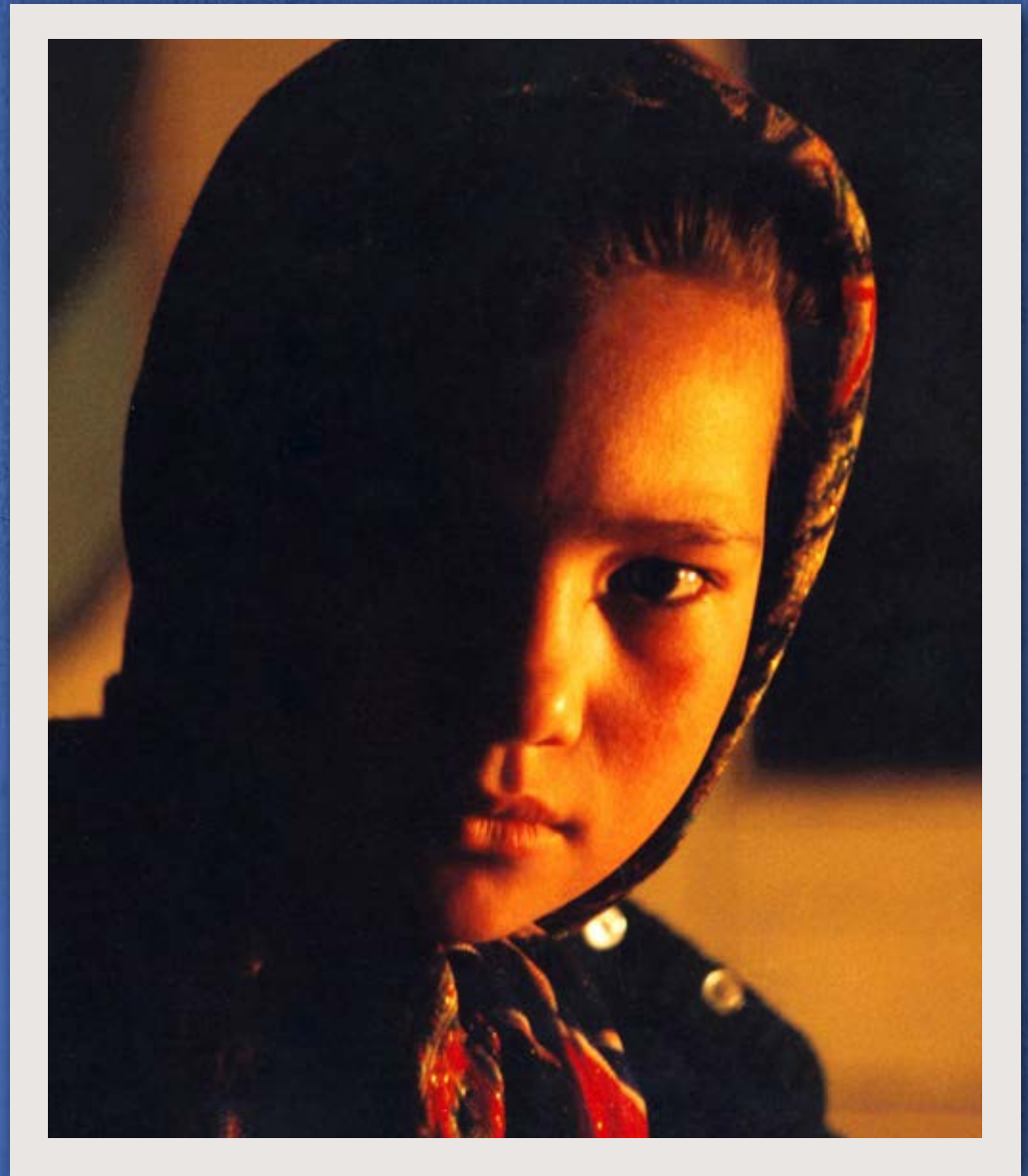


COMMUNITY CONVERSATIONS

AFGHANISTAN, PAKISTAN, INDIA



EXECUTIVE SUMMARY



WOMEN'S REGIONAL NETWORK
AFGHANISTAN • PAKISTAN • INDIA



A timeline of some crucial edicts and directives of the Taliban that have directly impacted women

JULY 2021

As the Taliban continued to capture provinces and districts, including near the border areas of Afghanistan, they issued a letter, under the name of the Taliban Cultural Commission, asking local religious leaders to provide them a list of girls above the age of 15 and widows under the age of 45, so they can be married off to Taliban fighters (Ray, 2021).

SEPTEMBER 2021

The Taliban reopened secondary schools only for boys and not girls. They also started revising the education curriculum (Fadel et al., 2021).

The Taliban replaced the Ministry of Women's Affairs with the Ministry of Propagation of Virtue and Prevention of Vice which was to act as a morality police. This ministry assumed the position of an important office under the Taliban regime (BBC, 2021).

Shortly after inviting women to join the government, the Taliban on September 20th instructed all women workers in the Kabul city government to stay at home until further notice (The Observer, Afghanistan, 2021).

Women were also banned from teaching and attending the Kabul University (Constable, 2021).

