in the benefit of people in their religion and worldly affairs. Many believing women became famous during the era of the Prophet Muhammad, may God bless him and grant him peace, and beyond. Among them were translators, jurists, narrators of poetry and news, and genealogists.
- Financial rights: The Arabs and non-Arabs in the pre-Islamic era denied women the right to own property and restricted them from disposing of what they owned. So, Islam came and abolished that, and equalized between men and women in the right to own property, abolished the tyranny of husbands with their wives money, and established

for them the right to all kinds of ownership and to dispose of their money in legitimate ways. Islam granted women the right to financial disclosure before all other civilizations, which considered a woman to be the property of her husband, who freely disposed of her money and had no right to review it. This was the case for Western women in Europe from the Middle Ages until the end of the nineteenth century.

- **Marriage:** Islam has equated men and women with the right to choose each other when it comes to marriage and the formation of a family, and it did not give parents the ability to compel children, The role of parents in marrying off their children is limited to advise and guidance, because forcing a girl to marry someone she does not want is forbidden by Sharia, and it is an injustice and a violation of the rights of others.

A woman in Islam has complete freedom to accept or reject whoever comes to propose to her, and her father or guardian has no right to force her to someone she does not want because married life cannot be based on coercion.

- **Right to work:** Islam has set controls and conditions regarding women's work outside the home for several reasons, the most important of which is to protect the woman herself from weak souls who may exploit her need for work and money for vile purposes, and also to prevent sedition and everything that can lead to spreading immorality in society that may result from mixing in Work and non-compliance with Islamic morals of decency and others. Islam does not prevent women from working outside the home, and women have the right to choose the work and profession they tend to.

Islam did not prevent women from doing work outside the home that suits their nature, such as nursing and teaching, for example, or when there is a need for extra services.

Women's rights in Islam were not limited to the aforementioned, but women obtained many political and civil rights in Islamic countries, and these rights were protected by Islamic Sharia and constitutional laws in Islamic countries.

Rights of women according to International Human Rights Law

Proceeding from the catastrophic results of the Second World War, the international community worked hard to develop legal provisions, formulate international agreements, and establish humanitarian organizations that guarantee human rights without discrimination based on, Gender, Race, Colour. Therefore, these efforts culminated in the drafting of the

International Declaration of Human Rights in 1948, which was considered as an international constitution to protect the human rights of people in all countries.

Internationally, women played an important role in drafting the Universal Declaration of Human Rights, with Eleanor Roosevelt's leading role as chairperson of the Universal Declaration of Human Rights Drafting Committee documented. In addition to other women, who played a key role in drafting this global document, like "Hansa Mehta" from India who succeeded in changing the text from "*All men are born free and equal*" to "*All human beings are born free and equal*" in Article 1 of the Universal Declaration of Human Rights (Adami, 2018).

The Universal Declaration of Human Rights included 30 legal articles detailing the fundamental rights and freedoms of individuals and affirming their universal character as inherent and applicable to all human beings.

Although the Universal Declaration of Human Rights did not have the status of a binding law for its implementation by states, a large number of states have included it in their internal constitutions and worked to respect and implement it, and among these states was the state of Afghanistan, which has guaranteed many international law agreements that require Respecting women's rights in its constitution, Afghanistan has also ratified and signed many agreements that guarantee respect for women's rights, like:

- International Covenant on Civil and Political Rights (24 April 1983)
- International Covenant on Economic, Social and Cultural Rights (24 April 1983)
- International Convention on the Elimination of All Forms of Racial Discrimination (August 5, 1983)
- Convention on the Elimination of All Forms of Discrimination against Women (4 March 2003)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as the United Nations Convention against Torture (UNCAT)) (26 June 1987).
- Convention on the Rights of the Child (27 April 1994) and its Optional Protocol on the sale of children, child prostitution and child pornography, and its Optional Protocol on the involvement of children in armed conflict (24 September 2003)
- It also worked on forming a committee to protect human rights⁵.

⁵ The Afghan Independent Human Rights Commission was established by presidential decree on 6 June 2002. The Bonn Agreement of December 2001 envisaged the establishment of this commission. The Afghan

Women's rights:

is the name that includes all the social, economic, political, and legal rights that women have on an equal basis with men. The concept of women's rights gained special importance in the 19th century. A large number of different institutions and organizations around the world are conducting studies to eliminate all the problems and forms of discrimination that women face (Cook, 2012). On top of the problems that women face, we will list them as follows:

- Racial discrimination is directed against women in work and school life.
- Leaving women around the world as a second plan or denying them the right to education and learning.
- Many countries make a distinction between women and men within the framework of legal regulation. Especially those that apply racial discrimination between women in inheritance rights and civil rights arrangements.
- Recognition of women's rights, choice of spouse, marriage, divorce, and other basic civil rights in many regions of the world.
- Physical violence and psychological oppression against women have not yet been eliminated in modern countries.

As we mentioned earlier, women in Afghanistan suffered from many challenges and difficulties, especially under the rule of the Taliban, but after the fall of the movement's rule in 2001, they obtained many legal rights, but now, after the recurrence of the old scenario and the fall of Afghanistan under the rule of The Taliban movement since 2021, It is worth noting that women's rights are in danger and require international cooperation to achieve the required protection, especially since the Taliban claims to apply the rules of Islamic sharia, but it explicitly violates these rules and violates the rules of international women's rights protection with its continuous violations.

Conclusion

Afghan women's promotion could go further if the Taliban do not regain control of Afghanistan again. As mentioned above afghan women had much progress since 2001-21, but since August 15th, 2021, there have been quick and significant reversals in women's rights and

Independent Human Rights Commission is responsible for monitoring human rights, investigating human rights violations, and promoting respect and implementation of these rights among local institutions. For more information go back to the website: <http://docstore.ohchr.org/>

fundamental freedoms, affecting their right to work, access to education, basic health and protection services, and women's and girls' involvement in the public sphere and decision-making procedures. The additional limits imposed by the de facto authorities (Taliban) through formal and informal announcements, that normalizing gender discriminatory policies have resulted in shrinking civic space of women.

Despite the Taliban's assurances that women's and girls' rights will be respected under Islamic law, their rights are being rapidly eroded in all areas of life. Because of the Taliban policy against women and girls in the society.

Recommendations

Recommendations out of this research paper could be:

1. Encourage and recognize the Afghan women's movement in society. For example, open The Ministry of Women's Affairs, allow the Office Women for Afghan women to proceed with their projects; etc.
2. Support the role of women in the civil society like doctors, nurses, professors, judges, teachers; etc.
3. Monitoring the human rights of Afghan women with the support of national and international agencies or organizations.
4. Strengthen the human rights mandate of the United Nations Assistance Mission to Afghanistan (UNAMA), with a particular focus on monitoring of human rights, especially women's rights.
5. The international community, especially the UNO and its specialized agencies, should encourage the Taliban to respect the conventions that Afghanistan has ratified.

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