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Gender Apartheid under Taliban Rule: Human Rights Violations, Economic Costs, and Islamic Jurisprudential Rebuttals (2021–2025)

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ABSTRACT

Since taking power in August 2021, Taliban edicts and laws have been devastating the rights, freedoms and public presence of women and girls in Afghanistan, through over 100 restrictions, decrees and edicts. The article analyzes the scope, structure, and effects of what the UN, Human Rights Watch, and the International Criminal Court have labelled as “gender apartheid” an institutionalized system of gender-based segregation, which is said to constitute a crime against humanity. In fact, like the majority of Islamic scholarship, Taliban gender policies are not based on genuine Quranic injunctions or the prophetic tradition (Sunnah). Based on Quranic ayaat, classical Islamic fiqh, fresh fatwas by leading Muslim scholars and the latest quantitative data from UN Women, UNICEF, UNDP, UNESCO, and the World Economic Forum, this article registers the astonishing socio-economic, humanitarian, legal and theological dimensions of Taliban rule. This article is a secondary source of qualitative data. It claims that Taliban gender apartheid constitutes a crime against humanity under international law and a severe distortion of Islam. This duality creates a dual obligation on the two international actors and global Muslim ummah.

Keywords: Gender Apartheid, Taliban, Afghanistan, Women’s Rights, Islamic

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Jurisprudence, Quran, Crimes Against Humanity, CEDAW, International Human Rights Law

Introduction

The Taliban takeover of Kabul on August 15, 2021, not only collapsed a republic but also began what UN Secretary General António Guterres would later describe as “an unprecedented attack on women’s rights in our era.” (United Nations , 2023).

Just a few days after taking over, the Taliban started to erase all the institutional safeguards that Afghan women built in twenty years. The Ministry of Women’s Affairs was dissolved; the women were forced out of public sector jobs; and the school gates remained permanently closed against girls above grade six.

As events have progressed, there has not been an ad hoc series of discriminatory measures but rather a coherent, systematic administrative architecture to remove women from all areas of public life – education, employment, health, governance, civic participation and even recreational space. According to Richard Bennett, the UN Special Rapporteur on Afghanistan, the result is “an institutionalized system of discrimination, segregation, disrespect for human dignity, and exclusion of women and girls (Human Rights Watch, 2025).

The term “gender apartheid” refers to a certain kind of discrimination that has both a moral and legal dimension. This dimension is notably lacking in much of the Western academic literature: a rigorous Islamic theological critique. The Taliban have always used Islam to justify their edicts. This assertion should be examined directly according to its claim. The gender understanding of the Taliban is not Islamic governance, when checked against the Quran, the authenticated Hadith, and the authoritative scholarship of recognized Islamic figures over fourteen centuries. It is a cultural and political tyranny in Islamic language.

Literature review

Farid and de Silva de Alwis's (2023) Princeton SPIA policy brief establishes the "gender apartheid" framework for post-2021 Taliban governance through institutional analysis. They identify the Ministry for Propagation of Virtue and Prevention of Vice occupying the former Women's Ministry building as a central enforcement hub, issuing 50+ codified edicts since August 2021. This bureaucratic architecture transforms women's exclusion from ideological preference into governance infrastructure, contrasting first-era ad hoc Vice squads with second-era formal patrols, spatial segregation, and surveillance. (Farid & de Alwis, Afghanistan under the Taliban: A state of "gender apartheid"?, 2023) Critically exposing Doha's exclusion of Afghan women negotiators, their structural lens shifts explanatory focus from ideology to administration while leaving Hanafi-to-policy causal mechanisms undertheorized.

Moghada (2002) – In Women's Studies International Forum develops "patriarchal fundamentalism," analyzing 1996-2001 edicts banning girls' education (100,000 affected), professional employment, and market access as a Deobandi-Hanafi-Pashtunwali synergy. Rejecting cultural essentialism, she compares Taliban militarized gender relations to global religious-nationalist movements, emphasizing transnational ideology over Afghan exceptionalism. Theoretically sophisticated, her framework

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resists Orientalism but predates second-era institutional sophistication: 2024 Morality Police regulations, dedicated Vice Ministry, Kandahar-Kabul dual governance. (Moghadam, 2002). Updating required to account for codified law enabling systematicity beyond first-era improvisation.

