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Afghan Women and Girls: Status and Congressional Action

The status of Afghan women and girls has improved since 2001 by some metrics, but is increasingly precarious in light of Taliban military gains. Given the Taliban's views on women's rights, and entrenched cultural attitudes (particularly in rural areas), the status of Afghan women and girls has long been a topic of congressional concern and action. Concern among some Members of Congress has increased in light of the U.S. troop withdrawal, scheduled to be completed by August 2021. The Taliban have made significant advances since that withdrawal began in May 2021, leading some to warn of a Taliban return to power—either by military force or through a political settlement—that would likely compromise women's rights. Reports indicate that the group has reimposed restrictions on women in some areas taken since May 2021. Since 2001, Members of Congress have used a number of oversight and funding-related legislative measures to promote and safeguard the rights of Afghan women, and may consider the efficacy and sustainability of such approaches as the United States ends its military presence and as the Afghan conflict and political dynamic evolve.

Background on the Status of Women

Decades of war after 1978 and the repressive five-year rule of the Taliban (see below) severely undermined the rights and development of Afghan women, who had formally been granted equal rights under the 1964 constitution. Since the 2001 fall of the Taliban, Afghan women have made advancements in areas such as political representation and access to education, employment, and health care. However, Afghan women still lag behind Afghan men, as well as women globally, on many development indicators (see **Table 1**).

The Afghan government, with considerable U.S. and international support, has ensured some representation for women in government and has instituted some legal protections. The 2004 Afghan constitution prohibits discrimination on the basis of gender and enshrines equal rights between men and women. It mandates that at least two women be elected to the lower house of parliament from each of Afghanistan's 34 provinces, creating a quota of 68 women out of 250 seats (about 27%); similarly, 17% of seats in the upper house of parliament are set aside for women. Additionally, the government has committed to achieving 30% representation of women in the civil service (around 27% as of 2019) and increasing the number of women in the Afghanistan National Defense and Security Forces (ANDSF) (just under 2%). Nevertheless, some recent surveys have suggested that traditional, restrictive views of gender roles and rights, including views consistent with the Taliban's former practices, remain broadly held, especially in rural areas and among younger men.

Despite efforts to promote women's rights, discrimination, harassment, and violence against women reportedly remain endemic in government-controlled areas and even in government ministries. In 2009, then-President Hamid Karzai issued, as a decree, the "Elimination of Violence Against Women" law, which makes widespread practices such as forced marriage and honor killings unlawful. Parliamentarians blocked the law's ratification, describing it as against Islam. In December 2020, the United Nations reported that "while the response by the justice sector to violence against women ... continues to improve, the system also fails women and girls in a number of respects," with less than half of documented cases of violence against women progressing to adjudication.

Table 1. Selected Development Indicators

Development Indicator	Under Taliban (2000)	Afghans Today (2018)	Global Avg. (2018)
Life expectancy at birth	57 (F) 55 (M)	66 (F) 63 (M)	75 (F) 70 (M)
Maternal deaths per 1,000 births	1,450	638	211
Births per woman	7.5	4.5	2.4
Mean years of schooling	0.8 (F) 3.7 (M)	1.9 (F) 6.0 (M)	N.A.
Est. GNI per capita (2011 PPP\$)	\$445 (F) \$1,167 (M)	\$1,102 (F) \$2,355 (M)	\$11,246 (F) \$20,168 (M)

Source: Created by CRS. Data from U.N. Development Program, World Bank, World Health Organization.

Notes: GNI= Gross National Income; PPP= purchasing power parity; N.A.= no data available.

The Taliban and Women's Rights

During their rule between 1996 and 2001, the Taliban effectively "forced Afghan women to disappear entirely from public view," according to writer Ahmed Rashid. Based on their particularly conservative interpretation of Islamic practice, the Taliban prohibited women from working, attending school after age eight, and appearing in public without a male blood relative and without wearing a *burqa*. Women accused of breaking these or other restrictions suffered severe corporal or capital punishment, often publicly. These practices attracted near-universal condemnation from the international community.

The Taliban, who have held territory in parts of Afghanistan for years and by most measures now control or contest over half of the country's area, have not described in detail how they now view women's rights or what role women would play in a Taliban-governed society. Skeptics note that the pledge frequently made by contemporary Taliban leaders to safeguard the rights of women

“according to Islam” is subjective and echoes similar pledges made by the Taliban while in power. 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.” The Taliban claim to not oppose education for girls, and in Taliban-controlled areas some girls are attending primary school. Generally, the Taliban have allowed girls’ education until sixth grade when the local community advocates for it; where it does not, girls’ schools are closed. A 2018 study could not identify a single girls’ secondary school open in areas of heavy Taliban influence or control. Additionally, the Taliban are accused of numerous attacks against girls’ schools. In some areas taken since May 2021, the Taliban have reportedly forced women to marry Taliban fighters and imposed other restrictions on women’s rights.

