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By: Anthony Bennett



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Introduction

Since the Taliban regained power in August 2021, Afghan women and girls have faced systematic restrictions and discrimination across education, employment, political participation, and access to public space. Travel requires being accompanied by a man, limiting access to healthcare and other essential services. Enforcement operates through formal decrees, street intimidation, public punishment, domestic coercion, and the removal of legal protections against gender-based violence. These measures have increased women's economic dependence, reduced their public visibility, and narrowed access to legal recourse.

Post-2021 Afghanistan reflects a system in which gendered exclusion is codified, enforced, and normalised across institutions and everyday life. Gender apartheid, defined here as the institutionalisation of gender dominance and supremacy through law, coercion, and ideological regulation, captures the structure of the governmental system. Restrictions on education, employment, and movement do not operate in isolation. They function together to organise women's roles, limit autonomy, and control participation across social, economic, and political domains. The effect is not only exclusion from specific rights, but the production of a regulated social order in which women's presence in public life is systematically reduced.

Misogyny and sexism operate through policy design and enforcement practices that extend beyond formal regulation. Education bans remove pathways into skilled work. Employment restrictions eliminate independent income. Movement controls restrict access to services and public interaction. These measures are reinforced through informal mechanisms, including community surveillance, moral policing, and domestic pressure, which embed compliance within daily life and reduce the need for constant direct enforcement.

The effects are cumulative. Exclusion from education limits future employment. A lack of income increases household dependence. The removal of legal protections heightens exposure to violence without recourse. These dynamics reinforce one another, producing sustained patterns of marginalisation that extend beyond immediate restrictions and shape long-term social and economic outcomes.

These conditions are inseparable from Afghanistan's wider humanitarian crisis. Restrictions on women's employment reduce household income and increase poverty. Education bans disrupt human capital formation, weakening long-term economic stability. Constraints on women's participation in aid delivery limit the reach of humanitarian assistance, particularly to women. At the same time, economic collapse and weakened institutions create conditions in which these restrictions

can be maintained with limited resistance. Reduced access to services, dependence on aid, and constrained civil space reinforce compliance and deepen exclusion. Gender apartheid and humanitarian crisis operate together, each sustaining the other and embedding inequality within the broader structure of governance.

Background and context

It has now been five years since the fall of Kabul to the Taliban. During this period, restrictions on women's rights have expanded in scope and consistency, with enforcement described as becoming "even more draconian", including measures such as banning "women's voices from being heard in public" (Barr, 2025). These measures have reduced women's presence in public and institutional life. Earlier assessments of Taliban rule identified similar patterns. During the Taliban's first period in power from 1996 to 2001, Abdelfattah Amon, then UN Special Rapporteur, stated that the "Taliban has introduced what is... a system of apartheid" (Bennoune, 2024, 28). Current policies reflect comparable forms of exclusion. There are "nearly 2.2 million [women and girls]" who are "barred from attending school beyond the primary level" (Azoulay, 2025). Enforcement occurs through public punishment, street intimidation, and the removal of legal protections against gender based violence. The scale of restriction is reflected in protest patterns, where "94% of all women's protests took place indoors" (Afghan Witness, 2024), indicating limited access to public space.

Restrictions are implemented through formal decrees and sustained through everyday enforcement. Public punishment and intimidation reinforce compliance beyond state institutions. The removal of legal protections reduces access to justice and increases exposure to abuse. These measures restrict movement, limit access to services, and reduce participation in public life.

Repression extends beyond gender when it interacts with it in practice. Ethnic and religious minorities have faced targeted violence, particularly the Shia Hazara community, which has experienced attacks at places of worship, schools, and civilian areas. Arbitrary arrests, enforced disappearances, torture, and extrajudicial executions have affected journalists, former government employees, and civil society actors. Between 13 November 2022 and 30 April 2023, there were at least "43 instances of judicial corporal punishment" (UNAMA, 2023, 14). These measures reflect broader control strategies. Their effects differ across groups. Restrictions on movement and public presence reduce women's ability to avoid risk and access protection, showing how gender specific constraints intersect with wider repression.