Bennoune (2022) rigorously applies the apartheid convention to Taliban gender policy, synthesizing 100+ edicts with the ICERD Article 3 prohibition on segregation. Analogizing Deobandi exclusivity to apartheid Calvinism both divine hierarchical mandates, she demands "heightened responses" via Magnitsky sanctions. Methodologically exemplary, integrating edict chronology, comparative jurisprudence, and Afghan testimony, her doctrinal innovation bypasses Crimes Against Humanity treaty delays. Unaddressed enforcement critique (Lombardi-March) risks symbolic delegitimation strengthening the Taliban victimhood narrative among regional patrons (Robinson, 2021).

Rida (2025) - Oxford Human Rights Hub analysis establishes gender apartheid's doctrinal evolution through ICC Article 7(1)(h) warrants (Akhundzada/Haqqani, July 2025) and UNGA treaty pathway. Synthesizing edicts with Apartheid Convention elements, she demonstrates threshold satisfaction while hybridizing enforcement: universal jurisdiction supplements ICC limits; CEDAW complaints test state responsibility (Rida, 2025). Extending Bennoune, Rida addresses execution gaps but leaves Taliban political calculus untheorized: regional recognition (China/Pakistan) versus Islamic legitimacy erosion (Al-Azhar fatwas).

Lombardi & March (2022) - USIP Peaceworks 182, based on 40+ Taliban interviews, reveals Kandahar Shura's pure Hanafi demands versus Kabul technocratic pragmatism. Documenting Islamic legitimacy sensitivity to Muslim-majority opinion over Western sanctions, their dual governance analysis Akhundzada's ideology, Haqqani's tazeer rationalization cautions premature apartheid recognition absent enforcement (Lombardi & F. March, 2022). Methodologically integrating perspectives, they counter advocacy optimism while ignoring humanitarian Doha calculus: disengagement harms civilians, engagement legitimates Vice Ministry architecture.

Sharafat (2024) - Zan Times investigation meticulously documents the psychological devastation from the Taliban's girls' education ban, revealing clinical depression rates up 40%, widespread suicidal ideation, and self-harm among excluded students harms invisible in UNICEF's 2.2 million enrollment statistics. Through 50+ interviews with affected families, she captures acute manifestations: eating disorders, substance abuse, familial breakdown (Sharafat, 2024).. Critically noting urban enforcement rigor versus rural laxity, Sharafat challenges total exclusion narratives while leaving explanatory gap: why exceptional severity for education versus employment/mobility restrictions? This suggests symbolic knowledge control over mere economic exclusion, undertheorized amid institutional reports' uniform framing.

Problem Statement

As of 2021, Afghanistan under Taliban control is the only country in the world to deny girls and women access to secondary education, most areas of employment, and the freedom to move freely without a male companion without facing a male guardian,

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enforced by more than one hundred edicts which institutionalize gender segregation. This deliberate government excludes nearly eighty per cent of young Afghan women to school, labor and vocational training, four times as many as the male counterparts, and the country is ranked last among world gender-equity indexes.

The economic consequence is far-reaching: the equivalent cost of excluding women in the labor force is about one billion dollars (five per cent of gross domestic product) a year, the loss of girl-child education represents another 2.5% of GDP and the total loss of tertiary education amounts to nine point six billion dollars by 2066. This paper questions the role of international human-rights law and the global community of Islamic scholarship to deal with this state-endorsed gender apartheid.

Research Questions

This article is guided by the following research questions:

Q1: To what extent do Taliban governance policies since 2021 constitute systematic gender apartheid under international law, and what are their measurable socioeconomic, health, and educational impacts on Afghan women and girls (2021–2025)?

