Women’s Rights, Taliban, and Reconciliation: An Overview

November 2015

Research Paper
Acknowledgements

This paper is based on primary research by Antonio Giustozzi and data from secondary sources, notably, the monitoring reports by Afghanistan Public Policy Research Organization (APPRO) on the impact of the transition of the security responsibilities from international to national security forces from September 2012 until December 2014.

About the Authors

This paper was authored by Antonio Giustozzi and edited by Saeed Parto and Lucile Martin (APPRO).

About APPRO

Afghanistan Public Policy Research Organization (APPRO) is an independent social research organization with a mandate to promote social and policy learning to benefit development and reconstruction efforts in Afghanistan and other less developed countries through conducting social scientific research, monitoring and evaluation, and training and mentoring. APPRO is registered with the Ministry of Economy in Afghanistan as a non-profit non-government organization and headquartered in Kabul, Afghanistan with satellite offices in Mazar-e Sharif (north), Herat (west), Kandahar (south), and Jalalabad (east). APPRO and its individual researchers have undertaken projects in Central Asia, Pakistan, India, Africa, China, and Turkey.

For more information, see: www.appro.org.af
Contact: mail@appro.org.af

Photo: Schoolgirls in Kabul, 2014 by Ehsan Saadat

The author takes full responsibility for all omissions and errors.

© 2015. Afghanistan Public Policy Research Organization. Some rights reserved. This publication may be reproduced, stored in a retrieval system or transmitted for non-commercial purposes only and with written credit to APPRO and Antonio Giustozzi. Where this publication is reproduced, stored or transmitted electronically, a link to APPRO’s website at www.appro.org.af should be provided. Any other use of this publication requires prior written permission, which may be obtained by writing to: mail@appro.org.af
# List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>AOG</td>
<td>Armed Opposition Groups</td>
</tr>
<tr>
<td>APPRO</td>
<td>Afghanistan Public Policy Research Organization</td>
</tr>
<tr>
<td>Bad</td>
<td>Badakhshan</td>
</tr>
<tr>
<td>Bam</td>
<td>Bamiyan</td>
</tr>
<tr>
<td>BW</td>
<td>Business woman</td>
</tr>
<tr>
<td>Daw</td>
<td>Dawlatabad</td>
</tr>
<tr>
<td>CE</td>
<td>Community Elders</td>
</tr>
<tr>
<td>FGD</td>
<td>Focus Group Discussion</td>
</tr>
<tr>
<td>FRU</td>
<td>Family Response Unit</td>
</tr>
<tr>
<td>GHS</td>
<td>Girls’ High School</td>
</tr>
<tr>
<td>Gov</td>
<td>Government Employee</td>
</tr>
<tr>
<td>Hel</td>
<td>Helmand</td>
</tr>
<tr>
<td>Her</td>
<td>Herat</td>
</tr>
<tr>
<td>HW</td>
<td>House Wife</td>
</tr>
<tr>
<td>Jal</td>
<td>Jalalabad</td>
</tr>
<tr>
<td>Kdh</td>
<td>Kandahar</td>
</tr>
<tr>
<td>KI</td>
<td>Key Informant</td>
</tr>
<tr>
<td>Kun</td>
<td>Kunduz</td>
</tr>
<tr>
<td>Lag</td>
<td>Laghman</td>
</tr>
<tr>
<td>Lit</td>
<td>Literacy Course</td>
</tr>
<tr>
<td>Maz</td>
<td>Mazar-e Sharif</td>
</tr>
<tr>
<td>MED</td>
<td>Medical staff</td>
</tr>
<tr>
<td>NGO</td>
<td>Non Governmental Organization</td>
</tr>
<tr>
<td>Pagh</td>
<td>Paghman</td>
</tr>
<tr>
<td>Par</td>
<td>Parwan</td>
</tr>
<tr>
<td>PW</td>
<td>Prominent Woman</td>
</tr>
<tr>
<td>Sam</td>
<td>Samangan</td>
</tr>
<tr>
<td>Sor</td>
<td>Sorkhrod</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
</tr>
<tr>
<td>VTC</td>
<td>Vocational Training Center</td>
</tr>
<tr>
<td>WW</td>
<td>Working Women</td>
</tr>
</tbody>
</table>
Table of Contents

1. Introduction............................................................................................................................................... 4
2. Taliban’s Approaches to Women in Society.............................................................................................. 5
   Taliban Emirate 1996-2001..................................................................................................................... 5
   Taliban and Women in Post-2001.............................................................................................................. 6
      Taliban and Women’s Access to Services............................................................................................ 7
      Taliban and Violence Against Women................................................................................................. 8
   Taliban’s Current Views On Women......................................................................................................... 9
      General policy ....................................................................................................................................... 9
      Education Policy................................................................................................................................... 10
      Shari’a Principles................................................................................................................................. 11
3. Traditional, Non-Taliban Views on Women............................................................................................... 13
   Education and Work Outside the Home ................................................................................................. 13
   Women’s Access to Formal Justice ......................................................................................................... 15
   Women and Pashtunwali ......................................................................................................................... 16
4. Afghan Women’s Views ........................................................................................................................... 18
   Taliban Compared to Mujahidin .............................................................................................................. 18
   Views of the Taliban Today .................................................................................................................... 19
   Taliban Justice....................................................................................................................................... 20
5. Afghan Women’s Views on Reconciliation ............................................................................................... 21
   Women in Peace Negotiation .................................................................................................................. 21
   General Perceptions of Reconciliation ..................................................................................................... 22
6. Conclusion .................................................................................................................................................. 24
1. Introduction

A key element in the success of the Taliban in 1996 in sweeping to power was their promise of law and order and general security, particularly as it pertained to the protection of women’s, and their families’, honor. The movement started in the early 1990s and grew rapidly to capture Kandahar in 1994. Under the leadership of Mullah Mohammad Omar, the movement captured most of the territory in Afghanistan and by 1996 it effectively took power from the various corrupt and despotic warlords who had flourished under the Mujahidin rule since the fall of Najibullah’s government in 1992.

For many urban, relatively modern, Afghan women the coming to power by the Taliban meant the end of the most basic freedoms:

During the Taliban government, ..... Afghan women were in a cavity. We were just alive. We were not able to do anything. We were like hostages. The only thing we had was security. There was no rocket and gun-firing that much, because they had no opposition. During the previous governments, they had been fighting each other but during the Taliban it was quiet to some extent. Of course, we couldn’t go outside and work freely. ¹

The Taliban were overthrown as a result of an international invasion of Afghanistan in late 2001 by an international military alliance spearheaded by the United States. Since the overthrow of the Taliban, there have been two rounds of presidential and provincial council elections. The last round of elections in 2014 resulted in the presidency of Ashraf Ghani, supported by Abdullah Abdullah in a newly created post of Chief Executive Officer. Ever since the elections, there have been talks of impending reconciliation negotiations with the armed opposition of the Taliban.

Prior to the assault in late 2015 on Kunduz and some of the districts in the adjacent provinces, Taliban sources had confirmed the resumption of contacts with the government and indicated they were gearing up toward holding formal talks. It had been becoming increasingly clear, however, that as of early 2015 power sharing between the coalition government headed by President Ghani and the Taliban was not going to be the main bone of contention. Rather, the main point of disagreement was going to be Afghanistan’s Constitution, deemed very liberal and insufficiently Islamic by the Taliban.

