

Women, Peace, and Security Index and Afghanistan: Analysis and Recommendations

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Introduction

For its 2021 Women Peace and Security Index Report, the Georgetown Institute for Women Peace and Security (GIWPS) conducted a localized analysis for Afghanistan.¹ GIWPS examined the gender equality indicators in “Afghanistan’s 34 provinces that ranged in population from half a million in Badghis to over 5 million in Kabul” and found that, despite some modest gains prior to the Taliban’s takeover in August 2021, the progress had not been linear and “in the 2021 global ranking of 170 countries on the Index, Afghanistan scored the worst, falling in relative and absolute terms since 2017.”² Despite US intervention, the Taliban continued its attacks, and the conflict escalated further, especially after 2017. As the WPS Index findings show, escalation of the conflict had devastating impacts on women in Afghanistan. With the Taliban consolidating its control over nearly all 34 provinces of Afghanistan and finally taking control of the Afghan capital Kabul on August 15, 2021, the situation of women will no doubt get worse even more.

Within this context, this report examines the women’s status in Afghanistan, using WPS Index as a starting point and identifies priority areas that require immediate intervention to improve the lives of women and girls. The report then offers recommendations and implementation strategies rooted in Afghanistan’s religious and cultural framework, as well as successful examples from other Muslim countries to advance rights of women and girls. To that end, this project will meld Islam, women’s rights with WPS Index indicators to facilitate implementation as well as monitoring and evaluation of women’s rights because any arguments developed to counter Taliban position must be rooted within an Islamic framework to have any legitimacy and effect. Therefore, building on the Islam and Negotiation Toolkit for Afghan Negotiators that was created by the Georgetown team last year delineating women’s rights in Islam, this project will link key women, peace and security indicators to Islamic arguments and help develop strategies to defend and implement women’s rights within the context of Afghanistan.

¹ GIWPS “The 2021 Women, Peace and Security Index” retrieved on January 4th, 2022 at: <https://giwps.georgetown.edu/the-2021-women-peace-and-security-index/>

² GIWPS “Ongoing Conflict in Afghanistan Worsens Local Outcomes for Women” <https://giwps.georgetown.edu/the-2021-women-peace-and-security-index/> at: <https://giwps.georgetown.edu/index-story/ongoing-conflict-in-afghanistan-worsens-local-outcomes-for-women/>

Women's Rights and Gender Equality In Afghanistan

“Do not think that our nation needs only men to serve it. Women should also take part as women did in the early years of Islam. The valuable services rendered by women are recounted throughout history.... From their examples we learn that we must all contribute toward the development of our nation and that this cannot be done without being equipped with knowledge. So, we should all attempt to acquire as much knowledge as possible in order that we may render our services to society in the manner of the women of early Islam.”

- Queen Soraya, 1926³

Women's Rights and Gender Equality Prior to the Taliban Rule

The modern struggle for women's rights in Afghanistan has had a vacillating history, starting in the 19th century under the leadership of Amir Abdul Rahman Khan and his wife Bobo Jan,⁴ when the Amir attempted to change some of the customary laws that undermined women's status in line with his understanding of Islamic law.⁵ His wife Bobo Jan was keenly interested in politics, at times representing her husband in reconciliation disputes, and she was the first Afghan Queen to appear in public without a veil. Their son Amir Habibullah Khan continued his father's modernization efforts and supported modern education, including girls' education and opened the first school for girls with an English curriculum.⁶ However, similar to other contexts, modernization efforts and policies regarding women have been highly politicized throughout Afghan history. Unfortunately, religious, and tribal leaders perceived these reforms as a threat to their traditional customs and assassinated Habibullah Khan.

³ Canadian Women for Women in Afghanistan “Afghan Women in History: The 20th Century” accessible at: <https://www.cw4wafghan.ca/sites/default/files/attachments/pages/cw4wafghan-afghanwomenhistory-factsheet.pdf>

⁴ Canadian Women for Women in Afghanistan “Afghan Women in History: The 20th Century”

⁵ Ahmed-Ghosh, Huma (2003). A History of Women in Afghanistan: Lessons Learnt for the Future or Yesterdays and Tomorrow: Women in Afghanistan. Journal of International Women's Studies, 4(3), 1-14. Available at: <http://vc.bridgew.edu/jiws/vol4/iss3/1>

⁶ Ahmed-Ghosh, A History of Women in Afghanistan: Lessons Learnt for the Future or Yesterdays and Tomorrow.



Queen Soraya Tarzi

Despite this initial setback, the next generation of Afghan leaders continued to promote women's rights. Under the reign of King Amanullah Khan, son of Habibullah, who ruled Afghanistan until 1929 after it gained its independence from the British in 1919, Afghanistan became one of the very first countries to grant women the right to vote in 1919, one year before the U.S. In his attempt to modernize Afghanistan, Amanullah Khan worked to eliminate tribal cultural norms that undermined women⁷ and created Afghanistan's first constitution, which abolished slavery, created a legislature, guaranteed secular education, and instituted equal rights for men and women. During the decade he ruled, Afghan women received equal rights, including the right to vote. First school for girls was opened in 1921.⁸ The same year, King Amanullah created a series of reforms for women, including the Family Code Law, which abolished forced marriages, banned child marriage, and he granted women the right to choose their husbands.

Wife of King Amanullah, Queen Soraya, also took a leading role to empower women in Afghanistan. She founded the first women's organization and magazine, as well as the first hospital for women and first school for girls. Once again, not surprisingly, the reforms initiated by King Amanullah and his wife led to unrest among more traditional and conservative segments of the society. Tribal leaders, who opposed these reforms and girls' education, organized protests and when the marriage age was increased and polygamy was eliminated, Loya Jirga (a council of tribal leaders and elected officials that make decisions based on consensus) intervened: They forced the abdication of the King and reversed of many of these reforms.

King Mohammed Zahir Shah, who led the country from 1933 to 1973, took a more cautious approach initially but continued to support increased women's role in Afghan society. After the second world war in particular, women and girls took increasingly bigger roles in the society; they attended schools and colleges and took public roles as nurses, teachers, doctors, civil servants, doctors, and judges, including to the Islamic courts, among others. With the 1964 Constitution, and the ratification of the equal rights amendment, women were granted equal rights, universal suffrage and the right to run for office. Women's rights continued to improve during the pro-Soviet era (1987-1992), following the Saur revolution under the Democratic Republic of Afghanistan. A women's emancipation policy was put in place, based on the Communist ideology that advocated gender equality and women's equal rights.⁹ During this period, women's organizations such as Afghan Women's Council and Democratic Women's Organization of Afghan Women took a more

⁷ Ahmed-Ghosh, A History of Women in Afghanistan: Lessons Learnt for the Future or Yesterdays and Tomorrow.

⁸ Canadian Women for Women in Afghanistan "Afghan Women in History: The 20th Century"

⁹ Skuse, Andrew (2013) "Communication for Development and Public Diplomacy: Insights from and Afghan Radio Drama" in *Diasporas and Diplomacy: Cosmopolitan Contact Zones at the BBC World Service (1932- 2012)* Gillespie, Marie and Alban Webb eds (NY: Routledge) p. 200

top-down approach that worked to provide social services, vocational training and launched a literacy campaign to fight illiteracy and targeted children, teen-aged girls, and women not only in urban areas, but particularly in rural areas.¹⁰ This campaign received strong backlash, especially in the rural and more conservative areas of Afghanistan because the curriculum included a strong Marxist-communist language and depicted tradition and religion as backward.

Despite these efforts and some progress, gender equality and women's rights in Afghanistan have not been an even process and have suffered various serious setbacks. Similar to prior efforts, the top-down approach to women's rights and gender equality by the Soviet-backed groups that attempted to transform traditional norms faced strong opposition by traditional and religious leaders. Especially, the compulsory education for girls was seen as a major threat to tradition, religion, and "unbearable interference in domestic life."¹¹

Women's Rights and Gender Equality After the Taliban Rule

Women experienced the worst when the Taliban came to power in the 1990s, after the Soviet-backed regime and when the country descended into a new era of war and chaos. The Taliban viewed communist regime and its strong emphasis on gender equality as anti-Islamic¹² and imposed a strict religious system based on their narrow understanding of Islam. They ruthlessly imposed enormous restrictions on women which undermined the basic rights of women and girls, restricted their mobility significantly and banned women from participating in political life and working outside of their home. On August 23, 1993, The Government Office of Research and Decrees of the Supreme Court issued an order to dismiss women from their jobs and decreed:

"Women need not leave their homes at all, unless absolutely necessary, in which case, they are to cover themselves completely; are not to wear attractive clothing and decorative accessories; do not wear perfume; their jewelry must not make any noise; they are not to walk gracefully or with pride and in the middle of the sidewalk; are not to talk to strangers; are not to speak loudly or laugh in public; and they must always ask their husbands' permission to leave home."¹³

Women in Afghanistan had been part of the political and economic life of the society since the 1940s as teachers, doctors, civil servants, judges, among others. The Communist Government in Afghanistan had encouraged women to play important roles within the ranks of Communist Party, and take upon several roles in the political spheres. According to the World Development Index,

¹⁰ Nunan, Timoty (2016) "Humanitarian Invasion: Global Development in Cold War Afghanistan (NY: Cambridge University Press)

¹¹ Hanne, Christensen (1990) "The Reconstruction of Afghanistan: A Chance for Rural Afghan Women" United Nations Research Institute for Social Development (Geneva)

¹² Emadi, Hafizullah (2002) *Repression, resistance, and women in Afghanistan*, (Praeger, Westport, Conn.)

¹³ Emadi, Hafizullah *Politics of the Dispossessed: Superpowers and Developments in the Middle East* p. 44; See also Emadi, Hafizullah (2002) *Repression, resistance, and women in Afghanistan*, (Praeger, Westport, Conn.) p. 124.

in the 1990s, women made up 34% of the labor force in Afghanistan¹⁴ and women were recruited into the communist party ranks. But with this decree and other policies that followed it, women were prohibited from leaving their homes unless they were accompanied by a male relative and were forced to wear a *burka*, an outer-garment that covers the entire body and head, including the face.



Women Living Under Taliban Rule
Source: Reuters¹⁵

Taliban also shut down girls' schools and prohibited girls from getting any education. While there have always been challenges to girls receiving modern education prior to Taliban rule, it was still possible to find a common ground such as having separate facilities for girls and boys, which allowed some girls to receive education even in rural, more conservative areas. The government statistics of the 1980s show that there were 440,000 female students and 11,000 female teachers in Afghanistan.¹⁶ In 1989, University of Kabul had about 7000 students and 65% of these students were female.¹⁷ Taliban's ban on education of girls and employment for women even as teachers led to a drastic decrease in the literacy rates, especially among girls. According to the World Bank, boys' enrolment in primary schools dropped to 2% and girls' enrollment dropped to almost zero percent.¹⁸

The Taliban also restricted women's access to healthcare by preventing female healthcare workers such as doctors, nurses, and pharmacists from entering hospitals, undermining the capacity of healthcare institutions in the country. Within the country, only one hospital was given permission

¹⁴ World Bank GenderStats 2002, cited in Amiri, Rina, Swanee Hunt, Jennifer Sova (September 2004) "Transition Within Tradition: Women's Participation in Restoring Afghanistan" in *Sex Roles* Vol 51. Nos 5/ 6, pp 283-291, p. 286. Accessible at:

<https://wapp.hks.harvard.edu/files/wapp/files/art3a10.10232fb3asers.0000046612.13353.0f.pdf>

¹⁵ Image from Reuters accessible at: <https://www.reuters.com/world/asia-pacific/afghan-women-bankers-forced-roles-taliban-takes-control-2021-08-13/>

¹⁶ Amiri, Rina, Swanee Hunt, Jennifer Sova (September 2004) "Transition Within Tradition: Women's Participation in Restoring Afghanistan" in *Sex Roles* Vol 51. Nos 5/ 6, pp 283-291, p. 286. Accessible at: <https://wapp.hks.harvard.edu/files/wapp/files/art3a10.10232fb3asers.0000046612.13353.0f.pdf>

¹⁷ Amiri and Sova "Transition Within Tradition: Women's Participation in Restoring Afghanistan"

¹⁸ World Bank GenderStats 2002, cited in Amiri, Rina.

to receive and treat women. Male doctors were not allowed to see female patients, diagnose and treat them. Therefore, even the most urgent health care needs of women were not addressed. A 1998 study on women's health and human rights in Afghanistan found that the majority of all women in the study reported a decline in physical and mental health status and a decline in access to health care during the last 2 years living in Kabul.¹⁹ Same study also found that many women reported symptoms of post-traumatic stress disorder, evidence of major depression, and significant anxiety. During this period, maternal mortality in Afghanistan was one of the worst in the world.²⁰

Marriage age was lowered and women and girls were forced into marriage. "Scores of Hazara young women were taken by the Taliban as *kaniz*, servants, to be married off to Taliban militia deployed at war fronts."²¹ Even house windows were painted over to prevent outsiders from seeing inside their homes. The Taliban established the Department for the Promotion of Virtue and the Prevention of Vice to enforce these restrictions and punished women severely by beating, stoning, or beheading them, if they did not comply with these rules. "Women were imprisoned, tortured and executed for 'moral crimes' like prostitution, or fidelity and were commonly whipped in the streets by Taliban police for showing skin such as wrists or ankles."²² "Fear of "punishment" under *Taliban* edicts prevented tens of thousands of women from seeking education and employment or leaving home without a close male relative effectively making them prisoners in their homes on account of their gender."²³

Taliban's strict rule impacted men as well. Taliban arrested and tortured men who did not obey Taliban orders, such as attending prayers or trim their facial hair. Non-Pashtuns such as Tajik, Hazara, Uzbek and Panjsheri men and boys were arrested, humiliated, and tortured because of their ethnicity. Others were executed. Human Rights Watch has documented and reported the massacres and serious breaches of international humanitarian law committed in Afghanistan during the Taliban era, such as the Massacre of Hazara, Uzbek, and Tajik in Mazar-i Sharif in 1998.²⁴

¹⁹ Rasekh Z, Bauer HM, Manos MM, Iacopino V. (1998, Aug 5) Women's health and human rights in Afghanistan. *JAMA*. 5;280(5):449-55. doi: 10.1001/jama.280.5.449. PMID: 9701081.

²⁰ Turner H. (2006, Sep) Literature review: Afghanistan women's health crisis, health service delivery, and ethical issues for international aid. *Health Care Women Int.*;27(8):748-59. doi: 10.1080/07399330600817832. PMID: 16893809.

²¹ Amnesty International, *Amnesty International Report 1999 - Afghanistan*, 1 January 1999, available at: <https://www.refworld.org/docid/3ae6aa0970.html> [accessed 7 January 2022]

²² Canadian Women for Women in Afghanistan "Afghan Women in History: The 20th Century"

²³ Amnesty International, *Amnesty International Report 1999 - Afghanistan*

²⁴ Human Rights Watch (1998) *Afghanistan: The Massacre in Mazar-i Sharif* vol 10, No 7

Women's Rights After US Invasion

Taliban rule in Afghanistan ended with the US intervention in 2001. While the main focus of the US was on “War on Terrorism” and capturing Osama bin Laden, restoring women’s rights improving the lives of women and girls were integrated into the nation-building mission that followed. The 2004 constitution prohibited discrimination on the basis of gender and included specific provisions to guarantee women’s rights as well as quotas to ensure women’s inclusion into the political process. During this period, millions of girls were able to receive education in areas controlled by the Afghan Government. Once again, women could take part in the social, economic and political life as doctors, teachers, ambassadors and as ministers. For example, “The Afghan government has appointed a 21-member negotiating team that includes five Afghan women. Afghanistan’s president, Ashraf Ghani, also established the High Council for National Reconciliation, a higher supervisory body to monitor and direct the negotiating team.”²⁵

Despite international support and funding for gender-equality efforts during 20 years of the U.S.-backed governments, Afghan women’s progress has always been fragile and uneven. Since 2002, women have been allowed to receive education in areas controlled by the Afghan Government and millions of girls have been educated. These numbers have been declining since 2014 due to increased insecurity, discrimination, corruption, and diminished funding (HRW). Afghanistan consistently ranked at the lower end of the WPS Indicators in both 2019/20 and 2020/21. For instance, Afghanistan ranked 166 out of 167 countries in the 2019/20 report, and it was at the very bottom of the 170 countries in the 2021/22 report.

With the Taliban takeover in August 2021, women’s rights and future are once again under threat. Taliban leaders have stated that they will respect and ensure women’s rights within the framework of Shariah however, United Nations Secretary General António Guterres said that his organization was “receiving chilling reports of severe restrictions on human rights” throughout the country and that he was particularly concerned by accounts of mounting violations against women.²⁶

Religious and Cultural Norms in Afghanistan and Women's Rights

Even before decades of conflict and war, gender equality and women’s rights have been a challenge in Afghanistan because of traditional gender norms and customs. Because of its geopolitical location, Afghanistan has been a crossroads of different traditions and communities. Several ethnic and religious communities call Afghanistan home. Some of the main groups include

²⁵Allen, J., & Felbab-Brown, V. (2020a, September 16). The fate of women’s rights in Afghanistan. Brookings. <https://www.brookings.edu/essay/the-fate-of-womens-rights-in-afghanistan/>

²⁶ Alexander, Caroline (2021, Sep 13) “As Taliban Return, A History of Afghan Women’s Rights Accessible at: <https://www.bloomberg.com/news/articles/2021-08-18/the-up-and-down-history-of-afghan-women-s-rights-quicktake>

Pushtun, Tajik, Hazara, Uzbek, Turkmen, Baluch, Aimaq, Qirghiz, Nuristani, Arab, Jewish, and Hindu. Each of these communities has their own unique language, culture and tradition. One of the largest ethnic groups in Afghanistan is the Pashtuns, comprising between 38% to 50% of the population.²⁷ Islam is the official religion of Afghanistan and the majority of the population is Muslim (99%) with between 80% and 89% practicing Sunni Islam while 10-19% are Shia.²⁸ The predominant school of thought in Afghanistan is Hanafi School.

Similar to the ethnic composition of Afghanistan, the identity of Afghan women is multidimensional and embedded in their extended family network, ethnicity (e.g., Hazara, Uzbek, Pashtun, etc), religion/sect (e.g., Sunni, Shiite, Sufi), language (e.g., Pashto, Farsi, Tajiki, Dari), social class (based on sharp socio-economic divides), urban or rural background, education, and political affiliation.²⁹ Women's experiences and needs vary according to their intersecting identities and their location (urban vs. rural, etc.). Despite these differences, however, women experience similar gender stereotypes and roles in Afghanistan. These gender stereotypes and perception of women's role "in society is largely determined by a combination of tribal cultural mores such as *Pashtunwali* and religious precepts as understood by men."³⁰

Traditionally, Afghan society is patriarchal, with men and women having interdependent and complementary but different roles and spheres in the society, particularly in rural areas. For example, in carpet weaving, men herd and shear the sheep; women spin the wool into yarn and weave the carpet.³¹ These patriarchal traditions and local customs often restrict women's mobility in public spheres, and gender segregation is common in most parts of Afghanistan. This patriarchal structure and gender dynamics impact the way Islam is understood and interpreted in the society.

The elite-led modernization efforts that promoted women's rights and empowerment were often seen as a threat to this traditional patriarchal structure and have been resisted strongly in Afghanistan. For instance, religious and traditional leaders have perceived Habibullah's modernization efforts and policies regarding women as a threat to their traditional customs and organized protests. Similarly, the efforts by the subsequent efforts also met with the same fate. Many of these efforts were influenced by Orientalist, Colonialist perspectives that viewed Muslim communities as backward and were top-down. There were no serious efforts made to connect women's rights to the religio-cultural framework of the Afghan society. While these policies had been successful to a certain extent in the urban areas, they largely failed to improve the lives of women or change the patriarchal structures, especially in the rural areas. For instance, religious

²⁷The Asia Foundation (2018) A Survey of the Afghan People: Afghanistan in 2018” https://reliefweb.int/sites/reliefweb.int/files/resources/2018_Afghan-Survey_fullReport-12.4.18.pdf

²⁸ World Population Review accessible at: <https://worldpopulationreview.com/countries/afghanistan-population>

²⁹ Amiri and Sova “Transition Within Tradition: Women’s Participation in Restoring Afghanistan”

³⁰ Emadi, *Repression, resistance, and women in Afghanistan*

³¹ Amiri and Sova “Transition Within Tradition: Women’s Participation in Restoring Afghanistan”

leaders of both the Shiite and the Sunni communities never issued rigorous guidelines for the advancement of women.³² Furthermore, as Emadi notes,

*Although progressive Muslim scholars and a small number of enlightened clerics supported women's right to education, none of these leaders actively worked to eliminate gender discrimination. The only Muslim religious leader who boldly spoke against gender discrimination was Sultan Mohammad Shah, the Aga Khan III, forty-eighth imam of the Isma'ili community.*³³

Islamic Parties in Afghanistan also did not address the issue of women's rights or equality directly. If they were asked questions about this issue, they usually quoted verses from the Quran that contained references to the equality of men and women in the eyes of Allah to demonstrate gender equality such as the verse that says: God created men "from a single cell and from it created its mate, and from the two of them dispersed men and women in multitudes (Q4:1). But, they failed to articulate a coherent position or develop any policies that would address women's rights and equality.³⁴

During the communist rule, the government employed a strict gender equality policy in order to transform the traditional patriarchal structures and institutions. Some of these policies included compulsory education for boys and girls, replacing religious and traditional laws and practices with secular-Marxist ones, forcing men to cut their beards, and prohibiting women from wearing burqas and chadors. These top-down policies undermined the tribal structure of the society and contradicted the religious and cultural traditions of Afghanistan and the only thing they succeeded in was uniting the ethnically and tribally divided Afghan society.

When the Taliban came into power in the 1990s, they based their restrictive ideology on their understanding of *pashtunwali*, the traditional social code of the Pashtun people, and their extremely narrow and rigid interpretation Islam to exclude women from the social, political, economic and cultural life of the society. Many leaders of Taliban, which means 'students', have been refugees in Pakistan and have received their education in Deobandi madrasas in Pakistan. During the colonial period, Western education was introduced, and began threatening the traditional system. In response to this threat *Dar-ul Uloom* Deobandi, established in 1867, in a small town called Deoband in India, began placing an emphasis on spiritual studies and purification of the belief system and the rejection of imperialism and its values.³⁵ "It was during the British times that the Deobandi Ulema institutionalized and gave an administrative and academic structure to the *Madrassa* system."³⁶ "Since then *Madrassas* became the sites of dissidence and resistance to the state, authority and modernity, but at the same time, included selective modern

³² Emadi, *Repression, resistance, and women in Afghanistan*, p. 12

³³ Emadi, *Repression, resistance, and women in Afghanistan*, p. 128

³⁴ Emadi, *Repression, resistance, and women in Afghanistan*.

³⁵ ICG 2002 p. 5

³⁶ Abdalla, et.al. 2006 p.34.

subjects in their curricula.”³⁷ Since the 1980s, Deobandi Madrasas in Pakistan and Afghanistan came under the influence of Wahhabi Islam originating in Saudi Arabia. This influence was facilitated by the US and its allies, such as Saudi Arabia, in order to counter the Soviet threat in the region.

They have done so by taking advantage of the lack of knowledge in Islamic scholarship that is built on the Quran and Sunnah (Sayings and Practices of the Prophet Muhammed). A majority of women in Afghanistan are illiterate and know little about the Islamic faith. They rely upon mullahs to interpret the religion and their role within it and within society. Most mullahs are themselves not well versed in Islamic philosophy and teachings and interpret the scriptures the way they understand them. The Islamic parties continue to disregard the contributions of women to societal development and seek to limit their role in society. Conservative clerics often call for the restoration of women’s traditional role in society — that of domestic responsibility — and encourage and praise the roles of mother, wife, and sister.

Since their takeover in August 2020, Taliban leadership have not described in detail what role women would play in a Taliban-governed society now that they control the country. In February 2020, deputy Taliban leader Sirajuddin Haqqani wrote of “an Islamic system... where the rights of women that are granted by Islam—from the right to education to the right to work—are protected.” Skeptics note that a pledge to safeguard the rights of women “according to Islam” is subjective and echoes similar pledges made by the Taliban while previously in power. In some areas taken since May 2021, the Taliban have reportedly forced women to marry Taliban fighters, imposed other restrictions on women’s rights, and carried out targeted killings against women. Since taking power in August 2021, Taliban leaders have called on women government employees to return to their posts only if they wear the hijab (headscarf).

As many scholars of Islam argue, Islamic tradition offers a strong framework to build democratic and equitable social, economic, and political institutions that respect and value human rights as well as women’s rights. They emphasize Islam gives women fundamental rights, including inheritance, property ownership, education, employment, among others, and that women have participated in social, political, economic, intellectual, and political life in Islam since its inception. This fact was recognized even by the Taliban’s chief negotiation in a closing speech where he addressed the role of women in society, when he said “Islam has given women all fundamental rights, such as business and ownership, inheritance, education, work, choosing one’s husband, security, health, and right to good life.”

³⁷ Abdalla, et.al. 2006 p.34.

Impact of Conflict and War on Women in Afghanistan

Throughout centuries, its strategic location has made Afghanistan a target for foreign invaders such as the Maura Empire, Alexander the Great, Rashidoon Caliphate, the Mongols, and the Persians, among many others. During the modern period, Great Britain invaded Afghanistan in the 19th century, to expand its control in the region to oppose increasing Russian influence and threatening British interests in India. This led to a series of Anglo-Afghan wars, turning the region into a battleground between Great Britain and Russia, until Afghanistan gained its independence from Great Britain in 1919.

Russian interest in the region continued after the establishment of independent Afghanistan and reached its peak during the Soviet Era. Soviet influence in Afghanistan resulted in the Saur Revolution and the overthrow of the Government of Afghanistan in 1978. The repressive Soviet-backed regime resulted in the emergence of various insurgency groups. Islam became a force that unified these insurgency groups with different ethnic and tribal affiliation to fight the government's extremely secular and anti-Islamic Marxist-Leninist policies and attacks on religious and traditional institutions.

More than two decades of war and violence destroyed Afghanistan's social, physical, and economic infrastructure, led to massive human rights violations and displacement claiming tens of thousands of lives. These wars and conflicts had devastating effects on women in particular. Continuous conflicts in the region have been the main problem for women and girls even more than Afghan culture or Islamic religion, as they undermined the security of women and girls, reduced millions of Afghan women to poverty, a high rate of illiteracy, lack of childcare, extremely poor health, and the instability of refugee life.³⁸ Women, who did not obey the rules and norms the Taliban put in place were humiliated and beaten. "Women were raped, forced into marriage, abducted, kept as sex slaves or sold into prostitution."³⁹ Many women and girls were forced to stay home to avoid abduction by rival Mujahidin groups. These security issues particularly had detrimental impacts on widows, who did not have male protectors, and who were not allowed to work.

These conflicts also impacted education of girls in Afghanistan. For instance, the Soviet- Afghan war between the Soviet backed Democratic Republic of Afghanistan and the US-backed insurgent groups known as the Mujahideen prevented the expansion of the school system. The Mujahideen civil conflict of 1992–94 and the Taliban's prohibition of schooling for girls and of employment for women as teachers resulted in a dramatic decline in education for girls, as well as boys. In 2000, the World Bank estimated that boys' enrollment in primary schools slowed to about 2%,

³⁸Amiri and Sova "Transition Within Tradition: Women's Participation in Restoring Afghanistan"

³⁹Crisis Group Report (2013) p. 4; See Crisis Group Report, Afghanistan: Women and Reconstruction, op. cit. Also "Blood stained hands: past atrocities in Kabul and Afghanistan's legacy of impunity", Human Rights Watch, 2005.

while girls' enrollment dropped nearly to zero.⁴⁰ The Gender Advisor to the UN System in Afghanistan reported that recent literacy rates are 4% for women and 30% for men.”⁴¹

Despite all these challenges and the negative impacts of the conflict, Afghan women have proved resilient and found creative ways to respond to these challenges. Even during these dire times, the Aid community continued to provide basic services, healthcare, and food. The Taliban allowed women to work in the healthcare sector if there was gender segregation. This allowed aid agencies to hire female staff and reach women through health-related projects.⁴² Girls' education resumed clandestinely and many Afghan women ran their own homeschools with an estimated enrolment of 134,000 by 2001 – almost equal to that of boys in regular schools with support from organizations such as the Swedish Committee for Afghanistan, including in southern and eastern Afghanistan.⁴³

The security of women and girls increased after 2001 as the post-Taliban government ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2003 and committed to increase security of women and girls, eliminate gender-based discrimination, protect women's rights and participation in the public arena. With the Taliban takeover in August 2021, all these gains are now under threat and once again, women and girls fear for their safety and security and basic human rights.

