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Afghan Women and Girls: Status and Congressional Action

The status of Afghan women and girls is increasingly precarious in light of the Taliban’s takeover of the country in mid-August 2021. Given the Taliban’s views on women’s rights, and entrenched cultural attitudes (particularly in rural areas), the status of Afghan women and girls has long been a topic of congressional concern and action. Concern among some Members of Congress has increased in the wake of the drawdown of U.S. military and civilian personnel and the Taliban takeover. Reports indicate that the Taliban have re-imposed restrictions on women in some areas taken in 2021. In addition to fears for the rights, health, and economic wellbeing of Afghan women broadly, some Members’ immediate concerns focus on evacuation and visa questions, with a longer-term focus on how, if at all, U.S. policies might induce a Taliban-led government to respect women’s rights. Since 2001, Members of Congress have attempted to promote and safeguard the rights of Afghan women through oversight and funding-related legislative measures.

Background on the Status of Women

Decades of war after 1978 and the repressive five-year rule of the Taliban severely undermined the rights and development of Afghan women, who had been granted equal rights under the 1964 constitution. Since 2001, Afghan women have made advancements in areas such as political representation, education, employment, and health care. Afghan women still lag behind Afghan men, as well as women globally, on many development indicators tracked by international organizations (see **Table 1**).

Table 1. Selected Development Indicators

Development Indicator	Afghanistan, 2000	Afghanistan, 2018	Global Avg., 2018
Life expectancy at birth	57 (F) 55 (M)	66 (F) 63 (M)	75 (F) 70 (M)
Maternal deaths per 100,000 births	1,450	638	211
Births per woman	7.5	4.5	2.4
Mean years of schooling	0.8 (F) 3.7 (M)	1.9 (F) 6.0 (M)	N.A.
Est. GNI per capita (2011 PPP\$)	\$445 (F) \$1,167 (M)	\$1,102 (F) \$2,355 (M)	\$11,246 (F) \$20,168 (M)

Source: Created by CRS. Data from U.N. Development Program, World Bank, World Health Organization.

Notes: GNI= Gross National Income; PPP= purchasing power parity; N.A.= no data available. 2018 is the most recent year for which comprehensive data are available.

The Afghan government, with U.S. and international support, had ensured some representation for women in government and had instituted some legal protections. The

2004 Afghan constitution prohibits discrimination on the basis of gender and enshrines equal rights between men and women. It mandates that at least two women be elected to the lower house of parliament from each of Afghanistan’s 34 provinces, creating a female representation quota of about 27% in the lower house and 17% in the upper house. The Afghan government had also committed to achieving 30% representation of women in the civil service (around 27% as of 2019) and increasing the number of women in the Afghanistan National Defense and Security Forces (ANDSF) (just over 2% as of May 2021).

Some recent surveys suggested that traditional, restrictive views of gender roles and rights, including some views consistent with the Taliban’s former practices, remain broadly held, especially in rural areas and among younger men. Discrimination, harassment, and violence against women reportedly was endemic in government-controlled areas and in government ministries. In December 2020, the United Nations reported that “while the response by the justice sector to violence against women ... continues to improve, the system also fails women and girls in a number of respects,” with less than half of documented cases of violence against women progressing to adjudication.

The Taliban and Women’s Rights

During their rule between 1996 and 2001, the Taliban “perpetrated egregious acts of violence against women” as part of a “war against women,” according to a 2001 State Department report. Based on their particularly conservative interpretation of Islamic practice, the Taliban prohibited women from working, attending school after age eight, and appearing in public without a male blood relative and without wearing a *burqa*. Women accused of breaking these or other restrictions suffered severe corporal or capital punishment, often publicly. These practices attracted near-universal condemnation from the international community.

The Taliban have controlled parts of Afghanistan for years. They have not described in detail what role women would play in a Taliban-governed society now that they control the country. In February 2020, deputy Taliban leader Sirajuddin Haqqani wrote of “an Islamic system ... where the rights of women that are granted by Islam—from the right to education to the right to work—are protected.” Skeptics note that a pledge to safeguard the rights of women “according to Islam” is subjective and echoes similar pledges made by the Taliban while previously in power. In some areas taken since May 2021, the Taliban have reportedly forced women to marry Taliban fighters, imposed other restrictions on women’s rights, and carried out targeted killings against women. Since taking power in August 2021, Taliban leaders have called on women government employees to return to their posts, only if they wear the *hijab* (headscarf).