MAY 2022

The Taliban dissolved the Afghan Independent Human Rights Commission and four other important departments of the former government, citing them as unnecessary (Yunus, 2022).

SEPTEMBER 2022

The Taliban removed the only position held by a woman at the Commission of media violations (Eqbal, 2022).

2021

AUGUST 2021

The Taliban leadership announced a general amnesty for Afghan citizens including previous government officers and pro-republic individuals. This amnesty did not go into effect. In the same announcement, the Taliban asked women to join its government. The announcement was made by the senior Taliban member, Enamullah Samangani (Muzaffar, 2021).

The Taliban officials in Herat province banned co-ed education in public and private educational institutions (PTI, 2021).

NOVEMBER 2021

As part of eight directives launched by the Taliban Ministry for the Propagation of Virtue and Prevention of Vice, women were banned from appearing in television shows or movies (Popalzai, 2021).

2022

MARCH 2022

The Taliban announced that girls' schools would be reopened, but only a few hours later directed the schools to shut down again, continuing the ban on secondary education for girls (Barr, 2022).

The Taliban issued a directive preventing women from traveling or entering healthcare centers without a 'Mahram,' a male chaperone (Nader & Amini, 2022).

JULY 2022

The Taliban officials called and notified women working at the Ministry of Finance to send male relatives as their replacement, irrespective of their skills or qualifications (Kumar, 2022).

NOVEMBER 2022

The Taliban closed public baths for women in Northern provinces Balkh and Herat. The announcement was made by Sardar Mohammad Heydari from the Ministry for the Propagation of Virtue and the Prevention of Vice (Glinski, 2022).

The Taliban banned women from visiting the Band-e-Amir national park in Bamiyan province. The announcement was made by Mohammed Khaled Hanafi, Afghanistan's acting Minister of Virtue and Vice (Radford, 2023).

JANUARY 2023

The Taliban in Kandahar ordered female healthcare professionals not to go to work without a Mahram. The order was communicated verbally to the Public Health Department in Kandahar (Khalid, 2023).

The Taliban ordered travel agencies not to sell tickets to any woman who is not accompanied by a Mahram (Hakim, 2023).

MAY 2023

Through an audio message, the Taliban leader and the head of Kandahar Department of Vice and Virtue, Mawlawi Abdulhai Omar ordered all departments to prevent women and girls from going to healthcare centers and to graveyards (Hakim, 2023).

2022

DECEMBER 2022

The Taliban suspended women from higher education institutions and religious educational centers, besides tutoring classes that they took in private residences. The announcement was shared by the spokesperson for the Ministry of Higher Education Ziaullah Hashmi (Hadid, 2022).

The Taliban issued a decree banning women from working in national and international non-governmental organizations. The Ministry of Economy sent a letter to NGOs and INGOs threatening them with license cancellation in case of non-compliance (Farzan et al., 2022).

Taliban leader Haibatullah Akhundzada directed the judges in Afghanistan to impose Sharia Law punishments for specific crimes, including public amputations, stoning to death and executions (BBC, 2022).

2023

APRIL 2023

The Taliban banned women from working with the United Nations. UN female staff members were stopped from reporting to work in Nangarhar province (Wintour, 2023).

JULY 2023

The Ministry for the Prevention of Vice and Propagation of Virtue issued a notice ordering the closure of all beauty parlors and salons for women in the country within a month (Reuters, 2023).



Photo by Abdul Majeed

About WRN

Established in 2010, the Women's Regional Network (WRN) is committed to amplifying the voices of marginalized women, often overlooked in the discourse surrounding peace, militarization, forced displacements, security, justice, and governance in the South Asian region. WRN's dedication to addressing these complex and interconnected challenges extends across countries, including Afghanistan, Pakistan, India, and Sri Lanka, where women often confront obstacles related to economic and socio-political inclusion, discrimination within the justice system, and varying levels of security affecting their lives.

Guided by an unwavering commitment to human security and a gender-focused approach, WRN acknowledges that non-traditional crises and threats constitute "conflict" for women. These encompass scenarios where women's lives, safety, and peace are jeopardized, particularly for those experiencing displacement, trapped in armed conflicts, or subjected to exclusionary, divisive, and aggressive politics.

The Women's Regional Network will sunset in its current format by the end of December 2023. However, a new initiative called Canada's Feminist Forum for Afghanistan (CFFA) will continue the legacy of the WRN's work on Afghanistan into the future. To learn more about this initiative and its history based on the WRN Ottawa Symposium for Afghan Women read more at www.womensregionalnetwork.org/cffa.

About WomanKind Worldwide

(Supporters of the WRN Afghanistan report)

Womankind Worldwide is an international women's rights organisation and funder, working with women's rights and feminist movements across the world to end gender inequality. We support diverse women's rights organisations representing the most marginalised groups to challenge inequality, at home, in communities and the workplace. We fund and strengthen these movements and advocate for change alongside them.

