

Afghanistan's Taliban Denial of Women's Education: A Violation of International Human Rights Law

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Abstract

The Taliban's return in Afghanistan has created a big humanitarian mess, especially when it comes to basic human rights like the right to education. This paper takes a look at how the Taliban is crushing educational rights and puts it in the bigger picture of the Afghan conflict, looking at how it affects Afghans and the world from a human rights perspective. Since they took back control in 2021, the Taliban has put in place some really harsh school policies, hitting women and girls the hardest. They've banned secondary and higher education for females, kicked women out of teaching jobs, and rolled out strict and ideologically driven school curriculums. All this really limits academic freedom and makes it hard to think critically. These decisions not only break Afghanistan's promises under international human rights agreements, like the Convention on the Rights of the Child and the Universal Declaration of Human Rights, but they also keep poverty going, worsen gender inequality, and create more chaos in society. This paper points out that we really need a united global push to hold the Taliban responsible and protect education for all Afghans. The educated individual's exclusion from the educational gap in Afghanistan posits new ways to act informed by the support of unregulated education programs and upon the more traditional levers of diplomacy, economics and law. Ultimately, the education gap in Afghanistan is not just a local issue, it is a global problem that is a barrier to human dignity, peace and development everywhere.

Keywords: Right to Education, Taliban, Afghanistan, UDHR, CRC

Introduction

The continuation of an era marked by dictatorship and systematic violations of human rights throughout Afghanistan occurred with the Taliban's return in August 2021, representing a significant turning point in Afghanistan's troubled history.¹ Among the most terrible of these transgressions is the intentional, methodical eradication of women's and girls' educational rights.² This assault on education is not merely localized, it is an important humanitarian issue that affects all people globally, as much as it affects Afghans. The Taliban's actions, including the complete criminal prohibition of secondary and higher education for women, removal of female professors, and the use of strict ideologically driven curricula, are clear violations of what Afghanistan is responsible for under the international rule of law.³ These policies have had a significant impact on critical thinking and scholarship, which has in turn maintained poverty, gender inequality, and

¹ Hassan Abbas, *The Return of the Taliban: Afghanistan after the Americans Left* (Yale University Press 2023).

² Abdul Rahman Yasa, 'Human Rights Violations in Afghanistan: An Analysis of Women Plights under the Taliban'.

³ Mohammad Hadi Ahmadi, 'Higher Education of Afghanistan under the Taliban Rule' [2022] YAAR eV 1.

social violence. This paper explores the deterioration of educational rights in Afghanistan by the Taliban, and to contextualize this issue in the larger human rights struggle taking place there.⁴ In August 2021, the Taliban's return raised a new and challenging chapter in Afghanistan's long-fought history facing a brutal regime, based on their own harsh form of governance and systematic abuses of human rights.⁵ One of the most disconcerting violations occurring right now is the intentional and systematic erasure of female and girls' rights to education. A deeply disconcerting attack on education locally, it is also a significant humanitarian disaster and impacts both Afghan society and the world at large. The Taliban's deplorable actions - including banning women from secondary education, pushing female academics out of their academic careers; forcing oppressive ideological curricula - is a clear violation of Afghanistan's obligations to international human rights laws.⁶ The above actions have impeded academic freedom and critical thought, resulting in many of the same challenges we have today, including poverty, gender imbalances, and social unrest. In this paper, we will examine from a human rights lens, the Taliban's systematic deprivation of educational rights in Afghanistan and how this fits into the larger global conflicts we face today. The Taliban's limitations on education demonstrate the alarming pattern of their human rights violations that have occurred since they returned to power. These violations include arbitrary detention, torture, extrajudicial killings, enforced disappearance, restriction of freedoms of expression, and assembly. The potential toll on education is significant because it violates the essence of a free and democratic society. Denying women and girls educational opportunities not only perpetuates gender inequity, but the Taliban is withholding the contributions of half of Afghanistan's society which impacts social and economic development, stability, and peace. Education is an effective tool for ideological control in the Taliban's stringent regime. They have implemented a harsh framework that seeks to compel religious indoctrination over substantive academic exploration and individual freedom. Their curriculum is designed to create a new generation of unquestioningly loyal followers, suppress dissent, and bolster their repressive regime. They have spread fear, further marginalized vulnerable groups, and blatantly attacked aggressive schools and educators. The Taliban's actions have stifled intellectual development such that Afghan society lives in a continuum of fear, making the pursuit for knowledge an increasingly unsafe pursuit for parents, students, and educators. The international community continues to flounder at managing change, despite a strong condemnation of the Taliban's policies on education. This begs the question of how effective international human rights mechanisms can be to groups like the Taliban that are non-state actors. Sanctions, condemnation, and global disapproval have not stopped the Taliban from carrying out harmful and discriminatory practices. This emphasizes the need for new strategies that are coherent to ensure that all Afghan children can have access to education, while also identifying how to hold the Taliban accountable. These strategies could include further covert support for underground education initiatives, as well as diplomatic and financial pressure, as well as legal claims for personal responsibility. The argument presented in this paper indicates that educationlessness in Afghanistan is not simply a local or national concern but is a global concern that includes serious consequences for human dignity, development and peace. We must consider, not just the broader ideals of peace and security worldwide, but the moral and legal responsibility of the international community to advocate for the right to education, especially for Afghan women and girls, and that educational rights and rights to education are local, national and global issues. The deterioration of educational rights in

⁴ Peter Marsden, *Afghanistan: Minorities, Conflict and the Search for Peace* (Minority Rights Group International London 2001).