At the same time, President Ghani’s public statements after his election have consistently maintained that negotiations with the Taliban would be on the condition that the Taliban accept the Constitution as it is, while the Taliban have insisted that agreeing in principle to changes to the Constitution was a primary condition for starting formal peace talks.

Within the Afghan Constitution and legislation the most contentious points between the Taliban and the government are those concerning women’s rights. The predominant view of the public, particularly in urban centers, is that the Taliban coming to a peace agreement with the Taliban will mean major curtailments of women’s rights.

This paper takes stock of the different positions expressed by the Taliban over time regarding the conditions of peace and examines the response these views might attract once in the public domain.

¹ NS, former teacher and activist in the 1990s.
The sources used for this paper include:

- Interviews with three members of the Taliban’s Councils of Ulema (early 2015)
- Interviews with three female activists active in the 1990s during the Taliban Emirate (early 2015)
- Interviews with two female Members of the Parliament from Kandahar (early 2015)
- Two focus group discussions with female high school students in Kandahar city (early 2015)
- APPRO’s interviews and focus group discussions for the five cycles of “Monitoring Women’s Security in Transition” (2012-2014)
- Forty one interviews with village and tribal elders during 2014-15 on the behavior of Taliban fighters and commanders toward women and girls, and
- Material from previous studies of Taliban courts (2011-2014), including interviews with Taliban judges, elders, women and others who were involved in judicial cases.

The paper is organized as follows. The next section discusses Taliban’s positions over time concerning the place of women in society. By way of a contrast, Section 3 provides a summary of the traditionalist, non-Taliban perspective on women. Section 4 discusses the views of Afghan women about the Taliban, past and present. Section 5 analyzes Afghan women’s perspectives on the peace and reconciliation process between the government and the Taliban. Section 6 concludes.

2. Taliban’s Approaches to Women in Society

The Taliban’s positions on the question of women in society could be grouped under three periods: 1) During the Taliban Emirate from 1996 until 2001, 2) During the post-2001 period, and 3) Current period starting in 2013-2014.

Taliban Emirate 1996-2001

The initial approach adopted by the Taliban government toward women appears to have been more experimental than formalized:

During the first six months, ...we were going to the office with our hijab and we were getting our salary. After these six months, they stopped paying our salary. We were ninety Afghan women, and 25% of us were servants. Then, as the director of women journalists, I went to Nizami, who was then the president of the National Television and Radio, and asked him: “How will these ninety women support their families? Why did you stop paying our salaries?” He replied: “We didn’t do anything, it was you who stopped paying your salaries. It was your finance and administration. Let me talk to Mullah Omar”. After that, we were paid for six more months. After another six months, it was stopped again.³

Later the Taliban consolidated their ideological stance and approach toward women and women’s education. According to many, the later approach was notorious for callous treatment of women and particularly toward women’s right to education:

---


The Taliban harassed women, but they were not arresting anyone. I didn’t hear about any Taliban arresting or imprisoning a woman. In the beginning they were hitting women if they did something that contravened the Taliban’s rule. Later on, women became familiar with the Taliban’s attitude. The Taliban couldn’t find out about my [education for women] organization. They didn’t even come to check it. After some time, I decided to register it. One of my friends assisted me and contacted the [government authorities], who reacted strongly and said: “we don’t allow women to carry out educational activities.”

Educated and urban women suffered the most from the Taliban rule while rural women sometimes benefited, not least because of the restoration of a degree of relative order and security in their communities. The implementation of Shari’a in 1996-2001 resulted in some well publicized executions of women accused of adultery or illicit sexual intercourse, but also allowed several women to claim the half share of inheritance or land they were entitled to under Islamic Law as spinsters or widows, a right denied to them in pashtunwali. The implementation of Shari’a over pashtunwali also constituted progress on such issues as marriage and divorce.

**Taliban and Women in Post-2001**

After 2001, women were specifically and regularly targeted as part of the Taliban’s intimidation strategy, most likely in reaction to the great emphasis placed on women’s rights by the international forces that had ousted the Taliban. Intimidation was particularly targeting police officers, government officials, health and social workers, NGO and UN workers, teachers, members of parliament and of provincial councils, a number of whom have been killed or injured in attacks.

Night letters have been a common form of intimidation used by the Taliban to scare and threaten women in the work force whose employment is considered inappropriate because of potential interaction with men, association with Western organizations, or collaboration with the government:

[Name removed], you are working with a foreign organization which is the enemy of religion and Islam. You receive a salary from them. You should be fearful of God. Every day, you shake hands with strangers without covering your face. We herewith command you to stop doing so, or we will punish you in a way that a Muslim has not yet done to another Muslim.

---

4 NS, former teacher and activist in the 1990s.
5 Pashtunwali (“the way of the Pashtuns”) refers to an unwritten body of codes of ethics and practices used among Pashtun tribes. Pashtunwali is still widely used as an informal system of governance in Pashtun-dominant rural areas of Afghanistan, albeit with variations between tribes.
Attacks on working women, as well as attacks on girls’ schools, occasionally causing casualties among students, are repeatedly cited by educated and working women as a main reason for disapproving the Taliban.\(^9\) According to one key informant:

> Our district is not very secure and I am getting more and more worried about someone following me and hurting me, because the Taliban are always proud to kill women like me. They take pride in killing active women.\(^10\)

Educated women also point to judicial killings as evidence of the Taliban’s hostile behavior toward women. This includes the well-publicized executions of women by Taliban courts, some of which were confirmed by the Taliban, and which were mostly based on Shari’a rules about the punishment of adulterers or illicit sexual intercourse.\(^11\)

All the women interviewed pointed to, and expressed great concern about, the Taliban’s widespread and indiscriminate violence against women.\(^12\) The majority of female victims of the Taliban are, however, collateral casualties as part of their military campaign, particularly due to the use of indiscriminate weapons such as pressure-operated landmines and suicide attacks in heavily populated areas.\(^13\)

### Taliban and Women’s Access to Services

In the last few years the Taliban have allowed women to use education and health services under certain conditions. This new turn has been largely obscured by the fact that some hardline Taliban continue to directly target girls’ schools, while in other cases the Taliban have argued that certain rules they wish to impose on women are not being respected.\(^14\) Similarly, in a context of the escalating war, some of the Taliban’s efforts to reduce the number of civilian victims are hardly noticed or acknowledge.\(^15\) Regardless of their intentions, the jihad waged by the Taliban has had a very negative impact on the ability of women to access services such as education and health. Respondents interviewed in the provinces since 2012 have painted a consistent picture of insecurity discouraging women from getting out of their homes, with the problem intensifying in most provinces by 2014 due to the withdrawal of international forces:

> Almost 50 percent of our students do not attend classes anymore, because they are afraid of insecurity. With the support of UNESCO we started some new courses in remote areas a couple of

---


\(^10\) Individual interview, prominent woman (1), Balkh, December 2012, p. 38.


\(^12\) Different views about Taliban courts are discussed in detail below

\(^13\) On the civilian casualties caused by the Taliban, see the half-yearly UNAMA reports of the series ‘Protection of civilians in armed conflict’.

\(^14\) APPRO Women in Transition interview KI-F-PW-Jal-2, the event and the numbers were confirmed by the Department of Education in the province during an additional interview on the subject, Jalalabad, November 2014; ‘Afghanistan: Monitoring Women’s Security in Transition’, Cycle 2, Kabul : APPRO, October 2013, Lashkargah, p. 45.