About Our Research

The WRN has been conducting feminist qualitative participatory research called "Community Conversations" for over a decade. The WRN's body of work honors the voices of women documented; creates an avenue for women's testimony across caste, class, religion, ethnicity, and national borders to identify gendered concerns and needs; demands accountability for abuses perpetrated by state and non-state actors; and highlights women's innovative organizing ability. This research documents the voices of marginalized women in conflict zones, focusing on the impact of Taliban rule on Afghan Women within Afghanistan as well as those who have fled to India and Pakistan. The research highlights various issues within the Gender Apartheid Lens with a focus on internally displaced persons/refugees as well as minorities and women human rights defenders. The report will be launched in several locations including the United Kingdom, Canada, The United States, and Switzerland, with associated advocacy efforts based on the recommendations from Afghan women on the ground.

SUFFERING UNVEILED: Afghan Women's Struggles Under the Taliban



The resurgence of the Taliban in Afghanistan on August 15, 2021, marked a tragic turning point, reversing the significant progress made in women's and girls' rights over the past two decades. This regressive shift systematically eroded the presence and participation of women and girls in public life.

Retrospectively, the 2004 Afghan constitution enshrined equal rights for women, with far reaching effects, including spaces for political participation and women's substantial role in the parliament. Given these provisions and, bolstered by international investments and the resolute dedication of Afghan women, notable advancements were achieved. Credible data corroborated a surge in the enrollment of girls in primary schools, with considerable representation of girls in primary education. Higher education underwent significant transformation, accompanied by a doubling of literacy rates over the years. Furthermore, the workforce experienced a rise in women's participation, with numerous women-owned enterprises contributing to employment opportunities, and supporting female artisans in rural areas.

The political landscape revealed a growing presence of women, with women occupying seats in parliament, provincial councils, and ministerial-level positions. Additionally, increased participation of women in the Afghan National Defense and Security Forces underscored their integral role in amplifying the country's security.

Civil society organizations led by women played a pivotal role in providing essential services, with a multitude of non-governmental organizations focusing on healthcare, vocational training, legal support, shelters for survivors of abuse, and facilitating educational access for women. Nevertheless, persisting challenges necessitated extensive campaigns by women's rights advocates to safeguard their hard-fought progress.

These advancements rolled back with the resurgence of the Taliban: women and girls were subjected to severe restrictions, profoundly impacting their health, education, safety, and freedom. Legal safeguards were dismantled one by one, and women were systematically excluded from educational, employment, and political participation opportunities. Anyone, defying the Taliban-style edicts were to be dealt with punitive measures. Onslaught of such human rights abuses triggered protests resulting in escalated incidents of egregious acts of violence, harassment and intimidation against women. Escaping these brutalities and with no other options, women were forced to relocate: prominent women's rights defenders sought refuge abroad, while hundreds of thousands became internally displaced or sought asylum in neighboring nations.

According to UN Women, Afghanistan is now the sole country in the world where girls are categorically prohibited from attending high school.

Human rights organizations and experts have unequivocally characterized the measures imposed by the Taliban as constituting gender apartheid and gender persecution, emphasizing the systematic nature and gravity of discrimination and violence directed against Afghan women and girls. These conceptual frameworks provide invaluable insight into the multifaceted challenges faced by women, with gender persecution denoting the deliberate deprivation of fundamental rights based on gender, and gender apartheid encapsulating systematic gender-based segregation.

The actions of the Taliban represent a grave transgression of international legal norms and Afghan domestic law. Truly understanding the intricate interplay between gender apartheid and gender persecution is indispensable in addressing the flagrant violations against the rights of Afghan women.

With the change in regime and its impact on the lives of women, WRN conducted this research to comprehensively document and analyze the experiences, challenges, and resilience of marginalized women in Afghanistan, with a focus on women with disabilities, ethnic and religious minorities and Women Human Rights Defenders (WHRDs).

From June to July 2023, we conducted 15 Community Conversations (CCs) involving 500 women representing various provinces and diverse backgrounds, complemented by extensive desk review. The research was conducted in 11 of Afghanistan's 34 provinces, namely Balkh, Bamyan, Herat, Jawzjan, Kabul, Kunduz, Laghman, Nangarhar, Nimrooz, Paktia, and Panjshir. We harnessed the resources and networks of our well-established partner offices to facilitate the selection of research sites and participants. We employed a deliberate approach in the selection of research sites, aiming to create a diverse representation of various ethnic backgrounds across both urban and rural settings. In order to prioritize the safety of both our research team and the participating individuals, we thoughtfully adopted a dual approach, utilizing both in-person (almost all) and online (only Panjshir) methodologies for data collection.

With Afghanistan last among safety rankings for women worldwide, women reported various forms of violence, with 71% experiencing violence from family or community members and 77% enduring violence from the Taliban and other non-state actors. More than half (56%) of women reported having faced harassment or feel insecure, 91%

experienced discrimination due to being women; and a high 86% of these women believe their basic human rights have been violated. It is worth noting that more than 76% of the women have faced violence intersecting with their ethnicity, language, religious beliefs, or physical disability.

The collapse of the judicial system restricted women's access to justice. A majority 88.4% have not been able to access police or court services. Many were reluctant to seek redress in Taliban courts and preferred informal channels including family elders, *Wakil Guzar**, and religious leaders.

Notably, 86% of Afghan women surveyed in this research are facing significant mental health challenges, with only 17% of them able to access mental health services.