⁵ Abbas (n 1).

⁶ Ahmadi (n 3).

Afghanistan crudely demonstrates how tenuous human rights are in authoritarian states and wartime conditions. Furthermore, it spotlights the immediate need for global recognition of this issue and coordinated action to address it, and to safeguard every individual right to education.

Historical Context of Education in Afghanistan

To address the existing educational dilemma in Afghanistan, we need to understand the historical foundations we face that have constructed the current national education system. The development of education in Afghanistan is influenced by recent political upheaval (or lack thereof), heavy foreign impact, and an extensive history of violence and instability. Before the Soviet invasion of 1979, Afghanistan had a reasonably developed educational system. The trajectory of development that led to the current educational system is, in part, a reflection of the events that occurred in the early twentieth century, particularly in the first years of King Amanullah Khan's (1919-1929) reign. Amanullah Khan initiated a number of reforms designed to initiate modernization of the kingdom, including the establishment of secular schools. The educational system of Afghanistan had greatly progressed by the 1960s and 1970s with special focus directed towards the education of women. A study produced by the United Nations Children's Fund (UNICEF) observes that by the 1970s Kabul University had established itself as a 'center of knowledge' attracting students from around the country and even neighboring countries.⁷ During this period, the Afghan government, with assistance from foreign donors, allocated resources for the construction of schools, teacher training, and curriculum development. The short-range goal was to increase literacy and education for both sexes; the intention was for the educational system which was secular. Though these may have been improvements, they were primarily for urban areas, and rural areas fell behind in terms of investments and then resources and infrastructure. The Soviet invasion in 1979 created a lengthy violent period that jeopardized the educational system in Afghanistan. Almost all of the country's educational infrastructure was wiped out during the invasion and ensuing civil war. The schools were targeted by warring factions. Many of the Afghan teachers left the country, which significantly depleting the number of skilled teachers in the country. According to a World Bank review, the literacy rate had declined, and more than half of Afghanistan's schools had been destroyed or closed by the mid-1980s.⁸ Things only got much worse with the civil war that existed after the Soviets withdrew in 1989. Education was in a bad way, as many different gangs of mujahideen battled each other for control over the country. Any school became a military target, either deliberately to save morale or became a military base. This disruption in education had future consequences for a generation of Afghans who were denied official educational opportunities. When the Taliban came to rule in the middle of the 1990s, Afghan education underwent a particularly dark chapter. The Taliban severely restricted education, most famously for women and girls, during its first period of rule (1996–2001). Women were not allowed to teach or work in any capacity outside of the house; girls were not allowed to attend school. Using their knowledge of Islamic law, the Taliban justified their more general attempt to create a rigorous and repressive social order. Human Rights Watch records the Taliban's deliberate attempt to keep women and children out of public life, notably about their educational program. According to the research, the Taliban stopped girls' schools and forbade women from working as teachers during this period, therefore drastically lowering female literacy rates.⁹ The Taliban's educational restrictions were fiercely criticized by the international community, and the group's collapse in 2001 was seen as an opportunity to rebuild Afghanistan's educational infrastructure. Once the Taliban were toppled in 2001, Afghanistan's educational scene underwent significant transformation. Thanks to contributions from all around the world, the Afghan government particularly invested in building

⁷ 'United Nations Children's Fund (UNICEF) 2011'.

⁸ 'World Bank, 2005'.

⁹ 'Human Rights Watch, 2001'.

new schools, training teachers, and developing curricula. Thanks to a startling rise in enrolment rates for both men and women, millions of Afghan youngsters were registered in schools by 2021. Data from the Afghan Ministry of Education shows that over 9 million students were registered in Afghan schools, 3.5 million of them are girls.¹⁰ Still, these were erratic and not consistent developments. Rural and urban locations differ greatly; the former still suffers from problems including poor infrastructure, unfit teachers, and safety hazards. Furthermore, the continuous fighting with the Taliban constantly threatened educational institutions which were regularly attacked. Research by the United Nations Assistance Mission in Afghanistan (UNAMA), shows that over one thousand attacks on schools between 2017 and 2020 resulted in the closing of hundreds of educational institutions.¹¹

The Taliban's Return to Power: A New Crisis

Afghanistan's social and educational gains over the past two decades were dramatically reversed in August 2021 with the return of the Taliban. After the U.S.-led invasion in 2001, Afghanistan saw notable improvement in increasing access to education, especially for women and children who had been mostly denied access to educational possibilities during the Taliban's former control in the late 1990s. Given the near-total exclusion of girls from education under the Taliban's previous government, it is amazing that about 3.7 million girls were registered in schools by 2021 United Nations Educational, Scientific and Cultural Organization (UNESCO).¹² Women's involvement in public and political life had also increased significantly; over 27% of the Afghan parliament is female, evidence of the progress towards gender equality and empowerment.¹³ But the Taliban's comeback to power has methodically destroyed these advances and placed harsh limitations on education especially for women and girls. The Taliban have undertaken a series of actions including the prohibition of women attending universities and secondary education, restrictions on what women do in public, the dismantling of governmental structures that supported gender equality in work and education. These are crimes that have not only reversed these developments, but it also puts Afghanistan at risk of being one of the most educationally deprived countries in the world. Organizations such as UNESCO and UNICEF have serious concerns over the lasting impact of these actions. UN agencies are warning that the exclusion of women and girls from education will have devastating implications for Afghanistan's social and economic development; in doing so, perpetuating cycles of the poverty and inequality. United Nations International Children's Emergency Fund (UNICEF).¹⁴ The policies of the Taliban on education have also created a dramatic brain drain as young education student, professionals, and teachers have left the country, as many as possible, for educational opportunities elsewhere, adding to the ongoing nightmare. While the international community has primarily condemned the actions of the Taliban, the group's rigid ideological position and the broader complex geopolitical situation of Afghanistan has made it so much more difficult to reverse these regressive practices. Thus, the future of education in Afghanistan especially for women and girls, is relatively uncertain in the immediate future because it could do serious irreversible harm to the social fabric and developmental trajectory of the country.

