

# The Best Way to Mark the Anniversary of Taliban Takeover? Launch a Global Campaign Against Gender Apartheid in Afghanistan

Monday 15 August 2022, by [BENNOUNE Karima](#) (Date first published: 12 August 2022).

**Editor's note: To mark the one-year anniversary of the Taliban's second takeover of Afghanistan, Just Security is publishing a [series](#) of essays on the developments of the last year and the prospects for the future of Afghanistan. The series will continue over the coming weeks, and feature voices from Afghan civil society, U.S. national security experts, international human rights experts, and others.**

## Contents

- [Gender Apartheid in Practice](#)
- [Identifying and Countering \(...\)](#)
- [The Road to 21<sup>st</sup> Century \(...\)](#)
- [The Way Forward from August](#)

---

As the first anniversary of the second fall of Kabul to the Taliban approaches, the world watches as the extremist group re-imposes systematic discrimination against Afghan women and effectuates their exclusion from much of public life. Such policies have terrible consequences, such as a reported [increase in suicide](#) among women, and contributing to a [doubling](#) of infant mortality rates in some parts of the country. German Foreign Minister Annalena Baerbock was correct when she recently [described](#) Taliban rule as “the biggest violation on earth of women’s rights.” During the short-lived burst of international attention on Afghanistan around this anniversary, it is critical to commit to a more effective and principled global response, and to do so by recognizing this grave set of abuses for exactly what it is: gender apartheid.

The International Convention on the Suppression and Punishment of the Crime of Apartheid defines apartheid as “inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.” But the concept of apartheid can also be [applied](#) to other highly structured systems of control and oppression enacted by one group over another on the basis of discrimination. In this case, substituting “gender” for “race” in the conventional definition of apartheid yields a highly accurate reflection of Taliban policies vis-à-vis women.

Gender apartheid is a system of governance which imposes systematic segregation of women and men, and excludes women from public spaces and spheres. It involves systemic oppression of women, defining women, as one Afghan rights advocate told me, as being “not as human as men.” The apartheid approach foregrounds the international legal obligations of other States and

international actors not to be complicit with such a project because it amounts to an international crime, and to work globally to counter it. This label has a range of important practical and policy implications that will be reviewed below – and which could be gamechangers for Afghan women.

While Afghanistan will experience a renewed five minutes of fame on August 15<sup>th</sup>, Afghan women live with the consequences of the Taliban takeover every single day. Although some print coverage has continued, this reality has increasingly disappeared from international television screens, and will likely do so again after August 16. “We are being erased,” one women’s rights advocate in a safe house (of questionable safety) lamented to me while I conducted remote interviews for a study on gender apartheid that will be published in the [Columbia Human Rights Law Review](#) in November. It is essential to heed the voices of Afghan women human rights defenders (WHRDs) like her on the 15<sup>th</sup> and going forward, including when they call for recognition that Taliban policies amount to the international crime of apartheid, and as they demand a consistent, principled, and effective international response. This requires that the international community learn from the success of the 20<sup>th</sup> century anti-apartheid movement and pressure the Taliban now in ways that are similar to those used effectively before.

## **Gender Apartheid in Practice**

[Shaharзад Akbar](#), former chairperson of the [recently abolished Afghan Independent Human Rights Commission](#) said when I interviewed her, “If a government is unwilling to recognize half of the population, we should be unwilling to recognize them. If the same restrictions were applied to men, or on the basis of race, what would we do?” Governments and international organizations should take her question to heart. Almost all of the Afghan women advocates I interviewed agreed with the characterization of the country situation as gender apartheid, mainly because they found it to accurately reflect the way Taliban policy, as one said, “removes women from government and society”. They also ratified this approach because the apartheid framework was a key tool used to improve the lived reality of Black South Africans in the past, and so this framing provides a source of much-needed hope.