Amidst this grave humanitarian crisis, only 26% of these women have been able to access humanitarian aid, while the Taliban's restrictions on women's employment have compounded challenges in their economic situation.

This research provides recommendations to the United Nations, emphasizing the importance of not recognizing the Taliban as Afghanistan's legitimate government and discouraging support for them. Additionally, it stresses the urgent need to acknowledge the Taliban's treatment of women as gender persecution and recognize it as a form of gender apartheid. It implores the UN to initiate an International Criminal Court investigation into the Taliban's brutal acts against women, advocates for imposing sanctions on key Taliban leaders responsible for human rights abuses, and emphasizes the equitable distribution of humanitarian aid, with a specific focus on women in various regions, and support for vulnerable minority communities.

The second set of recommendations is directed at the international community. It calls for diplomatic pressure on the Taliban to respect and guarantee women's rights, with measurable inclusion benchmarks in education and the workforce. It urges nations with feminist foreign policies to prioritize women's rights in Afghanistan and offer scholarships and asylum to Afghan women affected by Taliban actions. It asks the international community to provide women and human rights defenders from inside the

*A *Wakil Guzar* is a community leader, typically elected by the community and officially registered by the municipal government. This individual serves as a liaison between the local community and the government.

country platforms and not give the stage to those who are normalizing Taliban. Additionally, it proposes an international dialogue forum involving Afghan women, diplomats, policymakers, and human rights experts to support the formation of an inclusive government in Afghanistan and protect fundamental rights, irrespective of gender, sect, ethnicity, or language.

This research offers recommendations to feminist funding organizations, emphasizing the allocation of funds to both formal and grassroots women's rights advocacy groups in Afghanistan and globally. It recommends supporting educational programs for Afghan women, including opportunities for economic empowerment, education, vocational training, and literacy. It further suggests promoting initiatives to enhance women's vocational skills, retraining, certification, and remote job opportunities, as well as self-care. Additionally, the report advises funding for legal support initiatives, investment in research on mental health issues among Afghan women, and providing funding for accessible healthcare and psychosocial support services.

Finally, it addresses Muslim-majority countries to condemn the Taliban's treatment of women as incompatible with Islamic principles and coordinate efforts to exert pressure on the Taliban for a reversal of their decisions regarding women's rights.

Asks for Change: Recommendations

Incorporating the voices and insights of Afghan women who actively engaged in the CCs during our research, we present a series of compelling 'Asks for Change' categorized for key stakeholders. These recommendations, divided into categories for the United Nations (UN), the international community, feminist funding organizations, Afghanistan's women leaders, and activists and Muslim-majority countries, represent a powerful 'Call for Action' by Afghan women as they articulate essential steps toward advancing women's rights and empowerment in Afghanistan.

These practical and specific recommendations aim to address the identified challenges and limitations, emphasizing the protection of women's rights, the provision of mental health services, enhanced access to justice, and the equitable distribution of humanitarian aid with an inclusive, diverse and survivor centric approach.

Charting the Course: The United Nations

- Refrain from recognizing the Taliban as the legitimate government of Afghanistan and engage in diplomatic efforts to dissuade nations from providing support to the Taliban.
- Acknowledge the Taliban's treatment of women as constituting gender persecution and recognize it as a manifestation of gender apartheid. The UN should take decisive actions to curtail these grave violations of international law, including the prosecution of those responsible.
- Advocate for the referral of the Taliban's actions, particularly the crimes of gender apartheid, to the International Criminal Court (ICC) for a thorough investigation and subsequent prosecution. This referral would align with international legal norms and facilitate accountability.
- Impose targeted sanctions and full travel bans on key figures within the Taliban leadership responsible for orchestrating or condoning human rights abuses, particularly those related to gender apartheid. These measures should restrict their mobility, freeze their assets, and underscore the international community's commitment to accountability.
- Allocate quotas for female aid recipients and ensure the equitable distribution of humanitarian assistance, especially to women in smaller provinces, remote areas, and women-headed households. Recognize regional variations and support minority communities vulnerable to persecution, violence, or marginalization.
- The UN should provide platform for the marginalized ethnicities/communities to raise their voice and support them inside Afghanistan.

Global Allies: The Role of the International Community

- Exert significant diplomatic pressure on the Taliban to uphold and respect women's rights, establishing measurable benchmarks for women's inclusion across Afghan society, with a focus on education and workforce participation. This could include international sanctions, condition based engagement, and the threat of isolation.
- Encourage nations adhering to feminist foreign policies to prioritize safeguarding women's rights in Afghanistan, including the cessation of gender-based violence and discrimination.

- Provide scholarships to Afghan women and extend asylum and protection to victims and survivors of Taliban atrocities with priority to those in third countries.
- Provide flexible and adaptable funding to women led organizations specially from the oppressed and marginalized communities for providing support and protecting victims of GBV.
- Initiate an international dialogue forum, incorporating Afghan women, diplomats, policymakers, and human rights experts, to facilitate constructive discussions aimed at supporting the establishment of an inclusive government in Afghanistan, ensuring the protection of basic human rights irrespective of gender, sect, ethnicity, or language.