\(^15\) According to sources in the Quetta and Miran Shah Shura, contacted between the end of 2014 and early 2015, such efforts include tighter rules of engagement in the use of mines and in targeted assassinations.
weeks ago but we cannot go and inspect the classes and courses because we are afraid of becoming targets of attacks by [insurgents].

Or,

In the past four months, women in some districts cannot even leave their homes to get water ... There is no access to some districts from the outside. Inside the city, because of the bombs and explosions everywhere, movements have been severely affected. We leave our homes with a lot of fear.

**Taliban and Violence Against Women**

Despite the numerous casualties caused by the Taliban among women and the fear caused by widespread violence, virtually all the elders consulted confirmed that the Taliban fighters did not harass women and were respectful toward them. A female member of parliament interviewed concurs:

The Taliban respect women and never dishonor them. There is no case of the Taliban dishonoring a woman. Maybe the Taliban force women to pray and sometimes beat people and women to pray, but they respect women. When there is a woman in a car, the Taliban don’t stop the car to search it.

Reports by villagers of inappropriate behavior by Taliban fighters are dealt with swiftly by the Taliban’s command structure:

The problem was with my neighbor’s son, who was working for the Taliban in Zharai district and who was my daughter’s fiancé. After he had spent around 3 months with my daughter, and though most nights they were together, the man, named SG, came to my house and argued with me. He told me that my daughter had another boyfriend in the district. I asked him if he had seen my daughter with someone else and if he had any proof. He said “Someone from the Taliban has seen her with a man in his garden. This is why I repudiate her.” Because SG had connections with the Taliban and had power in the village, I thought he would have the Taliban’s support. […] Then, after one week, I complained to a Taliban in our village and told him the entire story. He told me to ask help from the Taliban judges; he called the judges and made an appointment. [The Taliban came and organized a trial. They interrogated me and SG.] After asking questions of SG and hearing the witnesses that I had brought from our village, the Taliban judges found that SG had misused the power deriving from his work with the Taliban and that he wanted to leave his fiancée after spending lots of time with her, destroying the girl’s reputation. The Taliban announced as a result that SG was lying and that he had misused the Taliban’s name, for which he should get 50 lashes and then marry my daughter.

By contrast, in areas where illegal armed groups and semi-official militias are common, such as northeastern Afghanistan, fighters are reported to behave badly towards women, with frequent occurrences of kidnappings.
While non-state armed groups are notorious for committing serial rapes and even enslaving women for ‘comfort’, the Taliban have been very restrained in this regard. The collateral casualties caused by Taliban attacks derive from primitive technology used in attacks, such as pressure mines or rigged vehicles detonated in crowded areas against ideological targets such as government offices and national and international security personnel and facilities.

**Taliban’s Current Views On Women**

**General policy**

Taliban commanders’ attitude towards women in society is based on one of many *Layhas*, which describe allowances and prohibitions for women:

1. Women’s work outside the home is completely banned, except for female doctors, nurses and teachers. Even in these cases women must be accompanied by a *mahram* when travelling between home and work.
2. More generally, women need a *mahram* every time they leave their home, even for shopping.
3. Women must not buy from or sell to men. The *mahram* does this on their behalf.
4. Women must only rely on female doctors and nurses for treatment.
5. Women and girls can attend schools and universities and religious seminaries but their teachers and classmates must be female only. They should go there dressed in *hijab*.  
6. When women leave home they should always be dressed in *hijab*.
7. If a woman does not accept Taliban rules, she shall be beaten by her husband, father or brothers, in presence of the Taliban.
8. When a girl or woman is accused of having had sexual intercourse outside marriage, there must be three eyewitnesses. Otherwise she shall not be punished.
9. Women and girls must not talk to or shake hands with non-*mahram* males. If they do, their hands will be cut off.
10. Women and girls must not ride in a taxi without a *mahram*.
11. Women must not do any sports and must not go to any sport center or club.
12. Women must not wash clothes by rivers or in public spaces.
13. Women must not work in the Afghan Government or in military structures.

While these are the operational Taliban rules about women (*Shari’ah* applies where there are no relevant Taliban rules), there are debates among the Taliban about these rules and the degrees of flexibility. The most authoritative rules come from the Taliban *Ulema*, organized in three *Ulema shuras* linked to the Taliban’s political shuras of Quetta, Peshawar and Miran Shah.

---

21 *Codes of conduct*

22 *Mahram (pl. maharem)* refers to a relative of the opposite sex who is unmarriageable or with whom sexual intercourse would be considered incestuous. This includes blood kins, in-laws, and milk brothers, sisters or mothers. Theoretically, a woman’s *maharem* form her allowable escort when she travels, and the men in front of which she is allowed to unveil.

23 In this context, *hijab* refers to the complete covering of the body except the hands, face and feet in long, loose and non see-through garments women.

24 The *Layha* was provided by a source in Peshawar in early 2015.

25 *Ulema* are Muslim scholars specialized in Islamic Law and theology. *Shura* refers to governance councils in which decisions are taken by mutual consultation between members.
The three councils were asked by their political leadership to state their position with regard to political negotiations with the Government of Afghanistan as well as on women’s rights in the current Afghan legislation and in Shari’aa. Their positions can thus be taken as the closest approximation of the Taliban’s position during peace negotiations. Of the three Ulema shuras, the most hardline is the Miran Shah-based shura. The views on women of the three shuras, however, do not differ much. All three believe that Shari’aa must be applied integrally, but that some changes should be brought to the way it was implemented under the Taliban Emirate.

The three shuras held that women should have access to education, but some Islamic precepts must be respected. These include going to school in hijab, not mixing with males while attending lessons, and receiving teachings on Islam throughout the education system. The preferred fields of study for girls are education and medicine.

**Education Policy**

The Ulema shuras had made declarations on the issue of female education in the past, legitimizing a 2006 decision by the Taliban leadership to stop an aggressive and violent campaign against girls’ schools. By 2012 the Taliban’s policy towards women’s education had softened, making the following concessions:

- Books, teachers’ work and lessons shall be provided under Taliban observation. Lessons shall be delivered as dictated by the Taliban;
- The Taliban shall not allow the teaching of subjects which are against the Jihad, women’s place in society as defined by the Taliban, and Muslims;
- Male teachers shall not be allowed to teach female students, and female teachers shall not be allowed to teach male students;
- In education, the focus must be on Islamic subjects such as the Holy Quran, Fiqh’h, Aqaid, Hadiths and the Arabic language. This shall be so from grade one to the end of the education cycle;
- Clothes of teachers and students must be Islamic;
- Each school administrator shall give a monthly report to the academic administrator responsible for his area to demonstrate how the teachers are not leading students against Islam and Jihad;
- A teacher who works against Islam and Jihad shall be punished and dismissed from his position;
- Schools which are against the Taliban and the Jihad shall be closed;
- Girls who are going to school and studying with boys shall be warned two times; if they do not stop going to such classes, they shall be killed;
- Teachers who develop programs and courses for girls and incite them to fight for equal rights with me shall be warned; if they do not stop these activities they shall be killed;
• Girls should not be taught English;\textsuperscript{32}  
• In the case where a school does not comply with the rules set by the Taliban, the Taliban may order the school closed. If the order is not executed, the Taliban shall attack the school’s educational staff.\textsuperscript{33}

**Shari’a Principles**

The Taliban favor a strict implementation of Shari’a. In the Afghan context, this implies two things: first, a rejection of secular laws of the Afghan State and disapproval of non-Taliban judges who sometimes rely on secular laws and, second, the application of Shari’a in cases where it conflicts with customary practices such as *pashtunwali*. Other rules include:

• The testimony of two women is equal to the testimony of one man;\textsuperscript{34}  
• A woman is allowed to inherit from her father, the inheritance of two sisters being equal to that of one brother;\textsuperscript{35}  
• *Zina*\textsuperscript{36} is punishable by stoning if the culprits are married, and with 100 whip lashes if they are not. If they are still alive after the punishment, they shall be engaged to one another “as no one will marry such a girl anymore”,\textsuperscript{37}  
• A man can repudiate his wife if she has been unfaithful, and a woman can divorce from her husband if he cannot provide for her needs and protect her rights.\textsuperscript{38} A woman cannot divorce from her husband herself, but she may hand her dowry back and come to an agreement with her husband to get divorced.\textsuperscript{39}  
• The *pashtunwali*-sanctioned practice of *baad*\textsuperscript{40} is not allowed in the Shari’a.  
• In rural areas, the commonly held view is that women should marry as soon as they reach puberty, “lest they might be tempted by sin”.\textsuperscript{41}

The Taliban courts object to the marriage of girls under 14 but, unlike many elders, do not advocate marriage as soon as puberty is reached:

> According to the Shari’a, age per se is not a consideration. It is according to a woman’s life and the development of her body [that marriage is considered]. If a woman leads a good life and is in good health, she will become an adult very soon and she can be ready for marriage.\textsuperscript{42}

\textsuperscript{32}Interviews with two Taliban cadres in Wardak, December 2012.
\textsuperscript{33}Interviews with two district Taliban military commissioners, December 2012.
\textsuperscript{34}Interviews with Qazi Habibullah Stanikzai, independent qazi in Logar, November 2013; Taliban Judge in Kharwar district, Logar, November 2013; Taliban judge in Logar, November, 2013.
\textsuperscript{35}Interview with Taliban provincial judge, Logar, November 2013.
\textsuperscript{36}In Shari’a *Zina* refers to sexual intercourse, consensual or not, between persons who are not married through *nikah* (marriage covenant).
\textsuperscript{37}Interviews with Qazi Habibullah Stanikzai, independent qazi in Logar, November 2013; Taliban provincial judge, Logar, November 2013.
\textsuperscript{38}Interview with Taliban district judge, Logar, November 2013.
\textsuperscript{39}Interview with Taliban provincial judge, Logar, November 2013.
\textsuperscript{40} *Baad* refers to the offering of a woman for marriage as ‘compensation’ for a crime committed by a member of her family.
\textsuperscript{41}Interview with elder in Mohammad Agha District, November 2013; Qazi Habibullah Stanikzai, independent judge in Logar, November 2013.
\textsuperscript{42}Interview with Taliban provincial judge, Logar, November 2013.
The main difference between independent judges (qazis) and the Taliban is that the latter are more willing and able to enforce Shari'a. For instance, the Taliban are inclined to proactively look for a mahram if one is not readily available:

If a woman comes to our court, there must be mahram with her and she must come wearing a hijab. We tell everyone that when a woman comes to us, there must be a senior person with her, but if there is no senior person with her, then we call two senior persons from the village to be present at the time of judgment, in our presence and that of the woman.

In inheritance cases a qazi would most probably have to yield to elders. The Taliban, however, usually apply inheritance rules for women in accordance with Shari’a and forcibly take back shares which women have been deprived of and distributing them to their rightful female owners.

Similarly, in case of zina, the Taliban advocate for the marriage of the culprits if they are unmarried and the repudiation of the woman if she is adulterous, rather than murder, commonly practiced in pashtunwali:

Before Eid-ul Azha, a girl fled with a resident of Laghman. The father of the girl was determined to kill them both. I made them appear before the court where the girl said that she would marry only the man from Laghman and no one else. I solemnized their marriage and told all that the father of the girl would be responsible if the couple was harmed. I also solemnized the marriage of the sister of the man from Laghman with the brother of girl. So the issue was resolved. And I take pride in that case as I believe I saved the couple from being killed in the hands of the girl’s annoyed father in the name of an honor killing.

Baad represents another major point of friction between the Shari’a-bound Taliban courts and customary justice such as pasthunwali, as it is in clear contradiction with the Shari’a. The Taliban tend to resist baad:

For example, there was one case where one person killed someone and the jirga gave his daughter in baad. We went there and resisted giving the girl in baad [to the victim’s family]. We found the killer and brought him to the brother of the victim and told the latter that if he wanted to forgive him or kill him, it was his responsibility, but that it was not her brother who killed his brother, and that wanting to marry this girl [as punishment] was wrong. ... If the girl is not happy and she comes to us, we find her brother, the killer, and give guns to the victim’s family to kill him. Islam does not allow for one person to be traded in punishment for another person’s crime.

The Taliban claim that they try to convince the parties to adopt alternative solutions to practicing baad, such as payment in cash or land transfers. Taliban judges report receiving many baad cases but do not elaborate on how they deal with them. A village elder interviewed, however, admitted baad as being

---

43 Interview with Taliban district judge, Kharwar (Logar), November 2013.
44 Interview with Taliban district judge, Logar, November 2013.
45 Interviews with Taliban district judge, Kharwar (Logar), November 2013; Taliban provincial judge, Logar, November 2013.
46 Taliban judge in Alisheng district, interviewed in autumn 2011.
47 Interview with Taliban district judge, Logar, November 2013.
48 Interview with Taliban provincial judge, Logar, November 2013.
one of the most common forms of blood payments. In cases where both families and the concerned woman agree there are indications that the Taliban do not interfere.

Taliban judges show no mercy toward women who have acted against Shari’a rules:

[In cases of running away from home] we ask from the girl why she has run away from her family, her husband, or her mother in law, to find out if any of them has been cruel to her. We conduct an investigation. If we find her husband has been mistreating her, we force him to divorce her. If her husband is very old and cannot accomplish his duties towards his wife, such as in cases where he is too weak to have sexual relationships, we also require him to divorce her. In these cases, we do not punish her. But if we find out she was not mistreated by her husband or his family, and she got married with him with her own agreement, we give a gun to her husband to kill her.49

3. Traditional, Non-Taliban Views on Women

Education and Work Outside the Home

The Taliban are not systematically responsible for barriers to girls’ education. Early marriage is often a key factor in taking girls out of school, as is harassment by males, keeping girls at home for domestic chores and, in more conservative communities, the refusal by parents to allow their daughters to attend mixed classes or be exposed to biology lessons discussing different parts of the body.50 In addition, female teachers are not always supported by their community:

I received a lot of threats. I got night letters at my house. And the community where I was living did not want me to work, and that I should not go out and should not teach. So finally I left my job.51

Intimidation by insurgents can play a role in strengthening conservative positions on education.52 In provinces least affected by insurgency, the presence of criminal gangs and bandits limit women’s mobility including for attending school.53 Sometimes, gangs of former militiamen actively target working women in campaigns of intimidation.54

Views similar to those stated by the Taliban as of early 2015 are often prevalent among mullahs.55 In Jalalabad, for instance, mullahs and ulema support female employment outside the home but only in

49 Interview with Taliban provincial judge, Logar, November 2013; also Taliban provincial judge, Logar, November 2013.
52 APPRO Women in Transition interview KI-F-NGO-KDH-1, confirmed by two key informants, Kandahar December 2014.
54 APPRO Women in Transition interview KI-F-GHS-1, Parwan, March 2014.
the health and education sectors while, more broadly, working for governmental organizations and NGOs is discouraged. In rural areas of Nangarhar religious leaders are largely opposed to women’s employment and girls’ education beyond primary school. In Mehterlam, Laghman province, mullahs have been reported as being bitterly opposed to women working outside the home, and urging this view on the men and boys who attend mosques on a regular basis. Rural mullahs, cut off from government patronage, are reportedly completely opposed to women’s education and employment. As foreign troops started leaving Helmand, mullahs became more aggressively opposed to female education and employment.