One fact alone demonstrates the exigency of constructing an effective international response to what is unfolding in Afghanistan. As Afghan women advocates stress, the organization whose name, “Taliban,” ironically translates to “the students” represents the only governing group in the world to have systematically excluded most women and girls from education in the territory it controlled in the late 20<sup>th</sup> century, and now again in the early 21<sup>st</sup>. One 16 year-old girl [told](#) the BBC last year, as a Taliban official confirmed the ban on secondary school education for girls: “Not being able to study feels like a death penalty.”

While these words are a powerful metaphor, they are also literally true in some ways. For example, the secondary school ban means there will be no new crop of women nurses to treat female patients whose only health care option they may represent under the apartheid regime. The words of women’s rights campaigner, Zarqa Yaftali, underscore the urgency of addressing this crisis. She stressed to me that even a short-term practice of gender apartheid has grave long-term consequences, and quickly becomes self-perpetuating. “If girls do not go back to school for 1-2 years, the impact will be very harmful in the future, for the next 10-15 years. We will have a generation of nonliterate girls who will not be able to play a role in the country.”

As terrible as the schooling ban is, women’s right advocates insist it must be understood in the context of other widespread abuses. These include the violations recently [documented](#) by the United Nations (U.N.) Assistance Mission in Afghanistan, including widespread restrictions on women

working, except in a few sectors subject to segregation (in the middle of one of the worst humanitarian crises in the world), as well as disappearances, killings, torture, arbitrary detention of women and men, targeting of minorities, and even a [reported](#) new Orwellian ban on criticizing the Taliban.

## **Identifying and Countering Gender Apartheid**

Faced with this grim reality one year in, what would be the added value of the gender apartheid approach? The concept of apartheid offers not only a factually accurate description, and one that carries the appropriate stigma, but also an essential mechanism for generating some global legal accountability for the transnationally created disaster of the Taliban's return to power. The approach can both empower and cajole rights-respecting responses from other States and an international community which claims to value women's human rights.

The symbolic and expressive importance of applying the apartheid concept to a fact pattern like Taliban Afghanistan enhances the "mobilization of shame" which is a critical international law compliance tool. This puts pressure on governments, international organizations, and transnational corporations not to engage with the Taliban in ways that show tolerance for and help perpetuate grave abuses. Using the term "apartheid" implies the pariah status of its perpetrators. It can also elevate the status of the practice's redoubtable local opponents as it did in the South African context. Conversely, the failure to employ a heightened concept and an enhanced response to a regime whose well-known policies are this relentlessly misogynistic sends a terrible message to women everywhere that their rights do not matter.

The international community has a responsibility to react decisively to counter such retrogression on women's rights. This matters most for Afghans, but is also critical for the credibility of the international law project and the U.N. system. The needed concepts already exist within international law and should be deployed to address gender apartheid. Such a feminist transformation of international law is essential in the 21<sup>st</sup> century and would be the most effective way to respond to Taliban Afghanistan 2.0 as its second year of de facto authority commences. This framing would also emphasize the fact that the purported cultural and religious justifications of gender apartheid under the Taliban are as unacceptable under international law as those made for racial apartheid in South Africa.

The specific legal problem posed by apartheid, whether based on race or sex, as opposed to other forms of de facto or periodic discrimination, is the way it upends all the assumptions built into human rights law. Human rights treaties center the State and address it as the primary entity to realize equality. When the apparatus of the State is organized to mandate systematic inequality and its law or policy codifies discrimination as the norm, the ordinary international human rights law model [cannot work](#). This is why, under apartheid law, other States have to take measures to suppress apartheid. They have heightened obligations to implement relevant U.N. resolutions. They cannot aid or abet apartheid or be complicit in its commission. The U.N. response and international norms were only one component of initiatives against racial apartheid, but they contributed to the ultimate success of those efforts. International law should learn from its successes.