Immediate Restrictions on Education

The Taliban started implementing policies aimed at education, particularly for women and girls, within weeks following the takeover. Suddenly closed were girls' secondary schools, and female college students were not allowed to show up for classes. The Taliban announced intentions to

¹⁰ Afghan Ministry of Education., 'Education Statistics of Afghanistan. Kabul: Afghan Ministry of Education. (2018)'.

¹¹ 'United Nations Assistance Mission in Afghanistan (UNAMA, 2020)'.

¹² 'United Nations Educational, Scientific and Cultural Organization (UNESCO), 2021'.

¹³ *ibid.*

¹⁴ 'United Nations International Children's Emergency Fund (UNICEF), 2022'.

reform the educational system by using a new curriculum stressing religious instruction and following with its strict interpretation of Islamic law; female professors were sacked from their jobs.¹⁵ Many views these acts as part of a greater scheme to increase dictatorial control and stifle opponents, despite the Taliban's assertions that they were required to preserve Sharia law.¹⁶ For girls especially, the Taliban's policies on education have been especially damaging. Women will still not be allowed to attend college; a startling 1.1 million girls in secondary school will not have had the opportunity to finish their education as of 2023.¹⁷ For women's equality in Afghanistan, where girls and women have made tremendous progress in terms of political involvement and access to education over the past 20 years, this is a big setback.

Impact on the Education System

Policies of the Taliban have brought anarchy into Afghanistan's educational system. The economic situation of the nation has gotten worse as the closing of institutions and schools results in the loss of thousands of teachers. The World Bank claims that since the Taliban takeover, Afghanistan's GDP has dropped by 20–30%; unemployment rates have skyrocketed, and poverty levels have historically peaked.¹⁸ Previously mostly dependent on outside assistance, the educational sector has suffered especially since many donors have stopped supporting it in reaction to Taliban policy. The introduction of a strict ideological curriculum has degraded the standard of education in Afghanistan yet more. Some fear about the long-term intellectual and financial development of the nation since the Taliban give Islamic education higher priority than science, technology, and critical thinking. Teachers and students concerned that the new curriculum would restrict creativity, and critical inquiry will say that Afghan youth will be unprepared to compete in a globalized environment.¹⁹

Societal Impact and Human Rights Concerns

Afghan society has been chilled by the Taliban's prohibitions on education. Everyone from teachers to students to parents has to walk carefully in this perilous world in search of information. Women and girls who pursue education overseas or attend underground schools against Taliban rules risk harsh penalties including harassment, incarceration, and sometimes violence.²⁰ A brain drains of many educated Afghans including academics, professionals, and teachers has resulted from their leaving the country in search of safety and opportunity. This is so because the Taliban have targeted education.

The world community has attacked the Taliban's policies since they seem cruel. Emphasizing that education is a fundamental human right and essential to the advancement of any community, the UN has regularly asked that the Taliban remove their ban on girls' education.²¹ Nonetheless, the Taliban have been relentless in defending their policies as they assert, they reflect Afghan culture and Islamic values.

Long-Term Consequences

Future impacts of the Taliban's educational initiatives will most definitely be seen widely. By depriving a whole generation of girls of education, the Taliban are guaranteeing that poverty and inequality would linger for the next generations. Better health, lower child mortality rates, and more economic output all of which are positive feedback loops between educating girls and

¹⁵ 'Human Rights Watch, 2001' (n 10).

¹⁶ 'Amnesty International, 2022'.

¹⁷ 'United Nations International Children's Emergency Fund (UNICEF), 2023'.

¹⁸ 'World Bank, 2023'.

¹⁹ 'BBC, 2022'.

²⁰ 'Amnesty International, 2022' (n 17).

²¹ 'UN News, 2023'.

lowering of the Apart from depriving Afghan females of an education, Taliban policies threaten the nation's prospects for long-lasting peace and development.

Furthermore, the Taliban's emphasis on ideological indoctrination might make the next generation of Afghans unfit to negotiate the contemporary world. The Taliban's promotion of religious education over critical thinking and scientific research compromises the intellectual foundation necessary for creation and progress. For Afghanistan's international involvement and economic recovery, this might mean the world.

International Human Rights Framework

Particularly their restriction on female and gender-identifying youngsters from attending public schools, the Taliban's policies in Afghanistan show a clear contempt for the country's commitments under international human rights legislation. This limitation not only compromises Afghanistan's basic right to education but also breaks many international treaties and declarations of either signed-for or approved kind. Among these are the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Universal Declaration of Human Rights (UDHR). These tools underline the need to help every person to realize their full potential by means of education and confirm that education is a universal human right accessible to all without discrimination.