Empowering Change: Feminist Funding Organizations

- Support and fund educational programs designed specifically for Afghan women, encompassing opportunities for education, vocational training, and literacy to ensure their long-term empowerment. Ensure inclusivity and diversity in all your funding opportunities, by focusing on, and not continue to ignore, those communities that are further oppressed by the Taliban.
- Promote initiatives for women's vocational and skills development to enhance employability, including training and certification, alongside the creation of remote job opportunities.
- Collaborate with formal and grassroots women's rights advocacy groups in Afghanistan, and globally to fortify legal advice protecting women's rights. Fund initiatives providing legal aid and support to women facing legal challenges.
- Contribute to the understanding of mental health issues among Afghan women through research and data collection efforts. Fund healthcare and psychosocial support services, including counseling services, support groups, and trauma-informed care making them easily accessible all over the country.
- 30% of humanitarian and developments funds should be channeled through women organizations.
- Provide support for women platforms and networks in exile to be able to continue their advocacy efforts and amplify the voices of women who are oppressed and suppressed by the Taliban in Afghanistan

In Unity and Faith: Muslim Majority Countries:

- Condemn the Taliban's treatment of women as incompatible with Islamic principles and amplify messages from Islamic scholars and political leaders in Muslim-majority countries, highlighting the discrepancy between the Taliban's restrictive women's rights policies and contemporary Muslim world practices.
- Coordinate efforts to exert pressure on the Taliban through diplomatic channels, economic ties, and regional cooperation mechanisms to encourage a reversal of their decisions regarding women's rights.
- Use your influence to pressure the Taliban to allow girls to schools and women to work especially in the countries where the families of Taliban are living and their daughters are enjoying world-class education while girls inside are banned from school.
- The Muslim-majority countries should also work with women and men from different ethnicities and communities in Afghanistan. The few initiatives that have been taken so far are providing a platform for the one dominant ethnicity of Afghanistan.

Afghanistan's women leaders and activists

- Civil society, Afghan women and activists in exile should further organize themselves to become more impactful at the global level advocating for restoration of democracy and respect women's rights in Afghanistan.
- Coordinate efforts through different mechanisms and continue amplifying the voices of Afghan women from inside through different campaigns, advocacy and research and dialogues.
- Continue documenting the Taliban's war crimes and violation of women's human rights and continue making the case for recognition of gender apartheid.
- Lead and host intra-Afghanistan dialogues and promote social cohesion, unity and coordinated civil resistance against the Taliban.
- Do not provide platforms and seats to civil society organizations and women activists who work closely with the Taliban due to funding opportunities and ethnic ties. They use their presence in Afghanistan as the legitimacy to be the only voice of Afghan people and women.

IN THE SHADOW OF THE TALIBAN: Community Conversations with Afghan Refugee Women in Pakistan



Photo by Abdul Majeed

This report delves into the intricate landscape of the humanitarian crisis and lack of support and assistance for Afghan refugees, especially the ‘new arrivals’ who came to Pakistan after the Taliban took over Afghanistan in August 2021. In the backdrop of a spectrum of policy shifts, leading to gender apartheid and persecution in Afghanistan, post August 2021, the report highlights its multifaceted impact and the dynamics of humanitarian assistance meted out by the Afghan refugees in Pakistan. It underscores the following key findings:

Evolving Government Policies

Over the years, Pakistan’s approach to Afghan refugees has transformed significantly from one that welcomed refugees to one that denies Afghans refugee status, viewing them as security risks. Notably, UNHCR reports that adopting the National Action Plan (NAP) in 2015 has led to national security prerogatives taking precedence over humanitarian

considerations, culminating in access restrictions. For example, obtaining a No Objection Certificate (NOC) to access refugee hosting areas now poses a significant challenge for all stakeholders, including Civil Society Organizations (CSOs), with only 43% successfully navigating this cumbersome process. This is further complicated by Pakistan’s arbitrary, recurrent and increasingly harsh deportation drives that do not distinguish between the ‘new arrivals’ fleeing Afghanistan to escape persecution and other migrants declared illegal.

Methodology

The report primarily relies upon 16 community conversations comprising of groups of 4-10 women of different ages, ethnicities and backgrounds. In addition, it relies upon questionnaires fielded to 240 women refugees, key informant interviews with 21 experts and secondary literature. The focus has been on the post-August 2021



Community Conversations, Islamabad.

refugees who arrived in Pakistan after the Taliban take-over. Although a small sample, it provides an insight into the concerns faced by a wide range of intersectional women with diverse disciplines and identities.

The data was collected between June and September 2023, while the report writing took place during the time when the Pakistan government initiated the deportation drive.

Accessing Support

The report data reveals that UNHCR provides 38% of humanitarian support for Afghan refugees (refugees with documentation) in Pakistan. Unfortunately, 43% of those in need find it challenging to access this assistance. The dwindling availability of international financial support for Afghan refugees demonstrates the existence of critical gaps in the international approach to human rights concerns. This trend has become more pronounced in a world where the population of displaced persons has doubled. Donor fatigue through a protracted crisis is often cited as the cause of diminishing international humanitarian aid for Afghanistan, even though the reasons for the prolonged conflict lie with the regional and international community. Furthermore, different governments' silence on gender apartheid, and quietly advocating for the acceptance of a fundamentally misogynist government is tantamount to taking responsibility for the aftermath of the Doha agreement.