Institutional restructuring has reinforced these patterns. The Ministry of Women's Affairs was dismantled and replaced with offices enforcing the Taliban's "morality code" (Amnesty International, 2024). This shifted state functions from service provision to behavioural enforcement. Civil society

organisations faced severe operational constraints, and monitoring mechanisms previously supported by international actors were suspended. This reduced the capacity to document violations and deliver services. Legal avenues for justice were effectively blocked, leaving survivors of violence with limited recourse.

Economic and humanitarian conditions have also deteriorated. Poverty increased, with 85% of Afghans living on less than one dollar per day, and 23.7 million people requiring humanitarian assistance (Amnesty International, 2024). “Some 2.9 million children... could suffer from acute malnutrition” (ReliefWeb, 2024). These trends reflect wider economic collapse. Within this context, restrictions on women’s employment have distinct effects. Excluding women from work reduces household income and increases dependence, particularly in women-headed households. Limits on women’s participation in aid delivery have affected the reach of humanitarian assistance, in some cases restricting access for women and marginalised groups.

Across these areas, access to education, employment, services, and public life has narrowed. Women and girls are excluded from formal decision-making and economic participation, while minority communities face overlapping forms of insecurity. Enforcement practices shape behaviour through both direct intervention and the anticipation of punishment.

Methodology

This study uses a qualitative design based on document analysis and thematic coding of publicly available reports, human rights monitoring data, and scholarly literature from August 2021. Sources were selected for their relevance to formal policies, enforcement practices, and patterns of exclusion affecting women and girls in post-2021 Afghanistan. Selection prioritised evidence of operational effects and recurring practices rather than prominence in media or advocacy coverage.

Thematic coding is structured around two dimensions. The first examines misogyny as a governing mechanism through official decrees, bans, and informal enforcement practices, including street intimidation, domestic coercion, public punishment, and restrictions on movement. Coding tracks how these measures regulate behaviour across public and private spaces. The second identifies structural exclusion through patterns in access to education, employment, legal protection, and public services. These patterns are used to assess how marginalisation is sustained over time and how participation is constrained across social, economic, and political domains.

Comparative reading across provinces, communities, and sectors is used to identify variation in enforcement and outcomes where evidence is available. This includes differences in how restrictions are applied, the role of local enforcement actors, and the extent to which access to services

is maintained or restricted. Where consistent variation is documented, it is used to distinguish systemic patterns from context-specific outcomes.

The study focuses on observable outcomes rather than formal legal provisions. This allows assessment of how policies are implemented in practice and how formal rules interact with informal enforcement. This approach captures how restrictions operate as a coordinated system rather than isolated measures, allowing identification of patterns consistent with gender apartheid. The temporal focus on post-2021 Afghanistan captures changes in governance, enforcement practices, and access to rights.

The evidence base relies on reports produced by advocacy organisations, human rights monitoring bodies, and publicly available documentation. These sources provide detailed and timely accounts of restrictions and enforcement, but they are constrained by their public nature and may withhold additional details that are shown exclusively to policymakers. To address this limitation, cross-source comparisons are used where possible to reduce bias. Ethical considerations are addressed through the exclusive use of publicly available sources, ensuring transparency, replicability, and verifiability.

Governance Structures Regulating Women’s Participation Since 2021

Since 2021, the Taliban has implemented policies regulating women’s participation in education, employment, and public life. These measures are implemented through ministries, directives, and enforcement bodies. They define the conditions under which women can access institutions, services, and public space, showing how restrictions are applied through governance structures rather than solely through informal practice.

One central mechanism is the use of executive decrees regulating access to education. The “ban on secondary education for girls... threatens to do generational damage” (Amnesty International, 2022, 1), not only by restricting current access to schooling but by limiting long-term entry into skilled employment and professional sectors. These restrictions were implemented through coordination between national ministries and provincial authorities, with institutions receiving directives requiring “Afghan public and private universities to suspend access to female students immediately” (Greenfield & Yawar, 2022). The immediacy and nationwide scope of these directives demonstrate how exclusion is enforced through centralised policy, reducing women’s future economic participation and embedding intergenerational dependency.

Employment participation has been regulated through administrative policy. The Taliban’s leadership has “not permitted women to participate in governance at any level” (Human Rights Watch, 2023), removing women from decision-making structures and limiting institutional representation.