Adopted by the United Nations General Assembly in 1948, the Universal Declaration of Human Rights expressly states in Article 26 "everyone has the right to education."²² It underlines even more how free education should be, at least in the early and fundamental phases, and how it should be focused on the whole growth of the human personality. Furthermore, forbidden under the UDHR are any sort of discrimination, including based on sex or gender. The Taliban are actively violating these values by refusing girls and gender-diverse children access to public schools, therefore depriving them of their right to personal growth and empowerment via education.

Likewise, Afghanistan's 1983 admission of the International Covenant on Economic, Social, and Cultural Rights supports the UDHR's expressed right to education. Recognizing education as a basic human right, Article 13 of the ICESCR specifies that it should be accessible, acceptable, flexible enough to fit every person.²³ The agreement specifically forbids discrimination in education, including on grounds of gender including Direct violation of these clauses is the Taliban's practices, which methodically exclude girls and gender-nonconforming youngsters from public education. Particularly for women and underprivileged groups, this exclusion not only denies these children their access to education but also helps to prolong cycles of poverty, injustice, and disempowerment.

Approved by Afghanistan in 1994, the Convention on the Rights of the Child emphasises even more the need of education as a right for every child. Article 28 of the CRC protects every child's right to education and mandates governments to make sure that elementary education is free to all and obligatory. Article 29 further underlines that education should be focused on helping the child to reach their maximum potential by means of developing their personality, talents, and mental and physical capabilities. Direct violations of these responsibilities by the Taliban on females' education and their exclusion of gender-diverse children from public schools rob these children of the chance to grow personally and significantly benefit society.²⁴

Apart from breaching international law, the Taliban's acts reflect a great moral failing. A pillar of human growth and a necessary instrument for reaching gender equality, lowering poverty, and promoting social and economic advancement is education. Denying girls and gender-diverse

²² Universal Declaration of Human Rights (UDHR), 1948.

²³ Anthony J Langlois, 'International Covenant on Economic, Social and Cultural Rights (ICESCR)', *Encyclopedia of International Relations and Global Politics* (Routledge, Taylor & Francis 2005)

²⁴ Convention on the Rights of the Child (CRC), 1889.

children access to education, the Taliban are thereby sustaining systematic discrimination and jeopardizing Afghanistan's future. Repeatedly denouncing these measures, the world community demands the urgent restoration of the rights to education of females and gender-diverse youngsters. The Taliban have, however, shown little eagerness to meet these expectations, effectively separating Afghanistan from the rest of the world and aggravating the humanitarian situation there. Ultimately, Afghanistan's responsibilities under international human rights law are clearly violated by the Taliban's ban on female and gender-identifying youth attending public institutions. It violates the values embodied in the UDHR, ICESCR, and CRC, all of which uphold the right to education as a universal and non-discriminatory human right. The world community has to keep making sure every child in Afghanistan, regardless of gender, has access to the education they are due under international law and hold the Taliban responsible for these transgressions. Without such initiatives, Afghanistan's children's future as well as the nation's overall remains dismal.²⁵

The Universal Declaration of Human Rights (UDHR)

Adopted by the United Nations General Assembly in 1948, the United Declaration of Human Rights (UDHR) is pillar of international human rights legislation.²⁶ Regardless of ethnicity, gender, religion, or nationality, it expresses the basic liberties and rights to which every person is entitled. Of all these rights, education is especially important since it not only is a basic human one but also helps other rights to be realized. Emphasizing that "everyone has the right to education" and stressing that education should be focused towards "the full development of the human personality and the strengthening of respect for human rights and fundamental liberties," Article 26 of the UDHR expressly says This clause emphasises the transforming ability of education in encouraging personal development, advancing mutual understanding, and establishing civilizations anchored on tolerance and respect. As places of learning, schools are supposed to be places where people from many backgrounds can come together, interact, and grow relationships depending on mutual respect and shared humanity. However, the Taliban's harsh policies on education, particularly on their outright denial of access to education for women and girls, are in stark contrast to these universal values. Such educational policies, which systematically deny girls and women access to formal education, violate their right to education protected in the UDHR. After taking control of Afghanistan in 2021, the Taliban have restricted female education significantly by prohibiting girls from way attending secondary schools and universities.²⁷ These steps not only deny girls and women their basic access to education but also impede their capacity to significantly benefit society. A great weapon for empowerment, education helps people to grow in their abilities, follow their dreams, and actively engage in the political, social, and economic life of their countries. Denying women and girls access to education, the Taliban are so undercutting their potential and extending cycles of poverty, inequality, and exclusion. The ideas of equality and non-discrimination that support the UDHR and other international human rights documents run against this gender-based discrimination.²⁸

Furthermore, Taliban practices undercut the more general objectives of education as stated in Article 26 of the UDHR. Education is about developing values like tolerance, respect, and understanding as much as about learning facts. Schools are microcosms of society where young people grow to connect with others from many backgrounds, question preconceptions, and foster a feeling of common humanity. The Taliban are sustaining negative preconceptions and dividing society by separating schooling along gender lines and excluding girls from learning alongside

²⁵ Alvi (n 4).

²⁶ Universal Declaration of Human Rights (UDHR), 1948.

²⁷ Ahmadi (n 3).

²⁸ Zahra Khavari, 'Gender Apartheid' in Afghanistan: Reviving the Relic of Anti-Apartheid International Laws to Address Systematic Gender Discrimination Under the Taliban.' 5.

men. This not only affects women and girls but also robs boys and men of the chance to interact with and learn from their female colleagues, therefore restricting their own social and personal growth.