⁴⁰ World Bank GenderStats 2002

⁴¹ Gender advisor, 2000, as cited in the U.S. Department of State Web site, 2001 and Amiri, Rina, Swanee Hunt, Jennifer Sova (September 2004) “Transition Within Tradition: Women's Participation in Restoring Afghanistan” in *Sex Roles* Vol 51. Nos 5/ 6, pp 283-291, p. 285.

Accessible at: <https://wapp.hks.harvard.edu/files/wapp/files/art3a10.10232fb3asers.0000046612.13353.0f.pdf>

⁴² International Crisis Group (2013) “Women and Conflict In Afghanistan” Asia Report no 252 <https://d2071andvip0wj.cloudfront.net/women-and-conflict-in-afghanistan.pdf> p.5

⁴³ International Crisis Group “Women and Conflict In Afghanistan” p.5

Women Peace and Security Index and Afghanistan

What is the Women Peace and Security Index?

It is now widely recognized that gender equality is a predictor of peace and countries where there is high gender inequality experience higher probability of violence and conflict. Recognizing the importance of tracking gender equality in different countries, Georgetown Institute for Women Peace and Security (GIWPS) together with The Peace Research Institute Oslo (PRIO) developed its first WPS Index in 2017/2018. Since then, GIWPS and PRIO produced two more reports: WPS Index of 2019/ 2020 and WPS Index of 2021/2022.

The aim of WPS Index is to bridge insights from gender and development indices with those from peace and security indices to capture and synthesize an array of data that can be understood easily and inform policy decisions.⁴⁴ It reflects a shared vision that countries are more peaceful and prosperous when women are accorded full and equal rights and provides insights into trends and progress on women's status and empowerment around the globe. The WPS Index is also a useful tool for measuring and monitoring the status and empowerment of women. Especially with the passing of the WPS act in the United States in 2019, the WPS Index offers a unique opportunity to utilize these indicators to advance both the understanding and practice of ensuring progress for women around the globe and in specific countries, such as Afghanistan.

The 12 WPS Indicators and their Forms of Measurements

The WPS Index incorporates three basic dimensions of wellbeing—inclusion (economic, social, political); justice (formal laws and informal discrimination); and security (at the family, community, and societal levels)—and captures and quantifies them through 11 indicators. The WPS Index ranks countries along these three dimensions in a way that focuses attention on key achievements and major shortcomings.⁴⁵ For instance, drawing on recognized data sources, the 2021/22 report ranks 170 countries on women's equality and reveals trends in women's wellbeing across 11 indicators in the areas of security, justice, and inclusion. These 11 indicators include the following:

⁴⁴GIWPS (2017) “Women, Peace and Security Index Report 2017-2018:” <https://giwps.georgetown.edu/wp-content/uploads/2019/11/WPS-Index-Report-2017-18.pdf>

⁴⁵ GIWPS “Women, Peace and Security Index Report 2017-2018”

Inclusion:

Education: Based on the information from UNESCO,⁴⁶ this indicator is based on the average number of years of school completed by women who are 25 years of age and older. It recognizes that access to education is critical to women's agency, and opportunities available to them.

Financial Inclusion: Financial inclusion indicator is based on the percentage of women ages 15 and older who report having an individual or joint account at a bank or other financial institution or who report using a mobile money service. This indicator allows individuals to smooth consumption,⁴⁷ manage risk, be more resilient, invest in education and health, and start and expand their business and is compiled through statements based on women who reported holding a banking account, or any other form of financial safekeeping. This indicator is preferred to labor force participation because it excludes unemployed.

Employment: This indicator is based on the number of women, ages 25 and older, who currently are in the workforce of that nation. This indicator aims to capture women's economic opportunities, which are central to realizing women's capabilities. This indicator allows for the depiction of the labor force participation of women and the recognition of their capabilities.⁴⁸

Cellphone Use: This information was calculated through reports of women aged 15 years and older who stated that they have access to a mobile cellphone to receive personal calls.⁴⁹

Parliamentary Representation: Political participation is a critical aspect of an individual's capacities and is most widely measured by the representation of women in the parliament. This indicator is based on the percentage of combined seats held by women in lower and upper houses of national parliaments and is gathered through the compilation of statistics, based on how many women per area in Parliament serve. These numbers are combined and compared against the number of men in those areas. These comparisons are later calculated and turned into a percentile-based on each respective Parliament. This information is mainly collected through the Inter-Parliamentary Union, focusing specifically on women.⁵⁰

⁴⁶ 2020 Human Development Report database (<http://www.hdr.undp.org/en/data>) updated with MYS from UNESCO Institute for Statistics (<https://uis.unesco.org>). March 2021 release. 2019 or most recent year. Accessed May 2021.

⁴⁷ These definitions are adopted from GIWPS (2021) "Women Peace and Security Index Report (2021-2022) p. 15

⁴⁸ Authors' modeled estimates of employment to population ratio for women ages 25 and older for 2020, based on data available from ILO (<https://www.ilo.org/shinyapps/bulkexplorer23>). Accessed May 2021.

⁴⁹ Gallup World Poll, 2020 or most recent year available (http://www.gallup.com/topic/world_region_worldwide.aspx). Accessed May 2021.

⁵⁰ Inter-Parliamentary Union 2021 (<http://www.ipu.org/wmn-e/world.htm>). Accessed May 2021

Justice:

Absence of Legal Discrimination: Laws that discriminate based on gender limit women's opportunities in different aspects of their life. Therefore, this indicator aims to measure the degree to which laws and regulations differentiate between men and women or protect women's opportunities across 35 aspects of life and work to assess availability of opportunities to women. Most of the legal discrimination is based on women's ability to obtain the same jobs as men and any restrictions preventing them from doing so. This number is ranked as a degree (0-100) based on data from the Women, Business, and Law database from the world bank. The World Bank also cites women's ability, or lack of ability, to be head of the household as another form of legal discrimination.⁵¹

Son Bias: The excess number of births of boys over girls relative to demographic norms reflects serious discrimination against girls and women. Therefore, this indicator looks at the number of girls born in relation to the number of boys born. This is the sex ratio compared to the natural demographic rate, which is 1.05.⁵²

Exposure to Mass Media: This indicator was used in WPS Index for Afghanistan instead of cell phone use and refers to the percentage of ever-married women ages 15-49 who watch television once a week.

Discriminatory Norms: An important manifestation of gender discrimination is in economic opportunities and in the world of paid work.⁵³ For that reason, this indicator is based on the percentage of men who agreed with the statement, "It is perfectly acceptable for any woman in your family to have a paid job outside of the home if she wants one."⁵⁴

Security:

Intimate Partner Violence: Intimate Partner Violence (IPV) is an important security indicator for women around the world. WPS Index states that "Current rates of intimate partner violence reveal the prevalence of intimate partner violence and allow tracking trends."⁵⁵ Based on the WHO data,⁵⁶ the intimate partner violence indicator shows the percentage of ever-partnered women who experienced physical or sexual violence committed by their intimate partner in the preceding 12 months.

⁵¹ World Bank, Women, Business, and the Law database (<http://wbl.worldbank.org>). Accessed May 2021.

⁵² UNDESA 2019 (<https://population.un.org/wpp>). Accessed May 2021. Data refer to 2020. The official name of the indicator is "sex-ratio at birth."

⁵³ GIWPS "The 2021 Women, Peace and Security Index" p. 15

⁵⁴ Gallup Inc. and ILO 2017. Accessed May 2021.

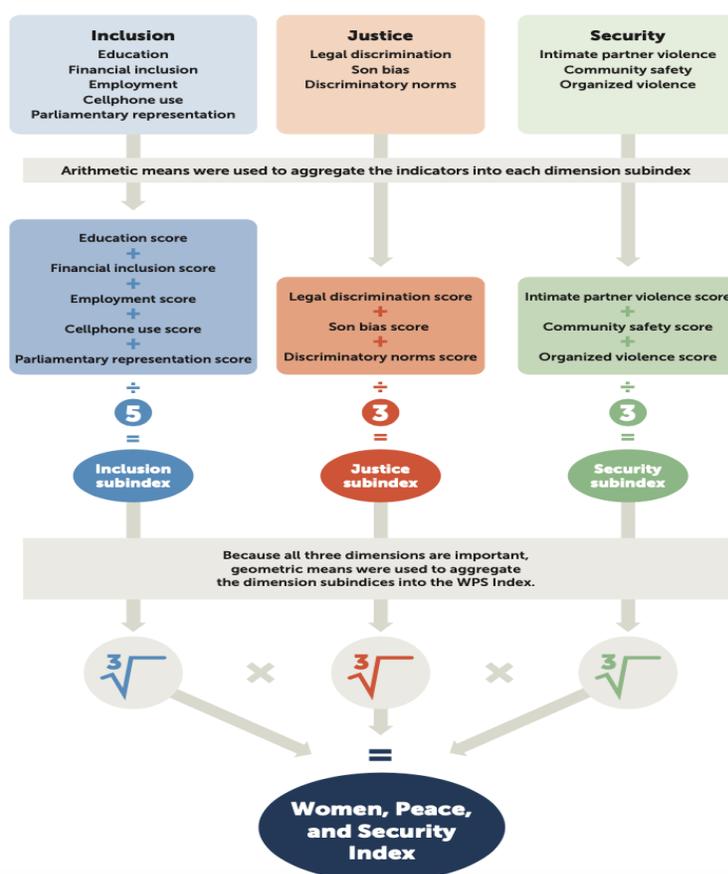
⁵⁵ GIWPS "The 2021 Women, Peace and Security Index" p. 15

⁵⁶ WHO 2021c. (<https://www.who.int/publications/i/item/9789240022256>). Accessed May 2021.

Perception of Community Safety: Perception of community safety is an important indicator because it affects women’s mobility and participation in opportunities outside of their homes. In the context of the WPS Index, the perception of community safety indicator refers to the percentage of women ages 15 and older who reported that they “feel safe walking alone at night in the city or area where they live.”⁵⁷

Organized Violence: This indicator aims to capture the extent of societal insecurity because of an armed conflict between different communities. This indicator refers to the total annual number of battle deaths from state-based, non-state and one-sided conflicts per 100,000 averaged over 2018-2020. This information includes both male and female deaths.⁵⁸

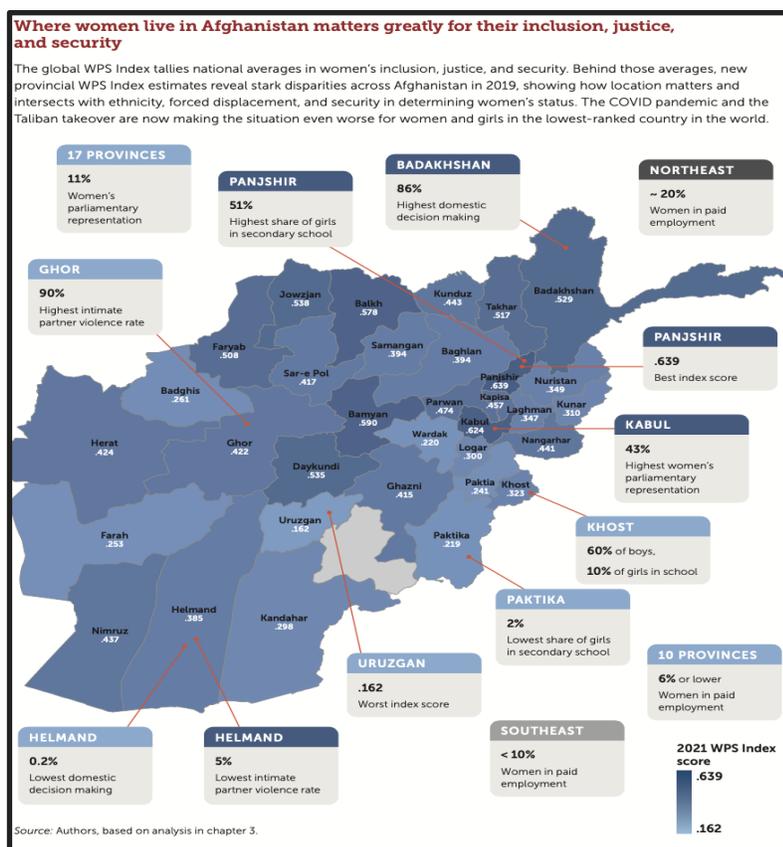
Fig. Construction of Women, Peace and Security Index



⁵⁷Gallup World Poll, 2020

⁵⁸UCDP n.d. c. Data refer to 2020. (<http://ucdp.uu.se>). Accessed May 2021.

Afghanistan's Performance on the Women, Peace, and Security Index



Introduction

This section of our report explores Afghanistan's performance on the Women Peace and Security Index (GIWPS Index) published by GWIPS in 2021. GIWPS Index measured and ranked Afghan women's inclusion in society, access to justice, and security based on localized analysis of data from 33 of the 34 Afghan provinces. The only province the Index does not include is the province of Zabul in the southern part of the country, bordering Pakistan. Population of these provinces range from a million in Badghis to over 5 million in

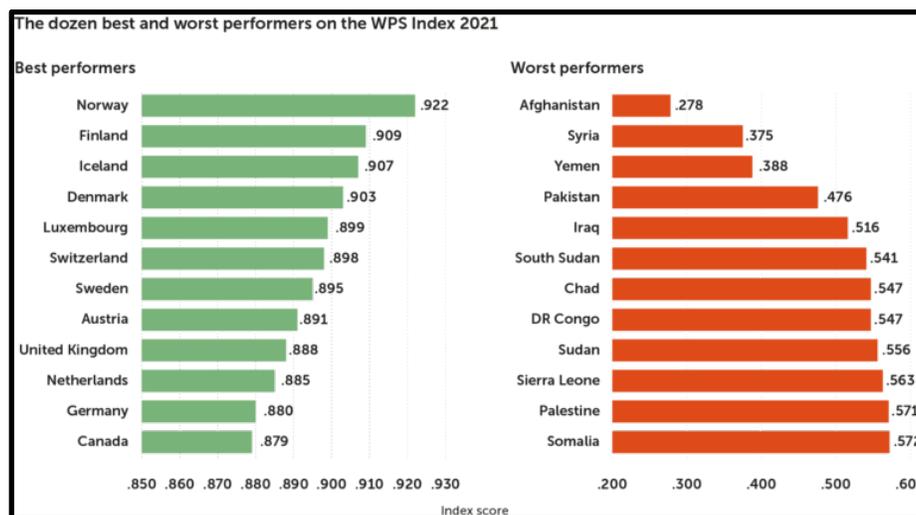
Source: GIWPS Index Report 2020/2021

Kabul. Majority of the population (74 percent) in Afghanistan lives in rural areas⁵⁹ and with significant disparities between urban-rural communities in income, education, access to public service.⁶⁰

⁵⁹ El-Arnaout, Sateh Chifc, and Hyoung Gun Wang. (2017) "Leveraging the Urbanization Dividend in Afghanistan." *End Poverty in South Asia* (blog), World Bank, Washington, DC, June 21, 2017. <https://blogs.worldbank.org/endpovertyinsouthasia/leveraging-urbanization-dividend-afghanistan> and world Bank. 2021d. "Rural Population (% of Total Population)—Afghanistan." Washington, DC: World Bank. <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=AF>.

⁶⁰ Asey, Tamin. (2019). "The Price of Inequality: The Dangerous Rural-Urban Divide in Afghanistan." June 7, 2019. <https://globalsecurityreview.com/inequality-dangerous-rural-urban-divide-afghanistan/>.

While there have been significant efforts to improve the position of Afghan women and girls since 2001, the progress has been uneven and according to the GIWPS Index of 2021-2022, Afghanistan is still lagging far behind many other countries with a ranking of 170 out of 170 countries and an index value of 0.278.



Source: GIWPS Index Report 2020/2021

This score is almost 30 percent lower than in 2017 and its score in the last in the GIWPS Index of 2019/2020 where Afghanistan ranked second to last, signaling a worrisome deterioration of the situation of women and girls since 2017 as a result of increased violence and worsening of community safety in the country. The Taliban takeover in August 2021 no doubt worsened the situation further as they have started to impose policies that violate the rights of women and girls and created barriers to women and girls' education, healthcare, employment opportunities, freedom of movement and expression, among others.⁶¹

This section of the report will analyze the performance of gender equality in Afghanistan along the three dimensions of women's well-being: Security at the family, community, and societal levels; Inclusion within social, political and economic realms; and Justice including formal laws and informal discrimination. If the data is available, it will also include updates regarding the developments since the Taliban takeover. This section will also provide Islamic views on these gender equality indicators and a set of recommendations on how to address them to move forward.

⁶¹ Human Rights Watch "Afghanistan: Taliban Deprive Women of Livelihoods, Identity: Severe Restrictions, Harassment, Fear in Ghazni Province" (January 18, 2022) retrieved on March 30, 2022 at: <https://www.hrw.org/news/2022/01/18/afghanistan-taliban-deprive-women-livelihoods-identity#>

Security Indicators

The first dimension of women’s well-being that is included in the GIWPS Index is the security dimension at the family and community levels. More specifically, this group of indicators explores Intimate Partner Violence, Community Safety, and Organized Violence.

Indicator I: Intimate Partner Violence

Intimate Partner Violence (IPV) is an important security indicator for gender equality and women’s well-being. To assess women’s security within the context of home and family, GIWPS Index looks at the percentage of women who have experience physical or sexual violence in the last 12 months by an intimate partner. According to the findings of the 2021-2021 report, IPV has been very prevalent in Afghanistan historically, although information about IPV in Afghanistan pre-2001 is sparse partly because of strict Taliban-imposed bans on women’s appearances outside of the home,⁶² and partly because domestic abuse is commonly viewed as an affair to be resolved within the family.⁶³ Nevertheless, studies that took place following the 2001 US invasion and establishment of the new Afghan government found that about 87 percent of Afghan women experience some form of abuse in their lifetimes.⁶⁴ Since then, a number of actions were taken to address violence against women in Afghanistan. For example, in 2009, then-President Hamid Karzai had signed Afghanistan’s law on the Elimination of Violence Against Women. In June 2016, Gender and Women Affairs Committee of the Cabinet of Islamic Republic of Afghanistan verified the Strategy and National Action Plan on the Elimination of Violence against Women, which was part of the government's quest to create better conditions for women in Afghanistan, more specifically by eliminating violence against women.⁶⁵

Despite these efforts, violence against women, including IPV, continues to be widespread, with about 35 percent of women nationwide reporting that they have experienced intimate partner violence in 2020.⁶⁶ Numbers were high especially in the southeastern areas of the country and

⁶² *Country Reports on Human Rights Practices - 2001 - Afghanistan*. 2002. U.S. Department of State Bureau of Democracy, Human Rights, and Labor. <https://2001-2009.state.gov/g/drl/rls/hrrpt/2001/sa/8222.htm>.

⁶³ The World Bank. “Afghanistan National Reconstruction and Poverty Reduction — the Role of Women in Afghanistan’s Future.” March 2005. <https://openknowledge.worldbank.org/bitstream/handle/10986/8486/356061English01stan0Report0on0women.pdf?sequence=1&isAllowed=y>

⁶⁴ Barr, Heather, (May 30, 2018) “Afghan Government Ignoring Violence Against Women” Human Rights Watch retrieved on March 28, 2022 at <https://www.hrw.org/news/2018/05/30/afghan-government-ignoring-violence-against-women#>

⁶⁵ Ministry of Women’s Affairs, (2016) “Strategy and National Action Plan on Elimination of Violence Against Women 2016-2020” Government of Islamic Republic of Afghanistan retrieved on March 29, 2022 at: https://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2017/01/aco_evawstrategy_jan17_email-r2.pdf?vs=1821

⁶⁶ GIWPS “The 2021 Women, Peace and Security Index” p. 11

exceeded 84 percent in Ghor, Herat, and Wardak regions, highest in the world.⁶⁷ According to the GWPS Index report, acceptance of wife beating is widespread (between 67 and 97 percent, whereas women’s participation in domestic decision making is quite low (between 3 and 21 percent)).⁶⁸ These high IPV rates compound the security threats women face in Afghanistan.

There is no data available on IPV rates after the Taliban fell in 2001. However, it is speculated that IPV may have increased due to the economic pressures of life in “peaceful” areas, where unemployment pressures were more salient than security concerns. In particular, the issue of IPV collided with the rise of the opium trade borne out of the US-led intervention: men whose livelihoods were destroyed by the conflict, particularly those who became addicted to opium, took out their frustration on their wives.⁶⁹

Several factors contribute to these high rates. Afghanistan is a highly patriarchal society with rigid gender norms and hierarchies, strict tribal structures and traditions, and weak law and order, which undermine women’s rights and security. These patriarchal norms and traditions also inform the way Islam is understood and practiced in the society, especially when it comes to gender norms and roles.

In Afghanistan, a woman represents her family’s honor. Men are seen as guardians and protectors of the honor of their family and are expected to punish those who harm the family honor. From her childhood, a woman is raised to understand that her behavior “constitutes a source of conflict in the family far more than boys’ behavior” and she must self-regulate accordingly.⁷⁰

IPV is closely related to various harmful traditional practices that also undermine rights of women and girls and impact their safety both at home and in their communities. One such tradition is the tradition of *baad*, giving a woman or girl as a bride to another family as a compensation for crimes or to settle disputes.⁷¹ This tradition was banned by the Taliban when they came to power in 2001 however, it continued to be practiced in many parts of Afghanistan.

⁶⁷ GIWPS “The 2021 Women, Peace and Security Index” p. 11

⁶⁸ GIWPS “The 2021 Women, Peace and Security Index” p. 11

⁶⁹ Ahmad, Lida and Priscyll Anctil Avoine. Misogyny in ‘post-war’ Afghanistan: the changing frames of sexual and gender-based violence. *Journal of Gender Studies* 27 (1), 2018; 86-101. <https://doi.org/10.1080/09589236.2016.1210002>

⁷⁰ The World Bank. “Afghanistan National Reconstruction and Poverty Reduction”

⁷¹ Human Rights Watch. “Afghanistan: Stop Women Being Given as Compensation.” March 8, 2011. [https://www.hrw.org/news/2011/03/08/afghanistan-stop-women-being-given-compensation#:~:text=Baad%20is%20one%20of%20the,a%20local%20jirga%20\(council\).](https://www.hrw.org/news/2011/03/08/afghanistan-stop-women-being-given-compensation#:~:text=Baad%20is%20one%20of%20the,a%20local%20jirga%20(council).)

Another form of harmful practice that threatens the safety and security of women and girls is honor killings.⁷² Honor killings have been quite common in Afghanistan before and during the regime of the Taliban. Although there have been attempts to address this issue after 2001, women are still victims of honor killings and incarceration in family cellars, female suicides, self-immolation, and so-called accidental deaths which seem to be modified or masked versions of honor killing.⁷³

In 2009, President Karzai signed the Law on the Elimination of Violence Against Women, which named 22 acts considered to be violence against women, and listed punishments for them.⁷⁴ However, this law was not always in line with local norms that reinforced women's roles as symbols of honor. Police were not likely to intervene in cases of domestic violence if they perceived adultery was a factor in the case,⁷⁵ and the justice system was much more likely to direct women towards mediation mechanisms than to permit women to bring charges against their husbands under this law.⁷⁶

Little can be said about the trajectory of both incidence and attitudes towards IPV in Afghanistan. Data from the Demographic and Health Surveys (DHS) show changes in incidence and attitudes about IPV, but not by very much. The rate of IPV, judged by the criteria of “ever experienced emotional, physical, or sexual abuse by your partner”, was reported as 52.65% in 2010⁷⁷ and 50% in 2015.⁷⁸ In 2010, 85.27% of Afghan women reported tolerance of IPV⁷⁹; in 2015, 77.24% of men and 84.89% of women did so. The WPS Index 2017-18 put the incidence rate at 60.0% (lifetime) and in 2018-19, incidence was reported at 46.1% (past 12 months).

Since Taliban what changed

The situation has worsened since the Taliban takeover in August 2021. Since August 6, the Taliban shuttered 32 Domestic Violence shelter homes in Afghanistan, physically visiting each shelter and

⁷² Human Rights Watch. “I Thought Our Life Might Get Better: Implementing Afghanistan’s Elimination of Violence Against Women Law” (2021) retrieved on March 30, 2022 at https://www.hrw.org/sites/default/files/media_2021/07/afghanistan0821_web.pdf

⁷³ Jalal, Massouda “Honor Killings in Afghanistan” Jalal Foundation at: http://www.wunrn.org/news/2013/05_13/05_06/050613_afghanistan.htm

⁷⁴ Wimpleman, Torunn. *The Pitfalls of Protection*. Oakland: University of California Press, 2017.

⁷⁵ Baldry, Anna Costanza, Stefano Pagliaro, and Cesare Porcaro. The rule of law at time of masculine honor: Afghan police attitudes and intimate partner violence. *Group Processes & Intergroup Relations* 16 (3), 2013; 363-374. <https://journals-sagepub-com.proxy.library.georgetown.edu/doi/pdf/10.1177/1368430212462492>

⁷⁶ SIGAR. “Support for Gender Equality: Lessons Learned from the U.S. Experience in Afghanistan.” Feb 2021. <https://www.sigarmil/pdf/lessonslearned/SIGAR-21-18-LL.pdf>

⁷⁷ ICF, 2011. Afghanistan Mortality Survey 2010 [Dataset]; author’s own calculations

⁷⁸ Qamar, Mavra, Harris, M. Anne, and Tustin, Jordan L. “The Association Between Child Marriage and Domestic Violence in Afghanistan.” *Journal of Interpersonal Violence* 37 (5-6), 2022; 2948-2961. <https://journals-sagepub-com.proxy.library.georgetown.edu/doi/pdf/10.1177/0886260520951310>

⁷⁹ ICF, 2011. Afghanistan Mortality Survey 2010 [Dataset]; author’s own calculations

harassing staff in the process.⁸⁰ According to UNAMA, “Violence against women and girls in Afghanistan has further increased due to restrictions in women and girls’ enjoyment of their rights and freedoms, particularly women’s right to work and their freedom of movement.”⁸¹ While there is no readily available data on IPV rates in Afghanistan since August, the double burdens of the COVID19 pandemic and economic crisis are both known to exacerbate risks of violence for women.

Islamic perspective on Intimate Partner Violence:

Islamic approach to domestic violence is drawn from Islamic sources such as the Quran, the *Hadith* and *Sunnah* (Prophetic sayings and practice), and *fiqh* (Islamic jurisprudence) that has been developed over the centuries. Muslim scholars and jurist agree that Islam does not allow any form of abuse and explicitly prohibits all forms of oppression and injustice (Quran 5:8; 4:135; 42:42-43).

Attitudes that support domestic violence in Afghanistan, such as the beating of the wife, is a result of misinterpretation of Islamic texts, such as the Quranic verse 4:34 below:

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) idribuhunna [which has been translated as: beat them (lightly)]; but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all). (Q 4:34)

There is a major difference of opinion among Muslim scholars regarding the interpretation of this verse as this interpretation is not in line with the Quranic principles and prophetic practice. The issue emerges because the word *idribuhunna*, in this verse has been translated as “beat them (lightly)” and has been used to justify husband’s having a right to beat their wives if their wives are ‘disobedient.’ The word *idribuhunna* derived from the word *daraba*, has many different meanings such as ‘leave her’, “move away” and does not necessarily mean to beat, or hit.⁸² Those who support the interpretation that a husband can ‘lightly beat his wife’, take this verse out of context and ignore clear Quranic injunctions that instruct equality equity, compassion and respect in marital relations meaning of the work has been taken out of context and

⁸⁰ Shaheed, Munaza. “Taliban Closure of Domestic Abuse Shelters Leaves Thousands at Risk, Experts Say.” Voice of America, December 10, 2021, <https://www.voanews.com/a/taliban-closure-of-domestic-abuse-shelters-leaves-thousands-at-risk-experts-say/6349979.html>

⁸¹ UNAMA (2021) “UN Calls for Solidarity and Commitment to End Violence against Women and Girls amidst Humanitarian Crises.”, 25 Nov. 2021, <https://unama.unmissions.org/un-calls-solidarity-and-commitment-end-violence-against-women-and-girls-amidst-humanitarian-crises>.

⁸² Amina Wadud. *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective*. [2nd ed.]. New York: Oxford University Press, 1999. Pg.76

Any study of the Quran, and the Prophet's ﷺ tradition will make it clear that under no circumstances violence against women is encouraged or permitted in Islam and such a translation and interpretation contradicts many other Quranic verses or the Prophet's practice. In fact, the Quran promotes equality, equity, compassion, and kindness among spouses. For example, following *surahs* clearly show that men and women are created equal, from a single soul and that they have mutual rights:

O humanity! Indeed, We created you from a male and a female, and made you into peoples and tribes so that you may 'get to' know one another. Surely the most noble of you in the sight of Allah is the most righteous among you. Allah is truly All-Knowing, All-Aware. (Q49: 13)

"O mankind! Reverence your guardian-Lord, who created you from a single soul. Created, of like nature, its mate, and from them twain scattered (like seeds) countless men and women---fear God, through Whom you demand your mutual rights, and reverence the wombs (that bore you), for God ever watches over you." (Q 4:1).