Understanding the Taliban as perpetrators of apartheid, a grave international crime, could have many direct consequences by shaping and constraining the policy choices of other actors. For example:

- The group's leadership is already featured on U.N. Security Council sanctions lists and must remain so - an outcome the recognition of their policies as apartheid can help to ensure. Moreover,

the practice of granting travel exemptions to Taliban leaders must end, as Zubaida Akbar, a woman's rights advocate I interviewed for my study, stressed to me.<

- The Taliban remain unrecognized and cannot take the seat of Afghanistan at the U.N. This must continue to be the case as long as its gross human rights violations persist. Given the South African precedent, this result is more likely if the de facto authorities are understood to practice the international crime of apartheid. Those States "inching" toward recognition could be more vigorously dissuaded. Governments like those of Pakistan, Russia, and China that seek to normalize the Taliban could be scrutinized for complicity with apartheid.
- Twitter should be pressured to heed the widespread [#BanTaliban campaign](#) and remove the group's leaders - perpetrators of apartheid - from its platform, where the group seeks to sanitize its actions.

## **The Road to 21<sup>st</sup> Century Apartheid**

Afghans are not asking for global support in solving a problem they created alone (as some proponents of withdrawal seemed to suggest last summer). Since at least the 1970s, international actors intervened in ways that directly contributed to the catastrophe Afghan women now face. Russia (as the USSR) invaded brutally, creating fertile ground for opposition. The United States, the United Kingdom, Saudi Arabia, and Pakistan meanwhile funded and promoted extremist opposition to the Soviets, a strategy that directly contributed to both the Sept. 11 attacks, and to the Taliban's rise in the 1990s as well as its return to power on Aug. 15, 2021.

The Biden administration's decision, building on Trump policies, to flee Afghanistan willy-nilly in 2021 - the move which gave rise to next week's anniversary - will be remembered as one of the worst foreign policy decisions of the early 21<sup>st</sup> century. This is true not only in international security terms, as recently underscored by the revelation that al-Qaeda deputy Ayman al-Zawahiri had been living in a safehouse belonging to a Taliban leader until his [assassination](#) by U.S. drone strike on July 31, but also in local human rights terms. The human rights and security problems are closely interlinked as the Taliban's first stint in power made clear.

The 2021 withdrawal handed Afghan women over to those who had relentlessly practiced apartheid in the past, and were obviously going to do so again. [Afghan women warned](#) time and again that would occur. They went unheeded. When Kabul fell to the Taliban on Aug. 15, 2021, just as those Afghan Cassandras foresaw, much of what remained of twenty years of flawed, incomplete, hard won, and vital progress for Afghan women was lost in a matter of weeks. The narrative of the new and improved Taliban was, as they had predicted, a lie.

Taliban 2.0 inaugurated an [all-male](#) interim administration, with little to no governing expertise. Laws protecting women's rights, enacted due to the risky work of Afghan women law reformers and WHRDs in the last twenty years, [were scrapped](#). Institutions women built to protect their rights have been dismantled. In this hostile environment, Afghan WHRDs have attempted to continue their work on the ground, including by carrying out [demonstrations](#) even under a hail of gunfire, but the space for this constricts increasingly. They face [arrest and torture](#), sometimes along with their families, for doing so. A new global commitment to end gender apartheid in Afghanistan would be a way of supporting those risking everything to demand their universal human rights on the ground.

## **The Way Forward from August 15: Toward Improved International Responses**

The Taliban are ideologically committed to governing through pervasive sex discrimination. One of the only remaining vehicles of change then is how other States and organizations, ostensibly committed to women's rights, react to Taliban policies, and whether they do so in keeping with their international legal obligations on women's equality. International pronouncements in favor of rights and equality, when offered without commensurate action, discredit the entire women's human rights project.

This impact is magnified as States and international organizations [participate in apartheid](#) by regularly sending all-male delegations to Kabul. Mobina Sai, an Afghan woman journalist, stressed that when international organizations and other countries "only have male faces, not female ones" representing them in talks with the Taliban, especially in discussions of women's rights, this is a "recognition of and respect for Taliban ideology."