Emphasizing that they violate not only the UDHR but also other international treaties including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)²⁹ and the Convention on the Rights of the Child (CRC),³⁰ the international community has repeatedly denounced the Taliban's educational restrictions. These tools clearly forbid discrimination based on gender and restate everyone's entitlement to education. The Taliban have shown no will undo their actions in spite of pleas for reform, effectively separating themselves from the world community and aggravating the humanitarian situation in Afghanistan.

Finally, the Taliban's educational policies amount to a serious transgression of the values embodied in the Universal Declaration of Human Rights. Apart from violating their basic rights, the Taliban's denial of girls and women access to school compromises the more general objectives of education as a tool for encouraging personal growth, advancing tolerance, and creating inclusive societies. Holding the Taliban responsible for their deeds and striving for a future whereby education is available to all, regardless of gender, the international community must keep advocating for the rights of Afghan girls and women. We can only expect to build a society in which every person has the chance to realize their full potential and help to improve society by maintaining the values of the UDHR.

The Convention on the Rights of the Child (CRC)

A major first towards protecting children's rights especially their right to education Afghanistan's 1994 Convention on the Rights of the Child (CRC) ratification was Comprising a thorough international convention, the CRC, the CRC, lays out children's basic rights including those to education, protection from discrimination, and chances for personal growth. Specifically stressing every child's entitlement to an equal opportunity education, Article 28 of the CRC It requires that secondary education be made available and accessible to every child while primary education be mandated as required and accessible to everyone.³¹ Moreover, it underlines the need to make sure that everyone, depending on their aptitude and skill, can enter higher education. Article 29 enhances this by declaring that education should seek to develop the child's personality, talents, and mental and physical capacities to their utmost potential. It emphasises how important education is to develop respect for human rights, cultural identity, and the values of peace, tolerance, and equality. These clauses underline the transforming ability of education in forming young brains to become engaged, aware, responsible citizens in a society that values knowledge, justice, and equality.³²

Notwithstanding these pledges, the Taliban's policies in Afghanistan have methodically denied children especially girls' access to education, therefore violating their rights. The Taliban has severely limited girls' education since reclaiming power of Afghanistan in 2021, forbade attendance at universities and secondary institutions. Especially Articles 28 and 29, which ensure each child access to education and personal development, this exclusion blatantly violates the principles embedded in the CRC. By denying females access to secondary and higher education, the Taliban not only infringes upon their basic rights, but also decreases the potential of females' contributions to benefit society at a high level. Education is a key element in both personal and society growth, providing individuals with efficacy, skills, knowledge, capacity and confidence to pursue meaningful work, contribute to civic life, and work for their communities. TA CAJCS

²⁹ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.

³⁰ Convention on the Rights of the Child (CRC), 1889.

³¹ *ibid.*

³² Barnett R Rubin, 'Transitional Justice and Human Rights in Afghanistan' (2003) 79 *International Affairs* 567.

policies disregard these opportunities for Afghan females, extending cycles of poverty, inequality, and disempowerment.³³

In addition, the denial of education for girls has significant consequences for Afghanistan's social and economic advancement. Educated women are more likely to be in the workforce, advocate for their rights, and care for their families and communities. Denying girls education violates their rights and will contribute to Afghanistan's inability to achieve social progression and sustainable growth. In this context, Article 2 of the CRC on non-discrimination and equality are especially relevant. The actions of the Taliban are a form of systematic discrimination, which disproportionately affects women and girls, thus compromising Afghanistan's CRC obligations to provide equal opportunities to all children regardless of gender.

In addition, Afghan civil society, human rights organizations, and the global community have all vocally condemned the Taliban's restrictions on girls' education. Human Rights Watch and UNICEF, as examples, have frequently called upon the Taliban to reverse its discriminatory policies and respect every child's human right to an education. The international community has both a moral and legal obligation to hold the Taliban accountable for the violations of the CRC and to assist efforts to guarantee that every child living in Afghanistan can access a high-quality education. Education is not simply a basic human right, it is a powerful vehicle for developing equality, tolerance and peace. Afghanistan is depriving its children of their full potential and their contribution to a more sustainable, just, and equal society by not allowing them to fulfil their obligations under the CRC and depriving girls and other groups of education.

In conclusion, the Taliban's ban on girls' access to secondary and higher education is a clear breach of Afghanistan's obligations under the CRC. These violations not only contravene their rights to development, but also deny the ability to work, participate politically, and contribute to society. Afghanistan and the international community must continue to advocate for the rights of children in Afghanistan and hold the Taliban accountable in its violation of equality, non-discrimination, and the right to education for all children. Afghanistan can only anticipate building the future based on peace, tolerance, and equality, by ensuring access to education for all children.³⁴

The International Covenant on Economic, Social and Cultural Rights (ICESCR)

Adopting the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1983,³⁵ Afghanistan promised itself to pursue total and equal enjoyment of all human rights, including the right to education. Emphasizing the need of education for the "full development of the human personality and the sense of its dignity," Article 13 of the ICESCR notes that everyone has the right to education. This clause emphasises the need for education in supporting personal development, democratic involvement, and mutual respect and understanding among many civilizations. It also asks governments to move aggressively to increase access to education so that everyone may fully engage in society and help it to grow. The Taliban's attitude to education, which is marked by ideological rigidity and limits on academic freedom, contrasts sharply with the values embodied in Article 13 of the ICESCR, nevertheless. This difference draws attention to a major transgression of Afghanistan's international responsibilities and begs questions regarding the long-term effects on social advancement and human development. Recognizing education as a basic human right and pillar of both personal and society growth, Article 13 of the ICESCR It underlines that education should be focused on the "full development of the human personality and the sense of its dignity," therefore helping people to realize their potential and significantly benefit their

³³ Ansley Marie Taylor, 'The Relationship Between Women's Education, Women's Employment, Gender Development, and Gender Inequality| A Case Study of Afghanistan, 2000-2019' (master's Thesis, 2022)

³⁴ Sara Qazi and others, 'GENDER RELATED ISSUES AND SOLUTIONS IN POST CONFLICT AFGHANISTAN' (2023) 20 PalArch's Journal of Archaeology of Egypt/Egyptology 889.