This exclusion is reinforced through a “violent crackdown on women’s rights” (Fetrat & Barr, 2022), including protests or demonstrations, which restrict the ability to contest these policies. The ban is also extended to non-governmental organisations, further limiting employment and service provision. Human Rights Watch concluded that the systemic pattern of “abuse against women and girls in Afghanistan amounts to a crime against humanity” (Human Rights Watch, 2024), indicating that these policies are not isolated labour restrictions but form part of a broader system of control. Together, these measures consolidate political authority, enforce social norms, and restrict economic autonomy, particularly in urban professional sectors where women’s employment was previously concentrated.

Mobility regulations operate as another governance mechanism. The requirement that a man must “accompany women and girls in public” (Amnesty International, 2023, 11) restricts independent movement and limits access to workplaces, educational institutions, and public services. This requirement reinforces other restrictions by making participation in education and employment practically inaccessible, even where formal access may remain. Enforcement varies geographically but operates through institutional channels linked to provincial governance, linking mobility controls to broader regulatory systems.

Institutional restructuring has reinforced these mechanisms. The Ministry of Women’s Affairs was dissolved, removing a state body responsible for advocacy, service provision, and policy support for women. It was replaced with structures enforcing behavioural codes, shifting institutional priorities toward compliance monitoring. This transformation embedded restrictions within state administration, extending enforcement through regional offices and integrating control into governance systems.

Evidence across these areas shows how restrictions are coordinated and sustained through formal structures. Education directives, employment bans, mobility controls, and institutional restructuring are implemented through ministries and provincial authorities, ensuring consistency across sectors. The World Bank reports that the “unemployment rate for young women stands at 54%” (Bassirou et al., 2025, 12), illustrating the measurable economic effects of these policies when exclusion from education and employment is combined. Taken together, this evidence demonstrates how governance structures regulate participation across education, employment, and public life, producing sustained, systemic exclusion.

Differential Impacts Across Ethnic and Socioeconomic Groups

The impact of governance policies regulating women’s participation in Afghanistan varies across ethnic and socioeconomic groups. Differences in location, resources, and existing inequalities shape both the severity of exclusion and access to coping mechanisms.

In urban areas, restrictions have had immediate effects on employment and education. Prior to 2021, women's participation was concentrated in professional sectors such as education, administration, and healthcare. The International Labour Organisation's estimate that "female employment is estimated to have been 25% lower" (International Labour Organization, 2023) than in 2021 reflects the scale of labour market exclusion in urban centres, where formal employment opportunities were previously concentrated. This reduction represents not only a decline in participation but also the loss of independent income and professional roles that supported household stability.

Socioeconomic status shapes how households absorb these restrictions. The World Bank's finding that "basic food and non-food needs... doubled to 70%" (World Bank, 2022, 3), compared to 35% in 2021, indicates a sharp decline in household resilience. This is reinforced by the rise in households switching to lower-quality consumption, which "rose from 56%... to 85% by October-December 2021" (Ibid., 3). These figures show how restrictions on women's employment intensify poverty by removing income sources and increasing reliance on coping strategies. This effect is more severe in women-headed households, where restrictions on work directly reduce primary or supplementary earnings.

Ethnic minority populations face additional constraints where gender restrictions intersect with location and service access. Many minority communities are located in areas with limited infrastructure and public services. In remote regions, the presence of only "1.3 nurses per 10000" (Neyai et al, 2025, 5) highlights the weakness of existing service provision. When restrictions further reduce women's participation in healthcare, access to services declines more sharply in these areas, particularly where women face barriers to treatment by male practitioners. This produces a compounded form of exclusion in which minority status, geographic isolation, and gender restrictions reinforce one another. Enforcement varies across these contexts, with local actors in some areas extending restrictions through community-level control.

These patterns show that restrictions do not produce uniform outcomes. In urban areas, they remove access to professional employment and independent income. In low-income households, they deepen poverty and reduce resilience. In minority and rural communities, they intensify existing barriers to services and healthcare. National policies interact with local conditions to produce different forms and levels of exclusion.

Gender Apartheid in International Law: Current Legal Gaps

Gender apartheid can be understood as "inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one gender group over any other

gender group” (Parliamentarians for Global Action, 2025, 2). This definition establishes the central legal threshold: not simply discrimination, but the existence of a coordinated system of domination embedded within state structures. The UNESCWA definition of the “economic and social sexual discrimination against individuals because of their gender or sex” (United Nations Economic and Social Commission for Western Asia, n.d.) supports this interpretation by identifying the substantive forms such domination takes but does not by itself capture the structural organisation of the system.