Afghan women, with U.S. support, have participated in talks between Kabul and the Taliban that began in September 2020. The two sides have met only sporadically in recent months, most recently in mid-July 2021 (when the senior Afghan delegation included one woman), but have not made significant progress toward a settlement amid considerable Taliban military advances.

U.S Funding: Congressional Approaches

Improving conditions for Afghan women has been one prominent objective of U.S. development efforts since at least 2001, when Congress passed the Afghan Women and Children Relief Act (P.L. 107-81), authorizing education and health assistance for Afghan women. According to a 2021 Special Inspector General for Afghanistan Reconstruction (SIGAR) report, USAID, State, and DOD have disbursed nearly \$800 million for programs primarily intended to support Afghan women, and an additional \$4 billion for programs in which women’s advancement was a component. Since U.S.-Taliban talks began in 2018, some Members of Congress have emphasized engagement on Afghan women’s rights, sending several letters in 2021 to Secretary of State Antony Blinken on the issue. Congress directed in FY2021 appropriations legislation that the Secretary of State “promote and ensure the meaningful participation of Afghan women” in peace and reconciliation processes, in accordance with the Women, Peace, and Security Act of 2017 (P.L. 115-68). As Members consider the future of U.S.-Afghan relations, they may debate the effectiveness of U.S.-funded programs for Afghan women, future funding, and appropriate conditions.

Directed funding. In some past appropriations acts, Congress specified certain amounts of State Department- and USAID-administered assistance to be made available for programs to support Afghan women and girls, but Congress has not done so since FY2010. As in recent years, Section 7044 of the Consolidated Appropriations Act, 2021 (Division G, P.L. 116-260), makes an unspecified amount of funding available for “programs that protect and strengthen the rights of Afghan women and girls and promote the political and economic empowerment of women” and requires the Secretary of State to submit a new strategy to engage with the Afghan government that includes a component on women’s rights. Congress has regularly authorized a specific portion of the Department of Defense-administered Afghanistan Security Forces Fund

(ASFF) to support the recruitment, training, and treatment of women in the ANDSF (no less than \$10 million authorized in FY2021). Members interested in guaranteeing that a certain share of U.S. development aid supports Afghan women could consider reauthorizing minimum amounts (as the House-passed FY2022 appropriations bill does), or directing funding for certain projects or objectives related to women and girls, though changing conditions on the ground may hamper implementation of assistance.

Conditionality. Secretary of State Blinken said in April 2021 that “if the Taliban has any expectation of international acceptance ... it’s going to have to respect the rights of women and girls.” Congress at times has considered conditioning assistance on the protection of women’s rights. For example, the House Appropriations Committee-passed FY2019 State, Foreign Operations, and Related Programs appropriations bill (H.R. 6385) would have required the Secretary of State to certify that the Afghan government was protecting women’s rights (among other conditions) before obligating funds; that provision was not included in the enacted bill. Section 1215 of the FY2021 National Defense Authorization Act (P.L. 116-283) prohibited the use of funds to withdraw U.S. forces below certain levels until the submission of an Administration report with analysis of the impact of a U.S. withdrawal on Afghan women’s rights, subject to a waiver which President Trump issued in January 2021. Congress could consider aid conditionality as a means of influencing how a prospective future Afghan government, including one in which the Taliban play a part, treats women. It remains unclear to what extent U.S. or other foreign assistance represents a significant enough incentive for the Taliban that the group would change its policies on women.

Oversight, monitoring, and evaluation. Various congressional subcommittees have held hearings and briefings related to Afghan women and U.S. policy, and Congress has separately tasked other entities (most notably SIGAR) with oversight in this area. Successive SIGAR audits and reports have identified problems with U.S.-funded programs to support Afghan women. SIGAR’s 2021 report on lessons learned regarding gender equality, building on a 2014 audit, found that U.S. agencies struggled to track the extent of U.S. funding to support Afghan women and to measure the impact of programs, and that a failure to anticipate the Afghan cultural context undercut U.S. efforts to support women and girls. SIGAR identified the most success in U.S. programs targeting the health and education sectors. S.Rept. 116-126 directs SIGAR to assess “the extent to which the Department of State and USAID have developed strategies and plans for the provision of continued reconstruction assistance to Afghanistan in the event of a peace agreement, including a review of any strategies and plans for ... protecting the rights of Afghan women and girls.” SIGAR anticipates issuing this public report in 2021. Conducting and overseeing programming is likely to prove significantly more difficult in light of the Taliban’s territorial gains and subsequent restrictions on women’s rights.

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