The Holy Quran also emphasizes that marriage must be based on mutual love and compassion in order to have peace and tranquility at home:

And of His Signs is that He has created mates for you from your own kind that you may find peace in them and He has set between you love and mercy. Surely there are Signs in this for those who reflect.(Q30: 21)

In fact, the Holy Quran clearly instructs believers to treat women with kindness under all conditions and to have positive communication as the following verses show:

"O believers treat women with kindness even if you dislike them; it is quite possible that you dislike something which Allah might yet make a source of abundant good (Q 4:19).

Invite 'all' to the Way of your Lord with wisdom and kind advice, and only debate with them in the best manner. Surely your Lord 'alone' knows best who has strayed from His Way and who is 'rightly' guided. (Q 16:125)

The word *Qiwaamah*, which is sometimes translated as superiority of men over women, in fact, refers to the responsibility that all men are given by Allah to tend to the needs of women, as modeled by the Prophet (pbuh), and is not a right for men to abuse, hurt or control.⁸³

Another verse that is often misinterpreted is the Surah *Baqarah* verse 228 which reads.

⁸³ Al-Hibri, A. (1997). Islam, Law and Custom: Redefining Muslim Women's Rights. American University Journal of International Law and Policy. 12 (1). 1-44.

“And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of responsibility) over them. And Allah is Exalted in Power, Wise (Q2:228).

This verse clearly shows that women have similar rights based on the principle of equitability. While some have argued that the second part of this verse suggests that men are superior to women because it states ‘*Li Rijaale alehenaa darjah*’ (men have a degree over them), influential Muslim scholars such as Abu Ja’far Muhammed Ibn Jarir Ibn Yazid al Tabari (d. 923), in his tafsir narrated by the Prophet’s companion Ibn Abbas (d.687) rejected this argument. Ibn Tabari states that the best explanation of this verse is that of Ibn Abbas, who states:

“The ‘darajah’ mentioned by Allah Most High here is the exemption, on the man's part, of some his wife's obligations towards him and his indulgence towards her, while he is fully obligated to fulfill all his obligations towards her, because the verse came right after [And they (women) have rights similar to those (of men) over them in kindness]⁸⁴.

Based on this explanation, Sheikh Gibril Fouad Haddad, in his *fatwa* (legal opinion) explains that Allah, Most High, gave men and women similar rights but gave men a greater responsibility. “It follows that the rights owned to the wife are [un]-negotiable, whereas the husband has to give up some rights.”⁸⁵

Prophet Mohammed ﷺ set the examples of marital relations and how spouses should treat each other. Under no circumstances did the Prophet ﷺ hit a woman or told anyone else that they could hit a woman. In fact, Bahz bin Hakim reported on the authority of his father from his grandfather (Mu’awiyah ibn Hayda) as saying:

I said: Messenger of Allah, how should we approach our wives and how should we leave them? He replied: Approach your tilth when or how you will, give her (your wife) food when you take food, clothe when you clothe yourself, do not revile her face, and do not beat her. (Sunan Abu Dawud 2143)

Narrated by Aisha RA that:

She had an argument with the Prophet so that they made Abu Bakr a referee between them. So, the Prophet told her ‘you speak or I speak’ so she said ‘you speak but say nothing but the truth’ so Abu Bakr struck her, and told her ‘you enemy of yourself, does he ever speak anything but the truth?’ So, she went and hid behind the Prophet’s back. So, the prophet told Abu Bakr, ‘we did not invite you for this and we did not desire this from you.’⁸⁶

⁸⁴ Fatwa by Sheikh G.F. Haddad at: www.livingislam.org/fiqhi/fiqha_e22.html - 20k

⁸⁵ Ṭabarī. (2013). Tafsīr al-Ṭabarī, aw, Jāmi’ al-bayān “‘an ta’wīl al-Qur’ān. al-juz’ al-thānī (al-Ṭab‘ah al-iliktrūnīyah al-ūlā.). Markaz al-Turāth lil-Barmajīyāt. See also Fatwa by Sheikh G.F. Haddad at: www.livingislam.org/fiqhi/fiqha_e22.html - 20k.

⁸⁶ Al- Ghazali in Ihya’ Ulum alDin vol. 2, p. 56.

During his last sermon, the Prophet reminded Muslims of their mutual rights, stressed the importance of kindness towards women and equated the violation of their marital rights to a breach of a couple's covenant with God (Q4:21).

“O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under a trust from God and with His permission. If they abide by your right then to them belongs the right to be fed and clothed in kindness. I enjoin you to treat women kindly for they are your partners and committed helpers. And it is your right that they do not make friends with anyone of whom you do not approve, as well as never to be unchaste.”⁸⁷

As these *Sunnah* and *Hadith* show, under no condition did the Prophet allow violence against women.

Furthermore, domestic violence and IPV is forbidden in Islam because it contradicts the *maqasid* (objectives of law) and *masalih mursalah* (pursuing public/social good) and is addressed under the concept of harm (*darar*) in Islamic law. This aspect of *fiqh* (Islamic jurisprudence) deals with a husband's failure to provide obligatory financial support (*nafaqa*) for his wife, a long absence of the husband from home, the husband's inability to fulfill his wife's needs including her sexual needs, and any mistreatment of the wife and her family members.⁸⁸

According to *fuqaha* and *alim* (Muslim jurists and scholars), *maslaha* (pursuing of public good) is the *maqasid* (purpose/ objective) of law and governance in Islam. The Quran promotes social responsibility and positive bonds between people because of their common ethical responsibility towards one another. Under these rules, every human being, men, or women, have sacred rights, which includes the sanctity of life and safety; property/wealth; religion; mind/intellect; honor; family/progeny. Domestic violence and IPV undermines women and girl's right to safety and security and is harmful to women and girls, harmful to family relations as well as the well-being of communities as a whole. According to Islamic law abused women have a right to claim compensation under *ta'zir* (discretionary corporal punishment) and there are many examples legal verdicts from Islamic history regarding cases against abusive husbands.⁸⁹

Examples from Other Muslim Countries

Muslim leaders are increasingly recognizing that Islam does not allow IPV and are taking steps to address the prevalence of this issue. Muslim countries have developed a number of different approaches to addressing this issue and have developed legal mechanisms. For example, a group

⁸⁷ The Last Sermon of Prophet Mohammed at <https://www.iiium.edu.my/deed/articles/thelastsermon.html#:~:text=%22O%20People%20it%20is%20true,feed%20and%20clothed%20in%20kindness.>

⁸⁸ See Suad, Joseph eds. Encyclopedia of Women and Islamic Cultures, Volume 2 (2005) Brill

⁸⁹ See Suad, Joseph eds. Encyclopedia of Women and Islamic Cultures, Volume 2 (2005) Brill

of imams and muslim leaders in the Washington DC area have signed a public proclamation against domestic violence and in other places have established Domestic Violence Task Forces, shelters and social service agencies and influential Muslim organizations such as the Islamic Society of North America and the Islamic Social Services Association are training Muslim leaders to address domestic violence and IPV.⁹⁰

In Saudi Arabia, the government has instituted both legal and institutional protections for survivors of IPV. In August 2013, the cabinet in Saudi Arabia approved a law-making domestic violence a criminal offense. This law sets the penalty for domestic abuse at between one month and one year in prison and/or a fine of between 5,000 (\$1333) and 50,000 (\$13,330) Saudi Riyals unless Sharia law provides for a harsher sentence. Judges can double the specified penalties for repeat offenders.⁹¹ Saudi Arabian law includes *zina* as a crime, but one that is very difficult to prove. The practical result of this is that Saudi Arabian women who report IPV are not arrested and charged with *zina* simply because they reported. The Law on Protection from Abuse of 2013 protects the anonymity of women who report sexual violence unless they provide consent to be identified.⁹² Further, in Saudi Arabia, complaints of domestic violence can be lodged with the police, the Ministry of Labor and Social Development, social protection committees of the different regions and governorates, or the Human Rights Commission; and the Ministry of Labor and Social Development is charged with providing healthcare for IPV victims.⁹³

Government agencies also have power to implement or facilitate programs to support survivors of IPV. Once women have reported and an accused is identified, Pakistan's Domestic Violence Prevention Protection Act 2012 protects the rights of victims to stay in their own homes, and not be evicted without their consent.⁹⁴

Jordan is similarly focused on working on program support through its ministries. The Ministry of Social Development established the Family Reconciliation House (FRH), Dar al Wifaq, in Amman to provide shelter for domestic violence survivors. It employs social and legal experts

⁹⁰ Abugideiri, Salma Elkadi. (2010) "A Perspective on Domestic Violence in the Muslim Community" Faith Trust Institute retrieved on March 29, 2022 at <https://www.faithtrustinstitute.org/resources/articles/DV-in-Muslim-Community.pdf>

⁹¹ Human Rights Watch (2013) "Saudi Arabia: New Law to Criminalize Domestic Abuse" at: https://www.hrw.org/news/2013/09/03/saudi-arabia-new-law-criminalize-domestic-abuse?gclid=CjwKCAjwu_mSBhAYEiwA5BBmf0WBsmAfnCavR7E6R6HlopF3_YG7zVjzrneYIf4LB1fwkLLkQNwWVhoCYm4QAvD_BwE

⁹² United Nations Development Programme. 2019. "Saudi Arabia: Gender, Justice, and the Law." <https://arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2020/01/Gender%20Justice%20Updated%20reports/SaudiAssessment19Eng.pdf>

⁹³ United Nations Development Programme. 2019. "Saudi Arabia: Gender, Justice, and the Law."

⁹⁴ Government of Pakistan. (2012) "A Bill to make provisions for protection against domestic violence." <http://bolobhi.org/wp-content/uploads/2012/02/The-Domestic-Violence-Prevention-Protection-Act-2012.pdf>

who attempt to mediate conflicts between the survivors and their abusers.⁹⁵ FRH is one of five care centers managed by the Ministry of Social Development. Each receives women with different needs; one receives women survivors of violence, another receives women survivors of human trafficking, a third receives women whose lives are at risk for honor killings, and the last receives women whose lives are in danger for other reasons.⁹⁶ Further, Jordan's Ministry of Justice runs a legal aid clinic which works with the Registry of Lawyers and other civil society organizations.⁹⁷ State agencies also make programs and services welcoming and non-threatening to women who seek them. The social protection unit of Saudi Arabia's Ministry of Labor and Social Development hires primarily or only women⁹⁸ and Jordan's Family Protection Directorate intentionally designed offices to appear non-threatening and comfortable.⁹⁹

In Morocco, the Law on Combating All Forms of Violence against Women, an amendment to the Penal Code which entered into force in August 2018, bolstered legal protections for women.¹⁰⁰ The law establishes new preventive measures, like the authorization of protection orders against persons convicted of or being prosecuted for certain crimes of violence or harassment against women and minors and certain requirements of public authorities to undertake programs and support committees to address violence against women.¹⁰¹ It criminalizes certain acts against women and raises penalties on others—like domestic violence, violation of protection orders, forced marriage, and expanding the definition of sexual harassment to include acts perpetrated by family members.¹⁰² Rape and domestic violence are both specifically prohibited by law,¹⁰³ As of 2014, the penal code no longer has a marry-your-rapist exception—a provision found in some penal codes that allows men to avoid prosecution or punishment for crimes like rape and sexual assault if they marry their victim.¹⁰⁴ In 2004, the Ministry of Justice began offering specialized support to women and children survivors of violence, which have since been instituted in each Court of First Instance and Appeals Court.¹⁰⁵ For its part, Morocco has specialized in developing

⁹⁵ United Nations Development Programme. 2018. "Jordan: Gender, Justice, and the Law." <https://arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2018/Gender%20Justices%20and%20The%20Law%20in%20the%20Arab%20Region/Country%20Assessments/Jordan%20Country%20Assessment%20-%20English.pdf>

⁹⁶ Kakish, Nisreen. September 12, 2021. "Data Suggests Education as an Antidote to Jordan's Domestic Violence Problem." AlBawaba. <https://www.albawaba.com/opinion/data-suggests-education-antidote-jordan%E2%80%99s-domestic-violence-problem-1446299>

⁹⁷ United Nations Development Programme. 2018. "Jordan: Gender, Justice, and the Law."

⁹⁸ Alsehaimi, Aref, and Ibrahim El Hussein Helal. 2021. "The Role of Social Programs in Saudi Arabia to Prevent Domestic Violence, Compared to Developed Countries: A Systematic Literature Review." *Open Journal of Social Sciences* 9 (11). <https://doi.org/10.4236/jss.2021.911009>

⁹⁹ Save the Children. "Protecting Women and Children: Lessons Learned from Jordan." March 2010. <https://resourcecentre.savethechildren.net/pdf/6291.pdf>

¹⁰⁰ United Nations Development Program, "Morocco: Gender Justice & The Law," 2018, 13.

¹⁰¹ United Nations Development Program, "Morocco: Gender Justice & The Law,".

¹⁰² United Nations Development Program, "Morocco: Gender Justice & The Law,"

¹⁰³ United Nations Development Program, "Morocco: Gender Justice & The Law," 9.

¹⁰⁴ BBC News. "Controversial Morocco Rape Law Axed." January 23, 2014, sec. Africa.

¹⁰⁵ BBC News. "Controversial Morocco Rape Law Axed." January 23, 2014, 12.

supportive and safe reporting systems for victims. Morocco's General Directorate of National Security restructured the Police Units for Women Victims of Violence at all 440 of its district police stations to hire dedicated personnel to refer women to specialized units, train officers on survivor-centered approaches and remove other barriers to reporting. During the COVID-19 pandemic, Morocco established a 24-hour toll-free helpline, an electronic complaints mechanism, and online court sessions to facilitate remote access to justice.¹⁰⁶

Finally, Egypt has determined that collecting data on IPV is an important tool to improve public services. The Central Agency for Public Mobilization and Statistics conducted an "economic cost gender-based violence" survey funded by UNFPA to show the financial losses the government bears as a result of violence against women. The survey found that the government incurs an annual loss of some 8 billion Egyptian pounds related to domestic violence.¹⁰⁷

How addressing this issue will benefit society

IPV has significant direct and indirect social, economic, and emotional costs on women, their families and the whole society. Some of the direct costs may include medical care, and the costs of policing, incarceration, and legal services. Some of the long-term indirect costs may include loss of productivity, emotional and psychological well-being, and quality of life of the victims. IPV incurs costs to health systems (from seeking care), justice systems (from criminal charges), and employers (from missed workdays). It inhibits wage earning, contributing to poverty cycles. For example, Peterson et. al, who have studied the costs of IPV in the US state that,

*"The estimated intimate partner violence lifetime cost was \$103,767 per female victim and \$23,414 per male victim, or a population economic burden of nearly \$3.6 trillion (2014 US\$) over victims' lifetimes, based on 43 million U.S. adults with victimization history. This estimate included \$2.1 trillion (59% of total) in medical costs, \$1.3 trillion (37%) in lost productivity among victims and perpetrators, \$73 billion (2%) in criminal justice activities, and \$62 billion (2%) in other costs, including victim property loss or damage. Government sources pay an estimated \$1.3 trillion (37%) of the lifetime economic burden."*¹⁰⁸

The global cost of domestic violence is estimated at 2% of the global GDP, or \$1.5 trillion.¹⁰⁹ According to UNWomen, "domestic and intimate partner violence cause more deaths and entail

¹⁰⁶ UN Women. (2021) "Ending violence against women: Layla from Morocco shares her story." November 24, 2021. <https://www.un.org/africarenewal/magazine/december-2021/ending-violence-against-women-believe-survivors-act-now>

¹⁰⁷ UNFPA Egypt (2016) "Gender-Based Violence.".. March 29, 2016. <https://egypt.unfpa.org/en/node/22540>.

¹⁰⁸ Peterson, Cora et al. "Lifetime Economic Burden of Intimate Partner Violence Among U.S. Adults." *American journal of preventive medicine* vol. 55,4 (2018): 433-444. doi:10.1016/j.amepre.2018.04.049

¹⁰⁹ Puri, Lakshmi. "The economic costs of violence against women." UN Women. 21 September 2016. <https://www.unwomen.org/en/news/stories/2016/9/speech-by-lakshmi-puri-on-economic-costs-of-violence-against-women>

much higher economic costs than homicides or civil wars.”¹¹⁰ Therefore, addressing IPV will benefit not just women and families but entire communities.

Recognizing its social, economic and health benefits, prevention of IPV should be a priority in Afghanistan. Prevention efforts should ultimately reduce the occurrence of IPV by promoting healthy, respectful, nonviolent relationships between couples. Healthy relationships can be promoted by addressing risk and protective factors at the individual, relationship, community, and societal levels.

Recommendations for Afghanistan

Support survivors to increase safety and lessen harms. This can include creating and supporting domestic violence shelters, training medical and police staff including first responders in domestic violence issues to improve sensitivity, and bolstering civil legal protections for women who report IPV.

Teach safe and healthy relationship skills, so that young people and families can learn to resolve disputes without resorting to violence.

Engage religious leaders such as imams to educate the community regarding harms of IPV and prevention strategies. Various initiatives in this area have taken place in different Muslim countries.

Establish anonymous reporting mechanisms and protect the anonymity of survivors who report. Protecting survivors is important because any security leak that may enable identification of survivors who report makes them vulnerable to further attack and stigma.

Ban and enforce bans on harmful practices such as baad and honor killings.

Trust and believe women who report IPV. Survivors who feel that reporting IPV will result in potential accusations against them for playing any role in their own circumstances will neither report nor seek help or support. Stigma and shame keep many women in dangerous situations; expressions of trust help women escape further harms to themselves or their children.

Protect a survivor’s right to remain in her home while her case is being determined. While it is important to physically separate a survivor from her alleged abuser, a woman suffering from trauma and potentially facing threats from within her household after reporting IPV does not need the added stress and burden of leaving her home and organizing new living arrangements.

¹¹⁰ Puri. “The economic costs of violence against women.”.

Provide full and timely access to protective services, including shelters, healthcare, and legal services, where she feels welcomed. This can be facilitated through programs managed by state agencies and through partnerships between government ministries and civil society, such as legal aid associations.

Improve statistical capacities of government ministries that address family and home affairs. This would help inform government ministries about the scale of IPV in the country and how comfortable women feel in reporting it to the state.

Indicator 2 - Community safety (Safe walking around at night)

Community safety and women's safety are interrelated, and as such, are important for women's rights in Afghanistan. There is limited information about ordinary community safety for women pre-2001; most of the scholarship focuses on security threats from the Taliban and of local warlords, which will be the focus of the next section.

From 2010 to 2019, the reported incidence of experience of crime changed relatively little (~17% during both time periods). Men were slightly more likely to report experiencing crime than women. The types of crime that are common vary only slightly between rural and urban areas, but in both 2010 and 2019, the most common experiences of crime involved physical attacks or beatings. However, as the years progressed (2007-2019), the proportion of Afghans who reported they would feel fear while traveling from one part of Afghanistan to another increased almost 20 percentage points, from 61% to 79%.^{111,112}

Perceptions of the effectiveness of the Afghan National Police (ANP) and Afghan National Army (ANA) can serve as one measure of how much people trust local security institutions to protect them. These perceptions have remained relatively stable over time. The percentage of Afghans who agree that the ANP “protects civilians” ranged from 34% in 2008 to a high of 43% in 2014 before returning to 32% in 2019.¹¹³ It is important to note that this data, at least in the published reports, is not disaggregated by gender.

Despite this, perceptions of personal safety have worsened dramatically over the years. 39.6% of Afghani survey respondents reported they often fear for their personal safety in 2006; 74.5% of

¹¹¹ Tariq, Mohammad Osman, Najla Ayoubi, and Fazel Rabi Haqbeen. 2010. “Afghanistan in 2010: A Survey of the Afghan People.” Edited by Ruth Rene. The Asia Foundation. https://landwise-production.s3.amazonaws.com/2022/03/Ayoubi_Afghanistanin2010survey_2010.pdf.

¹¹² Akseer, Tabassum, Khadija Hayat, Emily Catherine Keats, Sayed Rohullah Kazimi, Charlotte Maxwell-Jones, Mohammed Sharih Shiwan, David Swift, Mustafa Yadgari, and Fahim Ahmad Yousufzai. 2019. Afghanistan in 2019: A Survey of the Afghan People. Edited by Tabassum Akseer and John Rieger. The Asia Foundation.

¹¹³ Akseer et al. Afghanistan in 2019: A Survey of the Afghan People.

Afghani survey respondents in 2019 reported the same, reflecting almost 50% growth.¹¹⁴ This data, at least in the published report, is not disaggregated by gender.

Since Taliban what changed

Almost immediately, the Ministry for the Propagation of Virtue and the Prevention of Vice was reinstated, in the old Ministry of Women's Affairs office.¹¹⁵ In some areas, women are pressured not to come to work or to only appear in public with a mahram,¹¹⁶ and taxi drivers face pressure not to transport women traveling alone.¹¹⁷ Petty street crime has increased such that "even men don't feel safe walking around the street."¹¹⁸ These have indicated the worsening of community safety for women in Afghanistan after Taliban takeover in August 2021.

Islamic perspective on community safety

Islam puts very high priority to the safety and security of individuals and provides guidance for the safety, protection, peace, and stability of communities under Islamic system. As the Prophet (Pbuh) said:

*"A perfect Muslim is one from whose tongue and hands mankind is safe, and a true emigrant [muhajir] is one who flees from what God has forbidden."*¹¹⁹

Quran tells Muslims:

Whosoever kills a human being without (any reason like) manslaughter, or corruption on earth, it is as though he had killed all mankind. And whoever saves a life it is as though he had saved the lives of all mankind ... (5:32)

Do not kill a soul which Allah has made sacred except through the due process of law ... (6:151)

While Islam recognizes that every individual has responsibilities towards other, providing safety and security to its citizen is mainly the responsibility of the government. But while doing that, the state also must follow certain rules such as not to spy on its citizens, not to enter the homes of individuals without consent, among others as the following Quranic verses and hadith show:

"Do not spy on one another" (49:12).

"Do not enter any houses except your own homes unless you are sure of their occupants' consent" (24:27).

¹¹⁴ Akseer et al. Afghanistan in 2019: A Survey of the Afghan People.

¹¹⁵ Human Rights Watch "Afghanistan: Taliban Deprive Women of Livelihoods, Identity."

¹¹⁶ Davidian, Alison. "Expert's take: Gender equality is critical for Afghanistan's future, long-term development, and sustained peace." UN Women, October 12, 2021. <https://www.unwomen.org/en/news/stories/2021/10/experts-take-gender-equality-is-critical-for-the-afghanistans-future>

¹¹⁷ Davidian. "Expert's take: Gender equality is critical for Afghanistan's future"

¹¹⁸ Davidian. "Expert's take: Gender equality is critical for Afghanistan's future".

¹¹⁹ Sahih Collection of Bukhari. See "A Collection of Hadith on Non-Violence, Peace and Mercy" available at <http://www.sufism.org/society/articles/PeaceHadith.htm>

Hadith "When the ruler begins to search for the causes of dissatisfaction amongst his people, he spoils them" (Abu Dawud).

Since they came to power in August 2021 the Taliban have issued edicts forbidding women and girls to leave their homes unless they are accompanied by a mahram because of lack of communal safety. According to the Taliban, the primary concern motivating mahram requirements is a woman's safety in public. Derived from the word *haram*, which literally means something that is sacred, or prohibited, *mahram* in *fiqh* (Islamic Jurisprudence) refers to a person with whom marriage is prohibited and includes family members of a woman who is a husband, father, brother or son.

The Taliban claims that mahram is an Islamic requirement, however, there are no explicit provisions in the Quran that indicate a woman may or must not travel without a mahram. However, making women's social mobility dependent on the presence of a male relative is not a traditional practice of Islam. In fact, since the time of the Prophet ﷺ, women, like men, have traveled for a variety of reasons such as on business, for family reasons, to study, or to visit holy places. The verses that are often used to justify the practice of mahram do not say anything to limit women's ability to participate in public life or prevent her leaving the home without a mahram. For example, Surah an-Nisa, verse 22-23, which is often used as a justification for mahram uses the term mahram to refer to whom marriage is considered haram or prohibited.

Prohibited to you (For marriage) are:- Your mothers, daughters, sisters; father's sisters, Mother's sisters; brother's daughters, sister's daughters; foster-mothers (Who gave you suck), foster-sisters; your wives' mothers; your step-daughters under your guardianship, born of your wives to whom ye have gone in,- no prohibition if ye have not gone in;- (Those who have been) wives of your sons proceeding from your loins; and two sisters in wedlock at one and the same time, except for what is past; for Allah is Oft-forgiving, Most Merciful;- (Q4: 22-23)

According to this verse, a woman's *mahram* is a person whom she is never permitted to marry because of their close blood relationship, because of *radaa'ah* (breastfeeding), or being related by marriage. According to this rule, a woman is not allowed to marry her father, grandfather, great-grandfather, etc., and her son, grandson, great-grandson, etc., her paternal and maternal uncles, her brother, brother's son, and sister's son) the brother and husband of the woman who breastfed her, or the mother's husband, the husband's father, grandfather, etc., and the husband's son, grandson, etc.

Another verse that refers to *mahram* is the Surah 24, verse 31. This verse tells women not to reveal their *hidden* adornments, except what *normally* appears.

"And tell the believing women to lower their gaze and guard their chastity, and not to reveal their adornments except what normally appears. Let them draw their veils over their chests, and not reveal their 'hidden' adornments except to their husbands, their fathers, their fathers-in-law, their

sons, their stepsons, their brothers, their brothers' sons or sisters' sons, their fellow women, those 'bondwomen' in their possession, male attendants with no desire, or children who are still unaware of women's nakedness. Let them not stomp their feet, drawing attention to their hidden adornments. Turn to Allah in repentance all together, O believers, so that you may be successful." (Q24:31)

Neither of these verses prohibit women from traveling without a *mahram* or having a *mahram* in the workplace.

Another verse that has been used to justify prohibition of women leaving their home without a *mahram* is the 33th verse of 33 Surah which says,

"Settle in your homes, and do not display yourselves as women did in the days of 'pre-Islamic' ignorance. Establish prayer, pay alms-tax, and obey Allah and His Messenger. Allah only intends to keep 'the causes of' evil away from you and purify you completely, O members of the 'Prophet's' family!"

This verse which instructs the wives of Prophet (ﷺ) not to "imitate pagan women" by wandering the streets aimlessly, however, does not apply to all Muslim women, nor at all times.¹²⁰

Some Muslims point to a two *Hadith* to require women to have a *mahram* during travel even though there are no verses in the Quran on this matter. The first *Hadith* is reported by Abu Hurairah, who states The Messenger of Allah ﷺ said,

"It is not permissible for a woman who believes in Allah and the last day to make a journey of one day and night unless she is accompanied by a mahram (husband or male relative whom she is prohibited to marry)." [Al Bukhari and Muslim]

The second *Hadith* is reported by Ibn 'Abbas who states, The Prophet ﷺ said,

"No man must not be alone with a woman except in the presence of her mahram. No woman should travel except in the company of a mahram." A man said: "O Messenger of Allah! I have been enrolled for such and such expedition, and my wife left for Haj." He ﷺ said to him, "Go and perform Haj with your wife." [Al Bukhari and Muslim]

In another *Hadith* narrated by Abdullah bin Umar r. States that the Prophet PBUH said,

"A woman can't travel in a three days, only if she accompanied by a mahram" (Hadith narrated by Imam Bukhâri, Shahîh Bukhâri, Kitâb: al-Jum'ah, Bâb: Fiy Kam Yaqshuru ash-Shalâh, Hadîth number: 1024).