Since 2021, restrictions in Afghanistan have been implemented through executive decrees, ministerial directives, and administrative enforcement mechanisms regulating access to education, employment, and public participation. These measures operate as a coordinated policy framework rather than isolated interventions. The characterisation of such systems as “state-designed, coordinated, and institutionalized mechanisms... to oppress a specific group based on their gender” (Parliamentarians for Global Action, 2025, 2) establishes a level of policy coherence that distinguishes systemic governance from fragmented discrimination. The consolidation of authority within ministries responsible for moral and social regulation further indicates that exclusion is embedded within governance structures, rather than applied inconsistently across sectors.

The U.N. Special Rapporteur on the situation of human rights in Afghanistan stated in 2024 that the “Taliban institutionalised system of sex and gender discrimination... will shape future generations” (Human Rights Watch, 2024). This highlights the system's durability and intergenerational impact. In legal terms, the issue is whether such measures constitute systematic and state-directed practices. However, current frameworks remain limited, as “available legal tools... do not account for the systematic, state-designed, and institutionalized nature of gender apartheid” (Parliamentarians for Global Action, 2025, 2). This indicates that existing legal categories capture individual violations but fail to recognise the governing system that produces them.

The Rome Statute of the International Criminal Court defines crimes against humanity as a “widespread and systematic attack directed against any civilian population” (Rome Statute of the International Criminal Court, 1998, 3). The coordinated restrictions in Afghanistan meet this threshold of systematicity, as policies across education, employment, and mobility are implemented through formal state mechanisms. However, the Statute confines apartheid to racial domination, excluding gender-based systems of institutionalised exclusion from explicit recognition. The limitation is therefore definitional rather than evidentiary, as the structure of domination is identifiable but not formally classified within existing legal categories.

Current international law captures patterns of abuse without fully recognising their organisation as a coherent system of governance. This constrains legal interpretation by fragmenting what operates in practice as an integrated structure of exclusion.

Conclusion

Since August 2021, governance policies in Afghanistan have created a structured system of exclusion affecting women and girls. Between January 2022 and June 2024, there were “840 incidents of gender-based violence against women and girls, including 332 killings” (Amnesty International, 2024). Restrictions on education, employment, political participation, and public movement are implemented through formal decrees and institutional enforcement, and reinforced through street intimidation, domestic coercion, and public punishment. Collectively, these measures constitute a coordinated system of gender-based domination that systematically restricts women’s participation across social, economic, and political life, consistent with gender apartheid as a system that seeks “to establish and maintain a system of domination and total exclusion... from the social, economic, cultural, and political life of a country” (Parliamentarians for Global Action, 2025, 1).

These effects are unevenly distributed. Women from ethnic minority and lower socioeconomic backgrounds experience deeper exclusion due to disparities in geography, resources, and enforcement intensity. In areas with weaker infrastructure, restrictions on mobility and employment further limit access to education and healthcare, whereas stronger local administrative capacity leads to more consistent enforcement elsewhere. This demonstrates that gender apartheid operates through both centralised policy design and variable local enforcement structures, producing systematic but uneven exclusion.

These restrictions correspond to recognised elements of apartheid in international legal discourse, particularly coordinated and institutionalised domination across sectors of life. However, under international law, “there is currently no recognition of the crime of gender apartheid” (Parliamentarians for Global Action, 2025, 2), limiting the ability of existing frameworks to fully capture this governance structure. As a result, “available legal tools... do not account for the systematic, state-designed, and institutionalized nature of gender apartheid” (Parliamentarians for Global Action, 2025). This creates a gap between observed institutional practice and legal categorisation.

International responses that frame it as isolated human rights violations tend to yield limited tools, as they do not address the underlying governance structure. A more effective approach would treat gender apartheid as an institutionalised governance rule, requiring coordinated multilateral action and the adaptation of humanitarian assistance to ensure women’s access despite restrictions on mobility and employment. This reorientation is necessary because “crimes must be named, defined, and codified to ensure that perpetrators are held accountable” (Parliamentarians for Global Action, 2025), underscoring the need for legal frameworks to explicitly recognise and codify gender apartheid in order to enable adequate accountability and response.

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