In the north the attitude is slightly less conservative and in some areas women are allowed to work in jobs outside of health and education, so long as it is established their husbands are not able to provide for the family. That being said, this distinction between north and south should not be overstated. In the north, the views of the mullahs are often as hostile to women working outside the home, especially in rural areas:

We have two kinds of imam. The type trained within the environment of Afghanistan has no problems with women working outside the home. Others trained in more conservative countries like Pakistan are against women working. In the central regions [of Balkh province], the ones trained in Afghanistan make up the majority. But, in rural areas those trained abroad make up the majority of the imams.

In the predominantly Shia Bamyan some mullahs are also hostile to women working outside their homes.

Former women’s rights activists, who broke the Taliban ban on female education in the 1990s, maintain that mullahs’ views on women, especially in villages, are aligned with the Taliban’s position:

If we look at the situation in the villages, then we realize how similar the ideology of the Taliban and that of mullahs are, because they are both against girls’ education. They don’t like to see girls go to school. Most villagers follow them because they think that what mullahs are doing is in accordance to Islam, but this is completely untrue.

Conservative attitudes are not expressed only in rural areas or by mullahs:

In 2008 a parliamentary committee drafted a bill that would introduce Taliban-style prohibitions, such as

56 APPRO Women in Transition interview KI-F-GHS-Jal-1, confirmed by four key informants, Jalalabad Nov 2014.
63 APPRO Women in Transition interview KI-F-GOV 1, Bamyan, July 2014.
64 NW, former teacher and activist in the 1990s.

www.appro.org.af
bans on women and men talking in the street and against shops selling revealing clothing.65

A female official working for the government further reported an incident where

...male parliamentarians hurled insults at a woman parliamentarian who was defending the [Elimination of Violence Against Women] law. Some MPs said she was un-Islamic and called her a prostitute. She retorted by asking them whether they would call their mothers or sisters prostitutes, to which one of the MPs replied, 'They don’t work outside the home because they are not prostitutes.'66

**Women’s Access to Formal Justice**

Although the sentences by Taliban courts as are often cited as the ultimate example of barbarism, women’s rights activists maintain that neither government courts nor customary justice are shining examples of enforcing women’s rights. Access to state courts, in particular, is very difficult for women. Traditional conservatism, particularly in rural areas, prevents women from seeking justice through government courts mainly because women fear retaliation as a consequence of seeking formal justice.67 Elders interviewed in Logar were very critical of women being allowed to stand alone before governmental courts:

In our opinion it is not good that a woman stands in front of the governmental court, it is better for her brother to accompany her and solve the problems through the shura. It is really shameful for us [men] that a woman might be standing in front of the court. [Besides,] government courts cannot solve the problems of men, how it is possible for them to solve women’s problems? So the women come to our court or go to the Taliban court.68

Corruption in the formal justice system also prevents many women from seeking justice through government courts since women are often less able than men to afford to pay the bribes required by corrupt officials. They also have to contend with the prejudice of judges towards women.69 The view of state courts as corrupt and unfair toward women in practice, especially in the rural areas, is widely shared across the country.70 As a consequence, Shari’a justice is seen by some as preferable to both customary and formal justice.71

In practice, except in Taliban courts, the option of a Shari’a is rarely available, however. A woman interviewed in Logar pointed out that even approaching local mullahs as opposed to elders would be bitterly resisted by villagers:

I did not go to the local mullah. If I go to the mullah, the people will accuse me of being in a relationship with him. [...] There is not enough freedom for women to do such a thing. [...] I went to see the elders. I

---

67 APPRO Women in Transition interviews
68 Elder in Mohammad Agha District, November 2013.
69 SH, former activist in the 1990s. Also NW, former teacher and activist in the 1990s.
70 APPRO Women in Transition interviews
71 NS, former teacher and activist in the 1990s.
went to them to get my rights. Nothing happened. They did not reach any conclusion, even spent three months over my case, and I spent 30000 Afghanis.\textsuperscript{72}

**Women and Pashtunwali**

The Pashtun tribal code, pashtunwali, is seen as the main problem regarding the rights of women:

I don’t know much about pashtunwali. But of course I have heard about it. ...We cannot compare Shari’a with pashtunwali. Shari’a has given a great position to women’s rights while pashtunwali disregards them. Some tribes, claiming to abide by pashtunwali, marry their young girls to old men for money. Sometimes, when they borrow money and cannot pay it back, they give their daughter instead. It demeans women in the community.\textsuperscript{73}

Others argue that it is not only pashtunwali, but other forms of customary rules and practice that enslaves women and young girls:

Let me tell you one thing about our tradition that includes forced marriage, underage marriage and other things. These do not only exist only amongst the Pashtun. This is a huge problem in Sar-i Pul and Kapisa provinces. I don’t know about Pashtuns, but I work in five provinces and we are dealing with this problem right now. Men get married to underaged girls. They marry girls forcibly. This happens all over Afghanistan, not only amongst Pashtuns. Shari’a rejects this practice. Nikah requires the consent of both the boy and the girl. Shari’a lets us decide in our marriage. [...] I should say that in the villages, Afghan women have no rights. They cannot be part of decision-making. The decisions are made by men. In many villages, more than 50% of villages in our country, there is no laws or jurisdiction, only tribal councils. [...] I have investigated many rape cases in Sar-i Pul province. Many rapes occurred but 60% of these cases have been solved by their customary courts where the punishment for the offender is to pay something like one hundred-thousand Afghanis to the girl, then they decide to marry her or leave.\textsuperscript{74}

The reason for the preference given by several interviewees to Shari’a over pashtunwali justice derives from the relatively high recognition the former gives to women in comparison to the latter. Women’s testimony is rarely recognized in pashtunwali, and in the overwhelming majority of cases, they cannot directly access justice forums such as jirgas to defend their cases themselves.\textsuperscript{75}

In Shari’a women are entitled to at least half the inheritance share of their brother. In Pashtunwali women’s rights to inheritance and property are not recognized.

On zina, elders state that if the two culprits are single, they will be required to marry and the boy to pay dowry. In case they are married and adulterous, they shall be sentenced to death and sent to the Taliban. But elders admit husbands normally seek revenge by killing the adulterers without seeking justice in court.\textsuperscript{76} One of the village elders was adamant that zina cases never reached elders:

\textsuperscript{72} Female user of Taliban court, Logar, May 2013.

\textsuperscript{73} NS, former teacher and activist in the 1990s.

\textsuperscript{74} SH, former activist in the 1990s.

\textsuperscript{75} As one elder in Mohammad Agha District, interviewed in November 2013, put it: “The testimony of a man is better and we do not accept the testimony of women.” Similar views were expressed by elders in Baraki Barak (Logar) in interviews during November 2013.