Security and Resettlement Hurdles

The report provides an insight into security — less than 50% Afghan women in the study feel secure in Pakistan, citing legal hurdles and human rights violations as the primary causes. The report reveals that 53% of resettlement applications remain under review, while 32% have been rejected. The data showcases the onerous resettlement process, driven by political considerations and complicated by false cases. The total number of resettlement cases (not more than 3500 per year) remains minuscule in comparison to the demand for asylum from Afghans in Pakistan.

Gender-Based Violence and Harassment

The report underlines the pervasiveness of gender-based violence (GBV), including survival sex as a source of livelihood and young girls and boys resort to survival sex to offset the multiple adverse shocks that impact them and their families due to violent conflict situations.

Survivors are hesitant to come forward due to fear of retribution and the difficulty in providing concrete evidence. Notably, women involved in survival sex do not report maltreatment and exploitation due to fear of being killed. Many others, though resentful, consider being beaten or verbally abused a norm. There is a culture of silence around GBV, with little financial and human resources available to address it effectively.

Key Recommendations

The report offers recommendations for support to refugees and new arrivals and underscores the urgency of addressing gender apartheid. They are aimed at three sets of actors: a) the Pakistan government, b) the international community, including the UN and foreign missions, and c) civil society.

1. Recommendations for the Pakistan Government

These include signing the 1951 Geneva Convention and the 1967 Protocol on Refugees; to enact a domestic refugee law and policy for refugees. The recommendations emphasize the need for a balanced approach between national security and humanitarian considerations. The current deportation drive is against international customary law and human rights principles. No refugee or asylum seeker should be forcibly returned to a country where they face persecution.

The 2017 Cabinet decision regarding refugees and the recommendations of the Parliamentary Committee on Human Rights needs to be honored. These ask for domestic legislation and policy, improvement in the restrictive policies vis a vis media and NGOs and advocate for greater accountability of the police against harassment of refugees, including extortion and petty bribes. They also call on making a Refugee Council and include the proposal for a credible research center and micro data repository based on the existing information and knowledge available with the government's States and Frontier Regions (SAFRON) Ministry and Afghan Commissionerate that address refugee affairs and management.

Importantly, to combat GBV, the government's anti-sexual harassment policies need to be implemented effectively and more resources must be invested in trained workers, as well as response mechanisms. The government's autonomous commissions for women's rights, and for human rights need to push for awareness of gender apartheid in Afghanistan, and advocate for the protection of vulnerable Afghans, especially women and children in Pakistan, instead of their forcible return.

2. Demands from the International Community

This set of recommendations begins with the urgent demand to end the system of Gender Apartheid in Afghanistan and for the world community to recognize this system as fundamentally misogynistic and unacceptable. It also asks UNHCR and its partner organizations to increase the volume of funds for the needs of Afghan refugees and new arrivals living in precarious conditions; and ensure that refugees across the world are treated in a just manner, irrespective of race and color vis a vis global budget allocations. Notably, the recommendations ask for more effective interventions for GBV and global advocacy for the urgent redressal of Afghan women's rights.

3. Demands from CSOs (including NGOs, INGOs, Media and Political Parties)

Civil society organizations can significantly impact refugee rights and well-being by ensuring that refugees receive the protection, assistance and support to rebuild their lives. This can

be achieved through a range of measures: policy advocacy, awareness raising and support for resettlement initiatives; legal aid and legal assistance; support for education, health-care including mental health, as well as economic and social empowerment. The recommendations emphasize identification of CSOs that can carry out consistent documentation, research, and advocacy alongside community building, peace building and pressing for global solutions. Political parties need to denounce the gender apartheid imposed on Afghan women and call for its rollback so that vulnerable Afghan women and their families are not forced into precarious situations. The issue of survival sex needs a coordinated response from the government in terms of generating livelihood and skills training opportunities, and health-related interventions, encompassing reproductive and mental health.

In summary, this report underscores the multifaceted challenges faced by Afghan refugees in Pakistan. It calls for customized solutions, support structures, and nuanced policy approaches to uplift marginalized refugee communities. If countries refuse to accommodate displaced populations whether as economic refugees or those escaping gender apartheid, then they must take responsibility for fostering a more just and peaceful world that does not require border policing.



Photo by Abdul Majeed

WOMEN SEEKING SECURITY, ASSERTING AGENCY: India Afghan Refugee Community Conversations



Community Conversations in Bhogal.

India Afghan Refugee Community Conversations uses a human rights and feminist lens to document evidence of widespread and systematic **gender-based persecution** and the punitive enforcement of the denial of fundamental freedoms of Afghan women and girls which drove them to seek haven in India. *India Afghan Refugee Community Conversations* draws upon the experiences of Afghan women and girls who arrived in Delhi over the last decade, as conflict destabilised Afghanistan’s Republican government and a resurgent Taliban seized greater control of the country. In the two years since the Taliban’s takeover, the significant progress made in the area of women and girls’ rights has been reversed—Afghan women and girls have all but disappeared from public life. The heightened crisis of gender persecution is driving fresh flows of refugee arrivals to neighbouring countries. For Afghan women and girl asylum seekers who fled Afghanistan or were outside the country before 15 August 2021, the need for international protection has redoubled because of the increased risks they now face.

