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Afghan Women and Girls: Status and Congressional Action

Since the Taliban returned to power in 2021, the already precarious status of Afghan women and girls has deteriorated dramatically. Increasing Taliban restrictions are severely reducing the ability of women to participate in Afghan public life. These restrictions appear likely to deepen Afghanistan's intersecting economic and humanitarian crises, which have disproportionately affected women and girls. Despite near universal condemnation, including from U.S. adversaries, and reported disagreements within the Taliban about the advisability of these policies, the Taliban government has been unwavering in their implementation. Congressional attention to Afghan women and girls, a major focus of previous U.S.-led development efforts, goes back over two decades and includes numerous oversight and funding-related legislative measures. Going forward, Congress may examine the impact of these measures and consider other actions to support Afghan women and girls. The Taliban's evident willingness to accept international opprobrium and isolation as the price of their oppressive policies is likely to complicate U.S. policy options.

Background on the Status of Women

Decades of war after 1978 and the repressive five-year rule of the Taliban (1996-2001) severely undermined the rights and development of Afghan women. During their prior rule, the Taliban "perpetrated egregious acts of violence" as part of a "war against women," according to a 2001 State Department report. Based on their particularly conservative and culturally influenced 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. The United States and many other countries condemned these practices.

After the Taliban were removed from power and replaced with a U.S.-backed government in 2001, Afghan women made advancements in areas such as political representation, education, employment, and health care. The former Afghan government, with U.S. and international support, ensured representation for women in government and instituted some legal protections. Still, surveys suggested that traditional, restrictive views of gender roles and rights, including some views consistent with Taliban practices, remained pervasive, especially in rural areas and among younger men. Discrimination, harassment, and violence against women reportedly was endemic in government-controlled areas and in government ministries. Afghan women continued to lag behind Afghan men, as well as women globally, on many development indicators tracked by the World Bank and other international

organizations, such as life expectancy and gross national income per capita. Maternal mortality rates, while still high, were reportedly halved between 2001 and 2017.

In the years before their August 2021 takeover, the Taliban did not describe in detail what role women might play in a Taliban-governed society. 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 noted that pledges to safeguard the rights of women "according to Islam" were subjective and echoed similar pledges made by the Taliban while previously in power.

Women under Renewed Taliban Rule

Despite some initial signs of moderation immediately after returning to power, the Taliban appear to be re-implementing the harsh restrictions on women and girls that characterized their 1996-2001 rule. Taliban restrictions on women's rights announced since 2021 include:

- a December 2021 prohibition on women driving more than 45 miles without a male relative (the Taliban reportedly started denying drivers' licenses to women in May 2022) and a March 2022 prohibition on women flying without a male relative;
- a May 2022 decree mandating women be fully covered in public with punishments for male relatives of women deemed not in compliance; and
- a November 2022 decision to ban women from public parks in Kabul.

The Taliban have also severely restricted women and girls' access to education. In March 2022, the Taliban backtracked on previous promises to allow girls to attend school by keeping girls' secondary schools closed, prompting shock and condemnation from many countries. In December 2022, the Ministry of Higher Education also suspended women from attending university. Media accounts also indicated that the Taliban dismissed some female elementary school teachers. Some Afghan women have reportedly continued to provide informal education to girls in private "secret schools." In some areas, particularly where Taliban support has traditionally been lower and where local populations support girls' education, secondary schools for girls have remained open.

In December 2022, the Taliban-run Ministry of Economy ordered all local and international non-governmental organizations (NGOs) to dismiss their female employees or risk revocation of their licenses. In response, major foreign aid groups such as Save the Children and the International Rescue Committee announced that they would suspend

their operations in Afghanistan. UN Security Council members said the decision “would have a significant and immediate impact for humanitarian operations in country, including those of the UN.” Interruptions to humanitarian operations would have negative implications for many Afghans, but women and girls have been disproportionately affected by Afghanistan’s economic collapse. Afghan women face more barriers to health care services, experience higher levels of unemployment, and adopt negative coping mechanisms (such as reducing food consumption, and selling belongings for food) at higher rates than men. Families may also be increasing the early and forced marriage of girls.