\textsuperscript{76} Elder in Mohammad Agha District, October 2013; provincial Taliban judge, Logar, November 2013.
In such cases the husband kills his wife by himself, not informing the shura nor other people, not even neighbors. He kills his wife and tells people lies, such as that she was killed by a snake or something of the sort.\textsuperscript{77}

The same applies to divorce, for which there are no provisions in \textit{pashtunwali}. Under no circumstances would a man divorce his wife, and if a wife tries to divorce her husband, she often gets killed by the husband.\textsuperscript{78}

The elders’ view concerning runaway wives is the dowry paid by the groom’s family at the time of marriage has to be returned to the concerned husband. In cases where the wife’s family cannot pay, another girl from her family is to be given in exchange, and the runaway wife is to be killed if she is found.\textsuperscript{79} This clearly diverges from Sharia, which commands repudiation but not death in cases of runaway wives.\textsuperscript{80} In practice, however, these cases are not referred to shuras or jirgas because of the shame involved. A husband would instead hunt down his wife to kill her.

Unlike the Taliban who dismiss \textit{baad} as un-Islamic, traditional elders are more willing to enforce it:

\begin{quote}
If [a runaway girl who was given in baad] is arrested, the only right she has is to decide if she shall be killed by her husband or her brother’s family. Her death is licit from an Islamic point of view.\textsuperscript{81}
\end{quote}

In some specific forced marriage cases, pashtunwali gives women very limited rights, such as that to decide which of the brothers of a dead husband or fiancé she shall marry.\textsuperscript{82} That being said, as for other cases involving women, the vast majority of forced marriage cases are not brought to the attention of elders, who also mentioned being reluctant to address them in fear of retaliation by a powerful husband.\textsuperscript{83}

As such, to the extent that the Taliban are able to part with their reputation of violence, their aim to bring Shari’a to the remotest corners of Afghanistan could find a favorable constituency among women, particularly in Pashtun areas. The extent to which the Taliban would want to challenge elders over the application of Shari’a, however, remains to be seen, but from the perspective of the Taliban’s program, they are not necessarily the most conservative force in Afghan society as far as women’s rights are concerned. The problem of the Taliban is their uncompromising approach: while rural conservatives will not challenge the legitimacy of state courts, opting instead to stay away from them and to leave them to deal with some of the more complicated, women-related cases, the Taliban would want to impose Shari’a throughout the country as the only legitimate set of laws and rules.

\textsuperscript{77} Elder in Mohammad Agha District, October 2013.
\textsuperscript{78} Elder in Mohammad Agha District, October 2013.
\textsuperscript{79} Elder in Baraki Barak District, November 2013; elder in Mohammad Agha District, November 2013.
\textsuperscript{80} Interview with tribal shura member in Mohammad Agha District, July 2013.
\textsuperscript{81} Elder of Mohammad Agha District, November 2013.
\textsuperscript{82} Interview with tribal shura member in Mohammad Agha District, July 2013.
\textsuperscript{83} Elder in Mohammad Agha District, October 2013.
4. Afghan Women’s Views

Taliban Compared to Mujahidin

The Mujahidin, a mix of Muslim Brotherhood-type groups and conservative Islamic groups, did not fire female government employees. They kept paying their salaries but they demoted senior female officials linked to the defeated PDPA/Watan party and replaced them with males.\(^{84}\)

Afghan women who were working in high positions under Dr. Najib’s government were demoted once Mujaddidi and Rabbani came to power. Under Najib’s government, Afghan women held high positions. However, under Mujaddidi, who ruled for a short time, and Rabbani, who governed for four years, most jobs were given to men, not women.\(^{85}\)

A new dress code was enforced under the Mujahidin. Women in the streets and in offices had to wear hijab, and men and women had to work in separate environments. Also, women were not allowed to walk around alone without a mahram and were harassed by militiamen if they did not respect this rule.\(^{86}\)

In practice, the Mujaddidi and Rabbani governments were trying to marginalize women in the workplace, though they did not forbid them to work altogether because of the economic impact this would have had on families. Women interviewed, however, mentioned being relegated to lower positions and exposed to constant harassment in the workplace:\(^{87}\)

The appointment of Gulbuddin Hekmatyar as Prime Minister in May 1996 was seen at that time as a harbinger of a worse future to come, even if Hekmatyar and Rabbani denied that any change would take place:

> When Hekmatyar was appointed as Chancellor, we were really afraid of him. We were afraid he would take away more of our rights. We thought he would bring more changes against us, such as not letting us go outside, work, or stop us from going to school and so on. However, he didn’t even find an opportunity to think about Afghan women. He worked as a chancellor for a short time. I think it was like two or three months. He didn’t get a chance to decide about women’s fate.\(^{88}\)

The Taliban Emirate (1996-2001) is viewed as being much more restrictive than the Mujahidin:

> The Taliban government … brought significant changes. During that time, everything went wrong. We witnessed exactly what we had been afraid of. The Taliban made women stay at home. They didn’t allow us to go outside without a male relative. They forced us to wear chadori.\(^{89}\) They hit women if one finger was visible. The Taliban’s government was much worse than Rabbani or Mujaddidi’s governments. During Rabbani’s government, we could at least get our salary and go to school, but the Taliban closed down

---

\(^{84}\) SH, former activist in the 1990s.

\(^{85}\) NS, former teacher and activist in the 1990s.

\(^{86}\) SH, former activist in the 1990s.

\(^{87}\) NS, former teacher and activist in the 1990s.

\(^{88}\) NS, former teacher and activist in the 1990s.

\(^{89}\) A cloth which covers everything and makes the face invisible
girls’ schools. The equality of life and the rights of women were completely ruined. … Afghan women were in serious trouble.⁹⁰

Also,

The Taliban were hitting us, they closed girls’ schools. They believed education was not for women. Women should only stay home and work for their husbands, like servants. They believed we had no right to work and study.⁹¹

A female member of parliament explained the differences in approaches to women among the various groups as follows:

In general all Islamic fundamentalist groups, Sunni or Shi’a, Wahhabi or Jihadi, are against women and don’t like girls going to school but there are differences between their doctrines. For instance, the Hizb-i Islami is more fundamentalist than others but because most of its members were educated, they weren’t so fanatic towards education in comparison to Mawlawi Mohammad Nabi’s party, which was less fundamentalist but much more strict towards women than Hekmatyar, and the Shi’a have had no problem with girls’ education. And the Taliban were all together different.⁹²

Some believe that since the Mujahidin gained positions of power again after 2001 with support from international community, they have had to accept all international laws including those protecting the rights of women. There is now a large difference between today’s Mujahidin and the Taliban or the old Mujahidin regarding women in society.⁹³

Afghanistan’s new generation of women, however, make little distinction between the Taliban and the Mujahidin. Female students in a high school in central Kandahar stated that education for girls was difficult under both the Mujahidin and the Taliban. The key difference is, however, that during the Mujahidin rule parents did not allow their daughters to go to school as a means to protect them and ensure their safety. During the Taliban rule, neither parents nor the Taliban wanted to the girls to go to school.⁹⁴

Views of the Taliban Today

Perhaps not surprisingly, urban, educated women see the prospect of a return of the Taliban to power as a major concern:

If [a new Taliban] government is like the past one, it would be intolerable. I would not want to stay here anymore, but we have no other place to go. Both neighboring countries, Iran and Pakistan, are our enemy. … Maybe the people of Tajikistan don’t hate us.⁹⁵