On the other hand, the *Sunnah* of the Prophet, and his companions, show that women during the time of the Prophet have traveled without a companion. For example, "Ibrahim narrated from his father,

¹²⁰ Reflections captured during EIP Islamic Scholar's Initiative, March-April 2021.

that his grandfather narrated that Umar in his last Hajj allowed the wives of the Prophet ﷺ to perform Hajj and he sent with them Uthman bin Affan and Abdul Rahman bin Auf as escorts¹²¹. This tradition shows that Aisha and several of the Prophet's wives had traveled from Madinah to Makkah without being accompanied by a *mahram*. "It is based on this incident that the religious scholars and the mujtahid issued a legal ruling regarding a particular issue by taking into consideration the surrounding factors at that time."¹²²

Based on these hadiths, the rulings of Islamic jurists on the prohibition of traveling women have differed.¹²³ According to the Hanafi legal school, the requirement for a traveling woman to be accompanied by a *mahram* only applies when the one-way journey to a destination exceeds a travel time of three days.¹²⁴ The emphasis here is put on the actual travel time, not on the entire duration of a trip or stay elsewhere. This is explicitly clear in a respected compendium for Hanafi legal opinion, the *Fatawa al-Hindiyya*, in reference to women traveling for the *hajj* pilgrimage:

*"One of the conditions for a woman, young or old, to travel for hajj is that she be accompanied by a mahram if the distance between her and Mecca is of three days. If the traveling distance is less than that, then she may perform her hajj without a mahram."*¹²⁵

In practice the Prophet of Islam legitimized the participation of women like men in major political and social movements and socio-political movements and group activities that play an important role according to their abilities are encouraged. For example, as one of the most revered *sahaba*, an incredibly talented poet, who was particularly known for her improvisation, and a most knowledgeable scholar of *hadith* and *sunnah*, Prophet's death, his widow `A'isha was an important public figure would receive men and women who sought her knowledge and expertise.¹²⁶ Abd'al Barr (d.1070), who focuses mainly on A'isha's public role shares a narration by Ata ibn Abi Rabah, who said:

*"A'isha was the most revered person on issues of fiqh. She was the most knowledgeable of all people and was known to have the best opinion in public."*¹²⁷

¹²¹ Al-Bukhari, M.I. (1999). Sahih al-Bukhari dalam Mawsu'at al-Hadith al-Sharif: al-Kutub al-Sittah. Salih bin `Abd al-`Aziz Al al-Shaykh (ed.). Al-Riyad: Maktabah Dar al-Salam. Cited in Siti Fatimah Salleh, Engku Muhammad Tajuddin Engku Ali & Tengku Fatimah Muliana Tengku Muda "The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women" International Journal of Academic Research in Business and Social Sciences (2017), Vol. 7, No. 8 pp. 540-550

¹²² Salleh, Siti Fatimah, Engku Muhammad Tajuddin Engku Ali & Tengku Fatimah Muliana Tengku Muda "The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women" International Journal of Academic Research in Business and Social Sciences (2017), Vol. 7, No. 8 pp. 540-550 p. 544

¹²³ Salleh. The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women"

¹²⁴ Zafar Ahmad Usmani Thanvi, I'la' al-Sunan (Multan: Maktaba Imdadia, n.d.), 3:30-1; in Emon et. al., 2020, p.48.

¹²⁵ Shaykh Nizam et al, Al-Fatawa al-Hindiyya (Beirut: Dar al-Kutub al-`Ilmiyya, 2000), 1:241-2.

¹²⁶ Abou-Taleb, Amira "Constructing the Image of Model Muslim Women: Gender Discourse in Ibn Sa'd's Kitab al tabaqat al-kubra" in Islamic Interpretive Tradition and Gender Justice: Process of Canonization, Subversion, and Change Nevin Reda and Yasmin Amin eds. (McGill-Queen's University Press: Montreal) 2020 pp. 179-208 p. 191

¹²⁷ Ibn Abd'al-Barr, *Al Istirab*, 1939 cited in Abou-Taleb 2020 p. 191

Based on rules *ijtihad*, including looking at the *asbab al wurud* (reasons why the *hadith* was said by the Prophet ﷺ, *isnad* (chain of narration) and *illah* (the effective reason) various Muslim scholars¹²⁸ have deduced that the reason (*illah*) why women were not allowed to travel during these times was because of safety concerns. If safety concerns are addressed, there is nothing that would prevent women traveling without a *mahram*. To support this view, these scholars refer to the following Hadith narrated by Adiy bin Hatim which states that the Prophet PBUH said:

“If you live a long life you will see a woman traveling from Hirah (Iraq) to perform tawaf (in Mecca) fearing no one except Allah” (Al-Bukhari, n.d.)

This hadith shows that the Prophet ﷺ had foreseen that in time to come there would be a woman traveling without her spouse or *mahram* accompanying her, and based on its context this *hadith* shows that the prohibition of traveling women without their spouse or *mahram* was due to the surrounding circumstances at that particular time that did not guarantee the safety of women who were threatened by innumerable types of crime.¹²⁹ As a result, numerous Muslim scholars have opined that a woman can travel without a *mahram*, as long as her life and safety can be secured or assured to her best ability. This opinion is also supported by modern-day scholars and institutions such as Sheikh Yusuf Al Qaradawi¹³⁰, the European Fatwa Council, Darul Ifta of Egypt, Shaykh Qara Daghi and scholars from Al Azhar state that it is permissible for a woman to travel without a *mahram*.

Therefore, when considering the rule of *mahram*, it is important to remember that it was developed at a time when traveling long distances was extremely hard and difficult. There is no doubt that modern travel has improved considerably and is much safer and comfortable today than before. With the changes in transportation technology, women no longer need to travel long distances on difficult roads and terrains on the backs of animals such as donkeys, camels, or horses. Innovations in science and technology have made traveling long distances much shorter and secure.

Based on these considerations, many contemporary *fiqh* scholars are of the opinion that women can travel without a *mahram*. For example, after evaluating the hadith that prohibits traveling by identifying the purpose (*maqasid*) of the legal ruling through legal reasoning (*illah*) behind the

¹²⁸ For a discussion on these scholars within the context of pilgrimage, see Sheikh Qaradawi’s Ruling “What is Sharia Ruling Regarding a Women Going to Hajj without a Mahram? ” translated by sister Marwa (July 3, 2009) retrieved on March 1, 2022 at :

<https://www.virtualmosque.com/islam-studies/faqs-and-fatwas/what-is-sharia-ruling-regarding-a-women-going-to-hajj-without-a-mahram-dr-yusuf-al-qaradawi/> see also see the Ruling by Dar al Ifta Misriyyah <http://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=8127> and Faqihuddin Abdul Kodir “The Concept of Mahram (Guardianship) and Women Protection” (October 2, 2020) at:

<https://swarahima.com/en/2020/10/02/the-concept-of-mahram-guardianship-and-women-protection/>

¹²⁹ Salleh et al. “The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women”

¹³⁰ al-Qaradawi, Yusuf. What is The Ruling Regarding a Woman Going to Hajj Without a Mahram? (July 3, 2009) <https://www.virtualmosque.com/islam-studies/faqs-and-fatwas/what-is-sharia-ruling-regarding-a-women-going-to-hajj-without-a-mahram-dr-yusuf-al-qaradawi/>

prohibition, Al-Qardawi concluded that women today can travel without their *mahram* stating that the reason for the prohibition was a concern for women traveling alone without their spouse or *mahram* during an era where animals such as donkeys or camels were the only mode of transportation, entailed crossing vast uninhabited deserts, and without such legal ruling surely there would be personal attacks and violations on women beyond anyone's control because.¹³¹

Similarly, Dar al-Ifta Al Misriyyah have stated the following *fatwa* (opinion):

*The opinion appropriate for fatwa at present is that it is permissible and there is no objection to a woman traveling alone by the various safe routes and means of travel via their venues such as airports, harbors and the like. This applies whether she is traveling for something obligatory, recommended or permissible. The hadiths forbidding a woman to travel without a mahram pertain to lack of security which was the case in previous times. Based on this, if a woman's safety is ensured, the prohibition is lifted.*¹³²

Muslim scholar and founder of the Fahmina Institute in Indonesia, Faqihuddin Abdul Kodir reminds us that the prohibition of women traveling without a *mahram* is a conditional thing and the spirit of *mahram* is protection of weak people, whether physically (*dha'ief*) or socially (*mustadl'afin*). The prohibition of women to work, travel or go to school without a *mahram* is a violation of women's God-given right to work, get an education and freedom of movement.¹³³ If the problem is safety or security, in today's modern society, the state must be responsible for the public safety and security and must not depend on others.¹³⁴ A state does not have a right to prohibit rights given by God if they are unable to provide the security and safety of their people. Therefore, rather than restricting women's movements under the assumption that such safety can never be guaranteed, it is the responsibility of the state to address public safety threats and work towards public safety for women as an end goal.

Examples from other Muslim countries

Community safety is an important consideration for many Muslim countries. Measures taken to facilitate improved community safety for women include legal protections, programs, and roles for religious leaders to make statements in support of women's safety in public. These measures also include protections against harassment at work, a public place that determines a woman's well-being both emotionally and financially.

¹³¹ Al-Qardawi, Y. (2000). *Kayfa Nata'amal Ma'a al-Sunnah al-Nabawiyyah*. Al-Qaherah: Dar alShuruq cited in Salleh, Siti Fatima et. a. 2017 p. 546.

¹³² Fatwa responding to the Question "Can I travel alone with no mahram?" retrieved on March 11, 2022 at: <https://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=6128>

¹³³ For these rights, see GIWPS Briefs on "Women and Girls Education in Islam" and "Women's Right to Gainful Employment and Leadership in Islam"

¹³⁴ Kodir, Faqihuddin Abdul. "The Concept of Mahram (Guardianship) and Women Protection" *Rahima* (2 October, 2020) retrieved on 11 March 2020 at <https://swarahima.com/en/2020/10/02/the-concept-of-mahram-guardianship-and-women-protection/>

In Jordan, women with disabilities enjoy specific, targeted protections - for example, a violent crime committed against a woman with a disability incurs stricter penalties.¹³⁵ Additionally, Jordan's Labour Code allows an employee to resign from work without notice if the employee has been a victim of a sexual assault perpetrated by the employer or the employer's representative.¹³⁶

Women also legally have grounds to safely go to work by themselves: in Saudi Arabia, a *mahram*'s permission is not required for a woman to work;¹³⁷ In August 2019 Saudi Arabia changed its laws regarding *mahram* and women over the age of 21 do not need to get permission from a male guardian to travel.^{138,139}¹⁴⁰ Additionally, the Ministry of Labor and Social Development in Saudi Arabia released two hotline phone numbers, one for reporting cases of violence and the other for reporting cases of harassment.¹⁴¹

In Morocco, sexual harassment by a supervisor in the workplace is criminalized by Article 503-1 of the Penal Code and carries a maximum sentence of two years' imprisonment.¹⁴² State agencies also have power to implement or facilitate systems that help keep women safe.

In Egypt, two main legislative documents protect, support, and empower women. These are the Egyptian constitution of 2014 and the Criminal Code of 1937 and its amendments. The Egyptian Penal Code (Law No. 58 of 1937) categorizes all violence or attacks against women as crimes and regards the age of the victim and the degree of consanguinity or affinity between the victim and the assailant as aggravating factors in the assessment of the penalties¹⁴³ These legislative pieces divide crimes against women in Egypt to two separate groups. First group involves misdemeanors,

¹³⁵ United Nations Development Programme. "Jordan: Gender, Justice, and the Law."

¹³⁶ United Nations Development Programme. "Jordan: Gender, Justice, and the Law."

¹³⁷ United Nations Development Programme. "Saudi Arabia: Gender, Justice, and the Law."

¹³⁸ Amnesty International *Everything you need to know about human rights in Saudi Arabia 2020*. <https://www.amnesty.org/en/location/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

¹³⁹ BBC News. 2019. "Saudi Arabia Allows Women to Travel Independently." BBC News, August 2, 2019. <https://www.bbc.com/news/world-middle-east-49201019>

¹⁴⁰ Graham-Harrison, Emma. Saudi Arabia allows women to travel without male guardian's approval in Arabia. *The Guardian*, 2 August 2019. <https://www.theguardian.com/world/2019/aug/01/saudi-women-can-now-travel-without-a-male-guardian-reports-say>

¹⁴¹ Alsehaimi, Aref, and Ibrahim El Husseiny Helal. 2021. "The Role of Social Programs in Saudi Arabia to Prevent Domestic Violence, Compared to Developed Countries: A Systematic Literature Review." *Open Journal of Social Sciences* 9 (11). <https://doi.org/10.4236/jss.2021.911009>; see also <https://hrs.gov.sa/ar/page/%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9-%D9%84%D9%84%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D8%A3%D8%B3%D8%B1%D9%8A%D8%A9>

¹⁴² United Nations Development Programme. "Morocco: Gender, Justice, and the Law."

¹⁴³ *Immigration and Refugee Board of Canada. (2001) Egypt: Domestic Violence; Whether There Is State Protection for the Victims; Existence of Women's Groups, Shelters or Hot-Lines.*, [https://www.refworld.org/docid/3df4be2d14.html#:~:text=The%20Egyptian%20Penal%20Code%20\(Law,the%20assessment%20of%20the%20penalties.](https://www.refworld.org/docid/3df4be2d14.html#:~:text=The%20Egyptian%20Penal%20Code%20(Law,the%20assessment%20of%20the%20penalties.)

which includes catcalling or sexual harassment. These are seen as less significant crimes than felonies, and are usually punished by fines and short-term jail time; the trials are also shortened. Second group is felonies, which include harmful practices such Female Genital Mutilation (FGM), rape, kidnapping a female, or sexual assault. Felonies are punished by longer jail time, and a permanent record is placed for those convicted.¹⁴⁴ Egyptian state also understand that community safety is a whole-of-society effort: Egypt's Ministry of Awqaf (Religious Endowments) appointed five hundred female preachers on the national level to raise awareness on the status of women in Islam and on combatting violence.¹⁴⁵ Similarly, religious scholars at a renowned Islamic university in Egypt have openly condemned sexual harassment.¹⁴⁶

How addressing this issue will benefit society

Addressing street safety will benefit not just individual women, but entire economies and communities. Women who feel safe in their communities will earn more for their families if they are not afraid of leaving home to take jobs. Their children are more likely to attend school if their routes are safe. Businesses are more likely to thrive if they can attract women as customers. Further, lower levels of street crime results in lower costs for local and municipal law enforcement; and less social isolation can reduce healthcare costs.

Addressing workplace safety for women benefits entire companies. The International Centre for Research on Women identifies the costs of workplace sexual harassment as absenteeism, reduced performance due to stress and anxiety, settlement of claims, and increased turnover and recruitment of new hires. Companies whose workers suffer from sexual harassment on the job lose about \$22,500 in productivity per harassed individual.¹⁴⁷

Recommendations for Afghanistan

Ensure specific legal protections for women with additional vulnerabilities such as minority ethnicity or disability, so that they feel safe in their communities, free from violence and discrimination on grounds of their identities.

¹⁴⁴ Reda, Lolwa. 2019. "15 Egyptian Laws, Rulings That Protect, Support, Empower Women." EgyptToday. March 3, 2019. <https://www.egypttoday.com/Article/1/66500/15-Egyptian-laws-rulings-that-protect-support-empower-women>.

¹⁴⁵ United Nations Development Programme. 2018. "Egypt: Gender, Justice, and the Law." <https://www.arabstates.undp.org/Content/Dam/Rbas/Doc/Gender%20Justice/English/Full%20reports/Egypt%20Country%20Assessment%20-%20English-Min.pdf>.

¹⁴⁶ Holleis, Jennifer. "Women in Egypt: Ongoing crackdown stokes solidarity." Deutsche Welle, January 21, 2022. <https://www.dw.com/en/women-in-egypt-ongoing-crackdown-stokes-solidarity/a-60499419>

¹⁴⁷ Rizzo, A. Theodore, Natacha Stevanovic-Fenn, Genevieve Smith, Allie M. Glinski, Lila O'Brien-Milne, and Sarah Gammage. 2018. Review of The Costs of Sex-Based Harassment to Businesses: An In-Depth Look at the Workplace. Washington, D.C.: International Center for Research on Women.

Engage religious leaders such as imams to educate the community. Conversations about combating violence against all women should ideally involve the whole of society, particularly women (and men) clergy who are viewed as community authorities on proper comportment.

Increase street security and improve access to easy-to-understand crime reporting mechanisms that take women's reports seriously, to reduce the need for a *mahram* to protect women's safety as she navigates her community's streets.

Indicator 3 - Organized violence ¹⁴⁸

Before 2001, organized violence posed the most significant threat to women's safety and security. Within the Taliban regime was the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV), which patrolled streets and arrested or assaulted women for infractions such as appearing in public without a male relative or violating dress codes, and men for breaking rules concerning hair length and facial hair.¹⁴⁹ During conflict in the late 1990s, Taliban fighters conducted a series of massacres of civilians, sometimes going door to door. In Mazar-i-Sharif in 1997, Taliban fighters systematically searched for minority Hazara, Tajik, and Uzbek men for execution, perceiving them as potential resisters to Taliban control.¹⁵⁰

After the fall of the Taliban in 2001, the primary organized violence-related threats came from local warlords and the American-trained police forces.¹⁵¹ In the years immediately following, bombings and other violence against schools was reported,¹⁵² and both Taliban-allied groups and other groups opposed to the Afghan government or to the U.S. presence, have engaged in violent attacks that killed civilians as well as combatants. Sadly, the U.S. response has also caused civilian deaths.¹⁵³ More recently, research has found that the primary security threats were local warlords and American-trained police forces,¹⁵⁴ and surveys have reported that pro-government forces were responsible for more civilian fatalities than the Taliban and other armed opposition groups.¹⁵⁵ The WPS indicators for combat-related deaths were 30.92 in 2017-18 and 63.63 in 2019.

Since Taliban what changed

¹⁴⁸ Ahmad and Avoine. "Misogyny in 'Post-War'

¹⁴⁹ *Country Reports on Human Rights Practices - 2001 - Afghanistan*. 2002.

¹⁵⁰ The Afghanistan Justice Project. *Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001*. 2005. - Open Society Foundations. https://www.opensocietyfoundations.org/uploads/291156cd-c8e3-4620-a5e1-d3117ed7fb93/ajpreport_20050718.pdf

¹⁵¹ Ahmad and Avoine. "Misogyny in 'Post-War'

¹⁵² World Bank 2005

¹⁵³ The Afghanistan Justice Project. *Casting Shadows: War Crimes and Crimes against Humanity*

¹⁵⁴ Ahmad and Avoine. "Misogyny in 'Post-War'

¹⁵⁵ Akseer et al. *Afghanistan in 2019: A Survey of the Afghan People*.

After the fall of the Taliban, a significant portion of the remaining threat of organized violence stems from attacks credited to the Islamic State in Khorasan Province (ISIS-K) and ongoing struggle between ISIS-K and the Taliban.¹⁵⁶ However, this does not mean the Taliban have themselves been tame. In particular, the Taliban are accused of the “summary killing of more than 100 former Afghan security officials despite the group's promise of general amnesty”.¹⁵⁷ Women who once worked for the government or international NGOs, the army or police are being particularly targeted. “Several cited the Taliban’s killing of two female police officers in Ghazni, days before the province fell to the Taliban, as having struck particular fear among women in the community.”¹⁵⁸

Islamic Perspective on organized violence

Organized crime refers to complex and planned criminal activities controlled by illicit groups. They often involve criminal networks that are highly organized and may operate at transnational, national or local areas. These crime networks may be involved in illicit trade such as human trafficking, trafficking of narcotics, firearms, counterfeit goods, historical artifacts, wildlife, or theft, money laundering, kidnapping, or gang and terrorist activities. Organized crime and violence are a threat to peace and security of communities as countless lives are lost because of them, resulting in corruption, extortion, violence and fear.¹⁵⁹ Organized crime and violence presents significant problems for vulnerable people and disproportionately impacts women and girls. Women’s safety is particularly threatened by organized crime and violence.¹⁶⁰ Women’s victimization may involve physical, sexual, and psychological abuse, sexual and financial exploitation, among others.

Islam prohibits all forms of violence, especially organized crime and violence that is so detrimental to the safety and security of the communities. Only under very strict and well defined conditions use of violence is permitted in Islam.¹⁶¹ As a religion of peace and justice, Islam refers to peace as a positive state of safety, and security which includes being at peace with one-self, with fellow

¹⁵⁶ Farge, Emma. 2022. “Nearly 400 Civilians Killed in Afghanistan since Taliban Takeover, UN Says.” Reuters, March 8, 2022, sec. Asia Pacific. <https://www.reuters.com/world/asia-pacific/nearly-400-civilians-killed-afghanistan-since-taliban-takeover-un-says-2022-03-07/>.

¹⁵⁷ Noorzai, Roshan. 2021. Review of Former Afghan Female Soldier: “I Am so Afraid” under Taliban. Voice of America. December 31, 2021. <https://www.voanews.com/a/former-afghan-female-soldier-i-am-so-afraid-under-taliban-/6376154.html>.

¹⁵⁸ Human Rights Watch. “Afghanistan: Taliban Deprive Women of Livelihoods, Identity.”

¹⁵⁹ UNODC (nd) “Transnational Organized Crime: Let’s Put them out of Business” accessible at https://www.unodc.org/centralasia/en/news/transnational-organized-crime_-lets-put-them-out-of-business.html#:~:text=Every%20year%2C%20countless%20lives%20are,are%20all%20part%20of%20this.

¹⁶⁰ Erez, Edna (n.d) “Women as Victims and Survivors in the Context of Transnational Crime” United Nations Activities. Accessible at: <https://www.ojp.gov/pdffiles1/nij/220775.pdf>

¹⁶¹ Kadayifci-Orellana, Ayse, Mohammed Abu Nimer, Amjad Mohammed-Saleem (2013) “Understanding an Islamic Framework for Peacebuilding” Islamic Relief accessible at: https://www.islamic-relief.org/wp-content/uploads/2020/07/Understanding-an-Islamic-Framework-for-Peacebuilding_IRWP_2013-02.pdf

human beings, with nature and with God.¹⁶² Quranic usage of the term peace (salam, silm, sulh) makes it clear that peace in Islam is not limited to absence of war, violence, or tranny, but calls Muslim governments to establish just social, economic, and political systems and mechanisms where every human being can flourish to fulfill their potentials.¹⁶³ Furthermore, living in a safe and peaceful society is a right of every citizen in a Muslim state.

There are various verses in the Quran that prohibits violence, For instance the Quran states:

Whosoever kills a human being without (any reason like) manslaughter, or corruption on earth, it is as though he had killed all mankind ... (Q5:32)

Violence and aggression is not allowed even if we have strong feelings for others, as the Quran states:

"Do not let your hatred of a people incite you to aggression" (Q5:2).

Same verse also makes it very clear that organized violence, which includes cooperation among individuals for the purpose vice and aggression as it states:

"Co-operate with one another for virtue and heedfulness and do not cooperate with one another for the purpose of vice and aggression" (5:2).

The Prophet also makes it very clear that violence is not allowed in Islam and has said:

"Faith is a restraint against all violence, let no Mu'min [a believer] commit violence".¹⁶⁴

Additionally, preventing organized crime and violence is a requirement of Shariah according to the Maqasid. *Maqasid* is the Islamic legal doctrine that focuses on the goals and purposes of law within the Islamic moral-ethical framework, linking it very closely with the idea of *maslaha*, especially when it is qualified as *Masalih Mursalah* (consideration of public good).

In the Quran, Muslims are urged to improve their communal life, to support one another, and combat poverty and crime. For example, the Holy Quran (16:90) states,

"Verily, Allah commands justice and the doing of good and giving to kin [or those in proximity], and He forbids all immorality, and what is reprehensible and aggression; He instructs you, that you may be reminded."

¹⁶² Kadayifci-Orellana, S. Ayse (2002) *Standing on and Isthmus: Islamic Narratives of War and Peace in Palestine* Doctoral Dissertation (Washington DC.: School of International Service American University) p. 206

¹⁶³ Kadayifci-Orellana et al. "Understanding an Islamic Framework for Peacebuilding"

¹⁶⁴ Sahih Collection of Abu Dawud. See "A Collection of Hadith on Non-Violence, Peace and Mercy"

Muslim scholars agree that this verse encompasses the overall purpose of *Shariah*¹⁶⁵ to do good works and pursue justice and that every legal ruling must comply with the goals and aims of Islamic moral-ethical principle. Interests or the welfare of the people is divided into three categories: the necessities (*daruriyyat*), the needs (*hajiyyat*), and the luxuries or complementary interests (*kamaliyyat or tahsiniyyat*). Necessities are those interests on which people's life depends on and their neglect will lead to injustice and disorder. Many Muslim jurists agree that the overall objectives of the law (*maqasid*) are to preserve and protect the six necessities (*darūriyāt*), including: the preservation of faith, life, mind/intellect, property/wealth, progeny and honor/dignity. These necessities are considered inviolable by Muslim jurists who have asserted that the law must further one or more of these objectives. Ibn Taymiyya (d.1328) also includes other central Islamic values to the *maqasid*, such as justice, virtue, constitutional rights, and scientific excellence among others. Thus, many detailed legal instructions in Islamic law can be traced back to the preservation of one of these areas.

Righteous Caliphs, such as Caliph Umar have followed the tradition of the Prophet to establish a just and peaceful society focused on preventing crime and corruption. For example, in consultation (*shura*) with his advisors, Umar created numerous public institutions, guidelines, and policies including an office of the ombudsman where residents of all lands under his authority could bring forward complaints against public officials and he instituted strong anti-corruption and consumer protection policies by appointing officers to monitor, investigate, and penalize illegal commercial activities.¹⁶⁶

These examples show, prevention of organized crime and violence, addressing its impacts on men and women, and establishing peace and security is the responsibility of the state is one of the central responsibilities of a Islamic state. In order to do that, Islamic state must establish a just social, political, and economic system and well-functioning, trusted law and order that addresses the specific needs of women as well as men.

Examples from Other Muslim Countries

A number of different countries have taken steps to address the impact of crime and violence on women. For example, Yemen has increased recruitment of policewomen in order to help women feel more comfortable reporting crime and violence and also to physically search women involved in crime, which in Yemen a man cannot do.¹⁶⁷

¹⁶⁵ Abdelgafar, Basma I. (2018) Public Policy: beyond Traditional Jurisprudence: a Maqasid Approach. London: IIIT,

¹⁶⁶ Baderin, M.A. (2001) Establishing Areas of Common Ground between Islamic Law and International Human Rights, *The International Journal of Human Rights*, 5:2, 72-113 p. 83

¹⁶⁷ الإنمائي, البرنامج. 2021. "Yemeni Policewomen Dream of Building Peace and Protecting Yemenis." Medium. February 2, 2021. <https://medium.com/@UNDPArabic/yemeni-policewomen-dream-of-building-peace-and-protecting-yemenis-c27fe235275d>.

Similarly, in June 2021, Jordan inaugurated a Military Women’s Training Center, which aims to help that country reach its goal of 3% women in its armed forces. The center will train approximately 550 students per year.¹⁶⁸ Jordan has a long tradition of supporting women in its military: in 1994 it founded the Directorate for Women’s Affairs to “safeguard the rights of women in the Jordanian Armed Forces”.¹⁶⁹

How addressing this issue will benefit society

Prevention of organized crime and violence towards women and girls will set the grounds for a secure and safe society, which is the right of every Muslim woman and girl and a central component of the maqasid according to Islam. Furthermore, providing safety for women and girls and preventing crimes against them has benefits to the larger society at large as it will allow each citizen to flourish and contribute to the good of the society. It is also important to note that addressing women’s rights has implications for conflict: states with a larger gender gap and fewer rights for women tend to have a greater likelihood of both inter- and intrastate violence.¹⁷⁰

Recommendations for Afghanistan

In this section, the most practical and appropriate recommendations involve improving women’s trust that their security and police forces will protect them.

Increase recruitment of women in the military and police forces. Women tend to prefer that their cases, particularly on sensitive issues such as IPV, are handled by women officers. Further, there are some issues that women officers can address that would be more difficult for male officers, such as searching women suspects, as outlined previously.

Create structures within both the military and police that protect the rights and safety of women officers. This will help improve retention of women recruited to either force by signaling that their work is valued, and their abilities trusted.

¹⁶⁸ NATO. 2021. “Deputy Secretary General Inaugurates Jordan’s Military Women’s Training Centre.” NATO. Accessed May 8, 2022.

https://www.nato.int/cps/en/natohq/news_184889.htm?selectedLocale=en#:~:text=The%20Centre%2C%20which%20has%20been.

¹⁶⁹ The Hashemite Kingdom of Jordan (n.d) “Jordan - Government - the Armed Forces.” <http://www.kinghussein.gov.jo/government5.html>.

¹⁷⁰ Hudson, Valerie M. Sex & World Peace. New York: Columbia University Press, 2014

Inclusion Indicators

One of the crucial indicators to assess women's status within society is their inclusion within several structures. The inclusion indicator can be used to show how a country incorporates its citizens. Depending on the result, it can be used to explain issues like the country's economic decline. In Afghanistan, women's inclusion is necessary for society and the country to prosper. However, "gains for women have been distributed highly unequally, with the increases far greater for women in urban areas. For many rural women, particularly in Pashtun areas but also among other rural minority ethnic groups, actual life has not changed much from the Taliban era, formal legal empowerment notwithstanding."¹⁷¹ In order to assess the inclusion of women and its effects, the report focuses on four main categories: education, employment, financial inclusion, and parliamentary representation.