Though decision-making within the Taliban is opaque, power appears to ultimately rest with the *emir*, Haibatullah Akhundzada, a conservative cleric who reportedly backs the hardline restrictions announced over the past year. Other Taliban figures, including from both the group’s political and military wings, reportedly oppose some of the restrictions imposed on women and girls, and some have spoken publicly against the ban on secondary education for girls. Some Afghans have participated in demonstrations against the restrictions above; in some cases, the Taliban have violently dispersed them. Neither internal dissent nor public protest have changed the trajectory of Taliban policy.

Congressional Approaches

Congressional concern for Afghan women extends back decades. In 2001, Congress passed the Afghan Women and Children Relief Act (P.L. 107-81), authorizing education and health assistance for Afghan women. Congress has since shaped U.S. policy toward Afghan women and girls through a variety of funding and oversight mechanisms. Some of these traditional U.S. foreign policy tools may be less effective in Taliban-ruled Afghanistan (where the U.S. has no diplomatic presence) than in many other contexts.

Foreign Assistance Funding. According to the Special Inspector General for Afghanistan Reconstruction (SIGAR) report, between 2002 and 2021, the U.S. Agency for International Development (USAID), the Department of State, and the Department of Defense 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. It is unclear how much of the \$1.1 billion in U.S. assistance for Afghanistan announced since August 2021 has been dedicated to supporting women and girls. These funds support programming implemented by NGOs and UN entities.

Congress has taken different approaches to providing funding for Afghan women. Up until FY2010, Congress in some years specified certain amounts of State Department- and USAID-administered assistance to be made available for programs to support Afghan women and girls. After that year, Congress generally authorized the promotion of Afghan women’s rights and wellbeing but did not mandate specific funding levels.

Section 7044 of the Consolidated Appropriations Act, 2023 prohibits “direct assistance to the Taliban” and directs that the Secretary of State and USAID Administrator submit a report within 90 days “detailing plans...to protect and strengthen the rights of Afghan women and girls.” The

previous year’s funding measure (Div. K, P.L. 117-103) also required such a report, which was submitted in May 2022. Those reports may inform congressional consideration of additional funding or authorities.

Conditionality. Congress at times has considered and enacted conditions on U.S. policy related to the protection of women’s rights. For example, Section 1215 of the FY2021 National Defense Authorization Act (NDAA, P.L. 116-283) prohibited the use of funds to withdraw U.S. forces from Afghanistan 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 that President Trump issued in January 2021. Congress might consider U.S. policy levers (including foreign assistance or diplomatic recognition) as leverage to incentivize or penalize Taliban actions, though it is unclear what, if anything, might compel the Taliban to implement specific policies regarding women’s rights.

“In no other country have women and girls so rapidly disappeared from all spheres of public life, nor are they as disadvantaged in every aspect of their lives.”
Special Rapporteur on the situation of human rights in Afghanistan, September 9, 2022 (A/HRC/51/6)

Oversight. Congressional subcommittees have held hearings and briefings related to Afghan women, and Congress has separately tasked other entities (most notably SIGAR) with oversight in this area. SIGAR’s 2021 report on lessons learned regarding gender equality 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. Members may consider the feasibility of overseeing and evaluating U.S.-funded programs for Afghan women in a context where there is no U.S. diplomatic or other official presence. As required by Section 103(d) of the Afghanistan Freedom Support Act (P.L. 107-327, as amended), successive administrations have regularly submitted an annual report on all U.S. assistance for Afghanistan.

Sanctions. Members may consider what effect, if any, the potential for additional sanctions might have on Taliban policymaking regarding women’s rights. The Taliban are already subject to sanctions as a Special Designated Global Terrorist (SDGT) entity under Executive Order 13224. In October 2022, the State Department announced visa restrictions under Section 212(a)(3)(C) of the Immigration and Nationality Act (P.L. 82-414) on current and former Taliban members responsible for or complicit in the repression of Afghan women and girls. Members may consider requesting the Biden Administration designate Taliban members for additional sanctions under potentially relevant authorities or creating new authorities specific to the repression of Afghan women and girls.

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