---

⁹⁰ NS, former teacher and activist in the 1990s.
⁹¹ NW, former teacher and activist in the 1990s.
⁹² Interview with female Kandahar Member of Parliament, 2 January 2015.
⁹³ Female Member of parliament from Kandahar, interviewed on 2 February 2015.
⁹⁴ Focus group with students in Kandahar city centre high school, February 2015. Similar views were expressed during a focus group discussion with students in a Kandahar periphery high school, February 2015.
⁹⁵ SH, former activist in the 1990s.
The students at a school in central Kandahar were pessimistic about the prospects for any contributions from the Taliban, pointing to the delays caused by their attacks on development and reconstruction programs in the districts, the many civilian casualties, and concerns about security undermining access to basic services such as education.\(^96\)

Some of the women interviewed acknowledged, however, that the Taliban drew supporters by capitalizing on the general dissatisfaction with the government and in particular its incapacity to provide jobs for youth.\(^97\) There were some claims that some female high school students in southern and eastern Afghanistan sympathize with the Taliban.\(^98\) More generally, the support for the Taliban is based on the belief that their Shari’ā-based rules eliminate criminal activity and increase security for ordinary citizens, provide food and shelter for those in need, encourage respect for the elders, and act as the defenders of Islam.\(^99\)

**Taliban Justice**

In rural districts domestic and other conflict cases are resolved by community elders or the Taliban.\(^100\) There are claims, however, the Taliban justice rules do not always correspond with Shari’ā principles and are more akin to pashtunwali dictates.\(^101\) Claims that the Taliban do not implement Shari’ā but pashtunwali derive at least in part from the fact that Taliban courts invite villagers to submit cases to the village and tribal elders first and take over only after these attempts have failed to resolve cases.\(^102\) Some Taliban judges also admit that they consider pashtunwali principles in their judgments.\(^103\) A member of parliament stated that the reliance on Taliban courts is due to a lack of alternatives:

The only positive role of the Taliban in Afghanistan is that in the areas where they are present insecurity caused by petty crimes such as robberies decreases because people are afraid of them, and quarrels between people decrease because of the presence of the Taliban. [...] In cities people if people have access to the formal justice system, they do not go to the Taliban. ...Even people who are close to the Taliban are afraid of them [because] the Taliban are cruel and angry. They use bad language and never have compassion. But in the districts, because people don’t have access to formal justice, they bring their cases to the Taliban. Also because of the corruption within the [formal justice system], people choose to go to the Taliban. ...Some people even willingly give taxes to the Taliban.\(^104\)

This view would seem to be supported by the findings of a 2010 survey, reporting higher rates of acceptance for Taliban courts in “bad security areas” than in areas with good security.\(^105\) There are also

---

\(^96\) Focus group with students in Kandahar city centre high school, February 2015.

\(^97\) Interview with female Kandahar Member of Parliament, 2 January 2015.

\(^98\) Communication with Peshawar Shura cadre, April 2014.

\(^99\) Focus group with students in Kandahar periphery high school, February 2015.


\(^101\) NW, former teacher and activist in the 1990s.

\(^102\) Elder in Baraki Barak, November 2013; Elder in Mohammad Agha District, November 2013.

\(^103\) Taliban judge in Alisheng, interviewed in autumn 2011.

\(^104\) Interview with female Kandahar Member of Parliament, 2 January 2015.

claims that in some rural districts some women prefer the Taliban courts to the [corrupt] justice system.\textsuperscript{106} According to a news report,

The Taliban even run a shadow judiciary in parts of Kunar. Like increasing numbers of Afghans in rural areas looking for speedy justice, Bibi Gul turned to a Taliban court when her son was murdered after a spat with a neighbor. When government officials failed to act, she took her grievance to the Taliban: ‘I crossed the river and travelled several hours... I met the Taliban-appointed governor. He promised me justice,’ she said, showing me a letter from the latter, where it could be read: ‘Tell us if there is a tribal solution to the woman’s complaint. If not, we will resolve the dispute our way.’\textsuperscript{107}

### 5. Afghan Women’s Views on Reconciliation

#### Women in Peace Negotiation

There appears to be a lack of clarity concerning women’s role in the peace and reconciliation processes, corroborated by doubts on the extent to which women will be allowed to effectively participate in such processes. More generally, the public seems generally ill informed about the role women are playing in instances such as the High Peace Council at the provincial and national levels.\textsuperscript{108} In cases where they are more familiar with the processes, the interviewees tend to be dismissive of women’s role as merely symbolic or limited at best:

...The provincial Peace Council in Kandahar does not have any time for women and does not allow women to participate in peace talks....The Provincial Peace Council has not done anything to engage women [...]. Though some women are present at the Peace Council, they do not have any authority or their words are not taken seriously.\textsuperscript{109}

There is also skepticism about the armed opposition groups’ willingness to negotiate with women in a formal peace process. Some see an important role for women in engaging with wives and daughters of armed opposition group members or by influencing their husbands, brothers and fathers to stop fighting:

Women, as mothers and sisters, seek and strive for peace and unity inside the family. They can extend this role toward the society and encourage peace within the society. We can never achieve peace in the political arena if there is no peace in the society.\textsuperscript{110}

And,

... For example, when there is a conflict between two tribes and it has the potential to get dangerous, women could put on their headscarves and talk to the armed parties and encourage

\begin{flushright}
\textsuperscript{106} Interview with female user of Taliban court, Mohammad Agha District, July 2013.
\textsuperscript{108} APPRO Women in Transition interviews K1-M-ANP-Sor, Sorkhrod Nov 2014; FGD-WW, K1-F-BW-1, FGD-HW, Herat, September 2014; K1-F-VTC-2, FGD-LIT, K1-F-GHS-3, Parwan, August 2014.
\textsuperscript{109} APPRO Women in Transition interviews, K1-F-PW-1, Kandahar, August 2014 and K1-F-NGO-2, Parwan, August 2014.
\textsuperscript{110} APPRO Women in Transition interview K1-F-PW-Bad-2, Fayzabad, October 2014.
\end{flushright}
them to negotiate peace. People here have a lot of respect for women and listen to them in these kinds of situations ... 111

In this sense, interviewees viewed the peace process as having to be an essentially bottom up reintegration process and not a political one.112

**General Perceptions of Reconciliation**

The three main types of reactions expressed by interviewees on the reconciliation process were outright rejection, demand that women’s rights be wholly safeguarded in the negotiations, and making some concessions on women’s rights in return for peace.

The rejectionist approach is justified by reference to the previous record of the Taliban on women and the belief that there is still international support for the post-2001 status quo for women in Afghanistan. For example,

I don’t think talks are possible because of our past experience. During the Taliban regime, women could not go out, they could not go work, and they had no schools. The Taliban would rather see a woman die in the streets than go to a restaurant to get food if men were there.113

Or,

The Taliban have high expectations and it is impossible for the Afghan Government to agree on these. [...] The Taliban want the government to make the international troops leave Afghanistan but there is no guarantee that the Taliban will make any concessions on their demands.114

Educated and working women, in particular, fear a backlash against the rights they have gained since 2001. When the issue of reconciliation is raised, women tend to consider the Taliban as opponents of women’s rights and committers of violence against civilians. Political reconciliation is therefore perceived as a source of danger to women’s freedoms and rights. This fear causes many educated and working women to oppose any substantive compromise with the Taliban:

Women do fear the consequences of a potential peace with the Taliban... if the Constitution of this country is not accepted as legitimate, then peace will be of no use for women.115

Some women are afraid that the government’s negotiations behind closed doors with the Taliban runs a high risk of a compromise on women’s rights, forcing women to go back to staying at home.116