Indicator 1 - Education

Afghanistan has, over the years, ranked low within the average years of schooling for females. In the Women, Peace, and Security reports by GIWPS Afghanistan has ranked at 1.9% for both the 2019/2020 and 2021/2022 reports, except for 2017, which ranked at 4.4%. These low scores indicate that Afghanistan lags many countries regarding female education, especially in furthering women's independence and employment prospects. However, Afghanistan also falls behind primary and secondary female education, although looking at data from a few years, girls' education has improved. For instance: In 2003 less than 10% of females were enrolled in primary schools; by 2017, 33% of girls were enrolled.¹⁷² Until recently (Jan 2020), enrollment rates for girls were increasing more rapidly than for boys. Female secondary enrolment rate increased from around 6% percent in 2003 to 39% percent in 2017, the ratio of females per male enrolled in secondary education increased from 0.2 to 0.6.¹⁷³ Attendance statistics show a similar positive trajectory, with the ratio of females per male attending secondary education rising from 0.4 to 0.5 since 2007.¹⁷⁴ Afghan responses showed a positive change in the 2019 Asia Foundation Afghanistan Report Survey. 23.2% of the respondents indicated that the quality of school services improved, 53.5% indicated that it had stayed the same, and 22.7% felt it had worsened.¹⁷⁵ There is a slight difference between urban and rural reporting, with urban respondents reporting a higher percentage of improvement at 28.8%.¹⁷⁶

¹⁷¹ Allen, and Felbab-Brown. "The Fate of Women's Rights in Afghanistan."

¹⁷² Tobias, Haque. "Afghanistan's Development Gains: Progress and Challenges." Policy Note. Washington, DC: World Bank, January 21, 2020. <https://doi.org/10.1596/33209>.

¹⁷³ Haque. "Afghanistan's Development Gains"

¹⁷⁴ Haque. "Afghanistan's Development Gains"

¹⁷⁵ Akseer et al. Afghanistan in 2019: A Survey of the Afghan People. pg 124

¹⁷⁶ Akseer et al. Afghanistan in 2019: A Survey of the Afghan People. pg.21

In Afghanistan, girls and women face several struggles to obtain an education, such as early marriage, work duties, safety, and distance from school. The order of importance of these issues depends on the rural/ urban structure divide. In 2019 rural areas, the leading reason for not sending girls to school is the view that they don't need education (21.1%), transportation difficulties (18.1%), and quality of education (12.4%).¹⁷⁷ Meanwhile, in urban areas, the cost of tuition is the leading reason (16.8%), "girls have to work" (15.2%), transportation difficulties (11.0%), and "girls do not need education" (10.9%).¹⁷⁸ The issue with girls' education is it is entangled with poverty as girls are then expected to work to support the household. The distance from school also plays a significant role because schools are not close enough to houses in rural areas where transportation and safety are issues. In the past and going on Taliban indicated their disapproval of girls obtaining education beyond the elementary level.¹⁷⁹ In fear of harassment, parents refuse to send their daughters to school, worried for their safety.

Since Taliban what changed

In 2021 since the Taliban took over the Afghan government, girls' progress and access to education has been paused. In September 2021, boys from grades seven through twelve were called to resume school, while girls were not called back.¹⁸⁰ Boys and girls in grades one to six resumed school. Although the Taliban promised that girls would continue education under their rule, the obstacles they have created indicate otherwise. The Taliban called for classes beyond sixth grade to be segregated, and only women were allowed to teach girls. While the Taliban promised that the girls would be allowed to go back to school, according to Islamic regulations, this turned out to be a false promise. On March 23, 2022, the first day of the school year in Afghanistan, girls who went to start schools found the schools were closed to them and had to return home in utter disappointment. In addition to that Afghanistan currently struggles with a significant shortage of teachers and primarily female teachers. It is estimated that female teachers make up around a third of the total number of teachers in Afghanistan, with the ratio being lower in rural areas than urban areas.¹⁸¹ The Taliban requirement for only female teachers to teach girls will naturally limit girls from attending schools, given the lack of female teachers.

Islamic perspective on education:

In Islam, women do not only have the right to education, but like men, are obligated to increase their knowledge and pursue it. In the Quran, God orders both men and women to increase their

¹⁷⁷ Akseer et al. *Afghanistan in 2019: A Survey of the Afghan People*. 126

¹⁷⁸ Akseer et al. *Afghanistan in 2019: A Survey of the Afghan People*. 126

¹⁷⁹ Emma Batha. "How Will Taliban Rule Impact Girls' Education in Afghanistan?". Thomson Reuters Foundation, March 23, 2022. <https://news.trust.org/item/20210831110425-cvykj/>.

¹⁸⁰ Victor Blue, and David Zucchino. "A Harsh New Reality for Afghan Women and Girls in Taliban-Run Schools." *The New York Times*, September 20, 2021, sec. World. <https://www.nytimes.com/2021/09/20/world/asia/afghan-girls-schools-taliban.html>.

¹⁸¹ Batha. "How Will Taliban Rule Impact Girls' Education in Afghanistan?"

knowledge and condemns those who are not learned. The Holy Quran puts the highest emphasis on the importance of acquiring knowledge and with more than 800 references to the word *ilm* (knowledge) and its derivations, it urges mankind to think, ponder, reflect and acquire knowledge. The Quran never forbade education for women but rather the Quran promoted education as part of the wellbeing of the society.

Girl's education falls under the cardinal right of mind and intellect. Mind and intellect (al aql) are central to the deen (faith). Quranic tells us that (Q17:70, 95:4, 2:30-34, 33:72) every human being, men and women is furnished with reason and has the potential to be good and to choose to work for the establishment of harmony and honors it as the mechanism by which moral choices of right and wrong are made. Al-Aql, the intellect, enables human beings to accept the 'trust' of freedom of will, which no other creature is willing to accept (Q33:72).

Since the early years of Islam, learned women enjoyed a high public standing and authority.¹⁸² The Prophet (Pbuh) himself made an effort to educate women and girls and encouraged his wives and daughters to learn and be educated. He would hold classes for women and women were often present in the public assemblies that came to learn from the Prophet (Pbuh). Women in his household received education not only in Islamic sciences but in other fields such as medicine, poetry, mathematics, among others. Aisha bint Abu Bakr contributed to the transmission of the sira of the prophet and was a great jurist and scholar.¹⁸³ This is evident in this hadith:

“Whenever we Companions of the Prophet encountered any difficulty in the matter of any hadith we referred it to Aisha and found that she had a definite knowledge about it.”¹⁸⁴

Women also played an important role in teaching scholars looked up upon in the Muslim world. Imam Malik, the founder of the Maliki School of thought, was taught by jurist and scholar Aisha bint Sa'ad bin Abi Waqqas.¹⁸⁵ Imam Shafi'i, the founder of the Shafi school of thought, was taught by the teacher of Islamic Jurisprudence Sayyida Nafisa.¹⁸⁶ Moreover, women also contributed to the establishment of education institutions such as University of Al-Qarawayyin, the oldest continuing university in the world, founded by Fatima Al Fihri in 859 in Morocco. This university became the hub for muslim and non-muslim students and through it Arabic numbers became known and used in Europe.¹⁸⁷

¹⁸² Nadwi, Mohammad Akram (2013) *Al-Muhaddithat: The Women Scholars in Islam* (Interface Publications)

¹⁸³ Fundación de Cultura Islámica. “Great Women in Islamic History: A Forgotten Legacy.” July 15, 2016. <https://funci.org/great-women-in-islamic-history-a-forgotten-legacy/?lang=en>.

¹⁸⁴ See Zakir Naik, “Women’s Rights in Islam: Modernization or Outdated?” *Islamic Voice*, vol. 10–11, no. 129 (October 1997), available at <http://www.islamicvoice.com/october.97/wome.htm> (accessed November 24, 2009).

¹⁸⁵ Zainab Aliyah. “Great Women in Islamic History: A Forgotten Legacy.” *Young Muslim Digest*, February 2, 2015. <https://www.youngmuslimdigest.com/study/02/2015/great-women-islamic-history-forgotten-legacy/>.

¹⁸⁶ Aliyah. “Great Women in Islamic History: A Forgotten Legacy.”

¹⁸⁷ Aliyah. “Great Women in Islamic History: A Forgotten Legacy.”

Furthermore, there are several hadiths that indicate that show that education is an obligation for every muslim regardless if they are a woman or man such as:

“Searching for knowledge is compulsory for every Muslim male and Muslim female (Ibn Majah).

“If anyone travels on a road in search of knowledge, God will cause him to travel on one of the roads of Paradise. The angels will lower their wings in their great pleasure with one who seeks knowledge. The inhabitants of the heavens and the Earth and (even) the fish in the deep waters will ask forgiveness for the learned man. The superiority of the learned over the devout is like that of the moon, on the night when it is full, over the rest of the stars. The learned are the heirs of the Prophets, and the Prophets leave (no monetary inheritance), they leave only knowledge, and he who takes it takes an abundant portion. – (Sunan of Abu-Dawood)

Education of girls and women is also a requirement of the *maqasid* and *masalih mursalah*, or public good according to Islam because educating girls has important benefits to their families, communities and the *ummah*, therefore contributes to *maslaha*. Education is more than just the ability to read and write. It is a process of acquisition of knowledge, skills, and values in a variety of different areas that enables individuals to contribute to the social, economic, and political well-being of their families and communities in meaningful ways. Without educating its citizens, no society can develop and prosper.

Examples from other Muslim countries

Other Muslim countries have shown remarkable progress in girls’ and women’s education. For example, as of 2021 UAE has literacy rates for both men and women at 95.8%.¹⁸⁸ Also, in the UAE, women make up 70% of all university graduates, and 56% of the UAE’s graduates in STEM courses at government universities are women.¹⁸⁹ At the prestigious Masdar Institute of Science and Technology in Abu Dhabi, 60 percent of Emirati graduate students are female.¹⁹⁰ In Qatar, about 96% of girls attend secondary school.¹⁹¹ Qatari women exceed men’s enrollment in post-high school education by more than double.¹⁹² Jordan schools have a high literacy rate of girls at around 97%.¹⁹³ In 2018, Saudi Arabia women made 53.1% of higher education graduates.¹⁹⁴ These countries share the common fact that education was made mandatory by law for both girls and boys. Moreover, these countries invested in improving education facilities and access to rural areas and urban areas. For example, in 2017, King Salman bin Abdulaziz Al Saud of Saudi Arabia

¹⁸⁸ UAE Embassy in Washington, DC. “Women in the UAE.” Accessed April 1, 2022. <https://www.uae-embassy.org/discover-uae/society/women-in-the-uae>.

¹⁸⁹ UAE Embassy in Washington, DC. “Women in the UAE .”

¹⁹⁰ Adriana Aumen and Emil Venere. “Learning from Muslim Countries with Many Women Engineers.” *WSU Insider* (blog), September 6, 2016. <https://news.wsu.edu/press-release/2016/09/06/learning-muslim-countries-produce-women-engineers/>.

¹⁹¹ Adelle Tippetts. “Women’s Rights in Qatar Show Promising Growth.” The Borgen Project, March 12, 2021. <https://borgenproject.org/womens-rights-in-qatar/>.

¹⁹² UNESCO. “Qatar.” Accessed March 29, 2022. <http://uis.unesco.org/en/country/qa>.

¹⁹³ Grace, Klein. “Top 10 Facts About Girls' Education in Jordan.” The Borgen Project, December 9, 2018. <https://borgenproject.org/top-10-facts-about-girls-education-in-jordan/>.

¹⁹⁴ Ministry of Education, Saudi Arabia <https://moe.gov.sa/ar/knowledgecenter/dataandstats/edustatdata/Pages/HigherEduStat.aspx>

granted women access to government services, including education and healthcare, without the need for a guardian's consent. Thus giving Saudi women more mobility to obtain education.

How addressing this issue will benefit society

Education is an essential foundation for any prosperous country. Education is critical for women to acquire skills for future employment, which is vital for income generation. Education decreases early and young marriage among girls and allows girls to lead healthy, productive lives. It also increases sustainable economic growth and development over time with the increase of women in the workforce. Education is important socially because it helps girls feel incorporated into society as active citizens and decision-makers, reflecting positively on their future contributions to their communities. Education is essential health-wise because it allows girls and women to be aware of their own health needs and make educated decisions regarding the health of their family members. Education is also the foundation of financial literacy because it enables women to understand and seek financial access that leads to their independence. Educating girls contributes to stronger economies and alleviates poverty. Economic development and eliminating poverty require countries to benefit from the talents, skills, and productivity of all of its citizens, both men and women. Especially reducing the gender gap and educating girls in Science, Technology, Engineering and Mathematics (STEM) is expected to help reduce the skills gap, increase employment and productivity of women and reduce occupational segregation. Finally, increasing girls' access to education creates a positive cycle within society as educated parents are more likely to push for their children's education.

Recommendations

Increase the Number of Female Teachers. Afghanistan struggles with a huge teacher shortage and especially female teachers. The shortage of female teachers in Afghanistan must be addressed through several policies, through incentives or training programs to increase their numbers. Such programs should be implemented by the Taliban to fulfill their governing duty towards improving education in the country.

Improve Schools' Infrastructure. The Taliban requires that boys and girls are separated in schools. Meanwhile, this is not founded Islamically or practiced by all Muslim countries. If the Taliban continue to require separation by gender, they should prioritize building infrastructure that will accommodate such a requirement. Infrastructure should be available to accommodate the separation of students by gender from grades six and above.

Increase Transportation Accessibility. Many families worry about sending their daughters to school because of the distance and the unsafety of commuting. Therefore, the Taliban should make transportation more accessible to all students, especially girls. This can be done through investment programs to increase public transportation sources such as more buses driving longer distances. It

also tackles the safety issue by outlawing any targeted attacks and harassment of civilians in public transport.

Condemn and Apply Pressure to Increase Girls' Access to Education. Multilateral organizations should continue condemning Taliban's restrictions on girls' education. It also should create specific deadlines for when the Taliban is supposed to allow girls to return to school and if not met strict punishment such as political and financial sanctions should be applied to the Taliban.

Support for Alternative Education Methods. As the Taliban continues to restrict girls' education precious time is lost. Multilateral organizations should explore and support alternative learning methods such as online learning. Such methods can be explored by implementing projects targeted at increasing internet and technology access to families all around Afghanistan.

Indicator 2 - Employment

Afghani women are marginalized when it comes to employment. According to the Afghan constitution of 2004, Article 48 work is the right of all Afghan citizens and for women and men to be treated equally.¹⁹⁵ Afghanistan has scored low on the WPS index by GIWPS for women's employment rate: in 2017-18, the score was 16.1%, 2019-20: 51.6%, and 2021-22: 19.2%. The measure focuses on the employment rate of women ages 25 and older and shows that Afghanistan is behind in women's employment. The Asia Foundation Survey for 2019 indicated that 81.9% of male respondents earn money compared to only 10.4% of female respondents.¹⁹⁶ The employment rate changes between rural and urban areas. In urban areas, women tend to be more employed than in rural areas and see more job security. For example, women in urban areas saw an increase in job security from 27% to 42% between 2007-2017.¹⁹⁷ Afghan women are also limited by career choices, although the Afghan government (pre-Taliban takeover of 2021) saw an increase in women's participation and occupation of 27% of parliament seats as of 2021.¹⁹⁸ The number of women-owned businesses has grown since 2001, but they make up 5% of business owners.¹⁹⁹ Women's employment percentage in civil service increased from 18% in 2007 to 25% in 2019.²⁰⁰ Afghan women's most frequently reported occupation is a skilled worker at 26.4% in 2019, and the second-most-common profession is school teaching at 23.8%.²⁰¹ In 2021, 75% of women

¹⁹⁵ Afghanistan's Constitution of 2004 https://www.constituteproject.org/constitution/Afghanistan_2004.pdf?lang=en

¹⁹⁶ Akseer et al. "A Survey of the Afghan People"

¹⁹⁷ Special Inspector General for Afghanistan Reconstruction. "Support for Gender Equality: Lessons from the U.S. Experience in Afghanistan." February 2021. <https://www.sigar.mil/interactive-reports/gender-equality/index.html>.

¹⁹⁸ UN Women. "Women Count: Afghanistan." Accessed March 2, 2022.

<https://data.unwomen.org/country/afghanistan>.

¹⁹⁹ Special Inspector General for Afghanistan Reconstruction. "Support for Gender Equality: Lessons from the U.S. Experience in Afghanistan."

²⁰⁰ Special Inspector General for Afghanistan Reconstruction. "Support for Gender Equality: Lessons from the U.S. Experience in Afghanistan."

²⁰¹ Akseer et al. "A Survey of the Afghan People"

respondents to the Asia Foundation report said that their household employment opportunities have worsened in the past 12 months.²⁰² Security and safety play an important role in limiting women's employment and social perception. In Afghanistan, married women are limited in traveling, making it harder for them to commute to and from work.²⁰³ Sexual harassment faced by women in public transportation limits women's pursuit of jobs that would require a commute.²⁰⁴

Since Taliban what changed

When the Taliban took over, they stated that women could still work. Still, the new government announced that women might not be allowed to return to their cabinet or higher positions within the Taliban government. In Herat, for example, female staff at the Department of Education were not allowed back to their jobs but were told they would be reallocated to schools as teachers or principals. Since then, women's employment has decreased by 16%, with a projection for it to fall to 28 by mid-2022.²⁰⁵ Moreover, the Taliban is looking at restricting women's work to specific occupations such as schoolteachers and nurses. The group has indicated ideologically that women are not allowed to work in civic jobs such as judges and police officers. Further, the group has expelled women working from most sectors as nurses and teachers.²⁰⁶ Taliban also requires most workplaces to be segregated by gender, limiting the kind of jobs women can access.²⁰⁷ Finally, the Taliban's strict gender segregation rules have created a hostile environment for women who are working in agriculture and health. Farmers have complained that women workers have stopped working in fear of retribution which caused women in households to lose their source of income. In health, nurses are told not to speak, and if approached by men or representatives of the Taliban, either men colleagues are allowed to speak, or female nurses must write their notes down without talking.²⁰⁸ These several restrictions make a harsh environment for women to operate and work in. Unfortunately, it also opens an opportunity for men to assume power over women workers if they are found to be "modest," which then pushes women to quit their jobs.

Islamic perspective on employment

²⁰² Akseer, Tabasum, and David Swift. "Afghanistan Flash Surveys on Perceptions of Peace, Covid-19, and the Economy: Wave 3 Findings," April 25, 2021. <https://think-asia.org/handle/11540/13672>.

²⁰³ Jeni Klugman and Yvonne Quek. "Women's Financial Inclusion and Economic Opportunities in Fragile and Conflict-Affected States." Georgetown Institute of Women Peace and Security, 2018. <https://giwps.georgetown.edu/resource/womens-financial-inclusion-and-economic-opportunities-in-fragile-and-conflict-affected-states/>.

²⁰⁴ Noor Educational and Capacity Development Organization (NECDO). "Research Report on Women Access to Financial Services in Kabul With Focus on Women's Mobility ." December 27, 2017.

²⁰⁵ International Labour Organization. "ILO Estimates Underscore Afghanistan Employment Crisis." Press release, January 19, 2022. http://www.ilo.org/asia/media-centre/news/WCMS_834527/lang--en/index.htm.

²⁰⁶ Adela Suliman, and Susannah George . "Taliban Tells Kabul's Female City Government Employees Not to Come to Work." *Washington Post*. Accessed March 29, 2022. <https://www.washingtonpost.com/world/2021/10/21/taliban-women-work-afghanistan/>.

²⁰⁷ Human Rights Watch. "Afghanistan: Taliban Deprive Women of Livelihoods, Identity" January 18, 2022. <https://www.hrw.org/news/2022/01/18/afghanistan-taliban-deprive-women-livelihoods-identity>.

²⁰⁸ Human Rights Watch. "Afghanistan: Taliban Deprive Women of Livelihoods, Identity"

Islam guarantees women with significant rights that were revolutionary at the time of its revelation in 610 AD. Some of women's rights were recognized by the chief Taliban negotiator, who stated that "Islam has given women all fundamental rights such as business ownership, inheritance, education, work, choosing, one's husband, security, health, and right to a good life."²⁰⁹

The right to gainful employment and socio-economic participation in their communities is one of these rights. In Islam, while women are not required to work or provide for their families, they have the option to work if they chose to do so. Islam tradition also confirms that if a woman earns any income or inherits any money, her income is entirely hers; she can spend it in any way she likes and is not obligated to spend her income on the household unless she chooses to.²¹⁰

In Islam the Holy Quran declares that women are entitled to economic independence through inheritance, earning, and engaging in economic activities outside the home as indicated by Q4: 32.

"And in no wise covet those things in which Allah Hath bestowed His gifts More freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty. For Allah hath full knowledge of all things." (Q4: 32)

"Never will I suffer to be lost the work of any of you, be he/she male or female: you are members, one of another" (3:195).

In Surah Nisa, the Holy Quran specifically declares women's economic rights such as her right of inheritance, earning, and engaging in economic activities outside the home and states:

"And in no wise covet those things in which Allah Hath bestowed His gifts More freely on so me of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty. For Allah hath full knowledge of all things." (Q4: 32)

The Holy Quran also provides examples of women who had jobs. For example Surah Al-Qasas verse 23 states:

"When he [Moses] arrived at the well of Midian, he found there a throng of people watering [their flocks], and he found, besides them, two women holding back [their flock]. He said, 'What is your business?' They said, 'We do not water [our flock] until the shepherds have driven out [their flocks], and our father is an aged man.'" (Q28:23)

The women Prophet Moses (a.s) meets in this verse had jobs as shepherds and they were the daughters of Prophet Shuaib (a.s) According to this verse, two women had a job (they were

²⁰⁹ Ahmadi, Belquis "Afghanistan Talks: No Women, No Peace: Negotiations with the Taliban must include Afghan women to protect their progress and build a sustainable peace" *United States Institute of Peace* (March 1, 2019) retrieved on March 22, 2021 accessible at: <https://www.usip.org/publications/2019/03/afghanistan-talks-no-women-no-peace>

²¹⁰ Azeem, Muhammed, Mohammed Ramzan, Tahir Akbar "Is Women Employment Blessing or Otherwise: A Price workt Paying: An Islamic Perspective" in *International Journal of Business and Social Science* (February 2013) Vol4. No 2.pp. 226-232 p. 231

shepherd) and we know that they were daughters of Prophet Shuaib (a.s). From this verse, it is clear that it was normal for women to have jobs and there is nothing in the Holy Quran that prevents women from having gainful employment.

Sunnah and *Hadith* also support the rights of women, including economic rights. In his famous sermon at the eve of the Farewell Pilgrimage in 632, Prophet Mohammed ﷺ specifically mentioned the mutual rights of men and women on each other, using the word *haqq* (right) when he stated:

O People! It is true that you have certain rights with regard to your women but they also have rights over you. . . . Do treat your women well and be kind to them for they are your partners and committed helpers. (Prophet's Last Sermon, n.d.)

Prophet Mohammed ﷺ never prohibited women from working or having a career outside of their homes. In fact, his beloved wife Khadija bint Khuwaylid was a successful businesswoman and employer of the Prophet before they got married. She also financed him during the difficult times of his prophethood. In fact, she was known for her compassion and love of helping others, and she used her wealth to donate to the needy and the poor. Thus, contributing to the social welfare of the society.

Women's Socio-economic and political participation is also an important aspect of the *maqasid* and *masalih mursalah*, or public good. Over Islamic history women also took important roles in many fields of work in which Islam did not limit any including:

Public Servants, Inspectors and Leaders: Caliph Umar appointed women to serve as officials in the market of Medina, like Samra bint Nuhayk al Asadiyya, who was appointed inspector of the markets at Medina by Umar ibn Al Khattab, the second caliph of Islam.²¹¹ Others, such as Khaula, Lakhmia, Thaqafia, traded perfumes whereas the wife of Abdulla ibn Mas manufactured and sold handicrafts. A female companion named Quila came to the Prophet and told him, "I am a woman who buys and sell things" and asked questions regarding selling and buying things. Based on these examples, fiqh experts such as al-Tabari, al-Muzani and Ibnu Tsaur, who allow women to become leaders in both public and domestic affairs.

Medicine and Health: Women were very active in the field of medicine since the time of the Prophet (Pbuh). Rufaida al-Aslamia (b.620 AD) is arguably the first known female nurse and surgeon. She established mobile caravans to serve her community during war and peace times. She was also active in various community services to help the poor and needy and trained many of the

²¹¹Malik, Imam Zaid (2004) Islamic Center Newsletter, vol. 10, no. 3 (March 15), available at www.icnef.org/newsletters/2004/Mar2004.pdf (accessed November 24, 2009)

Prophet's companions in clinical skills.²¹² Another famous nurse during the time of the Prophet was Al-Shifa bint Abdullah whose real name was Layla, but was given the name of Al-Shifa (the healer) due to her services. She was also a public administrator who was appointed as the market inspector by Caliph Umar ibn Al-Kattab. Ash Shifa was also granted responsibilities for public health and safety in Basra, Iraq.²¹³

Judges: In Islam, there is neither a prohibition nor obstacles to women serving as judges either. In fact, some of the prominent jurists and scholars in Islam argue that women have equal rights to those of men in the judiciary. For instance, Imam Abu Hanifa- founder of the Hanafi madhab, Imam al-Tabari and Ibn Hazm support that women could hold the topmost judicial position. Most recently, Imam Muhammed al-Ghazali (1917-1996) of Al-Azhar gave many examples relating to women whose actions and policies had led to the improvement of their countries and stated that “Welcome to any women who can do what men fail to do (al-Gazali, 1989, p. 63). Al-Azhar scholar Yusuf Qaradawi (b.1926) also concluded that “a woman can be a candidate for presidency as well as a judge as there is no explicit text that prohibits women from carrying out either role.²¹⁴

Sciences: Additionally, Muslim women, like Muslim men have contributed to the fields of physics, engineering, mathematics, astronomy, among others. Sutayta al-Mahamili was a tenth century Muslim mathematician from Baghdad.²¹⁵ Her work in mathematics and inventing solutions to many equations has been praised by Ibn Kathir and was cited by mathematicians all over the world. Lubna of Cordoba was well versed in many fields including mathematics. She was known for her ability to solve complex geometrical and algebraic problems making her the secretary of the Caliph of Córdoba, Al-Hakam II.

Examples from Other countries

In terms of employment laws, several Muslim countries have codified equality for both women and men within the workforce. UAE, Qatar, Jordan, Morocco, Pakistan, and Egypt are included in the laws of their constitution, providing that all women and men have equal employment rights. UAE, specifically in Article 34 of the Constitution, indicates that every citizen has the right to freely choose his or her occupation, trade, or profession.²¹⁶ However, UAE, Qatar, and Jordan restrict women from working night shifts except for women working in medical professions. Most countries mentioned above do not limit the field of work chosen by women but add restrictions

²¹² Jan, R. (1996). Rufaida Al-Asalmiya, the first Muslim nurse. Image: *The Journal of Nursing Scholarship*, 28(3), 267-268.

²¹³ Mokhtar, Hassna’a, Laura Bashraheel, and Somayya Jabarti, (2008) “Al-Angari Blames Ignorance of Rights for Women’s Plight,” Arab News, May 19.

²¹⁴ Al-Qaradawi, 1977

²¹⁵ Aliyah, Zainab (2015) “Great Women in Islamic History: A Forgotten Legacy” at

<https://www.youngmuslimdigest.com/study/02/2015/great-women-islamic-history-forgotten-legacy/>

²¹⁶ International Federation for Human Rights, “Women’s Rights in the United Arab Emirates (UAE).”, January 2010. https://www.fidh.org/IMG/pdf/UAE_summaryreport_for_CEDAW.pdf.

indicating that women cannot perform jobs considered hazardous, arduous, or physically detrimental to women.

Although pushing for increased women's participation in the workforce, Gulf countries still require male guardian approval. In Qatar and Saudi Arabia, male guardian approval is required for many aspects of life, including commuting, traveling, and acquiring a job.²¹⁷ This requirement makes it harder for women to obtain employment and attend freely. Other countries that don't require guardianship still struggle to increase women's market participation. In Jordan, women struggle with unequal payment gaps.²¹⁸ In Jordan and Morocco, women also face a big obstacle because social norms view that women shouldn't work despite legally being allowed to do so. In Pakistan, educated women struggle, and uneducated women struggle even more; even in cases of trained and educated women, factors such as safety and cultural restrictions limit their employment opportunities.²¹⁹

In Saudi Arabia, some regulations require separate lunchrooms and areas within companies for men and women. These regulations caused more obstacles to women's employment because companies are more reluctant to hire women. Many companies' infrastructure is designed as workspaces for men only, and by requiring the establishment of separate areas, the companies are more unwilling to pay for reconstruction and would instead not hire women.²²⁰ Similarly, if the Taliban requires complete segregation of women in workspaces, it will discourage companies from hiring women due to increased accommodation costs.