India Afghan Refugee Community Conversations is part of the global campaign to establish that the Taliban’s discriminatory and misogynist policies and harsh enforcement practices constitute an institutionalised framework of **gender apartheid**. Gender subjugation is ideologically integral to the maintenance of the Taliban’s regime. *India Afghan Refugee Community Conversations* provides evidence for the development of normative standards for international legitimation and action with regard to gender apartheid and its recognition as a crime against humanity. On 1 February, 2023, the UNHCR updated its *Guidance Note on the International Protection Needs of People Fleeing Afghanistan* to specify that “UNHCR considers Afghan women and girls are likely to be in need of international protection under the 1951 Refugee Convention.” Recognising that 50% of Refugee Status Determination rejections revolved around cases of gender-related persecution—and taking cognisance of UNHCR’s updated *Guidance Note*—*India Afghan Refugee Community Conversations* focuses on getting India

and other states to consider all Afghan women and girls fleeing Afghanistan as *prima facie* refugees under the 1951 Refugee Convention.¹

Throughout 20th century Afghanistan, socio-political contentions around women's rights have been instrumentalised to destabilise and prop up regimes (Daud 2022; *EPRS Briefing* 2023). The Taliban leadership has politically mobilised a discourse based on centre–periphery, urban–rural, tradition–modernity and elite–non-elite fault lines to undermine the Karzai-Ghani governments and shore up the legitimacy of its own regime. However, as the India Afghan refugee profile foregrounds, more than a quarter of Afghan nationals seeking refuge in India are young, single women. They are first-generation literates from modest, middle-class families in provinces and rural settlements of Kabul who have struggled to gain diplomas and university degrees. Multiple women shared that despite being married off at a young age, saddled with domestic responsibilities and in-laws who disapproved, they secretly went back to school. One woman was eight months pregnant when she passed Grade 12, and became a university graduate on scholarship. She went on to become a women's rights professional with prestigious INGOs.

The ability of non-elite, middle-class, semi-urban Afghan women to leave—independent of male family relatives—is reflective of major social changes which have occurred across Afghanistan over the last two decades, since the US-led military intervention of 2001. According to WRN's random sample surveys of Afghan refugees, more than 28% of respondents were between 25 to 34 years old, including several 17 to 18-year-old girls. Practically a quarter of them had technical or university degrees. Brief exposure to the possibility of a world where girls could study, work, have agency and not have to “hide to stay safe” made the harm of deprivation more violent. There was “no other option but to leave.”

The India Afghan refugee profiles are evidence of the continuum of gender-based discrimination and persecution.



An overwhelming majority of cases involved “gender-related motivation”²—euphemistically expressed as “personal reasons”—as the driving factor for flight. Gender persecution manifests in the commonplace denial of the freedom to study, work or even go out unaccompanied, as well as impunity in relation to stalking, brutal domestic violence, kidnappings and assault. Commonplace were forced and early marriages decreed by a powerful local Khan or mujahideen commandants, or as a transactional contract to settle debts and feuds. Divorce meant denial of the custody of children, dispossession and abandonment. As one of our respondents, a Woman Human Rights Defender said, escapees were targeted as rights activists, “bad women” or simply those “who dared to come out” in the public sphere.

2 ‘Gender Related Motivation as explained in the UN Special Rapporteur’s report, *A-HRC 2023*, paragraph 78 refers to the “prevalence of an environment of “gender-related motivation” as reflected in the Taliban’s edicts, recommendations and practices, which underlies the statistical definition of femicide adopted by the United Nations, which refers not to the subjective motive of an individual perpetrator of femicide but to the normative and societal prevalence of “root causes”, such as stereotyped gender roles, discrimination against women and girls, and inequality and unequal power relations between women and men in society that characterize the specific context and serve as the triggers for such killings.”

1 UNHCR, *Guidance Note on the International Protection Needs of People Fleeing Afghanistan – Update I, February 2023*, <https://www.refworld.org/pdfid/63e0cb714.pdf>



Three young Afghan women in Delhi.

Punitive action was socially sanctioned as the victim was seen as transgressor.

India Afghan Refugee Community Conversations reveal differences in Afghan women's perceptions of gender persecution before and after the Taliban II regime. Shabnam, a Woman Human Rights Defender observed, "oppression of women and violence used to happen earlier too. But now it is everywhere. Before, if you tried to get justice, you could face more violence. But now the injustice is more open. And there is no way of accessing justice. Some women, my former colleagues, are coming out on the streets speaking out... The Taliban can do anything to them. There is no media, no organisation to stand with them. Before, there were so many organisations to hear the voices of women... Now all that is finished."