---

112 Focus group with students in Kandahar city centre high school, February 2015.
114 Focus group with students in Kandahar city centre high school, February 2015.
115 Interview with female Kandahar Member of Parliament, 3 January 2015. Similar sentiments were expressed in APRO Women in Transition reports, particularly toward the end of 2014.
The position on negotiating without making concessions on women’s rights is driven by the argument that the Afghan government would have to accept in principle to negotiate with the Taliban because it has no other choice, and that the correlation of forces between the Afghan government and the Taliban would allow for the government to defend the Constitution as it is. For example,

We have two options; first, our government should give them some positions in the government if they agree to change their thoughts because our people will not accept the Taliban with their old ideology. Secondly, if they don’t accept the conditions, then Afghan Government should take some actions, like some military operations against them and remove them from Afghanistan.117

And,

I am also in favor of making peace with the Taliban, because we are tired of war, and they will continue their terrorist attacks unless we make peace with them. ... As a first step, our government should go ahead with negotiation, and talk with them peacefully, if this didn’t work, then our government should attach them.118

And,

If our rights are disregarded, then we will protest, launch demonstrations. We will strike, we will sit and sleep on the streets. We will not let anyone disregard our right. We have no problem if Talibans get the power or the Afghan government, as you know, we still have Talibans in our government, unfortunately, our education minister kissed the hand of Pakistani leader (Taliban leader), but we don’t want him to close the girl’s schools. It doesn’t matter for us. We want our rights and that’s it.119

In areas of Afghanistan seriously affected by the insurgency, educated and employed women see themselves in a Catch-22 situation, between a bad peace which would jeopardize their rights and recent gains, and a war where “it is the women who see their sons and husbands get killed.120

Safeguarding security by giving in to some Taliban demands in legislative changes and political participation, while being vigilant not to undermine basic rights gained, was also seen as a plausible compromise by some respondents:

There must be communication with the Taliban, we should negotiate with them and ask them what their demand are. Maybe they want to bring some changes in legislation, and it must be accepted. If the security of Afghanistan depends on some changes in the legislation, so long as they are not in contradiction with democracy and human rights, these must be accepted. Maybe they will ask for some seats in the parliament, and this must be accepted. Or maybe they say they want Kandahar, ...If the government wants to bring peace, it must agree with all their conditions so long as they are not in contradiction with the [basic human rights]. ...When we want to make peace, we have to give in order to get. There is no other alternative.121

Similarly,

---

117 NW, female activist in the 1990s, February 2015
118 NS, female activist in the 1990s, February 2015.
119 SH, female activist in the 1990s, February 2015.
120 APPRO Women in Transition interview, August 2014.
121 Interview with female Kandahar Member of Parliament, 2 January 2015.
.... it doesn’t matter if we come to an agreement with the Taliban, if [the Taliban] get some positions [in the government], we have no problem with this. The current [Talibs in the government] are even worse than the Taliban. They don’t work for the people so far, but their pockets. [...] Peace will happen through negotiation, not war. I also want our government to give women their right to join the negotiations. Afghan women will convince the Taliban not to burn down schools again nor disregard women’s rights. They should consider women as human beings. I think they realize it now.\textsuperscript{122}

6. Conclusion

The Taliban leadership and the \textit{Ulema} associated with it believe that they have gone as far as possible in nuancing their positions on women’s rights and education without completely alienating their ranks and file, whose views about women and education are typically much more restrictive than the more progressive elements in the leadership. However, the Taliban have not been very effective or proactive in communicating their more moderate positions, probably because they are waiting for negotiations to take off before they really go public with them.

The Taliban policies concerning women have been revised in recent years toward less restriction on women, in terms of access to education and employment. In the first half of 2015, Taliban diplomats also highlighted that the Taliban might agree to women’s political rights, with some exceptions. Reports about the Oslo meeting between some representatives of the Taliban and of pro-Afghan government figures suggested not only that diplomatic and political cadres of the Taliban have been showing a more positive attitude towards female interlocutors, but also that some senior cadres at least are now openly talking about women’s political rights, including being elected to the parliament (although not to the presidency).\textsuperscript{123} Interestingly however there has been no systematic effort by the Taliban to communicate these changes – as highlighted in the report, few observers external to the Taliban have even heard about these new policies. Dissent by hardliners within Taliban ranks meant that these new policies were not subscribed to coherently within the Taliban and the public remained convinced that there had been no changes in Taliban policies and behavior. The Taliban also avoided using their media outreach to communicate their intent to moderate certain policies, probably because these media are mostly used for fund-raising purposes among jihadist sympathizers, and the Taliban might fear that more enlightened Taliban policies would put them off.

It is therefore not surprising that educated, urban women largely continue to view the Taliban as completely irreconcilable with the rights they have acquired after 2001. However, even when informed of the Taliban claims of moderation, female professionals remain unimpressed. The Taliban concession for allowing female doctors, nurses and teachers is not enough for the class of professional women that has emerged since 2001. Outside Kabul, however, there is more willingness for making some concessions to the Taliban, such as a more strict Islamic dress code for women in public spaces.

The picture is entirely different for the masses of rural women without an education, aspirations for personal freedoms, and living in constant uncertainty of food and personal security. The vast majority of poor rural women will be unconcerned if the gains made for individual freedoms since 2001 were to be

\textsuperscript{122} NS, female activist in the 1990s, February 2015. This view was also echoed in a focus group discussion with students in Kandahar city centre high school, February 2015, and a focus group discussion in a Kandahar periphery high school, February 2015

\textsuperscript{123} Personal communication with foreign diplomats in Kabul, May 2015.
rolled back. As long as the conflict remains and basic tenets of living are threatened, rural populations of all descriptions will have a strong desire and motivation to consider the re-establishment of peace as a priority over anything else, and particularly over reforms from which they cannot draw any immediate benefit.

One of the main risks during peace negotiations is the loss of provisions for basic rights of women in the Constitution. These rights are currently insisted upon by a small minority of educated, professional, and urban women and men. Outside Kabul and a few other major cities, women who work outside the health and education sectors are already targets of disapproval from a hostile public. Given these conditions, the main risk in the peace negotiations for women’s rights defenders is not having sufficient support from the public at large for women’s rights as enshrined in the Constitution, giving the Taliban the advantage of being perceived as the reasonable party representing the wishes of the public at large.

The advent of the so-called Islamic State (ISIS), and signs of it finding sympathy among some armed opposition groups within Afghanistan, are likely to change the parameters of the peace negotiations and much of the discussion about the place of women’s rights in the peace negotiations between the Taliban and the government of Afghanistan. One possible outcome due to the emergence of ISIS in Afghanistan is that the Taliban would revert to a much harder line as a deterrent to losing rank and file members to ISIS. Indeed, the recently intensified attacks in Kabul in the summer of 2015 are testament to this.

Another possibility is that the emergence of ISIS in Afghanistan would polarize the Taliban into hardline and conciliatory camps, with the conciliatory camp intensifying its attempts at a negotiated peace with the government of Afghanistan while the hardline sustains terrorist activity where it can.

In any event, little is known about the evolution of the positions of the Taliban on women’s rights. Even less is known about how the changed dynamics of the conflict will affect the Taliban approach to women. Informed opinion on the peace negotiations will need to be based on more knowledge about the Taliban’s policy making dynamics, the reactions and sentiments of the Taliban rank and file to leadership policy changes, the changes having come to light in the aftermath the official passing of Mullah Omar, and the advent of ISIS and its interactions with the Taliban in Afghanistan.