Out of the countries above, UAE and Qatar maintain the highest rates of women employment, with UAE as of 2020 being at 57.5%²²¹ and Qatar in 2019 at 57.9%²²². In 2019 the UAE Gender Balance Council introduced several reforms to improve women's economic independence. These reforms include "legislation on combating domestic violence and criminal penalties for sexual harassment in the workplace; prohibiting gender-based discrimination in employment and dismissal of pregnant women; and removing job restrictions in sectors, such as mining, imposed on women."²²³

²¹⁷ Harriet Grant. "'We'Re Treated as Children,' Qatari Women Tell Rights Group." *The Guardian*, March 29, 2021, sec. Global development. <https://www.theguardian.com/global-development/2021/mar/29/were-treated-as-children-qatari-women-tell-rights-group>.

²¹⁸ Rana F. Sweis. "Women, 86 Percent Absent From Jordan's Work Force, Are Left Behind." *The New York Times*, April 3, 2021. <https://www.nytimes.com/2021/04/03/world/middleeast/jordan-women-work-force.html>.

²¹⁹ Silvia Redaelli, and Noor Rahman. "In Pakistan, Women's Representation in the Workforce Remains Low." World Bank (Blog), June 14, 2021. <https://blogs.worldbank.org/endpovertyinsouthasia/pakistan-womens-representation-workforce-remains-low>.

²²⁰ Expat Woman. "Your Guide To Working In Saudi Arabia As A Woman," October 16, 2017. <https://www.expatswoman.com/saudi-arabia/working-in-saudi-arabia/your-guide-to-working-in-saudi-arabia-woman>.

²²¹ Iva Hamel, and Gharam Alkastalani Dexter. "UAE: The Sky Is the Limit for Gender Reform." World Bank (Blog), March 10, 2021. <https://blogs.worldbank.org/arabvoices/gender-reforms-united-arab-emirates>.

²²² Statista. "Qatar: Labor Force Participation Rate by Gender 2019." Accessed March 29, 2022. <https://www.statista.com/statistics/643644/qatar-labor-force-participation-rate-by-gender/>.

²²³ Iva, and Dexter. "UAE: The Sky Is the Limit for Gender Reform."

These focused on increasing women's mobility by allowing them to travel freely without guardian approval, mandating equal pay for men and women, increasing protections for women in workplaces, recognizing women as head of households, and opening more industries for women to work in.

How addressing this issue will benefit society

Equal employment rights allow for a prosperous society and economy. The increase in women's participation in the workforce increases economic productivity, which leads to more significant economic growth and sustainable development in Afghanistan. When women can access formal jobs, they can gain independence and bring more income to their households. Women's employment can benefit their families by supporting them and reducing poverty in their families and communities. Taliban's view on restricting women's work will cause a tremendous economic strain on the Afghan economy. Women are the foundation of their families and their communities. Evidence suggests when power is given to women to use household income, when women have more control over resources, they invest in their families and the proportion of money spent on healthy food increases because women favor spending more money on nutritive and high-quality foods than on unhealthy foods, recreation, and alcohol.²²⁴ Also, a woman who works and earns a good living is both a good supporter of the family and a good role model for her children and her community. When women do their part and contribute to their society they become better individuals and better citizens and become better role models in their society.

On the other hand, preventing women from employment has serious consequences and costs to their communities and countries. A report by the United Nations Economic and Social Commission for Asia and the Pacific Countries found the cost to the region of restricting job opportunities for women is between \$42 and \$46 billion (USD) a year.²²⁵

In the context of Afghanistan, Taliban's restrictions on women's employment would cost \$1 billion, or 5% of GDP.²²⁶ In an economy where 40% of its GDP depends on aid, the shock from women's unemployment will be costly to many Afghan families. Therefore, the Taliban should commit to allowing women's employment in all country sectors, leading to diversification, and

²²⁴ Food and Agriculture Organization. The State of Food and Agriculture: Women in Agriculture: Closing the Gap for Development; Food and Agriculture Organization: Rome, Italy, 2011; Sraboni, E.; Malapit, H.J.; Quisumbing, A.R.; Ahmed, A.U. Women's empowerment in agriculture: What role for food security in Bangladesh? *World Dev.* 2014, 61, 11–52.; and Wei, W.; Sarker, T.; Zukiewicz-Sobczak, W.; Roy, R.; Alam, G.M.M.; Rabbany, M.G.; Hossain, M.S.; Aziz, N. The Influence of Women's Empowerment on Poverty Reduction in the Rural Areas of Bangladesh: Focus on Health, Education and Living Standard. *Int. J. Environ. Res. Public Health* 2021, 18, 6909. <https://doi.org/10.3390/ijerph18136909>

²²⁵ Jackson Witcher, Lea "Educate the Women and You Change the World: Investing in Education of Women is the Best Investment in a Country's Growth and Development at: <https://files.eric.ed.gov/fulltext/EJ870099.pdf>

²²⁶ Najafizada, Eltaf. "A Taliban Ban on Women in the Workforce Can Cost Economy \$1bn." *Aljazeera*, December 1, 2021. <https://www.aljazeera.com/economy/2021/12/1/talibans-ban-on-women-in-the-workforce-can-cost-economy-1bn>.

increased economic productivity. If women's employment is prioritized, Afghanistan's economy can improve towards sustainable growth.

Recommendations for Afghanistan

Lift any Restrictions on Women's Employment. The Taliban is restricting women's access to employment as any profession beyond teaching and nursing is not Islamic. Negotiations with the Taliban should focus on showing that women's work in any profession is allowed in Islam. Negotiations should also point out the economic benefit that women's employment in different sectors can bring to the economy.

Rehire Women in their Previous Jobs. Women were fired by the Taliban in their government positions with not foundation in Islam. The Taliban must rehire all female employees that were fired.

Enforcement of Equal Pay Laws. Afghan women are facing payment inequality in which equal pay laws must be reinforced to ensure that women get paid for their work and do not feel discouraged towards employment. The Taliban must pass a law enduring women's equal pay and law that punishes violations of such rights.

Creation of Programs targeted towards changing social norms. Culturally and for other reasons women and especially married ones are not encouraged to travel outside home. There need to be projects that help shift social perception of women traveling for work to a positive one. This can be through programs implemented by multilateral organizations showing the great benefit a family can have through increased women's employment.

Increase Safety in Public Transport. Women are harassed in public transportation which leads to decrease in women's ability to commute to work. The Taliban should Implement safety measures that ensure women's protection in the face of harassment in public transportation. This measurement can include better security at the public transport and strict anti-harassment laws.

Reconsideration of Gender-Segregation in Work Place. The Taliban calls for gender-based segregated workplaces. The segregation of places puts women at a disadvantage as companies might not have enough infrastructure and resources to accommodate two different spaces. Multilateral organizations and other involved parties should push the Taliban to reconsider its view towards segregating women in workplaces. This can be done through creation of specific goals and deadlines in which women's employment rates will be monitored and if Taliban fails to improve them then international punishment that is deemed appropriate should be applied.

Indicator 3 - Financial inclusion

Afghanistan's financial inclusion is very low; in 2020, around 85% of Afghan citizens do not have accounts in financial institutions.²²⁷ Women tend to be the ones who have the least access to financial institutions, as shown by the low score on the WPS index by GIWPS for the inclusion rate: in 2017-18, the score was 3.8%, 2019-20: 7.2%, and in 2021-22: 7.2%. The measure focuses on the percentage of women ages 15 and older who report having an individual or joint account at a bank or other financial institution or who report using a mobile money service. A significant obstacle to women's access to financial services is the lack of first-hand information.²²⁸ As indicated in the education section, women have higher rates of illiteracy combined with limited access to employment makes it difficult for them to access the needed financial information. This lack of access to information and financial literacy makes it difficult for women to set up bank accounts and take out loans that enable them to start their businesses and achieve economic independence. Since women lack access to information, it creates a dependency on male relatives who have more mobility to provide them with information.²²⁹ In turn, this dependency leaves women's financial inclusion influenced by whether their male relatives believe in women's independence or not. Another obstacle is security, as in education and employment, women's travels are restricted outside their homes or do not travel out of fear of harassment. This restriction on women's mobility, in turn, causes women to miss out on financial opportunities in other areas, especially in big cities.²³⁰ Such inability to commute has women stuck in informal jobs (agriculture, livestock, and handcraft) due to the inability to access capital to create a formal business. Thus, causing women to stay "in a cycle of low profitability, low quality of product and inability to scale up production."²³¹

According to the Afghan Afghanistan Microfinance Association (AMA) December 2021 fourth quarterly report: several microfinance institutions combined had 420,384 clients with 30% of them being women.²³² The number of clients has decreased by 56.2.% in comparison to the third quarterly report that had 961,129 clients of which 59% were women.²³³ Similarly, the fourth quarterly report showed a total of 121,049 active borrowers with 39% being women with a decrease of 60.54% in comparison to the third quarterly report with 306,728 borrowers with 68%

²²⁷ World Bank Afghanistan. "A Pathway to Financial Inclusion in Afghanistan." World Bank (Blog), February 19, 2020. <https://blogs.worldbank.org/endpovertyinsouthasia/pathway-financial-inclusion-afghanistan>.

²²⁸ Noor Educational and Capacity Development Organization (NECDO). "Research Report on Women Access to Financial Services in Kabul With Focus on Women's Mobility." December 27, 2017.

²²⁹ Noor Educational and Capacity Development Organization (NECDO). "Research Report on Women Access to Financial Services in Kabul With Focus on Women's Mobility." December 27, 2017.

²³⁰ Noor Educational and Capacity Development Organization (NECDO). "Research Report on Women Access to Financial Services in Kabul With Focus on Women's Mobility." December 27, 2017.

²³¹ Noor Educational and Capacity Development Organization (NECDO). "Research Report on Women Access to Financial Services in Kabul With Focus on Women's Mobility." December 27, 2017.

²³² Afghanistan Microfinance Association (AMA). "Microview 35 a Quarterly update on Development Finance Outreach in Afghanistan." December 2021. <http://ama.org.af/wp-content/uploads/2022/03/MicroView-Report-35.pdf>

²³³ Afghanistan Microfinance Association (AMA). "Microview 35 a Quarterly update."

being women.²³⁴ The fourth quarterly report did not include the Women Economic Empowerment Rural Development Program (WEE-RDP). WEE-RDP is a program funded by the Afghanistan Reconstruction Trust Fund (ARTF) managed by the World Bank and projected to end in 2023.²³⁵ In the AMA third quarterly report WEE-RDP had 503,106 clients in which 82% were women.²³⁶ The WEE-RDP seems to be the organization with the highest number of clients and especially female ones. It is uncertain why WEE-RDP suspended its programs especially since it is projected to end in 2023 but given that it is missing from the last quarter of 2021 at the same time of the Taliban takeover; it is assumed here that the takeover had an impact on the program. Regardless, previous third quarter statistics of WEE-RDP shows that many women depend on microgrants to sustain their business.

Since Taliban what changed

The Afghan government, before the Taliban takeover, was implementing several projects focusing on increasing financial inclusion for all Afghans. The Da Afghanistan Bank (DAB), with assistance from the world bank, launched the National Financial Inclusion Strategy (NFIS) for Afghanistan (2020–2024) in September 2019.²³⁷ The strategy is meant to identify and implement plans that will increase financial inclusion with the help of stakeholders from government agencies, financial services providers, non-governmental organizations, and international organizations.²³⁸ Since the Taliban takeover, government efforts such as the one mentioned above might be subject to a pause. Additionally, the Taliban’s view on limiting women’s access to employment reflects their view towards restricting women’s access to financial services. For example, in August of 2021, Taliban armed men went into banks in Herat and Kandahar, forcing women to quit or leave, stating that women could send their male relatives to work in their jobs instead.²³⁹ These and following developments are no doubt going to be further detrimental to women’s financial inclusion in Afghanistan.

Islamic perspective on financial inclusion

In Islam women economic empowerment is allowed and encouraged as part of producing a healthy society. Islam first recognized the rights of women to their own inheritance in the Quran (Q4:7-12 and 176). Women are allowed to save their own inheritance without the obligation to spend it towards her family in contrast to men who have the obligation to spend their wealth and income towards taking care of all of their family. Muslim women are also allowed to keep their own money

²³⁴ Afghanistan Microfinance Association (AMA). “Microview 35 a Quarterly update.”

²³⁵ World Bank. “Afghanistan’s Women Self-Help Groups on The COVID-19 Front Lines.” Accessed April 6, 2022. <https://www.worldbank.org/en/news/feature/2021/07/02/self-help-groups-throw-villagers-a-lifeline-during-covid-19-pandemic>.

²³⁶ Afghanistan Microfinance Association (AMA). “Microview 34 a Quarterly update on Development Finance Outreach in Afghanistan.” September 2021. <http://ama.org.af/wp-content/uploads/2021/11/MicroView-Report-34.pdf>

²³⁷ World Bank Afghanistan. “A Pathway to Financial Inclusion in Afghanistan.”

²³⁸ World Bank Afghanistan. “A Pathway to Financial Inclusion in Afghanistan.”

²³⁹ Rupam Jain. “Afghan Women Forced from Banking Jobs as Taliban Take Control.” Reuters, August 15, 2021. <https://www.reuters.com/world/asia-pacific/afghan-women-bankers-forced-roles-taliban-takes-control-2021-08-13/>.

whether it is from her inheritance, property, investment, or job again without the need to share with their families. That being said, it does not mean historically that women kept their own money, in fact, many women used their own wealth towards their own families and community. Such as, although less than men, women used *waqfs* (endowments) as a way to protect their own wealth but give to the community. Women's *waqf*'s in many cases financed and supported public institutions such as mosques and schools, which gave the female beneficiaries a social status and respect.²⁴⁰

The Prophet's wife Khadija represents the first example of an important female figure in Islam was supported and allowed to her own wealth. Khadija was a successful businesswoman, a merchant, who owned caravans and hired people to work for her. When she was 30, out of all her siblings inherited her father's caravan business because of her natural commercial skills. Her judgment was trusted by the community as she always had to choose caravan workers and reputation was that she never made a wrong judgment. In fact, prophet Muhammed was one of the men she hired to lead one of her caravans. She was also looked upon because of her work in the community. She helped provide for the poor in the city and supported all her relatives financially.²⁴¹ This shows that women like Khadija who engaged in business shared their wealth with the society.

In Afghanistan especially with the Taliban takeover alternatives methods of financial inclusion should be explored such as Islamic microfinance. The Taliban has indicated that they want to move away from conventional financial structures towards Islamic banking.²⁴² In order to increase financial access to women Islamic microgrants should be the focus for any incoming development projects. There have been a small number of Microfinance Institutions (MFI) that do Islamic microfinance such as the Islamic Investment & Finance Cooperatives (IIFC) Group. Afghanistan has a small microfinance industry that receives some international funding and has proven to help many borrowers start their business and gain income.²⁴³ As it stands now microfinance is still in need of better infrastructure and if focused on, it can become a powerful tool to increase financial access to women borrowers in both urban and rural areas. It can do this through its appeal as a Shariah compliant mechanism that can gain the approval of many Afghans and hopefully the Taliban. Islamic banking and microfinance in general allow for different ways for borrowers to get money and it doesn't limit borrowers by gender. The Table 1 below shows different forms that the

²⁴⁰ Gabbay, Alyssa. "Gender and Succession in Medieval and Early Modern Islam: Bilateral Descent and the Legacy of Fatima." London, England: Bloomsbury Publishing, 2020. p.111

²⁴¹ Saba, Irum, and Khadija Bari (2020), "The Role of Women in Business and the Life of Khadija." In *ECONOMIC EMPOWERMENT OF WOMEN IN THE ISLAMIC WORLD: Theory and Practice*, 85-100.

²⁴² Jurist. "Afghanistan Dispatch: The Taliban Want to Replace the Conventional Banking System with Islamic Banking," March 20, 2022. <https://www.jurist.org/news/2022/03/afghanistan-dispatch-the-taliban-want-to-replace-the-conventional-banking-system-with-islamic-banking/>.

²⁴³ Chandrashekhar, R. and Azizuddin Sultani. (2021) "Impact of Microfinance on Women Entrepreneurs in Afghanistan: An Analysis of Selected Cases." *International Journal of Science and Management Studies* 4, no. 1: 104-110.

Islamic microfinance industry uses. In fact, the first method *Mudaraba* was the method that the Prophet's wife Khadija used when conducting her business where she took the role of investor (*Raab al Mal*) and contracted experts (*Mudarab*) to run her business. The different methods that the Islamic microfinance has can work with women from all economic backgrounds. Importantly it can help them in cases where they don't have mobility to purchase their own equipment by leasing (*Ijra*) or in need of emergency coverage such as in *Takaful*, it can allow Islamic microfinance funds to share liability with women (*Mudaraba/ Musharaka*), and it work in giving a social loan with zero cost of financing (*Qarad al Hasan*).

Table.1 Forms of Islamic Microfinance

Mudaraba (Silent Partnership):	<i>Mudaraba</i> is a shared venture between labor and capital. Here MFI provides with entire capital and the investment client conducts the business. The MFI, the provider of capital, is called Sahib-Al-Maal and the client is called <i>Mudarib</i> . The profit is to be distributed between the MFI and the investment client at a predetermined ratio while the bank has to bear the entire loss, if any.
Musharakah (Partnership):	Contractual buying and selling at a mark-up profit is called Murabaha. In this case, the client requests the MFI to purchase certain goods for him. The MFI purchases the goods as per specification and requirement of the client. The client receives the goods on payment of the price which includes mark-up profit as per contract. Under this mode of investment, the purchase/ cost price and profit are to be disclosed separately.
Muajjal (Deferred-payment sale)	" <i>Bai-Muajjal</i> " means sale for which payment is made at a future fixed date or within a fixed period. In short, it is a sale on credit. It is a contract between a buyer and a seller under which the seller sells certain specific goods (permissible under Shariah and Law of the Country) to the buyer at an agreed fixed price payable at a certain fixed future date in lump sum or within a fixed period by fixed installments.
Bay al-Salam:	Salam means advance purchase. It is a mode of business mainly used in agriculture under which the buyer pays the price of the goods in advance on the condition that the goods would be supplied / delivered at a particular future time. The seller supplies the goods within the fixed time.
Bay al-Istisna:	<i>Istisna</i> is a contract executed between a buyer and a seller under which the seller pledges to manufacture and supply certain goods according to specification of the buyer. An <i>Istisna</i> agreement is executed when a manufacturer or a factory owner accepts a proposal placed to him by a person or an Institution to produce/manufacture certain goods for the latter at a certain negotiated price. An order placed for manufacturing or producing those goods which under prevailing customs and practice are produced or manufactured will be treated as <i>Istisna</i> contract.
Ijarah (Leasing):	The mode under which any asset owned by the bank, by creation, acquisition / or building-up is rented out is called <i>Ijara</i> or leasing. In this mode, the lessee pays the bank rents at a determined rate for using the assets/properties and returns the same to the Bank at the expiry of the agreement. The bank retains absolute ownership of the assets/properties in such a case. However, at the end of the leased period, the asset may be sold to the client at an agreed price.
Qard al-hasan (Benevolent	This is a benevolent loan that obliges a borrower to repay the lender the principal amount

loan):	borrowed on maturity. The borrower, however, has the discretion to reward the lender for his loan by paying any amount over and above the amount of the principal provided there will be no reference (explicit or implicit) in this regard.
Takaful:	Takaful, a risk management tool, is one of the most important products for clients of MFI institutions who are generally unable to plan or save for unexpected or uncertain events in the future. Takaful, ideally, is a non-profit mode where all the participants provide joint guarantees. Under takaful, a joint fund is formed by contributions of each participant and the fund money is then used to support/ help any member of the contributing fund in difficult times like death, sickness, crop or business loss, etc.

Source: Md Nabi, Golzare, Md Aminul Islam, Rosni Bakar, and Rafiun Nabi. (2017) "Islamic microfinance as a tool of financial inclusion in Bangladesh." *Journal of Islamic Economics, Banking and Finance* 113, no. 6218 : 1-28.

Examples from other Muslim countries

A number of Muslim countries have taken important steps towards women's financial inclusion. For example, UAE is the top leading country for women's inclusion in financial services in WPS 2021-2022. UAE women's financial inclusion rate was 76.4% which is significant compared to 7.6% in Afghanistan. Qatar follows UAE at the rate of 61.6%. UAE has introduced law reforms that target companies making it illegal to discriminate based on gender in providing financial services.²⁴⁴ In the UAE, women represent 41% of the lender's workforce.²⁴⁵ This high representation in the workforce indicates that women have more access to capital to start their businesses, allowing them to gain independence. Also, UAE banks are focusing on increasing the number of women in senior positions. Therefore, this reform will positively impact women's representation in the financial sector. Still, it also indicates that UAE shows that women's financial inclusion is allowed within the religion as an Islamic country.

In terms of Islamic microfinance, it still represents a small portion of the total Islamic banking industry in countries like Bangladesh, Malaysia, and Turkey. However, the Islamic banking sector is growing, for instance in 2019 the Islamic banking sector represented 38.0% of total banking sector deposits in Malaysia.²⁴⁶ Meanwhile, in 2020 the Islamic banking sector represented 27.26% total banking sector deposits in Bangladesh.²⁴⁷

Turkey is another country that started to focus on growing the Islamic banking industry. In 2020 the Islamic Banking industry accounted for 7.1% of the total market share with the goal to increase

²⁴⁴ Iva, and Dexter. "UAE: The Sky Is the Limit for Gender Reform."

²⁴⁵ Kadabashy, Kateryna. March 8, 2022. "Dubai's Biggest Bank to Boost Number of Women in Senior Roles." Bloomberg, <https://www.bloomberg.com/tosv2.html?vid=>.

²⁴⁶ Bank Negara Malaysia. "Financial Stability Review – Second Half 2019", *Annual Report 2020*.

²⁴⁷ Islamic Banking Cell. 2021. "Developments of Islamic Banking in Bangladesh: April-June 2021" Research Department Bangladesh Bank.

it to 15% by 2025.²⁴⁸ Although there are other countries with higher ratios of Islamic banking in their total banking sector Turkey provides a recent example of efforts to increase theirs. This example can allow for more in-depth analysis of what is being done and what can be used to benefit the Islamic banking sector in Afghanistan. For instance, the World Bank is conducting projects in Turkey to help construct their Islamic banking sector such as building a framework to expand Islamic financing for small and medium scale enterprises.²⁴⁹ This kind of projects run by the World Bank who also has conducted microfinance projects in Afghanistan can investigate expanding their microfinance projects into Islamic microfinance projects. In turn this can increase financial access to Afghans in general and women in particular.

How addressing this issue will benefit society

Increasing financial access to women has many advantages to society socially and economically. Socially financial inclusion increases women's self-esteem and confidence in managing finances. Economically, it fosters more significant economic growth in the community and allows more businesses to open and run by women. Through increased business establishment, more and more capital is produced that flows within the economy in Afghanistan, which allows it to succeed. According to the Afghanistan Women Chamber of Commerce and Industries (AWCCI), women ran businesses and contributed significantly to men and women. In a 2020/2021 report, AWCCI indicates that "formal business created jobs for 54796 women and 17616 men and informal women businesses created jobs for 43438 women and 13390 men across the country."²⁵⁰ These statistics show that women's formal business, when supported, produced more results for society. However, as it stands now, only a few women in both formal and informal use grants or borrow from banks; most of the businesses run by women are self-funded. This self-funding limits women's ability to establish more businesses as not all women can offer one and need to borrow money. So by increasing access to capital, more women can open their businesses and contribute to economic development and growth in the country. Finally, financial inclusion decreases women's dependence on male relatives for critical financial transactions and gives women the capability to run households independently. This independence is especially important in Afghanistan, where the political situation is unstable, and women find themselves losing male relatives to violence.

Recommendations for Afghanistan

Increase in Financial Literacy in Schools. Women lack basic financial literacy and access to it. One way to increase women's access to financial literacy is for the Taliban and development

²⁴⁸ Ledhem, Mohammed Ayoub, and Mohammed Mekidiche (2021). "Islamic finance and economic growth: the Turkish experiment." *ISRA International Journal of Islamic Finance* <https://www.emerald.com/insight/0128-1976.htm>

²⁴⁹ Alawode, Abayomi. March 31, 2015. "Islamic Finance." World Bank, <https://www.worldbank.org/en/topic/financialsector/brief/islamic-finance>

²⁵⁰ Afghanistan Women's Chamber of Commerce and Industry. December 2020. "Statistical Report on Afghan Businesswomen," P.6 <https://awcci.af/wp-content/uploads/2021/02/Statistical-Report-of-Afghan-Businesswomen.pdf>

agencies to include financial literacy courses in schools. Such programs can be accessed by women of all ages and aims at educating girls from a young age.

Increase Financial Literacy Training in Rural areas. Women in rural areas for several reasons face obstacles to access financial literacy such as commuting. Development agencies should implement small business and financial literacy training all over the country and especially in rural areas, to avoid women having to commute long distances. This can be done through local areas that women can access easily.

Establish Targeted Financial Literacy Programs. Many Afghan women run informal businesses which puts them at risk of being excluded from programs targeted at formal businesses. Development agencies should offer targeted financial training to women who run informal home businesses to improve their access and transition their business from informal to formal.

Criminalization of Harassment of Women due to Employment. Women face harassment from men for working in what they view a man's space. The Taliban must criminalize any harassment targeted at women workers in any business, especially women who work in the financial sector.

Rehiring of Women in the Financial Sector. The Taliban has fired many women working in the financial sector. Multilateral organizations should include in their negotiation a stipulation for the Taliban to rehire women who were forced out of their banking jobs.

Criminalization of any Gender-Based Discrimination in Banking. Women are discriminated against and refused services by several financial institutions. The Taliban must illegalize any forms of gender-based discrimination in banking, such as refusing to give loans to women.

Increase Support to Established Organizations. Several organizations that focus on women's financial empowerment are at risk of being shut down since the Taliban takeover. The Taliban, and multilateral organizations should increase support for AWCCI and similar organizations' efforts to increase financial access to women-owned businesses.

Increase Islamic Microgrant projects. Since the Taliban takeover several microgrant projects were paused that women depend on for financial access. The Taliban also claims to favor Islamic banking as the dominant banking method. Development organizations should look into increasing Islamic microgrant projects to increase financial access to women in all of Afghanistan and especially in rural areas.

Indicator 4 - Parliamentary representation

An important indicator to measure whether women are incorporated into the decision-making and well-being of society is their representation with the government. In Afghanistan, women represent a minority within the parliament but notably have increased over the years. The WPS index by GIWPS shows the Parliamentary representation rate: in 2017-18 the score was 28.4%, 2019-20: 27.3%, and in 2021-22: 27.2%. A big initiative that helped increase this number was the Afghanistan constitution of 2004 that included a parliamentary seat destined for women in parliament where women must hold two seats in the House of Representatives, except in the case of provinces that only count for two or three seats.²⁵¹ Meanwhile, the numbers were promising, and a good base for more future representation, the conditions for women representatives were hostile. Women representatives face many challenges, including harassment, and feel systematically marginalized, ignored, patronized, and harassed.²⁵²

Social views on women's leadership are also an obstacle because of the conservative views regarding women's leadership. In the 2019 Asia Foundation Afghanistan Report Survey, Afghan responses indicate that 52.9% of men and 24.6% say political leadership positions should be mostly for men.²⁵³ Meanwhile, 14.2% of women and 4.9% of men think leadership positions should be for women.²⁵⁴ Lastly, 40.3% of women and 23.1% of men think leadership should be for both women and men.²⁵⁵ However, the division in opinion is also dependent on urban and rural divides. In rural areas, respondents (40.2%) are more likely to view political positions as only for men than in urban areas (31.4%). Finally, 89.3%, up from 87.7% in 2018, view that women should be able to vote in elections.²⁵⁶ This data shows that Afghans, in general, view women's participation in elections as essential. Still, the most disagreement comes from whether women should be leaders or part of elections.

The rural and urban divide needs intensive research. Still, one reason for such a divide is that Taliban control is more dominant in rural areas than in urban areas, leading to a more conservative view of women's leadership and representation. Another issue is that women in rural areas feel that women appointed in government are only in urban areas from educated and elite backgrounds. Thus, they do not represent rural women's opinions and needs.²⁵⁷ As mentioned, this topic research is beyond this report. Still, if it stands true, rural area women's demands should be addressed to increase rural support for women's representation and leadership in government.

²⁵¹ Bahesh, Haseeb. "How Afghan Women Conquered a 27% Share in Parliament after Decades of War." *Hasht-e Subh Daily*, June 18, 2021. <https://8am.af/eng/how-afghan-women-conquered-a-27-share-in-parliament-after-decades-of-war/>.

²⁵² Allen and Felbab-Brown. "The Fate of Women's Rights in Afghanistan."