The Taliban are accused of numerous attacks on girls' schools during their insurgency. The Taliban claim to not oppose education for girls, and in Taliban-controlled areas some girls had been attending primary school. In some cases where the local community advocated for girls' education, the Taliban have allowed it until sixth grade; where it does not, the Taliban have closed girls' schools. A 2018 study did not identify any girls' secondary schools open in areas of heavy Taliban influence or control.

Congressional Approaches

Improving conditions for Afghan women has been one prominent objective of U.S. development efforts since at least 2001, when Congress passed the Afghan Women and Children Relief Act (P.L. 107-81), authorizing education and health assistance for Afghan women. According to a 2021 Special Inspector General for Afghanistan Reconstruction (SIGAR) report, since 2002, the U.S. Agency for International Development (USAID), State, and the Department of Defense have 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. Members have also emphasized diplomatic engagement on Afghan women's rights, particularly since peace negotiations began in 2018. Congress directed in FY2021 appropriations legislation that the Secretary of State "promote and ensure the meaningful participation of Afghan women" in peace and reconciliation processes, in accordance with the Women, Peace, and Security Act of 2017 (P.L. 115-68).

As Members review U.S. policy in light of the Taliban's takeover, they may consider the feasibility of implementing and evaluating U.S.-funded programs for Afghan women. Aid disbursements may be affected by whether the Administration decides to recognize the Taliban government, and whether sufficient staffing exists in-country to implement and oversee programs. National Security Advisor Jake Sullivan stated on August 17, 2021, that it was "premature" to talk about aid. Sullivan noted the United States has been able to provide aid to the people in other countries where the Administration has "very difficult or non-existent relationships," raising the possibility that aid could be delivered through non-governmental channels. The European Union and NATO have suspended development aid to Afghanistan. The Taliban have not stated whether it would allow programming intended to support Afghan women to be implemented by non-Taliban entities.

Directed funding. Congress has taken different approaches to providing funding to Afghan women. Up until FY2010, Congress sometimes specified certain amounts of State Department- and USAID-administered assistance to be made available for programs to support Afghan women and girls, but has not done so since. As in recent years, Section 7044 of the Consolidated Appropriations Act, 2021 (Division G, P.L. 116-260), directs that an unspecified amount of funds be made available for "programs that protect and strengthen the rights of Afghan women and girls and promote the political and economic empowerment of women" and requires the Secretary of State to submit a new strategy to engage with the Afghan government that includes a component on women's rights. Congress

regularly authorized a specific portion of the Department of Defense-administered Afghanistan Security Forces Fund (ASFF) to support the recruitment, training, and treatment of women in the ANDSF (no less than \$10 million authorized in FY2021 National Defense Authorization Act, P.L. 116-283).

Aid Conditionality. Secretary of State Blinken said in April 2021 that "if the Taliban has any expectation of international acceptance... it's going to have to respect the rights of women and girls." Congress at times has considered conditioning assistance on the protection of women's rights. For example, the House Appropriations Committee-reported FY2019 State, Foreign Operations, and Related Programs appropriations bill (H.R. 6385) would have required the Secretary of State to certify that the Afghan government was protecting women's rights (among other conditions) before obligating any Economic Support Fund and International Narcotics Control and Law Enforcement funds; that provision was not included in the enacted bill. Section 1215 of the FY2021 NDAA prohibited the use of funds to withdraw U.S. forces 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 which President Trump issued in January 2021. Congress might consider aid conditionality as a means of influencing how a future Taliban government treats women; however, it remains unclear as to whether U.S. or other foreign assistance represents a sufficient incentive for the Taliban to implement specific policies regarding women's rights.

Oversight, monitoring, and evaluation. 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. Successive SIGAR audits identified problems with U.S.-funded programs to support Afghan women. SIGAR's 2021 report on lessons learned regarding gender equality, building on a 2014 audit, 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. SIGAR identified the most success in U.S. programs targeting the health and education sectors. S.Rept. 116-126 directed SIGAR to assess State Department and USAID "strategies and plans for the provision of continued reconstruction assistance to Afghanistan in the event of a peace agreement, including a review of any strategies and plans for... protecting the rights of Afghan women and girls." SIGAR anticipates issuing this public report in 2021. Conducting and overseeing programming is likely to prove significantly more difficult in light of the Taliban's takeover.

Other Tools. Some Members have encouraged the Administration to expedite the relocation of Afghan women leaders and activists to the United States under a new *humanitarian parole* category. Members may also consider what effect the potential for sanctions might have on Taliban policymaking regarding women's rights.

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