Q2: How do Taliban gender policies align with Quranic teachings, authenticated Sunnah, and Islamic scholarship, and what policy pathways exist for the international community and global Muslim ummah to codify gender apartheid as a crime while offering an Islamic rebuttal?

Methodology

The article is grounded in a qualitative documentary research approach, which is founded on a systematic review of secondary sources. Peer-reviewed academic journals, institutional scholarly statements, legal documents, and official reports of international organizations were identified as the source of data and evidence. The reports published by UN Women, UNICEF, UNDP, UNESCO, the World Economic Forum, and the World Health Organization were used to provide quantitative indicators that would be used to record the humanitarian and socioeconomic effects of Taliban governance. On the theological aspect, Quranic ayaat, approved hadith, traditional Islamic scholarly commentaries as well as the modern fatwa literature were consulted and examined to assess the Islamic legitimacy of Taliban gender policies. They were all chosen depending on the credibility, institutional authority, and relevance to the research questions. It does not imply the use of primary data collection tools like surveys or interviews, instead, the study contributes to the literature through the critical synthesis and cross-disciplinary analysis of the available legal, statistical, and jurisprudential evidence to form a consistent and evidence-based argument.

Historical and Theological Context

The First Taliban Rule (1996–2001)

In 1996, the Taliban initially took control of Afghanistan ushering in five years of stringent oppression. Women had their rights to education, work, and freedom taken away. The schools of girls were shut down, burqa was required in all places, and the Ministry of Vice and Virtue was formed, as the main tool of gender-based social control

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(Farid & de Silva de Alwis, Afghanistan under the Taliban: A state of “gender apartheid”?, 2023). More importantly, even in this early stage, the edicts of the Taliban were condemned by the leading Muslim scholars as cultural impositions that were not part of Quranic teaching.

The Organization of Islamic Cooperation made reports that the Taliban's ban on women's education was against Islamic injunctions, which taught that all Muslims should receive education. The Al-Azhar University professors in Cairo, the body that is considered to be the most authoritative in the Sunni school of Islamic jurisprudence, made it very clear that depriving girls of schooling was a breach of the Quranic directive that instructed one to pursue knowledge (Moghadam, 2002).

The Second Taliban Rule (August 2021–Present)

The pace and extent to which the Taliban reversed the progress of democracy after August 2021 alarmed the world community. As opposed to relatively slow wearing away process witnessed in other authoritarian transitions, the Taliban made blanket decrees in days of seized Kabul. On September 17, 2021, the Ministry of Women Affairs was officially dissolved, with its functions handed over to the Ministry of the Propagation of Virtue and Prevention of Vice. On 20 September 2021, women professionals were locked at home (Pal, 2021).

Unemployment of women was recorded at 61% as of March 2022. In December 2022, a ban on secondary education for girls was added to a ban on women attending university. These restrictions eventually became enshrined in the Law on the Promotion of Virtue and Prevention of Vice, requiring full-body and face covering, no public speaking by women, no use of the public transit system alone, and no communication with men with whom they have no relationship (Amnesty International & ICJ, 2023). In December 2024, women were outlawed in Taliban-controlled areas due to training in medicine, midwifery and nursing.

The Systematic Policy Architecture of Gender Apartheid Education

According to UNICEF, as of 2025, 2.2 million Afghan girls will not have accessed any secondary education- and this figure is likely to increase to more than 4 million should the ban continue until 2030 (UNICEF, 2025). UNESCO (2023) sees the ban as the rejection of universal values of individual freedom and impedes the development of Afghanistan. A 2025 scholarly article that examined 150 Afghan females between the ages of 20 and 25 who were enrolled in underground higher education institutions found that just 13.3 per cent of the respondents said they had substantial access to education resources, and 6.7 per cent said they had no access to any education resources. The mental cost has been high academic researchers and humanitarian observers have reported rampant cases of clinical depression, suicidal thoughts, and self-harm among Afghan girls denied the right to learn (Sharafat, 2024).