Many of the WHRDs suggested a more aggressive, principled approach. "Send a delegation of five women. That will shame the Taliban." Zubaida Akbar argued for a total rethink on these meet-and-greet photo ops with the Taliban, that have become as ubiquitous as the infamous burka shots. She called for governments to "not normalize [the Taliban] by meeting with them and taking group photos when there are no real outcomes from those meetings." Another useful lesson from the successful anti-apartheid movement in the South African context is that "constructive engagement" with those ideologically committed to and practicing systematic discrimination as a form of government does not work. Apartheid is an illegal situation to be ended through principled, unequivocal and consistent opposition.

While both the Soviet Union (in 1979) and the United States (in 2001) claimed the protection of women's rights as one justification for the use of force in Afghanistan when they had additional motives for intervening, now global powers deprioritize these rights in decision-making as they disengage from Afghanistan. One Afghan woman journalist told me, "When I see the international community's response, I am hopeless. They do not believe in the future of Afghan women. They have declarations, but they do not push the Taliban. Words are not enough. We need actual action to support Afghans." In this regard, according to Shaharзад Akbar, the gender apartheid framework can be a "powerful mobilizing tool."

My argument builds on those made by other women's rights advocates - many from Muslim-majority countries - and U.N. expert Abdelfatah Amor of Tunisia, who criticized "gender apartheid" during the 1990s Taliban rule of Afghanistan. Back then, the international community failed to embrace their analysis. Now is the time to do so. More recently, prominent Black South African lawyers like [Penelope Andrews](#) have expressed support for this approach.

In response to this appeal for a tougher stance, some will argue that, given the terrible humanitarian crisis in Afghanistan under Taliban rule, the armed group should be recognized and engaged in order to facilitate humanitarian access and economic activity, and thus save lives. The WHRDs I interviewed stressed the need for pressure to be applied in ways that compel the Taliban to change but do not further harm the population in the face of the humanitarian crisis. Suggested methods of doing so included providing assistance through the conduit of civil society, especially women-led organizations, rather than Taliban channels. In fact, the human rights and humanitarian disasters are closely interlinked, and both have gendered features. When women suffer, such as by being denied employment during an economic catastrophe, their families and the broader society suffer too. Effectively redressing the women's human rights situation is critical to addressing the humanitarian crisis, not an obstacle to doing so.

Given the current dire situation in Afghanistan, there is no other way to achieve progress on human rights than to concert the efforts of the international community, and to do so within the framework of global obligations to combat apartheid. As Horia Mosadiq – an Afghan researcher whose nose was broken by the Taliban in the 1990s for lifting her burka – told me: “The Taliban are known for being a gender apartheid group. There is no space in the 21<sup>st</sup> century for any form of apartheid, including gender apartheid.” Informed by her words and those of her fellow Afghan women’s rights advocates, this anniversary must not be just a fleeting, sensationalized moment of attention which re-traumatizes Afghans and normalizes Taliban rule. Instead, it should be the beginning of a renewed international effort to support Afghan women human rights defenders in realizing the end of Taliban apartheid.

*A public [virtual forum](#) to advocate for the use of a gender apartheid approach to the situation in Afghanistan will be held to mark the end of the anniversary week, on August 19.*

**Karima Bennoune**

---

---

**P.S.**

- Just Security. August 12, 2022:  
<https://www.justsecurity.org/82651/the-best-way-to-mark-the-anniversary-of-taliban-takeover-launch-a-global-campaign-against-gender-apartheid-in-afghanistan/>
- Karima Bennoune (@karimabennoune) is the incoming Lewis M. Simes Professor of Law at the University of Michigan Law School where she teaches international law and human rights. She carried out fact-finding missions to Afghanistan in 1996, 2005 and 2011. Her study, entitled “The International Obligation to Counter Gender Apartheid in Afghanistan,” and incorporating interviews with Afghan women human rights defenders, will appear in the Columbia Human Rights Law Review in November 2022.