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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 have severely reduced 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 disagreement within the Taliban, the Taliban government has been unwavering in the implementation of these restrictions. 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 Taliban 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 education, employment, and health care. For example, maternal mortality rates, while still high, were reportedly halved between 2001 and 2017. 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. 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.

### Women under Renewed Taliban Rule

Despite some initial signs of moderation immediately after returning to power, the Taliban have re-implemented many of 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, gyms, and bath houses 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 international shock and condemnation. In December 2022, the Ministry of Higher Education also suspended women from attending university. 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. Some girls' schools have continued to face attacks under Taliban rule, notably a September 2022 suicide bombing in Kabul and June 2023 reported poisoning in northern Afghanistan.

In December 2022, the Taliban-run Ministry of Economy ordered all local and international nongovernmental organizations (NGOs) to dismiss their female employees or risk revocation of their licenses. In April 2023, the Taliban further banned women from working for the U.N. in Afghanistan; the U.N. instructed all Afghan staff to not report to the office while it considered how to respond, an order that was reportedly dropped in early May. Many implementing partners halted their work after the announcement of these restrictions, but some have since reportedly resumed some operations after reaching "acceptable workarounds" with local authorities.

While further interruptions to humanitarian operations would have negative implications for many Afghans, 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 be increasing girls' early and forced marriages, and divorce is reportedly becoming more difficult for women to obtain. Services related to gender-based violence (GBV) have been significantly reduced.

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 on women. 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 and Congress has 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 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 \$2 billion in U.S. assistance appropriated for Afghanistan since August 2021 has been dedicated to supporting women and girls. These funds support programming implemented by NGOs and U.N. entities.

Congress has taken different approaches to providing funding for Afghan women, including by specifying that certain amounts of State Department- and USAID-administered assistance be made available for programs to support Afghan women and girls. 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 "detailing plans...to protect and strengthen the rights of Afghan women and girls," delivered in May 2023.

The Biden Administration's FY2024 budget request proposes \$143 million for health, education, and other forms of bilateral assistance in Afghanistan. According to the request, the United States will "continue to integrate support for Afghan women and girls throughout activities in all sectors, as well as in stand-alone gender programming. Support for women and girls will continue in programs addressing access to health, food, and education; prevention of and response to GBV; and support for women's civil society leaders and organizations and women's economic empowerment through training and livelihoods programs." Congress may consider specifying certain amounts of assistance for programming to support Afghan women and girls and/or for specific sectors related to women and girls.

**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.

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"...nowhere else in the world has there been an attack as widespread, systematic, and all-encompassing on the rights of women and girls as in Afghanistan." *Situation of women and girls in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, A/HRC/52/21, June 15, 2023*

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**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. Congress might also oversee other Administration actions, including the work of the Special Envoy for Afghan Women, Girls, and Human Rights.

**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 and February 2023, the State Department announced visa restrictions under Section 212(a)(3)(C) of the Immigration and Nationality Act (P.L. 82-414) on eight unnamed 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 pursuant to existing authorities or creating new authorities specific to Afghan women and girls.

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