³⁵ Langlois (n 24).

societies. Moreover, the paper emphasises the need of education in fostering among all people, racial, ethnic, and religious groups understanding, tolerance, and friendship. States must make education available to all, progressively implement free education, and always raise the caliber of their offerings if they are to reach these objectives. These values complement the more general goals of the ICESCR, which aims to guarantee the realization of economic, social, and cultural rights as fundamental constituents of human dignity and social justice.³⁶

By contrast, the Taliban's educational practices are firmly anchored in ideological restrictions that drastically curtail critical thinking and academic independence. Often at the expense of more general educational objectives, the Taliban have imposed a curriculum consistent with their strict interpretation of Islamic law since they have reclaimed control of Afghanistan in 2021. While critical thought and intellectual investigation are discouraged, disciplines including science, literature, and the arts have been cut back or changed to match their ideological framework. This method not only suppresses innovation and creativity but also impedes the development of well-rounded people who can be beneficial to society. Furthermore, the Taliban have inhibited the development of the human personality altogether as defined in Article 13 of the ICESCR, by restricting the educational opportunities and providing a limited curriculum.³⁷ In addition, disadvantaged groups, and primarily women and girls, are disproportionately impacted by the Taliban's policies. The exclusion of girls from secondary and higher education violates their right to an education and fundamentally undermines Afghanistan's pursuit of gender equality. This exclusion limits females' ability to fully participate in society and therefore subverts the overall development of the country, as well as limits women's fundamental rights. The Taliban's actions are in direct contradiction to Article 13's principle for the expansion of education opportunities and the encouragement of equitable access for all.³⁸ The Taliban's stance towards education undermines the broader goal of the ICESCR, which is to promote mutual respect and understanding among many diverse groups. The Taliban's policies narrow gaps and inhibit efforts to bring about a united and inclusive society by promoting a constrained and exclusionary worldview. This directly contrasts with the ICESCR's values, which stress the need for education in fostering democracy, tolerance, and friendship by means of which one may participate.³⁹ Finally, the Taliban's ideologically motivated educational programs mark a notable deviation from the ideas expressed in Article 13 of the ICESCR. The Taliban are not only breaching Afghanistan's international responsibilities but also hindering the social and economic growth of the nation by suppressing academic freedom, so restricting educational possibilities, and so excluding underprivileged groups. As the ICESCR's concept of the right to education suggests, complete realization of it calls for a dedication to diversity, critical thinking, and the whole personal growth. Afghanistan will keep failing under international human rights standards until the Taliban match their practices with these ideals.

The Principle of Non-Discrimination

Every important human rights agreement clearly states the fundamental idea of non-discrimination, which underlies human rights law globally. A pillar of morality, non-discrimination

³⁶ ZAKIA ADELI, 'The Consequences of Taliban Policies on Human Rights in Afghanistan (August 2021–August 2023),' [2024] *AsiaPacific Issues*

³⁷ Clara Albrecht, Britta Rude and Tanja Stitteneder, 'Women in Afghanistan: Developments over the Last 20 Years and the Return of the Taliban', *CESifo Forum* (München: ifo Institut-Leibniz-Institut für Wirtschaftsforschung an der ... 2022)

³⁸ Karl Kaltenthaler, Arie W Kruglanski and Austin J Knappe, 'The Paradox of the Heavy-Handed Insurgent: Public Support for the Taliban among Afghan Pashtuns' (2024) 47 *Studies in Conflict & Terrorism* 1699.

³⁹ Rolla Moumné and Charlotte Saudemont, 'Overview of the Role of Private Providers in Education in Light of the Existing International Legal Framework: Investments in Private Education: Undermining or Contributing to the Full Development of the Human Right to Education?'

guarantees everyone, regardless of gender, color, religion, or any other status, their equal and inalienable rights. Key international human rights instruments, including Article 2 of the Universal Declaration of Human Rights (UDHR), Article 2 of the Convention on the Rights of the Child (CRC), and Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), all reflect this principle. These texts taken together confirm that discrimination in all its manifestations violates human dignity and impedes the realization of basic liberties.⁴⁰

Adopted by the United Nations General Assembly in 1948, Article 2 of the UDHR expressly states that everyone is entitled to all the rights and liberties set forth in the Declaration without regard to any kind, including race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. As noted in 1989 Article 2 CRC, in the same spirit, the States Parties to the CRC shall respect and ensure the rights that are recognized in the Convention, to every child under its jurisdiction, without discrimination of any kind. Article 2 of the ICESCR, which was established in 1966, requires States Parties to guarantee the rights declared in the Covenant without distinction. The emphasis added here is that no person or group shall be denied the protection and benefits of human rights. These articles together, reinforce the universal and indivisible nature of human rights.