²⁵³ Akseer et al. "A Survey of the Afghan People"

²⁵⁴ Akseer et al. "A Survey of the Afghan People"

²⁵⁵ Akseer et al. "A Survey of the Afghan People"

²⁵⁶ Akseer et al. "A Survey of the Afghan People"

²⁵⁷ Allen and Vanda Felbab-Brown. "The Fate of Women's Rights in Afghanistan."

Since Taliban what changed

Since their takeover, the Taliban has restricted women's employment in the public sector and suspended city workers.²⁵⁸ The new Taliban cabinet consists of no women, although the group vaguely states that their government will ensure women's rights within their Islamic framework. As of this report, no women were called back or hired by the Taliban government. Additionally, the Taliban has not established a new constitution and stated that they will temporarily adopt parts of Afghanistan's 1964 constitutions that comply with their version of Sharia law. Therefore, it is quite likely that women's parliamentary representation is going to be undermined under the current Taliban leadership.

Islamic perspective on parliamentary representation

There are various examples of women serving in political and leadership positions since the early years of Islam. The Quran provides a positive example of a woman leader, Queen of Sheba, who was given authority and wisdom, and praises her for the consultative way she managed her own affairs and the affairs of her people (Q27:22-44). The example of Queen Sheba is the base of the *shura* political system in Islam that is based on consultation and inclusion of opinion. In the Quran both men and women have received the Divine trust (*amana*) and are representatives (*Khalifah*) of God on Earth (Q6:165). As a result of this trust, both men and women are stewards of God on earth and are obligated to work together as allies to "enjoin what is right and good and forbid what is evil and wrong" (Q9:71). In these verses, God commands both women and men to work together as allies -- to be in a mutually supportive cooperation-, doing good and forbidding the bad. As discussed earlier, pursuing justice, and establishing just social economic and political systems are considered central in Islam. Therefore, in the context of Islamic understanding of 'doing good (*al-ma'ruf*) and forbidding evil (*al-munkar*),' which is reiterated a number of different times in the Quran, it is the responsibility of Muslims to take part in all aspects of the community to establish just systems – which is the realm of politics.

Women also participated in *shura*'s and were often asked their opinion and advice. The Quran asks both men and women to take mutual counsel (Q65:6). The Prophet and his companions often consulted and took the advice of women. For example, the Prophet consulted his wife Umm Salamah and acted on her advice in the truce of Hudaibiyyah. Again, during the expedition against the tribe of Banu Qurayza, Umm Salama intervened in a case involving the liberation of a political prisoner. The source does not say that she sought the liberation of the prisoner but that her intervention influenced decision makers and their actions.²⁵⁹ These examples show that Umm Salama's influence extended beyond the private and family affairs of herself and the Prophet. As a result of these and other examples, Muslim scholars such as Muhammad Asad conclude that "the

²⁵⁸ Suliman, Adela, and Susannah George. "Taliban Tells Kabul's Female City Government Employees Not to Come to Work."

²⁵⁹ Mernissi (1991) *The veil and the male elite*. p.162

legislative assembly-. . . *majlis ash-shura*-must be truly representative of the entire community, both men and women.

Women have been involved in political leadership – including militaries throughout Islamic history. One of the most famous examples is A'ishah bint Abu Bakr, wife of Prophet Monammed and daughter of first Caliph Abu Bakr, who led an army against Ali, the Fourth Caliph at the Battle of Camel. It is significant that, when she sought supporters against Ali, many tribes agreed and fought under her leadership. However, after that, women's political leadership have been discouraged by some scholars and a weak *Hadith* narrated by Abu Hurayra, which stated “Those who entrust their affairs to a woman will never know prosperity” was used to justify exclusion of women from leadership roles. Other classical *fiqh* experts such as al-Tabari, al-Muzani and Ibn Tsaar have concluded that in *fiqh*, women's leadership—especially in politics—is permissible and that women could become leaders in both public and domestic affairs. Based on his examination of the Quran, and the Hadith tradition, al-Azhar scholar Yusuf al-Qaradawi (b. 1926) stated “a woman can be a candidate for presidency as well as appointment as a judge as there is no explicit text that prohibits women from carrying out either role (al-Qaradawi, 1997).”

Examples from other Muslim countries

Compared to most other Muslim countries, Afghanistan had the highest rate of parliamentary women representation which is at 27.2% in 2021 (before the Taliban takeover). However, a notable example of increased women's representation within parliaments is the UAE. In 2020 women's representation in the Federal National Council (FNC) was at 50% compared to 20% in 2016. Such a big jump in representation is due to the 2019 directive by H. H. Sheik Khalifa bin Zayed Al Nahyan requiring women to occupy 50% of the FNC.²⁶⁰ This directive resulted in a higher women representation within a few years, making UAE the leading country in the Muslim world with women representation in government. The UAE directive should be an inspiration for all Muslims countries to follow as to build a base for women representation in government is to establish laws to increase it. The UAE as of early 2022 has a small population of 10.08 million (68.8% male and 31.3% female).²⁶¹ Meanwhile Afghanistan's population as of early 2022 is 34.3 million (51% male and 49% female).²⁶² These numbers show that Afghanistan has a much bigger population to work with and any policies compared above to UAE will take more time.

How addressing this issue will benefit society

A common misconception that is often used to oppose women's inclusion in politics is that women are underskilled and only aware of problems regarding women. Women experience society the

²⁶⁰ The Government of the United Arab Emirates. N.d. “Women.” Accessed May 11, 2022. <https://u.ae/en/information-and-services/social-affairs/women>.

²⁶¹ Global Media Insight. 2022. “United Arab Emirates (UAE) Population Statistics 2022.” Official GMI Blog. March 18, 2022. <https://www.globalmediainsight.com/blog/uae-population-statistics>.

²⁶² Afghan Telegraph. March 30, 2022. “Afghanistan's Population Estimated at 34.3 Million People,” <https://afghantelegraph.com/news/afghanistans-population-estimated-at-34-3-million-people/>.

same way as men and especially during war women are forced into filling "non-typical" gender roles such as leadership roles or being heads of families. In the case of Afghanistan, women are active in civil society and are the primary providers for their families, especially in conflict zones. Women are aware of issues that harm society as a whole. Their representation in parliament allows them to work as co-partners to their colleagues to represent and improve the country. When women's representation in parliament increases to an equal ratio, it shows that half of the society is engaged and being represented, allowing for gender equality. Women can advocate for issues that concern both men and women and bring into light issues that especially women face that are ignored. Also, increased women's representation helps in changing social perception of women's ability to lead as it shows the public that women, like men, are capable and qualified leaders. Finally, women's inclusion fosters diversity in the government, allowing for a diverse flow of ideas and public representation.

Recommendations

Inclusion of Women in the New Constitution. The Taliban is working on establishing a new constitution and given their exclusion of women in cabinet positions it is concerned if there will be any laws representing women. The Taliban should consider the UAE directive on women representation when drafting parliamentary law. The Taliban should require a 50% women presentation in the parliament or at least maintain the same numbers that are mentioned in the Afghan constitution of 2004.

Apply Pressure for Women Inclusion. Multilateral organizations should set certain requirements for women representation within the Taliban government and specific dates on when these should be met. These specific requirements should be incorporated into leveraging aid and negotiation deals. If not met multilateral organizations should have specific punishments enacted such as economic and political sanctions on the Taliban.

Justice Indicators

Justice is defined as fair treatment of individuals despite their identities, including gender.²⁶³ Justice, reflected in the equal and equitable treatment of men and women, is critical to ensuring women's rights and economic, social and political development of societies. However, women in many communities continue to face discrimination and unequal treatment at home, at work or in their communities. They are excluded from decision making processes and are victims of discriminatory laws. There are also significant differences between the way daughters and girls are treated in many parts of the world. In order for a society to thrive in terms of societal interactions and economy, women must be treated fairly, must receive similar opportunities as men

²⁶³ "Legal Dictionary - Law.Com." n.d. Law.Com Legal Dictionary. Accessed May 11, 2022. <https://dictionary.law.com/Default.aspx?selected=1086>.

and must be protected under the law. To address this issue reforming legislation and policy is very important however not sufficient. It also requires transforming power dynamics, social, political, and economic institutions, structures, and norms.

GIWPS Index assesses justice indicators by focusing on three main dimensions. These include: Access to household decision-making, son bias, and discriminatory norms. The household decision-making is measured by the percentage of women who report participating in major decisions related to healthcare, major purchases, and visits with relatives; son bias is measured by male to female ratio at birth; and discriminatory norms are measured by the percentage of men saying wife beating is acceptable if a wife does any of the following: Burns the food, argues with him, leaves the house without telling him, neglects children, refuses to have sex with him or neglects in-laws.²⁶⁴

According to GIWPS, Afghanistan was the lowest performing country in the WPS Index Report of 2021-2022 regarding the justice indicator despite the Afghan government developing comprehensive legal frameworks for securing women's rights and gender equality, and inclusion of women in all aspects of life. Some of these frameworks included the 2004 Constitution, 2009 Law on Elimination of Violence against Women, and the 2015 National Action Plan on Women, Peace, and Security. However, implementation of these frameworks have faced significant challenges, including insecurity, budget and capacity constraints, and interagency coordination.²⁶⁵ This section of the report will examine the justice indicators more closely. It will go beyond the GIWPS Report findings and examine legal discrimination of women in marriage, discriminatory work norms, and social and cultural aspects of son bias. It will also include a set of recommendations as well as Islamic perspective on these issues.

Indicator 1 - Household Decision Making

An important indicator of gender equality under the category of justice is the women's participation in household decision making. This indicator is important to show the women's position in the family. To measure this indicator, GIWPS looked at the percentage of women who report participating in major household decisions related to healthcare, major purchases, and visits with relatives.

Family and family life is one of the most important aspects of life in Afghanistan and family interests, honor and loyalty to one's family are important cultural values. Families in Afghanistan are often large with multiple generations living together. While there are some variations across different regions and among different ethnic communities, family structure in Afghanistan is quite structured and is based on age hierarchy and patriarchy with men carrying the economic burden of

²⁶⁴ GIWPS WPS Index 2021-2022

²⁶⁵ GIWPS WPS Index 2021-2022 p. 66

his family, often including his extended family, whereas women are considered to be homemakers responsible for taking care of the domestic responsibilities such as cooking, raising children, cleaning, among others.

This hierarchical and patriarchal structure is often reflected in who makes the important decisions in the family. GIWPS Index found that women's participation in household decisions about healthcare, major purchases, and visits with relatives in Afghanistan show significant variation among different regions in Afghanistan with highest Badakhshan with 86% followed by Panjshir with 70% to 0.02 % in Helmand.²⁶⁶ Furthermore, the Index found that regions in the central and northwest regions which have majorities of ethnic Hazara, Tajik, and Turmen populations, all exceeded the national average on education and women's participation in household decision making.²⁶⁷ On the other hand, southeastern areas, where protracted conflict and violence have been more prevalent, have very low levels of women's participation in domestic decision making, ranging between 3 to 21 percent.²⁶⁸ The Report also found that nine of the then lowest performing areas, which include Badghis, Logar, Kandahar, Khost, Kunar, Paktika, Paktia, Uruzgan, and Wardak, are ethnically majority Pashtun.²⁶⁹

Since Taliban what changed

Since the Taliban took over in August 2021, women's rights started to deteriorate rapidly, undoing many of the rights and opportunities women have gained since 2001. While both men and women in Afghanistan face numerous restrictions and security threats women in particular are facing severe restrictions, threats and new forms of insecurity.²⁷⁰ Especially religious and ethnic minorities in Afghanistan are under major threat. As mentioned earlier, Taliban argues that these restrictions are religious requirements and as they attempt to impose their interpretation of Shariah in the society, it is likely that women's position in the family will be affected and women's participation in the household decisions around issues such as healthcare, major purchases, and visiting relatives will be significantly undermined.

Islamic perspective on women's participation in household decision making

Just and fair treatment between men and women is well-established in the Quran and the Hadith and discrimination and unequal treatment of men and women within the family or within the society go against Islamic principle of justice (*adl*). Justice (*adl*) is a central Islamic value and according to ulama (Islamic scholars), one of the the main objectives of religion and law (*maqasid al-shariah*) is justice. The Quran states that every human being, men and women, are created in

²⁶⁶ GIWPS Index 2021 p. 64

²⁶⁷ GIWPS Index 2021 p. 64

²⁶⁸ GIWPS Index 2021 p. 64

²⁶⁹ GIWPS Index 2021 p. 64

²⁷⁰ See for example Human Rights Watch (January 18, 2022) "Afghanistan: Taliban Deprive Women of Livelihoods, Identity: Severe Restrictions, Harassment, Fear in Ghazni Province: Retrieved on April 22, 2022 at: <https://www.hrw.org/news/2022/01/18/afghanistan-taliban-deprive-women-livelihoods-identity>

“the best of molds” (Q95:4) and must be honored (Q17:70). Therefore, all humans, irrespective of their gender, are equal before God and deserve equal appreciation of their worth and value. The Holy Quran goes further than recognizing equality and calls for equity by recognizing that each individual or group has unique needs and gifts that must be acknowledged and addressed.

In the Holy Quran, God Almighty addresses both men and women directly, and postulates equity and complementarity between them. In fact, it is recorded that Hind bint Abi Umayya (Umm Salama) asked the Prophet (Pbuh) “Why are men mentioned in the Qur’an, and why are we not?” In response to her question, Allah (SWT) answered (Q33:35) that both men and women are equal and it is not sex that determines who earns his grace; it is faith and the desire to serve and obey him,²⁷¹ providing an example of a woman who demonstrated her concern for women’s place in public and sought an answer from God. The Holy Quran makes it clear that its message is for both men and women as the Quran mentions *al-nisa* (women) 57 times, more than *rijal* (men) and in Surah *Baqarah* verse 2 declares:

“Women have rights similar to the rights against them” (Q2:228)

Similarly, the first verse of Surah *al Nisa* includes a clear declaration that both men and women have rights clearly indicating that there is no superiority of one over the other which states:

“O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you)” (Q4:1).

It is also significant, in Surah 58, which is named as *Al-Mujadala*, translated as ‘She that Disputed’ or ‘Pleading Woman,’ Quran is responding to a woman who complained to God Almighty about her husband, who mistreated her. While the Quran does not mention her name, according to the *Sunnah*, she was Khawlah bint Tha’labah. In addition to recognizing her complaint, in the verses that follow, the Quran restores her rights. An examination of court documents in Muslim countries over the centuries show that Muslim women often sought their rights at Islamic courts successfully.²⁷²

Other verses in the Quran emphasize that the man and women come from the same source, are equal and that they will be judged according to their righteous deeds. The Quran also tells Muslims

²⁷¹ Mernissi, Fatima. (1991). *The veil and the male elite: a feminist interpretation of women's rights in Islam*. (ft 12 p, 70) see also Fatima Mernissi (1990) *The Forgotten Queens of Islam* (Minneapolis: University of Minnesota Press p. 119

²⁷² For examples see Tucker, Judith E. (1998) *In the House of The Law: Gender and Islamic Law in the Ottoman Syria and Palestine* (Berkeley: California University Press)

that men and women are equal, have similar rights and share equal moral responsibilities as in the following verses:

“The Believers, men and women, are protectors of one another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practise regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise.” (Q9:71)

This verse encourages women, like men, to express their opinion, act independently and have agency to “enjoin good and forbid evil” (Q9:112).

Prophet Mohammed treated his wives with utmost respect and kindness. Additionally, he would help with house chores. For instance, the Prophet's wife Aisha was asked about the manners of the Prophet in his home:

“She replied: He was helping in doing the family duties and when he hears the call of prayer he goes out. [Ref: Bukhari, Vol 8, Book 73, Hadith 65, Book 1, Vol 11, Hadith 644]

At another occasion, Aisha reported that

“The Holy Prophet used to mend his shoes, sew his clothes and work in his household just as one of you works in his own house. She also reported that he was a man among men who used to patch his clothes, milk his goats and engage himself in work” [Ref: Tirmidhi]

The Prophet often would also consult with his wives not only regarding household issues but also regarding issues that were of political and social significance. For example, at the time of the Hodaybiyyah Treaty negotiations with the Meccans, the Prophet consulted his wife Umm Salamah and followed her advice.²⁷³ As these examples show, women’s equal participation in household tradition is a recognized right according Islam.

Examples from Other Muslim Countries

Gender discrimination and women’s lack of participation in household decision making continues to be a problem in many Muslim and non-Muslim countries alike. While many countries in the Muslim world have signed the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) and other international documents, there are serious gaps in implementation of these commitments. Still, a number of Muslim countries have taken steps to address gender justice and equality in their laws and constitutions. One such country is the UAE. Among Muslim countries GIWPS Index ranks UAE first in the MENA and 24th globally on women’s inclusion, justice and security.²⁷⁴ According to the Gender Gap Report for 2021 of the World Economic Forum UAE is one of the best-performing countries in the region with having

²⁷³ Iqbal, Afzal (1975) p. 35

²⁷⁴ GIWPS Index 2021

closed 71.6% of overall gender gap.²⁷⁵ The Constitution of UAE guarantees equal rights for both men and women, and women enjoy the same legal status, access to education, employment, health and family welfare services.

Another country that has taken a number of steps to improve gender equality is Morocco. The 1996 reforms of the Moroccan Constitution declared men and women “equal before the law,”²⁷⁶ and similarly the *Mudawana*²⁷⁷ (personal status code) of Morocco, which encompasses issues of the personal and family sphere like: marriage, divorce, custody, and guardianship, as well as property ownership and inheritance, designates the family to be the shared responsibility of the husband and wife.²⁷⁸

The 2014 Constitution of Egypt addresses women’s issues in a more comprehensive way than previously. It’s Preamble, which also uses gender-sensitive wording for the first time, states that the Constitution ensures equality in rights and duties without discrimination and the Constitution includes more than 20 articles that address women directly, including ensuring equal opportunities for women, prevention of discrimination against them, protection against all forms of violence and ensuring women’s empowerment and care for women and girls at various stages of their lives.²⁷⁹

How addressing this issue will benefit society

Women’s equal participation in household decision making is not only important for gender justice but also to the betterment of family and society in general. Studies have shown that when women have greater power in their marital relationships and play a role in their family leads to positive health outcomes, including experiencing less IPV,²⁸⁰ food security in family, sustainability of livelihoods,²⁸¹ and overall happiness in family life.

²⁷⁵ World Economic Forum (March 2021) “Global Gender Gap Report 2021: Insight Report” at https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

²⁷⁶ Chapter 1 Article 4 of the *Constitution of Morocco*, 1996 adopted 13 September 1996, cited in: Ashraf Booley, “The Rights and Freedoms of Moroccan Women has the 2004 reforms benefited Moroccan Women?” PER / PELJ 2016(19), 14.

²⁷⁷ Zoglin, Katie (2009). “Morocco's Family Code: Improving Equality for Women.” *Human Rights Quarterly* 31, no. 4: 964-84. Accessed August 3, 2020, 970.

²⁷⁸ Booley, 14.

²⁷⁹ UNDP (2018) “Egypt: Gender Justice and The Law: Assessment of Laws Affecting Gender Equality and Protection Against Gender-Based Violence”. <https://www.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Full%20reports/Egypt%20Country%20Assessment%20-%20English-min.pdf>

²⁸⁰ Gibbs, Andrew, Rachel Jewkes, Fazal Karim, Frozan Marofi & Julienne Corboz (2018). Understanding how Afghan women utilise a gender transformative and economic empowerment intervention: A qualitative study. *Global Public Health* 13 (11), <https://doi.org/10.1080/17441692.2018.1427276>

²⁸¹ Sariyev, O., Loos, T.K., Zeller, M. et al. (2020) Women in household decision-making and implications for dietary quality in Bhutan. *Agric Econ* 8, 13 . <https://doi.org/10.1186/s40100-020-00158-0>

Studies have shown that empowering women socially and economically leads to greater agency and participation of women in household decision making.²⁸² After 2001, the Afghan government had undertaken various initiatives to empower women through a number of initiatives. Evaluations of other development programmes in Afghanistan have found that women's economic empowerment, for instance through microfinance, has been linked to women's greater confidence, household economic decision-making and social status and respect within their households and in their communities more generally

Recommendations for Afghanistan

Incorporate gender justice into the language of the Constitution: Incorporation gender justice is one of the most important ways to further gender equality in societies as constitutions provide a framework for all laws. Having gender justice in the Constitution and laws of a country is one of the strongest ways to support women in all aspects of the society, including in their homes. Therefore, encouraging women's participation in the household decision making must start with an explicit recognition of women's rights in the constitution and laws.

Audit laws and policies in areas that affect women to ensure that policies affect men and women equally. Unless it is audited and implemented, laws and policies will not have the desired effect on the ground. Therefore, ensuring the implementation of laws that provide women with their rights is an important way to encourage the society to respect their rights in the society, including home.

Educate men about the importance of women's decision making. Changing the laws and policies will not lead to real change unless attitudes towards women change among the community members. Therefore, educating boys and men regarding the importance of right of and respect towards women is important to ensure that women enjoy their rights. To change the attitudes towards women and girls, it is important to work through clergy and other community leaders who are respected and considered credible among the members of the community.

Indicator 2 - Son bias

While the population continues to grow, the households generally become one of the main spaces for gender discrimination. An important indicator of gender discrimination is reflected in son bias. In order to measure bias towards sons and discrimination towards girls, GIWPS measure the male to female ration at birth. According to the GIWPS Index for Afghanistan, from 2017-2018 and 2018-2019, there was a 1.06 male to female ratio at birth, which shows high bias towards sons.²⁸³

²⁸² See for example Gibbs (2018) and Sariyev (2020) and Beath, A., Christia, F., & Enikolopov, R. (2013). Empowering Women through Development Aid: Evidence from a Field Experiment in Afghanistan. *American Political Science Review*, 107(3), 540-557. doi:10.1017/S0003055413000270

²⁸³ GIWPS Data

Treatment of girls and boys in the society also supports finding that there is a strong son bias in Afghan society.

The roots of this son bias lie in the traditional gender roles and gender assumptions in Afghanistan. Traditional gender roles that prioritize men and undermine women inform unequal treatment of sons and daughters in many parts of Afghanistan. According to this view, the son is seen as an asset worth investing in while the girl is seen as a burden that needs to be married off. As the future safeguard of family honor and head of household, the son must learn to be dominant through presenting himself with anger and violence while the daughter whose honor must be protected at all costs, learns to be obedient. These views impact the way girls and boys are treated in society.

There are important social and economic implications of son bias. Families are encouraged to invest in the education of their sons. In many areas, girls are deprived of education, especially after 6th grade, given that their family values the education of their son. For instance, approximately 60% of out of school children are girls.²⁸⁴

Moreover, sons are expected to work outside the house while girls are expected to stay at home and learn the basic housewife chores in some households. This means the deprivation of women from becoming financially independent. Also, when it comes to marriage, in some homes, girls are married off when it is needed for their brothers to get married. Families who accept a girl as a bride, mainly the Sunni sect of Islam, are expected to pay her family a certain amount of money. Generally, if a son is in that family, the money is used for his marriage, and the cycle continues.

Another important consequence of unequal treatment of daughters and girls could lead to leaving girls out of inheritance (*miras*). However, in Afghanistan acceptance of *miras*, a daughter's right to an inheritance from her father, continues to be overwhelming, with 89.9% of respondents strongly or somewhat agreeing, roughly equal to last year's 90.2%. Women (90.4%) and men (89.3%) are almost equally supportive.²⁸⁵

Since Taliban what changed

The Taliban's policies and approach to gender is likely to further son bias and discriminate against girls. They have already taken various steps to discriminate against girls in social and economic spaces. For instance, soon after they came to power, in September of 2021, the Taliban announced that the women in universities will be allowed to study but not with men students. However, it also indicated that new educational material will be introduced.²⁸⁶ Further, the Office of High Commissioner for Human Rights has received credible reports in which it indicates that the

²⁸⁴ "Education." n.d. Unicef. Accessed May 11, 2022. <https://www.unicef.org/afghanistan/education>.

²⁸⁵ Asia Foundation Survey of the Afghan People 2019

²⁸⁶ UN Women. 2021. "Women's Rights in Afghanistan - Where Are We Now?" <https://www.unwomen.org/sites/default/files/2021-12/Gender-alert-Womens-rights-in-Afghanistan-en.pdf>.

Taliban have limited Afghan girls' access to education.²⁸⁷ Later in September of 2021, September 17th, the Taliban opened schools for only boys. In the same month, when women university students in Kabul tried to return to classrooms, they were not allowed.²⁸⁸ The Taliban also have indicated that men will no longer be permitted to teach girls or women, allowing for an already severe teacher shortage.²⁸⁹ As of April 2022, girls are still not allowed to go back to school.

Islamic perspective on son bias

Son bias and discrimination of daughters is against Islamic principles and norms. During the *Jahiliyya* era (the era of ignorance before Islam) daughters were seen as a liability in the Arabian Peninsula and infanticide was a common practice. Especially newborn girls were more frequently the victims of the practice. According to Islam, this was considered a grave sin which characterize the *Jahliyyah* era and was strictly prohibited.

In the Quran, infanticide is mentioned in five surahs (6, 16, 17, 60, 81). For example, in Surah al-Takwir (Surah 81), verse 8 the verb *wa'ada* generally means “to bury alive” and refers to a daughter, though it can also be used for male infants.²⁹⁰ Surah 16, verses 57-59, which concerns only female infants, explains one of reasons for committing infanticide was the father's intense disappointment and fear of disgrace which might be brought on him by the birth of a daughter:²⁹¹

“And they assign unto Allah daughters-Be He glorified!-and unto themselves what they desire [e.g., sons]; When if one of them receiveth tidings of the birth of a female, his face remaineth darkened and he is wroth inwardly, He hideth himself from the folk because of the evil of that whereof he hath had tidings [asking himself]: Shall he keep it in contempt, or bury it beneath the dust (am yadussuhuf al-turdbi). Verily, evil is their judgment.” (Q16:57-59)

This verse condemns this practice in the strongest terms and clearly states that this is an evil practice.

In another verse, the Holy Quran states

²⁸⁷ Ibid.

²⁸⁸ On, Laura. February 4, 2022. “Female students in Afghanistan: I feel anxious about returning to university.” BBC News. <https://www.bbc.com/persian/afghanistan-60246633>

²⁸⁹ Blue, Victor J., and David Zucchini. September 20, 2021. “A Harsh New Reality for Afghan Women and Girls in Taliban-Run Schools.” The New York Times. <https://www.nytimes.com/2021/09/20/world/asia/afghan-girls-schools-taliban.html>.

²⁹⁰ Giladi, Avner. (1990) “Some Observations on Infanticide in Medieval Muslim Society.” *International Journal of Middle East Studies* 22, no. 2: 185–200. <http://www.jstor.org/stable/163739>.

²⁹¹ Ibid.

“Indeed ruined are those who slay their children out of senseless ignorance and forbid the sustenance which Allah has bestowed upon them, in order to fabricate lies against Allah; they have undoubtedly gone astray and not attained the path.” (Surah al-Anaam, Verse 140)

But the Holy Quran goes beyond just banning the killing of infant girls and actively encourages Muslims to honor their daughters and encourage kindness towards them. In the Quran, Allah Almighty clearly states:

“To Allah belongs the dominion of the heavens and the earth; He creates what He wills. He gives to whom He wills female [children], and He gives to whom He wills males. Or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent.” [Qur’an 49:50]

Prophet Mohammed had four daughters: Zaynab, Ruqayyah, Umm Kulthum, and Fatimah. He often showed tenderness and affection towards his daughters. For example, Prophet Mohammed is recorded to have said:

“(My daughter) Fatimah is a part of me, so whoever angers her angers me.” (Al-Bukhari & Muslim)

Prophet Mohammed, furthermore, encouraged Muslims to take good care of their daughters when he said:

“Fear Allah and treat your children [small or grown] fairly (with equal justice).” (Al-Bukhari and Muslim)

In another Hadith Holy Prophet stated that:

“He who is involved (in the responsibility) of (nurturing) daughters and is generous to them, will have them as a fortification for himself against the Hellfire.” (Al-Bukhari & Muslim)

In another Hadith Prophet Mohammed said:

“Whoever had a daughter born to him, and he did not bury her alive or humiliate her, and he did not prefer his son over her, Allah (Subhanahu wa ta’ala) will admit him to Paradise because of her.” (Abu Dawud)

Also, Prophet Muhammad was once asked by a man to give him testimony since he gave his son a gift. Prophet Muhammad responded by asking the man,

Did you give all you children the same as you gave this son? The man answered in the negative. Allah's Prophet (peace and blessings of Allah be upon him) said: Let someone else be a witness. I will not bear witness to an unfair and unjust thing. O People! Fear your Lord, Allah, and be just amongst all your children. (Hadith cited in Al-Sheha 2000)

These and many hadiths clearly show that in Islam children, both boys and girls, are a blessing from God and must be cherished. This is supported by Sheik Tantawi, the Grand Imam of Al-Azhar, who states that "Children are gifts and awards from the Almighty Allah; they are a trust in our custody."²⁹² As these Quranic verses and hadith show, son bias and discrimination against girls are unIslamic practices and must be prevented.