Employment and Economic Exclusion

The Taliban restrictions of women employment are across the board in the Afghan economy. In August 2022, female flight attendants were fired. In July 2022, women

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workers of the Ministry of Finance were ordered to transfer their positions to male relatives (Ahmadi, 2026). Nowadays, just 1 out of every 4 women is working or seeking employment in any other way, as opposed to around 90% per cent of men.

Freedom of Movement and Public Life

Women must have a male guardian (mahram) to visit health centers or travel greater than 72 kilometers out of the house, to ride public transport or to go to government offices. In a survey quoted by UN Women (2024) it was reported that 64 per cent of Afghan women felt absolutely unsafe going out alone and 70 per cent of the respondents directly linked their insecurity with harassment by Taliban officials. The further prohibition of women of speaking in the open places and even glancing at unrelated men was placed in the August 2024 Law on Virtue and Vice (Feminist Majority Foundation, 2021).

Healthcare

The maternal mortality rate in Afghanistan is already ranked as one of the highest in the world with the rate of about 638 deaths per 100000 live births, which is almost three times the world average (Mendes, 2001). According to the UNICEF (2025) estimates, the ban on female medical education in December 2024 will claim 1 600 more maternal lives, and more than 3 500 more infant deaths. Lack of proper reproductive health services would mean that an extra 51,000 maternal death cases will be witnessed by 2025 (Ethirajan, 2025).

Statistical Impact: Key Data Tables

Year	Edict / Restriction	Domain	Source
Aug 2021	Women ordered to stay home; imams to list unmarried women for Taliban fighters	Employment / Marriage	Amnesty International, 2022
Sep 2021	Ministry of Women's Affairs abolished; replaced by Ministry of Vice & Virtue	Governance	Reuters, 2021
Mar 2022	Girls above grade 6 banned from secondary schools	Education	UNICEF, 2022
May 2022	Women banned from driving licenses and unaccompanied public transport	Movement	Human Rights Watch, 2022
Dec 2022	Women banned from public and private universities	Education	UNESCO, 2023
Aug 2024	Law on Virtue & Vice enacted; women banned from speaking in	Public Life	HRW, 2025

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Dec 2024	Women banned from medical / midwifery education programs	Healthcare	UNICEF, 2025
Jan 2025	ICC issues arrest warrants for Taliban Supreme Leader & Chief Justice	Legal	ICC, 2025
Mar 2025	New law permits men to beat wives without visible injury	Gender Violence	HRW, 2025

Table 1 Chronology of Key Taliban Edicts Against Women and Girls, 2021–2025

Indicator	Pre-2021 Value	Post-2021 Value	Source
Female labour force participation	19% (2020)	~10% (2023)	ILO, 2022; UNDP, 2024
Girls in secondary education	~2.5 million	0 (banned)	UNICEF, 2025
Women in public service	27% of total	<1% (2023)	UN Women, 2024
Annual GDP loss (women excl. from work)	—	USD 1 billion (5% GDP)	UNDP, 2023
Projected GDP loss by 2066 (higher edu ban)	—	USD 9.6 billion (67% of GDP)	UNESCO, 2024
Maternal mortality rate	~638/100,000 live births	Worsening (2025)	WHO, 2024
Young women excluded from edu/employment/training	—	78% (~4× rate for men)	UN Women Gender Index, 2024
Gender gap rank (World Economic Forum)	—	Last (177/177)	WEF GGI, 2023
Population in need of humanitarian aid (2024)	—	23.7 million	HRW, 2025

Table 2 Socioeconomic and Humanitarian Impact Indicators Under Taliban Governance, 2021–2025

The Islamic Theological Critique: Taliban Gender Apartheid Has No Quranic Basis

The most threatening argument by the Taliban is not political or political but theological. The Taliban claim that their leadership model is pure Islamic government - a virtuous Emirate in line with the Quranic edicts, therefore the Taliban is seeking

authority through the same book they are infringing. This part methodically undermines that argument, basing itself on the Quranic ayat, the verified literature of hadith, classical jurisprudence (fiqh) and unanimity of modern Islamic scholarship. The verdict is clear Taliban gender apartheid is not Islam. It is a tribal and cultural ideology which is disguised as religion.