The Taliban's policies in Afghanistan often deny access to education for children and women, directly violating the non-discrimination principle even though the international legal standards are identical. The Taliban systematically restricted access to education for women and girls since they took power in Afghanistan in 2021, effectively barring their access to colleges and universities. Aside from violating girls' right to education, this measure prevents the advancement of public order for society by extending gender-based discrimination and fundamentally violates their human rights. CEDAW has reiterated multiple times that denying girl's education is gender-based discrimination that limits their capacity to realize their potential and drives them into a cycle of poverty and disempowerment.⁴¹

The Committee on the Elimination of Discrimination against Women, established in 1982, has monitored Afghanistan's implementation of the Convention on the Elimination of Discrimination of All Forms of Discrimination against Women, which it ratified in 2003. The Committee has stated that education is a human right and has also reiterated that education is a primary means of achieving equality between genders. The Taliban violate international human rights law and perpetuate harmful stereotypes about women, keeping them at home, excluding girls from education, and have considerable implications of lack of education, such as diminished career and employment prospects, fewer career options available, and increased opportunities for violence and exploitation. The policies of the Taliban blatantly violate Afghanistan's responsibilities under international law, including international obligations under the Universal Declaration of Human Rights (UDHR), Convention on the Rights of the Child (CRC), International Covenant on Economic, Social and Cultural Rights (ICESCR), and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The world has continuously condemned the Taliban and demanded the immediate restoration of girls' and women's rights to education. Despite general condemnation by the world community, the Taliban appear unwilling to meet these demands, perpetuating systems of gender-based discrimination and inequality. The situation in Afghanistan drives home the persistent struggle for the global realization of human rights, particularly in contexts where discriminatory policies are fully entrenched. It also highlights the necessity for

⁴⁰ Daniel Moeckli, *Human Rights and Non-Discrimination in the 'War on Terror'* (Oxford University Press, USA 2008)

⁴¹ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.

sustained international pressure and support to hold violators accountable and to promote the principles of equality and non-discrimination that are inherent to human rights law.⁴²

International Reactions and Legal Implications

The international community has repeatedly, and with considerable anger, condemned the extreme restrictions on education by the Taliban in Afghanistan. Human rights organizations, a few countries, ideally the governments of countries, the United Nations Agencies, and International organizations have condemned these restrictions, especially for women and girls, broadly condemned. As a gross violation of fundamental human rights and immensely harmful to the social and economic progress of the nation, Afghanistan women have effectively been prevented from accessing higher education, and girls have been excluded from secondary education and further education. Emphasizing that these policies not only deny people their fundamental rights but also impede the advancement of Afghan society as a whole, human rights organizations like Human Rights Watch⁴³ and Amnesty International⁴⁴ have consistently called attention to the terrible consequences of these policies. Denying women and girls their education feeds poverty, inequality, and disempowerment, therefore marginalizing half of the population and limiting the possibility for significant society development.

The United Nations has been particularly vocal in condemning the Taliban's actions. According to the UN Special Rapporteur on the right to education, the Taliban's policies violate international law, including the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), both of which Afghanistan has signed. The Special Rapporteur asserts that education is not only a fundamental human right, but an essential engine for social and economic development. In denying women's and girls' education rights, the Taliban is not only violating their obligations under international law, but they are also severely obstructing Afghanistan from recovering from decades of conflict and violence. The UN has urged the Taliban multiple times to revise their policy and to guarantee a pathway for all Afghan citizens of any gender to access high-quality education.⁴⁵

The United Nations Security Council (UNSC) has particularly expressed alarm with regard to the Taliban's suspensions of women's and girl's education. The UNSC notes that withholding education from this population undermines paths to peace and stability in Afghanistan and its neighbor countries. Education is identified generally as the foundation of sustainable development and a fundamental driver of social inclusion, economic growth, and political stability. While the Taliban are exacerbating gender inequity by restricting access to education for women and girls, they are also denying Afghanistan the valuable contributions educated women could bring to the country's recovery. The UNSC urged the Taliban to honor their commitments to promote human rights and guarantee equal access to education for all Afghans.

Even with all of these pressures on the Taliban, it doesn't appear that they have any interest in changing their practices, and it raises questions about their commitment to the conventions of the international community and human rights as a whole. While there is some slight movement, the international community still doesn't relent in pressuring the Taliban through diplomatic channels and sanctions, etc. For millions of Afghan women and girls that do not have access to education, the situation is tragic not only for their futures, but also for the future of Afghanistan. Continued

⁴² Sippi Azarbaijani-Moghaddam, 'On Living with Negative Peace and a Half-Built State: Gender and Human Rights' (2007) 14 *International Peacekeeping* 127.

⁴³ 'Human Rights Watch, 2001' (n 10).

⁴⁴ 'Amnesty International, 2022' (n 17).

⁴⁵ Adilia Khansa Azzahrah and Gonda Yumitro, 'ANALYZING THE ROLE OF THE UNITED NATIONS IN FACING TALIBAN RESTRICTION WOMEN'S EDUCATION IN AFGHANISTAN 2021' (2025) 9 *Indonesian Journal of International Relations* 97.

efforts on the part of the international community to hold the Taliban accountable for their actions and to advocate for the rights of Afghan women and girls is paramount for the ongoing challenges faced by Afghan women and girls.

Broader Implications for Human Rights

The Taliban's ban on education in Afghanistan, particularly on women and girls, has significant human rights implications. Education is enshrined as a human right under international law, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Further, education is a pathway to the realization of other rights. By denying education, the Taliban are also denying many opportunities for people to engage their rights to work, engage politically, and express their opinions. Women and girls are specially impacted by this systematic denial, which ensures their continued marginalization at the lowest levels of the socioeconomic ladder.

