



# FACT SHEET NO. 3: GENDER APARTHEID IN AFGHANISTAN

“The Taliban are known for being a gender apartheid group. There is no space in the 21st century for any form of apartheid, including gender apartheid.  
—Horia Mosadiq, Founder, War Victims Network<sup>1</sup>”

## The Taliban's Policies Constitute Gender Apartheid

The de facto authorities in Afghanistan are practicing systematic and pervasive discrimination against women. This mirrors the experience of Black South Africans under the apartheid regime.

- **Education:** Women and girls are excluded from university and secondary schools. The Taliban are **the only governing group in the world to have systematically excluded most women and girls from education** both in the 20th century, and now in the early 21st.
- **Employment:** Women have been banned from working for national and international non-governmental organizations, and have been dismissed from jobs with the government.
- **Health:** The Taliban have banned birth control and are enforcing the ban by threatening pharmacies and midwives.
- **Freedom of movement:** The Taliban have banned driver's licenses for women, travel longer than 45 miles without a male legal guardian (*mahram*), and solo taxi rides.
- **Recreation:** Women have been banned from parks, gyms, public baths, and playing sports.
- **Legal:** Taliban spokesmen have suggested dismantling the legal structure of women's rights, including by abrogating the 2004 constitution and the 2009 Elimination of Violence against Women Law, and their policies represent a de facto rejection of these standards.
- **Rights:** Women engaging in protests against these gender apartheid policies, and sometimes members of their families, face arrest, torture and ill-treatment, and incommunicado detention.<sup>2</sup>
- Afghanistan is experiencing **“the biggest violation on earth of women's rights”** under Taliban rule, according to German Foreign Minister Annalena Baerbock. **The international response needs to be commensurate with this reality on the ground.**

## Applying the Apartheid Framework To Afghanistan

- In interviews, diverse Afghan women human rights defenders have agreed with the characterization of the country situation as gender apartheid because it accurately reflects the way Taliban policy **“removes women from government and society.”**

<sup>1</sup> This fact sheet is drawn from Karima Bennouna, *The International Obligation to Counter Gender Apartheid in Afghanistan*, 54 Colum. Hum. Rts. L. Rev. 1 (2022); Karima Bennouna, *The Best Way to Mark the Anniversary of Taliban Takeover? Launch a Global Campaign Against Gender Apartheid in Afghanistan*, Just Security; Dari translation available at: <https://www.justsecurity.org/82673/82673-the-best-way-to-mark-the-anniversary-of-taliban-takeover-launch-a-global-campaign-against-gender-apartheid-in-afghanistan-dari/>.

<sup>2</sup> *Taliban Policies Restricting Women's Rights since August 2021*, Voice Amplified, available at: <https://voiceamplified.org/wp-content/uploads/2022/08/Talibans-restrictions-on-womens-rights-since-August-2021-updated-0822.pdf>.

- Many women human rights defenders as well as UN Special Rapporteurs have used the term “apartheid” to describe Taliban rule<sup>3</sup>. A prominent South African feminist legal scholar has found it appropriate to substitute “**gendered group**” for “**racial group**” in the definition of apartheid and apply the concept to the situation in Afghanistan. In this interpretation, apartheid is also:

(1) intent to maintain domination by one gendered group over another; (2) a context of systematic oppression by one gendered group over another; and (3) inhumane acts.<sup>4</sup>

#### Consequences for the International Community of Applying the Apartheid Framework

- Applying the apartheid framework makes clear the **international legal responsibility of states** to actively counter, and not be complicit in, gender apartheid. It also makes clear that non-state actors and entities must not be complicit in or acquiesce to gender apartheid.
- Traditional human rights international law approaches have proven inadequate to combat apartheid. **(See Fact Sheet No. 2.)**
- Using an apartheid framework can help ensure that sanctions on the Taliban continue, and that Taliban leaders involved in violations of women’s rights are not granted travel exemptions.
- The apartheid framework is an important tool for **ensuring that the Taliban remain unrecognized** at the United Nations and continue to be barred from holding the seat of Afghanistan in the U.N., as happened with apartheid South Africa. The framework would also dissuade states from continuing to inch towards recognition of the Taliban at the U.N.
- The apartheid framework emphasizes that the **purported cultural and religious justifications** for gender apartheid under the Taliban are as **unacceptable** under international law as those made for racial apartheid in South Africa.

#### What the International Community Must Do to Respond

- Guarantee that their policies **do not aid, abet, encourage, or acquiesce** in the international crime of apartheid in violation of Article III of the Apartheid Convention.
- Recognize that apartheid is an illegal situation that must end, not an object for “**constructive engagement.**”
- Provide assistance to Afghanistan through the conduit of international organizations and civil society, especially women-led organizations, and not through Taliban channels.
- Engage with perpetrators of gender apartheid **only with the condition that discriminatory practices against women be ended immediately** and ensure **full representation of women**, including Afghan women, in any contact with the Taliban. By sending **all-male delegations** to meet with the Taliban, the international community **participates in gender apartheid.**
- Gender apartheid, like racial apartheid, must be recognized as an international crime, specifically a crime against humanity.

**For further information, see Fact Sheet No. 1, “What is Gender Apartheid?”, Fact Sheet No. 2, “The Added Value of the Gender Apartheid Approach,” and Fact Sheet No. 4, “Responses to Arguments Against Using the Gender Apartheid Approach.”**

<sup>3</sup> See, e.g., Abdelfattah Amor (Special Rapporteur on the elimination of intolerance and all forms of discrimination based on religion or belief), Civil and Political Rights ¶ 26, U.N. Doc. E/CN.4/1999/58 (Jan. 11, 1999).

<sup>4</sup> Penelope Andrews, *From Cape Town To Kabul: Rethinking Strategies For Pursuing Women’s Human Rights* (2012).