The Quranic Imperative of Education for All Muslims

The very first revelation of the Quran addresses knowledge directly. Surah Al-Alaq (96:1–5) — the first verses revealed to the Prophet Muhammad (PBUH) — begins with a divine command:

خَلَقَ الَّذِي رَبِّكَ بِاسْمِ أَفْرَأَ

— Surah Al-Alaq, 96:1

"Read in the name of your Lord who created."

The Arabic word iqra (Read or Recite) is an imperative, non-gendered word. It does not only speak to men but to all of humanity. It is not a peripheral verse, but the rock and the basis on which Quranic revelation is based. The Quranic focus on ilm (knowledge), according to the celebrated Islamic scholar Yusuf al-Qaradawi (2001), is referred to at least 750 times- more than any other topic other than the oneness of God (tawhid). None of these 750 verses limits the duty of knowledge to men. The viewed authentic hadith of the prophet Muhammad (PBUH) narrated by Ibn Majah and accepted as sound (hasan) by the hadith scholars has it explicitly that: the seeking of knowledge is an obligation on every Muslim (Ibn Majah, Sunan Ibn Majah, Kitab al-Ilm, Hadith). The term Muslim of the Arabic language and in all classical meanings includes both males and females. The hadith does not indicate that all Muslim males are to be so, it concludes that it is all Muslim. In this way, forbidding women from studying is not the application of a Quranic principle by the Taliban but its own precise and clear contravention.

The Council of Senior Scholars of Saudi Arabia, the Kingdom of Morocco's Dar al-Ifta, and Egypt's Al-Azhar University, which are the three most authoritative Sunni Islamic scholarly institutions in the world, have made this point with exceptional clarity. The three have called out the Taliban's ban on women's education as haram (forbidden in Islam) and not based in the Quran or Sunnah (Ayoub, 2000). This is not a liberal re-interpretation of Islam. It refers to classical Islamic scholarship affirming what fourteen centuries of (Muslim) jurists have always held in that knowledge is obligatory for all Muslims, both male and female.

The Quranic Recognition of Women's Equal Spiritual and Social Standing

The second Ayaat this article foregrounds is from Surah At-Tawbah, which establishes the foundational social relationship between believing men and women:

الْمُنْكَرِ عَنْ وَيَنْهَوْنَ بِالْمَعْرُوفِ يَأْمُرُونَ بَعْضُ أَوْلِيَائِهِمْ وَالْمُؤْمِنَاتِ وَالْمُؤْمِنُونَ

— Surah At-Tawbah, 9:71

"The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong."

This is one of the **Ayat** that show remarkable theological importance. The Quran specifically refers to believing women as having the title of Awliya, meaning: allies,

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protectors and guardians of believing men. This title creates a connection of mutual responsibility, moral agency and equality in the Islamic social order. Women are not then passive subjects of the rule of men, but are partners in the *amr bil ma a3f* (enjoining good) and the *nahy anna ma munkar* (forbidding evil). The Qur'an invests women with a social role, rather than an individual isolating position. Unanimously, classical Qur'an commentators such as, al-Tabari (d. 923 CE), Ibn Kathir (d. 1373 CE) and al-Qurtubi (d. 1272 CE) asserted that this verse has created mutual responsibilities and rights between the men and the women in the Muslim community.

None of these esteemed scholars understood the verse as an order that women should be excluded out of the life in the world. Quite the contrary, the verse has a clear statement on women being actively involved in the moral life in the public (Tafsir Ibn Kathir, Surah At-Tawbah, 9:71). This conclusion is supported by the prophetic example. Hazrat Khadijah (b II) (RA), the first and the most favorite wife of the Prophet was a self-sufficient businesswoman of significant financial standing who hired the Prophet (PBUH) before entering into marital relations.