Afghanistan's diverse ethnicities and religions are reflected in its urban refugee population in India. Of note are Afghan refugees fleeing intersectional vulnerabilities of discrimination and persecution on the basis of gender

and other identities such as ethnicity, religion, disability and sexuality. These include non-Muslim minorities such as Afghan Hindus, Sikhs and some Christians, and Muslim minorities such as Hazaras. Afghan refugee coordinators claim that ethnic tensions prevalent in Afghanistan have not carried over to India. Here, their common identity as refugees is predominant. Until recurring conflicts, Afghan Sikhs and Hindus were considered to be socially and culturally integrated into Afghan society. Now, they have chosen to segregate themselves. Afghan Hindus and Sikhs account for 65% of Afghans-of-concern to UNHCR. Additional groups facing intersectional vulnerabilities include single and women-headed households, Women Human Rights Defenders and NGO workers, and those at risk of reprisals for collaborating with foreigners or the former Afghan government.

In India's hybrid refugee protection arrangement, Afghan asylum seekers or refugees come under the circumscribed mandate of UNHCR. India is not a signatory to the Status of Refugee Convention (1951) and Protocol relating to the Status of Refugees (1967). UNHCR's relations with successive governments has been fraught with tension over non-refoulement and refugee status determination. Additionally, India has no national law for refugee protection and care. The absence of a separate category for those in need of international protection means that all foreign nationals get clubbed under the draconian Foreigners Act (1948). India's refugee policy and practices are subject to the pulls and pressures of the country's shifting domestic and foreign policy and security considerations (Manchanda 2022). To be an Afghan asylum seeker or refugee in India is to lead a life of economic uncertainty, deprivation and depressing prospects for one's children's futures. No surprise then that Afghans have been drawn by the country's earlier *gratis* visa regime to India, but essentially as a transit country.

As UNHCR acknowledges, Afghans in India are a favoured refugee community, more protected and less vulnerable to detention and deportation than other asylum seekers. Afghan refugees are the only ones getting long-stay visas, although such visas are now earmarked for Afghan Hindus and Sikhs in line with the Citizenship Amendment Act (2019). In 2021, apprehension of a mass influx of refugees and security considerations saw an abrupt revocation of the visa regime, and introduction of a restricted emergency e-visa. However, India also intimated an advisory of 'No Return' for Afghan asylum seekers, streamlined Afghan

refugees getting an exit permit and reduced overstay penalties required for third-country settlement.

Afghan refugees have been particularly impatient with UNHCR's presumption of integration as the preferred option and the diminishing possibilities of third-country settlement. However, with the recent option of a complementary bilateral pathway for third-country settlement, there has been a surge in third-country settlement off-takes by Canada and Australia. Also, UNHCR's 2023 *Guidance Note* update not only iterated a 'No-return' advisory, but also urged the reopening of appeals for certain rejected cases. Importantly, UNHCR recognised the presumptive need for the protection of Afghan women and girls. Indeed, the ambiguity surrounding recognition of 'gender-related motivation' as persecution—and thereby the grounds for refugee status determination—has contributed to UNHCR's rejection rate of 50% for Afghan asylum seekers. Recently, there has been action on a clutch of refugee status determination cases in contrast with UNHCR's normal dilatory processes, which produce extreme distress.

Key Recommendations to Multiple Stakeholders

Government of India

1. Become a signatory to the Status of Refugee Convention (1951), adopt a corresponding national asylum and pass a National Refugee Law. This law should provide a predictable framework to register, host and integrate or resettle refugees. In the interim, recognise the legal category of 'asylum seeker/refugee'.
2. Institute a visa regime for people-at-risk, and review the revocation of valid visas of thousands of refugees. Issue visas to Afghan students registered in higher education institutions and balance security considerations with humanitarian ones.
3. Extend equitable humanitarian assistance to the people of Afghanistan, especially vulnerable groups.
4. Leverage geopolitical and economic power to pressure the Taliban to roll back gender apartheid. In the interim, hold back on recognition and normalisation of relations.
5. Keep the Afghanistan crisis on the agenda in multilateral forums. Iterate the international community's concern on human rights—including those of women, children and minorities.

United Nations High Commissioner for Refugees

1. Promptly communicate the updated Guidance Note to the refugee community since it affects the status of Afghan asylum seekers. They have a right to know and not be disempowered.
2. Investigate delays in refugee status determination process and recognise gender-based persecution as grounds for status determination of refugees.
3. Mobilise more funds and address care needs of children to alleviate distress.

The International Community

1. Recognise Gender Persecution and Gender Apartheid in Afghanistan as crimes against humanity.
2. Increase funding to UNHCR for Afghan refugees.
3. Step up third-country settlement options for Afghan refugees.
4. Effect equitable distribution of humanitarian aid, focusing on women in provinces and support for vulnerable minority communities.
5. States with feminist foreign policies should prioritise women's rights in Afghanistan and offer scholarships and asylum to Afghan women affected by the Taliban's actions.

To Civil Society and Media

1. Publicise relevant and important changes in UNHCR Guidelines and the regulatory framework of GOI.
2. Critically monitor GOI's shifting diplomatic stance towards the Taliban.
3. Promote adoption of a National Refugee Law or regulatory framework that recognises asylum seekers and refugees as a legal category.



WOMEN'S REGIONAL NETWORK
AFGHANISTAN • PAKISTAN • INDIA

WOMEN'S REGIONAL NETWORK

Box 6552, Denver, CO 80206

Email: wrnoffice@womensregionalnetwork.org

X: @WRNnews

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