Examples from other Muslim countries

A number of Muslim countries have taken steps to promote equal treatment between daughters and sons. These steps include equal rights to education, welfare, healthcare, among others. One of the most important documents produced in this area has been developed by experts at Al Azhar University, in cooperation with Unicef. In this document entitled "Children In Islam: Their Care, Upbringing and Protection," Prof. Ahmed El-Tayyib, Head of the Al Azhar University states:

"Islam pays special attention to equality between male and female newborns. It prohibits discrimination among children when it comes to care and attention, or to endowing them with gifts, grants or prizes."²⁹³

Drawn from Islamic texts such as the Quran and the Hadith, this document identifies basic rights of children, both boys and girls, such as a health start in life, right to a family, kindred, name, property, and inheritance, right to health care and proper nutrition, right to education and the acquisition of skills, the right to lead a dignified and secure life, and the right to have a society and the state play a role in supporting and protecting children's rights.²⁹⁴

How addressing this issue will benefit society

Building a more equitable and just society starts with equal treatment of sons and daughters and every girl and boy deserve an equal chance to survive and thrive. However, girls are more likely to be discriminated against, kept from school, forced to marry early, receive less health care, subjected to abuse and violence. In addition to being a right bestowed on girls to be treated equally and with kindness, addressing son bias and equal treatment of girls and boys have significant benefits to society in general. Equal treatment of girls and boys will lead to healthier and wealthier societies. When the rights of girls are recognized, societies become safer, more stable, and

²⁹² Al Azhar and Unicef (2005) "Children In Islam: Their Care, Upbringing and Protection" Al Azhar University at: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/children_in_islam_english.pdf

²⁹³ Ibid.

²⁹⁴ Ibid.

prosperous. For example, girls' access to education has many great positive impacts which include dramatic increase of lifetime earnings of girls, rise of national growth rates; decline in child marriage rates, decline in mortality rates, dropping of child stunting,²⁹⁵ among others. Once girls are given their rights, are educated and are in the workforce, they are able to help with economical growth which also decreases the rate of poverty and starvation within a society.

Recommendations for Afghanistan

Develop policies and laws that prevent discrimination between sons and daughters: Developing laws and policies that ensure equality between sons and daughters and implementing these laws effectively is to protect the rights of girls.

Educate families on the importance of treating boys and girls equally: Education of families on the importance of treating boys and girls equally is important to change the attitudes and perspectives of families. Working with religious and other respected community leaders, educational opportunities on this issue.

Fund basic services such education and healthcare for both girls and boys. Because access to equal education and healthcare is central to a just and equitable society, it is important to provide equal opportunities to boys and girls. In order to provide equal opportunities for boys and girls

Encourage girls to access higher education. This will allow girls to seek higher-paying jobs and contribute to decision making in any sector they seek to work in.

Devise rules against abuse in educational environments and enforce consequences if these are violated. Abuse should not be tolerated either at home or in a school environment; girls should have access to resources to report and seek justice if they are abused in school.

Prohibit and penalize harmful practices: Prohibiting and penalizing harmful practices such as early marriage, honor killing, etc. is important to protect girls. Therefore, develop laws and regulations to address these discriminatory practices.

Indicator 3- Discriminatory Laws

Discriminatory laws are another indicator for gender inequality and there are a number of different ways this indicator can be measures. For this study, we will be focusing on discriminatory laws in three areas: marriage and divorce, right to inheritance, own wealth and land, and also discriminatory work norms. We will focus on these because these are some of the areas women

²⁹⁵ "Girls' Education." n.d. Unicef. Accessed May 11, 2022. <https://www.unicef.org/education/girls-education>.

face significant discrimination in the family and in society and are central to gender justice and equality.

A. Legal discrimination: Marriage and Divorce

Legal discrimination is an important indicator for justice and in Afghanistan, legal discrimination against women is quite common. For example, in 2021-22, 45 out of 84 women reported that they have experienced legal discrimination.²⁹⁶ This is an increase from 2018-19, when 40 out of 84 women reported as such.²⁹⁷

There are a number of ways women and girls are legally discriminated against in Afghanistan. One of these ways is early marriage. Girls are legally allowed to be married at the age of 16, while marriage at age 15 is also permitted with the guardian's approval or the court.²⁹⁸ While legally, marriage under the age of 15 is not allowed, it does not stop families from taking different routes and marrying off their children at a very young age. The insensitivity behind marrying a girl at a very young age is different from one daily to another, but culturally, there is a belief that women cannot get married after a certain age due to the passing of their "marriage time." Hence, the earlier the date, the higher the payment to the father of the girl will be. Further, traditional families want to raise their bride with their own tradition, looking for younger girls.

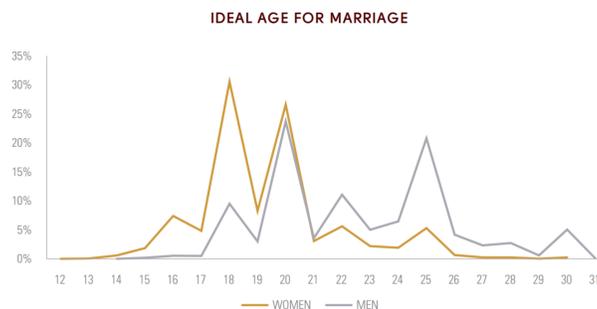
In 2009, President Hamiz Karzai decreed the Elimination of Violence Against Women (EVAW) law in which made 22 acts of abuse against women criminal offense. These 22 acts include preventing girls from obtaining an education or work, preventing women from owning property, rape, and forced marriage.²⁹⁹ However, these gains have been lost since the Taliban takeover in August 2021.

²⁹⁶GIWPS Index 2021-2022

²⁹⁷GIWPS Index 2019-2020

²⁹⁸ Civil Law of the Republic of Afghanistan. 1977. <http://www.asianlii.org/af/legis/laws/clotroacogn353p1977010513551015a650/>.

²⁹⁹ Human Rights Watch. (2021) "I Thought Our Life Might Get Better: Implementing Afghanistan's Elimination of Violence Against Women Law" retrieved on March 30, 2022 at https://www.hrw.org/sites/default/files/media_2021/07/afghanistan0821_web.pdf



Source: Asia Foundation Survey of the Afghan People, 2019

Since Taliban what changed

Since the Taliban takeover, there has been an increase in poverty, inflation and high prices of basic needs in addition to major displacement has contributed to the increase of women and girls' vulnerability to violence. These factors are reported to be major contributors of increased rates of child marriage due to economic insecurity.³⁰⁰ Furthermore, on 3 December 2021, the Taliban released a "special decree on women's rights" which listed the rules of marriage and property for women. The decree stated that "[A] woman is not a property, but a noble and free human being; no one can give her to anyone in exchange for a peace deal and or to end animosity". It also states that women including widows should not be forced into marriage and that widows have a share in their husband's property"³⁰¹ However, Afghan women have indicated that the Taliban takeover of the Afghanistan government has created have created fruitful environment when it comes to violence against women and girls, given that interlocutors have been reporting an increased permissiveness of violence and abuse against women."³⁰² While girls are increasingly at risk of child marriage in Afghanistan, the lack of safe homes and shelters under the Taliban have contributed an increase in fear and discouragement of women in reporting violence and seek safety.

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Islamic perspective on marriage and divorce

In Islam marriage (*nikah*) means "to collect and bind together" and is a legal and social contract between two individuals. Islam puts a very strong emphasis on mutual respect and love between compatible married couples as the Quranic verse below indicates:

³⁰⁰ UN Women. 2021. "Women's Rights in Afghanistan - Where Are We Now?" <https://www.unwomen.org/sites/default/files/2021-12/Gender-alert-Womens-rights-in-Afghanistan-en.pdf>.

³⁰¹ Ibid.

³⁰² Ibid.

³⁰³ Ibid.

³⁰⁴ UNICEF, November 2021

“Among His signs is that He created for you spouses from yourselves so that you might find repose with them. And He has placed between you “Among His signs is that He created for you spouses from yourselves so that you might find repose with them. And He has placed between you (Q 30:21)

There are a number of requirements for marriage in Islam. First of these requirements is that both spouses must consent to the marriage of their own free will and cannot be forced upon.³⁰⁵ This means, there should be a clear proposal and acceptance and both men and women can propose.³⁰⁶ Therefore, harmful practices such as *baad* (giving girls and women as compensation for crimes or to resolve conflicts), or forced marriages are not allowed according to Islam.

The following verse clearly states that marriage by force is not lawful according to Islam:

“O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them – perhaps you dislike a thing and Allah makes therein much good. But if you want to replace one wife with another and you have given one of them a great amount [in gifts], do not take [back] from it anything. Would you take it in injustice and manifest sin?” [Q4:19-20]

Right to consent is also supported by the Prophet’s *sunnah* as well where it is reported that a girl approached the Prophet, stating her father forced her into marriage. The Prophet Muhammad gave her the choice to either accept the marriage or invalidate it immediately due to the duress involved.³⁰⁷

Second, to ensure consent, marriage in Islam requires a contract between equal partners but the bride has the exclusive right to stipulate her own conditions in the contract. Because the consent of the bride is mandatory, marriage contracts are often signed by the bride. Some of these conditions can include requesting monogamy, terms of divorce and the amount of dowry which the brides are entitled to. Dowry is negotiated at the time of the marriage contract and is to show love and devotion to the bride and it is considered unjust to go back on what is agreed upon. Mahr (dowry) belongs to the bride, and she is free to do whatever she likes with her dowry.³⁰⁸ Therefore, taking the dowry away from the bride or paying the dowry to the family of the bride are not Islamic and bride prices are expressly prohibited in Islam.

³⁰⁵ Jaafar-Mohammad, Imani and Lehmann, Charlie (2011) "Women's Rights in Islam Regarding Marriage and Divorce," Journal of Law and Practice: Vol. 4, Article 3. Available at: <http://open.mitchellhamline.edu/lawandpractice/vol4/iss1/3>

³⁰⁶ Ibid.

³⁰⁷ Badawi, Jamal. The Status of Women in Islam, Al-Ijtihad, Vol. 8, No. 2 (1971), citing Ibn Hanbal No. 2469; Ibn Maja, No. 1873.

³⁰⁸ Jaafar-Mohammad, Imani and Lehmann, Charlie (2011) p.5

Third, because the bride must give her consent and has the right to decide on the terms of the marriage, it is required that the bride be of an age that has the maturity to make sound judgments (mature of mind). According to Islam, maturity to marry is based on an individual's ability to have sound judgment based on the Quranic verse:

Test the orphans until they reach the age of marriage,⁹ and then if you find them mature of mind, hand over to them their property,¹⁰ and do not eat it up by either spending extravagantly or in haste, fearing that they would grow up (and claim it). If the guardian of the orphan is rich let him abstain entirely (from his ward's property); and if he is poor, let him partake of it in a fair measure. When you hand over their property to them let there be witnesses on their behalf. Allah is sufficient to take account (of your deeds). (Q4:6)

Based on the conversations with experts and Islamic scholars and their research on Islamic requirements of marriage and social and health implications of early marriage Islamic Relief concludes that 18 is a more appropriate age threshold for both males and females to ensure that couples have the minimum level of maturity needed before marrying and are able to give their free and full consent to marry.³⁰⁹ Additionally, by recognizing 18 as the ideal minimum age for marriage, Islamic aims to protect the institution of marriage by promoting marital union between responsible young adults whose maturity will better equip them to build a healthy family and fulfill their responsibilities to protect their children's well-being as parents and guardians.³¹⁰

Additionally, both men and women in Islam have a right to terminate the marriage. Therefore, Islam provides women with right to divorce her husband. There are two kinds of divorce in Islam: one is with a reason or just cause due to abuse or harm (*darar*³¹¹) and the other is without providing a reason (*khul*³¹²). Both, the right to divorce initiated by women either with a just cause (*darar*) or without providing a reason (*khul*) is juridically and religiously permitted in the Quran (Q2:217 - 218), the Sunnah as well as classic legal texts in different schools of thought.

According to fiqh, whereas divorce for just cause can be pronounced by the qadi without the husband's consent, *khul'* does require his consent. Moreover, based on Sunnah, it is established in Islamic law that a wife who files for divorce through *khul'a* must waive her right to '*mu`akhar sadaq*' (deferred dowry). Furthermore, based on the Quranic verse (Q2:236 and 241), when her husband divorces her, women have a right to compensation, or alimony to the wife as well as cover the expenses of children according to most Islamic schools of law, however specifics of this compensation changes according to different schools and contexts. Based on the Sunnah, women also have a right to have the custody of their children after divorce.

³⁰⁹ "Gender Justice." April 10, 2020. Islamic Relief USA. <https://irusa.org/gender-justice/>.

³¹⁰ Ibid.

³¹¹ Darar means harm.

³¹² Khul means 'initiated from the women's side.'

Narrated by Sa'Id ibn al-Musayyab about 'Umar ibn al-Khattab during the caliphate of Abu Bakr. According to this narrative, 'Umar divorced the mother of his son 'Asim, then saw her somewhere with their son and took him from her. She appealed her case to Abu Bakr. The caliph judged that 'Asim ibn 'Umar should remain with his mother until he was grown up or until she remarried.

This verdict was based on the Sunnah where a woman came to the Prophet and said: "O Messenger of God my womb was his vessel, my arm was his container, and my breast was his drink. And now his father claims that he is going to snatch him from me. The Prophet said: You have more right over the child while you do not remarry."³¹³

Nadwi observes that "Neither Omar's rank as one of the most senior of the Companions, nor his being Abu Bakr's dearest friend, nor his argument that he had more to give the boy, swayed the judgment in his favor."³¹⁴

As these examples show, Islam protects women's rights during marriage as well as divorce.

Examples from Other Muslim Countries

Several countries have taken steps to ensure fair and just treatment of women in marriage and divorce. For example Jordan, which largely follows the Hanafi legal school, ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992 with objections to Article 9(2) and Article 16(1)(c), (d), and (g). In 1992³¹⁵ These sections aim to cover equal rights to pass one's nationality to their children, same rights and responsibilities during marriage and divorce, and same rights to choose a profession and an occupation.³¹⁶ They lifted their reservation to Article 15(4) in 2009, which allowed women and men the same right of movement. In 2007, CEDAW was published in the official gazette, therefore signaling steps toward its implementation. Jordanian National Commission for Women (JNCW) monitors Jordan's progress in implementing CEDAW and advocates for the lifting of the remaining reservations.³¹⁷

How addressing this issue will benefit society

Ending legal discrimination when it comes to marriage, or divorce, among others will greatly benefit the society as a whole. Women who are treated equally when it comes to divorce will be able to escape domestic violence and contribute to the well-being, in terms of physical and mental health, of themselves and their children.

³¹³ Sunan Abu Dawud, al-Tirmidhi

³¹⁴ *AL-BAYHAQI, ai-Sunan al-kubra, Nqfaqat, bab al-umm tatazawwq wa yaskutu baqqu-ha min barfanat al-walad wa yantaqilu ila jaddati-h. And ABU DAWOOD, Sunan, Tafaq, bab man apaqq bi-l-walad.*

³¹⁵ "Jordan: Gender Justice & The Law." United Nations Entity for Gender Equality and the Empowerment of Women. 2018.

³¹⁶ UN General Assembly, "Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979," A/RES/34/180.

³¹⁷ "Jordan: Gender Justice & The Law." United Nations Entity for Gender Equality and the Empowerment of Women. 2018.

Further, the pregnancy of children under the age of 18, increases the mortality rate of the young mother and the child. If the child marriage is prevented, it will reduce risks of children dying by age five or being impacted by delayed physical development. When it comes to economics, “globally, the estimated benefits of lower under-five mortality and malnutrition could reach more than \$90 billion annually by 2030.”³¹⁸

Another pivotal benefit of ending child marriage is that, upon welcoming women to workforce, it would increase women’s expected earnings. Child marriage is a huge negative contributor of women’s education, and those who are married as children, on average across 15 countries, have nine percent lower earnings, than if they had married later in life as adults.³¹⁹

Recommendations for Afghanistan

Create complete sets of laws in which women are treated equally in marriage and divorce A country’s sets of laws and regulations have an exceptional impact on its citizens. If the laws are set to guarantee protection of rights and freedom, the citizens would be able to contribute to the societal and economical growth of the country. In order to ensure equal treatment, leaders must establish laws and implement them to protect women and men. These laws should ensure women and men have their rights in marriage and divorce also indicate the lack of tolerance for abuse including child marriage.

Hold local workshops: Holding workshops and training programs for women to understand their rights is important to ensure women are aware of their rights. Additionally, workshops and training programs for men about these rights are equally important.

Enlist local religious leaders to further educate their communities: In addition to providing training, working with religious and other trusted local leaders is important to change attitudes and behaviors in this context.

Construct shelters for women: Providing shelters for women who aim to report abuse or escape forced and child marriages is important ensure their safety and security

Promote economic opportunities for women and girls: One of the reasons for families to force girls into early marriage is economic. To prevent trading young girls in marriage for money promoting women and girls’ economic opportunities.

B. Legal Discrimination: Right to inheritance, own wealth, and land

³¹⁸ “Educating Girls, Ending Child Marriage.” August 22, 2017. World Bank. Accessed May 11, 2022. <https://www.worldbank.org/en/news/immersive-story/2017/08/22/educating-girls-ending-child-marriage>.

³¹⁹ Ibid.

Afghanistan has a complex, overlapping and often conflicting system of inheritance laws, land, and property rights, which includes informal systems, civil law, sharia law, and state laws. According to a recent survey, *miras*, a daughter's right to an inheritance from her father, has had an overwhelmingly great amount of support. 89.9% of the respondents strongly or somewhat agreed with inheritance for girls, which is roughly equal to the prior year's percentage (90.2%). Overall, 90.4% of women were supportive compared to 89.3% of men.³²⁰

The rights of women to own land, have wealth and receive inheritance are a matter of public interest and welfare (*al-maslaha al-mursala*). The Holy Quran also specifically declares women's economic rights such as her right of inheritance, earning, and engaging in economic activities outside the home. These verses show that women have a right to own wealth either through their own endeavors, or through inheritance. For instance, the Holy Quran clearly states that both men and women will be allotted what they earn (Q4:32). Based on this verse, and the practices of the Prophet and his companions, where women were allowed to work and inherit, classical Muslim scholars have concluded that women can have their own wealth, inherit, and have their own business without the interference from their husbands and fathers. According to Islam, women were also entitled to dowry, and this dowry was to be paid directly to her not to her family. For example, Prophet's wife Khadija was a successful businesswoman, a merchant, who owned caravans and hired people to work for her. In fact, she had hired Prophet Mohammed to work for her before they got married. Khadija supported the Prophet both spiritually and financially. The Quran mentions her financial support to the religion (Q93:8) without giving her name. In Islamic scholarship she is portrayed as a wife, a mother and a believer. She is portrayed as the voice of calm and reason during his emotional distress. Also Aisha bint Abu Bakr, Prophet's wife and daughter of the first Caliph, Abu Bakr, inherited property from her father.

Inheritance rights of women are based on the Quran (Q4:7-12 and 176) and Hadith. For instance, it is stated in Holy Quran that:

"From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large, a determinate share.[10]" (Q 4:7)

"Allah (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two females. If only daughters, two or more, their share is two-thirds of the inheritance. If only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children. If no children and the parents are the (only) heirs, the mother has a third. If the deceased has brothers (or sisters) the mother has a sixth. After payment of legacy and debts ye know not whether the parents or your children are nearest to you in benefit. These are settled portions ordained by Allah, and Allah is All Knowing, All Wise.[11]" Nisa 4:11

And to you belongs half of whatever has been left behind by your wives if they die childless; but if they have any children then to you belongs a fourth of what they have left behind, after payment of

³²⁰ Asia Foundation Survey of the Afghan People 2019

the bequest they might have made or any debts outstanding against them. And to them belongs a fourth of what you leave behind, if you die childless; and if you have any child then to them belongs one-eighth of what you have left behind,²² after the payment of the bequest you might have made or any debts outstanding against you.¹⁸ And if the man or woman has no heir in the direct line, but has a brother or sister, then each of these shall inherit one-sixth; but if they are more than two, then they shall inherit one-third of the inheritance,²³ after the payment of the bequest that might have been made or any debts outstanding against the deceased, providing that the bequest causes no injury. This is a commandment from Allah; Allah is All-Knowing, All-Forbearing. (Q4:12)

Muslim scholars explain the seeming inequality by stating that it is not because women's inequality but economic opportunities available to both.³²¹ For example, women have the right to keep their own wealth, whether it is from her inheritance, property, investment or job and have a right to dowry, and do not have the obligation to spend it towards her family whereas men have the obligation to spend her wealth and income towards taking care of all of his family. When these conditions are no longer present, there is no reason for them to receive equal share.

Examples from other Muslim countries

Various Muslim countries have taken steps to address women's rights to property and inheritance. One of the countries who have taken important steps is Jordan. Jordanian legal system is a combination of Napoleonic code inherited from Ottoman and Egyptian legal systems, and the Islamic law. It is also influenced by various tribal traditions. Jordanian Personal Status Law, which is applied to all personal status matters including marriage, divorce, custody and inheritance, is derived from Shariah and influenced mostly by the Hanafi legal school. The JPSL is applied in all personal status matters related to the Muslim family such as inheritance, child custody, marriage, and divorce. Article 6(1) of Jordan's constitution states: "Jordanians shall be equal before the law. There shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion." Article 6(2) of the constitution further stipulates: Women have the right to be plaintiffs and defendants in Jordanian courts and may appear before the police, the public prosecutor, the courts, and administrative tribunals as witnesses or as experts. The testimonies of men and women in Jordan's civil courts are afforded equal weight, as they are in non-Muslim (Christian) tribunals. In Shari'a courts, however, the testimony of two Muslim women is equal to that of one man.

Similarly in Morocco, the *Mudawana* mandates Shariah rules of inheritance, which generally provides women with a lesser inheritance than men.³²² A daughter's share of the inheritance, for example, will be half as much as a son inherits.³²³ The 2004 reform of the *Mudawana* included changes to the inheritance rights of grandchildren, which now allow for children of a deceased

³²¹ See Hoque, Kazi, Uddin, Muhammad & Islam, Mohammad. (2013). Inheritance rights of women in Islamic law: An assessment. 2. 45-58.

³²² Ibid, 9.

³²³ Ibid, 20.

mother to inherit from their maternal grandparents like they were previously permitted to inherit from their paternal grandparents in the case of a deceased father.³²⁴

Article 23 of the 1973 Constitution asserts the universal right to citizens of Pakistan “to acquire, hold and dispose of property in any part of Pakistan.”³²⁵ Inheritance laws vary depending on the religion of the deceased, and for Muslims this is governed by Shariah, as provided in the 1961 Muslim Family Laws Ordinance.³²⁶ Thus, female descendants inherit half as much as their male counterparts, and inheritance also reflects the closeness of the familial relationship.³²⁷

How addressing this issue will benefit society

Gender discrimination and restricting women’s right to own wealth and inheritance is against the God given rights of women and undermines economic and social prosperity of families and societies.

Recommendations for Afghanistan

Amend Laws to ensure women and men have equal property and inheritance rights: To ensure women have rights to property and inheritance, it is important to amend the laws. Also it is important to make sure these laws are implemented.

Expand legal aid and education programs to foster values that reject discrimination against women: Education on the legal rights of women is important to ensure that women enjoy these rights. Therefore, provide legal aid workshops, and training programs to men and women that help them become aware of their rights and know of the available mechanisms to enjoy these rights.

Work with religious leaders, civil society organizations to create awareness programs; Working with religious leaders, civil society organizations and other community leaders that are trusted by the community is important to create awareness among the population regarding inheritance and property rights of women.

C - Legal Discrimination: Discriminatory Work Norms

Discrimination at work and discriminatory work norms are also a serious issue women are facing in Afghanistan. There is a great importance placed on financial independence for women, including Afghan women. While several positive steps have been taken to ensure women have

³²⁴ Ibid, 10.

³²⁵ Food and Agriculture Organization of the United Nations, “National Legal Framework | Gender and Land Rights Database.”

³²⁶ Ibid.

³²⁷ Ibid.

equal access to gainful employment in Afghanistan, there are still significant challenges Afghan women face. The patriarchal and societal norms usually oppose the independence of women, continuing a cycle of dominance and abuse. According to a recent study by the UN Women, only 15% of Afghan men believe that women should be allowed to work outside their homes after marriage. However, two-thirds of Afghan men have expressed anger and complained that Afghan women have too many rights in the modern world. Further, according to the 2018-2019 index, 51% of men believe that women should not work outside the home.

Since Taliban what changed

Discriminatory work norms have increased in Afghanistan since the Taliban takeover. Journalists in Afghanistan have reported that female employees in the Kabul city have been ordered to stay at home by the Taliban government. While the Taliban have told Kabul's female city's government employees not to come to work, a specific order has been issued that allows only women whose jobs will not be done by men will be allowed to come to work.³²⁸ However, according to the announcement from Mayor Hamdullah Nohmani, one of the very few jobs women can take part in is to clean female bathrooms. The order leads to an increased rate of unemployment among women.³²⁹³³⁰ It is quite likely that the situation is going to get worse.

Islamic perspective on discriminatory work norms

Work norms that discriminate against women are not Islamic. As stated in the previous section focusing on women's inclusion in the workforce, the Holy Quran also specifically declares women's economic rights such as her right of inheritance, earning, and engaging in economic activities outside the home. For example, The Quran states:

“And in no wise covet those things in which Allah Hath bestowed His gifts More freely on some of you than on others: To men is allotted what they earn, and to women what they earn: But ask Allah of His bounty. For Allah hath full knowledge of all things.” (Surah Nisa: 32)

The Holy Quran reminds Muslims that saving Muslims from poverty and misery is a religious duty and urges Muslim men and women to improve their communal life, to support one another, and combat poverty and all other social ills.

Examples from Other Muslim Countries

Examples of women in the workforce have been addressed in the previous section.³³¹ Another example is the United Arab Emirates that have taken several steps in this area. UAE issued a 2019

³²⁸ Humayun, Hira, and Helen Regan. September 19, 2021. “About the Only Job Women Can Do for the Kabul Government Is Clean Female Bathrooms, Acting Mayor Says.” CNN. <https://www.cnn.com/2021/09/19/asia/afghanistan-women-government-jobs-intl-hnk/index.html>.

³²⁹ Ibid

³³⁰ Suliman, Adela, and Susannah George (2021). “Taliban Tells Kabul's Female City Government Employees Not to Come to Work.” The Washington Post, <https://www.washingtonpost.com/world/2021/10/21/taliban-women-work-afghanistan/>

³³¹ See previous section on women's inclusion in employment for more.

directive which aimed to increase the representation of women in the Federal National Council to 50 per cent. As a result, the UAE has achieved 50 percent female representation on its 40-member Federal National Council. The UAE also has a state Gender Balance Council, whose president states that “Gender balance was among the principles on which the UAE was founded nearly five decades ago, stemming from the late Sheik Zayed's belief that women are equal partners in achieving sustainable development.”³³²

How addressing this issue will benefit society

Combating discriminatory work norms for women would allow for women to feel safe. Hence, it will lead to the inclusion of women in workspaces where they can contribute as much as their male colleagues. Their inclusion can be a huge contributor to the economy and societal growth as they will be able to contribute to the growth of the country and sustain themselves.

“...it is clear that sidelining women holds back economies from growing and prospering and women’s participation in economic life has significant benefits for the whole society therefore is a matter of public interest and welfare (*al-maslaha al-mursala*), which according to Islamic *fiqh*, ultimate purpose of *Shariah* (*Maqasid al shariah*) is to promote the interest welfare of the people (*maslaha*).”³³³

Recommendations for Afghanistan

Allow women across Afghanistan access to government jobs where they feel safe and generate money to sustain a living as members of the society. can make money and contribute to society.

Compensate men and women working at similar levels equally. Women and men should be paid equally while performing the same tasks and holding the same positions. Ensuring that they are treated equally under the law will encourage and promote equal treatment in workspaces.

Illegalize discriminatory work norms: A set of laws should be in place in which holds people who discriminate against women in workspaces, any form of harassment, and any behavior that can discourage women from attending their jobs accountable.

Ensure that working women have access to both professional development opportunities and upward mobility. From a very young age, opportunities and programs should be dedicated to professional growth of women where women can improve their skills while developing new professional skills.

³³² Sebugwaawo, Ismael. 2020. “Women in UAE Parliament Express Pride in Country’s #1 Global Ranking.” Khaleej Times. June 17, 2020. <https://www.khaleejtimes.com/news/government/women-in-uae-parliament-express-pride-in-countrys--1-global-ranking>.

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