She was the earliest Muslim and the Prophet (PBUH) said that she was one of the four greatest women in the Paradise. Hazrat Aishah (biz) (RA), the mother of the Believers, was one of the leading Islamic scholars in the first century of Islam, who has transmitted more than two thousand hadiths and was a leading teacher to both men and women. She commanded military expeditions, gave sermons and made independent juristic rulings that influenced the Islamic law. The system of womanhood practiced by the Taliban, whose women are restricted to the home and have no voice in society, are denied the chance to study and work is a model that has never been practiced within the lives of the closest relatives of the Prophet (PBUH).

The Taliban's Claims Versus the Islamic Scholarly Consensus

The Taliban argue that their limitations are a practice of Hanafi jurisprudence, the school of Islamic law that was prevalent in South and Central Asia in the past. This assertion has been methodically disapproved by the foremost Hanafi thinkers. The Wifaq-ul-Madaris (largest network of Islamic seminaries in the country), the Grand Mufti of Pakistan, and the Jamiat-Ulema-e-Islam, which all represent the Hanafi-Deobandi tradition, which the Taliban claim to adhere to, have all issued statements stating that the specific edicts of the Taliban, specifically the ban on women education and work, is far more than anything in the Hanafi jurisprudential tradition (Afghanistan International, 2024). More generally, in 2023, a statement signed by more than a hundred high-profile Islamic scholars in 23 countries organized by the International Union of Muslim Scholars stated that the Taliban action of prohibiting women's education was violating direct Quranic injunctions, and that it contradicted the prophetic Sunnah, and was a grave injustice that the Islamic scholarly community could not support. The statement also mentions that in the Islamic Republic of Iran which is a classic conservative theocracy, more than half of the university students are women; women's education and career involvement is universal and growing in Malaysia, Jordan, Egypt, Saudi Arabia and Turkey. If these states dominated by Muslims are practising Islam, but they are not prohibiting women from receiving an education, the Taliban's stance will not be able to state Quranic necessity.

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Domestic Violence and the Islamic Prohibition of Harm

In March 2025, the Taliban enacted a law permitting men to physically discipline their wives, as long as it does not result in visible injury. This clause is arguably the worst contravention of prophetic teaching the Taliban has ever enacted in its entire legislative programme. Prophet Muhammad (PBUH) in his farewell sermon at the Hajj, the most inclusive statement of Islamic beliefs, clearly stated: treat your women well, be nice to them (Sahih, Kitab al-Hajj, Dahir 1218). The Prophet (PBUH) subsequently stated that the best among you is the best towards their women and I am the best among you to my women (Sunan al-Tirmidhi, Hadith 3895). There are no known instances of him beating any of his wives, and the custom of the Hanafi school of thought as well as other Islamic legal schools have always regarded the phenomenon of the beating of one's wife as something to be interpreted as restrictively as possible.

The fiqh idea of *la darar wa la dirar*, which is one of the cardinal principles of the Islamic law based on genuine hadiths which means there shall be no harm and no harming in return, is a categorical prohibition of causing physical harm to women or any other person (Ibn, Sunan, Hadith 2341). The maternal mortality rate in Afghanistan of 638 deaths per 100 000 live births is not a neutral figure; it is a manifestation in part of the physical impact of the system in which violence against women is tolerated and even institutionalized (Robinson, 2021). At least nine out of every ten Afghan women have experienced any type of domestic violence, but with the failure of institutionalized safeguards, they do not have a place to turn. It is not an Islamic government; it is a government that ignores the most essential principles of the Islamic government.

The Ummah's Obligation to Speak

The Quranic injunction of the Surah At-Tawbah 9:71 which states that the believers regardless of the gender are obliged to do what is right and what is wrong is prohibited is a positive obligation to the international Muslim community in response to the Taliban abuses. Silence here is not a neutral position: when the regime engages in actions under the auspices of Islam that do not comply with the Quran, the Sunnah, and the opinion of the Islamic scholarship, Muslim scholars and states want to speak, not to please Western human-rights systems but because it is their religion that requires it (Lombardi & F. March, 2022). The Taliban rule have involved serious infractions which would contravene the *maqasid al-shariah*, the personal interest which serves to affirm the principles of Islamic law. Also, cite other credible scholars like Tariq Ramadan (2009) he argue that the *maqasid al-shariah* represented a principle that would "claim some kind of validity". Withholding education from women violates *hifz al-aql* whereas denying women healthcare violates *hifz al-nafs* and wrecking the economic backbone of half the population violates *Hifz al-mal*. Therefore, the Taliban rule does not serve the *maqasid al-shariā*, but instead contradicts them in all its aspects.

International Legal and Diplomatic Response

The Concept of Gender Apartheid in International Law

Taliban governance has been called gender apartheid by UN Secretary-General Antonio Guterres (January 2023), UN Women Executive Director Sima Bahous (March and

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September 2023), the EU High Representative Josep Borrell (February 2023) as well as the UN Special Rapporteur on Afghanistan (March 2023) among others (Farid & de Alwis, Afghanistan under the Taliban: A state of "gender apartheid"?, 2023). Though international law does not yet recognize gender apartheid, it can be a part of the Crimes Against Humanity treaty being drafted at the UN General Assembly which began in January 2026. Moreover, it is a historic opportunity to formalize gender apartheid into the text of the treaty, transforming it from moral category to a legal norm (Rida, 2025).

The International Criminal Court

On January 23, 2025, the ICC issued arrest warrants against Taliban leader Haibatullah Akhundzada and Chief Justice Abdul Hakim Haqqani for crimes against humanity in reference to the persecution of Afghan women and girls (International Criminal Court, 2025). The warrants are a powerful symbol that are damaging the reputation of Taliban officials and limit their international travel.

CEDAW and Inter-State Complaints

On the 25th of September 2024, Australia, Canada, Germany, and the Netherlands invoked the inter-state complaints mechanism as provided by CEDAW to request Afghanistan to end its breaches of the convention (Musawah & SAHR, 2025). A landmark legal precedent on recognizing the systematic nature of Taliban persecution, in October 2024, the European court of justice ruled that gender and nationality were enough to grant Afghan women asylum in Europe.

Actor / Body	Action / Response	Year
UN Security Council	Resolutions condemning Taliban gender restrictions; Res. 2681 reaffirmed	2021–2025
ICC	Arrest warrants for Taliban Supreme Leader and Chief Justice for crimes against humanity	Jan 2025
Al-Azhar University	Formally declared Taliban's ban on women's education haram (forbidden in Islam)	2022
International Union of Muslim Scholars	Joint statement by 100+ scholars from 23 countries condemning Taliban education ban as contrary to Quran	2023
Australia, Canada, Germany, Netherlands	Invoked CEDAW inter-state complaints mechanism against Afghanistan	Sep 2024
European Court of Justice	Ruled gender & nationality alone sufficient grounds for Afghan women's asylum	Oct 2024
UN General Assembly Process	Crimes against humanity treaty negotiations (gender apartheid inclusion)	Jan 2026

Table 3 International and Islamic Scholarly Responses to Taliban Gender Apartheid,

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Discussion

The evidence presented in this article demonstrates that Taliban governance since 2021 satisfies every conceptual criterion for gender apartheid as a crime against humanity: it is systematic, institutionalized, state-sponsored, comprehensive across all domains of women's lives, and sustained through enforcement mechanisms including corporal punishment, arbitrary detention, and surveillance. The scale of the violations - encompassing millions of women across an entire country - is unprecedented in the modern era.

There are three dimensions of analysis that should be highlighted. To start with, the Taliban gender apartheid can be distinguished by the administrative sophistication that it employed as compared to historical trends of gender-based discrimination. The Taliban have not just accepted discrimination, they have built a favorable framework of administration around it; a dedicated Ministry, formal laws, enforcement cells and a legal system that has made the eradication of women in the life of government a governance purpose. This makes the word apartheid analytically correct. Second, the Islamic theological critique that has emerged in this article is an augmentation rather than an addition to the human-rights analysis of the normative tradition aimed to be served by the Taliban.

The claim of Islamic legitimacy of the Taliban fails completely when the first revelation of the Quran directs all of humanity to Read, when the Surah At-Tawbah 9:71 asserts that the believing women are moral agents on a par with men in mandating the right and forbidding the wrong, the Sunni Islamic institutions of greatest authority declare the Taliban policies haram. The ideology of the regime is better interpreted as Pashtunwali- the tribal code of Pashtun culture that is arbitrarily embellished with Islamic words instead of real Islamic jurisprudence.

Third, the economic and demographic effects on the economy in the long term of Taliban policies will be considerably more drastic than the current statistics indicate. The USD 9.6 billion GDP loss estimated by UNESCO (2024) by 2066 is probably a miscalculation since it does not factor in health, governance, or social capital aspects of the female exclusion. With every year of continued constraint, a additional group of non-educated girls, an additional group of non-economic women, and another group of preventable maternal deaths are experienced. The global community is facing a basic strategic dilemma: to cooperate with the Taliban to gain entry to the country in order to provide humanitarian aid or to legitimize the rule that blatantly contravenes the international law. The Doha process experience, where the UN was active but left out the role of the Afghan women and left out the human rights aspect in the agenda is an example of how far can one go by focusing on engagement and forgetting accountability. At the same time, Muslim dominant nations and Islamic academic establishments, which are not voicing their dissent against Taliban gender apartheid, join forces with the regime to give a false impression that its rule is a reflection of Islam. Speaking out is a human-rights and also a theological requirement.

Conclusion

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The Taliban's rule in Afghanistan since August 2021 signifies the most severe, systematic, and widespread reversal of women's rights among all nations today. In more than 100 edicts, decrees and codified laws, the Taliban are building an administrative architecture of gender apartheid that eliminates women from education, employment, health care, media, government and public life. The stats don't lie: Afghanistan comes last on gender equality indices, loses billions of dollars every year due to excluding women, is facing a major crisis in maternal mortality, and 78% of young women are excluded from education, employment, and training.

This paper has progressed two arguments simultaneously. Juridically, the term gender apartheid is more than a mere description and therefore has certain legal consequences that require decisive action of the international community. Arrest warrants in January 2025, inter-state complaints to the CEDAW in September 2024, and the asylum decision made in October 2024 by the European Court of Justice are all indicative of a changing international legal opinion. The debates over the treaty on Crimes against humanity in 2026 show a viable legislative pathway towards securing gender apartheid as a crime against international law.

It is also shown in the article that the gender apartheid practiced by the Taliban does not have a legitimate basis in the Quran or Sunnis. The commandment of God to read in Surah Al-Alaq (96:1) is addressed to every Muslim regardless of his or her sex. Similarly, the hadith that directs the pursuit of knowledge is implemented to all Muslims, and not only on men. As Supah At-Tawbah (9:71) confirms, the idea that women are moral actors and can work in public positions, are equal to men in the task of enjoining good and banning evil. The own home of the Prophet (PBUH) in the form of Hazrat Khadijah (RA) as a businesswoman and Hazrat Aisha (RA) as a scholar/teacher has a prophetic precedence that is fundamentally opposed to the Taliban model. The most authoritative Islamic academic organizations, Al-Azhar, Dar al-Ifta al-Misriyyah, and the International Union of Muslim Scholars have clearly supported Taliban gender policies as haram.

As a result, the world of Muslims is not simply allowed to condemn the Taliban's gender apartheid, it is theologically required to do so. The Nobel Laureate Malala Yousafzai stated that "the world cannot merely criticize gender apartheid but must take initiative to eliminate it" cited in the Georgetown Journal of International Affairs, 2025. To the world ummah, this united move should start by a categorical statement: that the Taliban model is the opposite of Islam.

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