Since the Taliban took back control of Afghanistan in August 2021, they have restricted education severely, targeting women and girls particularly. Girls' secondary schools were abruptly closed, and colleges were banned from accepting female applicants. For millions of Afghan girls, as well as for women over 18, the Taliban have implemented laws that have halted official schooling, essentially reversing decades of gains toward gender equality and access to education. A 2023 Amnesty International report stated the laws have led to a "generational catastrophe," depriving an entire generation of girls and women the opportunity to learn and contribute to their society.⁴⁶ The research emphasises that the Taliban's activities are not only a rejection of education but also a calculated attempt to stifle women's autonomy and support patriarchal authority.

The ramifications of these regulations have consequences that are far-reaching, extending well beyond the classroom itself. Education, which is an important means of empowerment, allows individuals to find employment and be involved in civic engagement, and join together to fight for their rights. For women and girls who receive no formal education, the Taliban will keep them economically dependent on men and unable to participate in the decision-making process that impacts them. Numerous families have had no choice but to marry away their daughters at early ages; with little option to earn income of her own, this lack of access to education has tremendously exacerbated poverty and vulnerabilities, said Human Rights Watch.⁴⁷ This prolongs a cycle of disempowerment and inequality, hence deepening gender-based discrimination.⁴⁸

Furthermore, the educational policies of the Taliban have silenced women's voices. Education promotes critical thinking, creativity, and ultimately, self-assurance, all crucial to individuals' ability to express themselves and to confront injustice. By denying women and girls access to education, the Taliban is simultaneously reinforcing their authoritarian grip and suppressing dissent. Given that a number of women activists and teachers have fled Afghanistan or gone into hiding to avoid punishment, this flashpoint has created a chilling effect on Afghan civil society.

The international community has expressed vehement or outrage about the Taliban actions, with some organizations such as Amnesty International and Human Rights Watch calling for urgent action to mitigate the issue. The Taliban have remained obstinate, disregarding condemnation as foreign interference and maintaining that their interpretation of Islamic law validates their actions. As a result, millions of Afghan women and girls are despondent and without hope for a better future.

In summary, the Taliban's education ban in Afghanistan represents a serious human rights

⁴⁶ 'Amnesty International, 2022' (n 17).

⁴⁷ 'Human Rights Watch, 2023'.

⁴⁸ AWindy Brown and Laura Grenfell, 'The International Crime of Gender-Based Persecution and the Taliban' (2003) 4 Melbourne Journal of International Law 347.

oppression with long-lasting ramifications. By depriving women and girls of their fundamental rights, the Taliban is not only punishing them. It is also causing them to remain in cycles of poverty, injustice and persecution, by denying them education. We must continue to engage with the Taliban to put an end to these practices, and allow every Afghan to grow, learn and prosper. It is a bleak future without education for human rights, development, and peace in Afghanistan.

International Response and the Way Forward

Focusing specifically on girls and women, the Taliban's antiquated perspective on education has been widely criticized globally. Since regaining power in Afghanistan in August 2021 after being ousted by the US-led coalition, the Taliban has systematically deprived women of education at the secondary and post-secondary levels. Following this, there has been universal denunciation of the Taliban, and it backtrack on women's education by human rights defenders, governments and international organizations. Denying women's education not only violates their rights but seriously undermines social and economic development in Afghanistan stated organizations such as Human Rights Watch, UNESCO and UNICEF, and have continually condemned the destructive impact of the Taliban's measures. In denying women the ability to attend colleges thereby erasing decades of advancement in gender equality and education, UNESCO advances that now more than 1 million Afghan girls are being denied the ability to complete secondary school.⁴⁹ Human rights organizations have characterized these acts as "gender apartheid," with long-term effects for the future of the nation.

The Taliban have shown little willingness to amend their policy in light of increasing international pressure. The Taliban leadership has repeatedly dismissed requests by governments and international organizations to uphold their legal obligations under international human rights law related to the right to education for all. Many Afghan women and girls are in a sense of hopelessness from the Taliban's disregard of this ideology; for many, there is little opportunity for personal and professional growth. The humanitarian situation in Afghanistan has of course been further exacerbated because educated women play a far-reaching role in other necessary sectors like health and education. The United Nations warned that Women being forced to abandon public life could result in a decline in the already painful social fabric and economy of the country.⁵⁰

Some nations and groups have responded to this problem by helping Afghan women and girls with alternative educational projects. Temporary fixes to close the distance the Taliban's rules generate are online learning systems, underground schools, and cross-border educational initiatives. For thousands of girls who would otherwise be denied this fundamental right, projects like the Afghan Girls' school Initiative and others backed by foreign NGOs have given access to school. Although these initiatives are admirable, they cannot replace a formal, publicly available education system sustainably. Limited internet connectivity, power problems, and cultural challenges in Afghanistan, for instance, can all impede online learning. Similarly, underground schools are only a temporary fix at best since they run continual risk of Taliban reprisals.⁵¹

A concerted worldwide reaction is desperately required to solve this growing catastrophe. This answer should consist of continuous political pressure on the Taliban to change their discriminating policies and let girls and women to return to colleges and universities. Diplomatic efforts have to be matched with more money for educational projects aiming especially at Afghan women and girls. Investments in initiatives offering secure and easily available learning opportunities—both inside Afghanistan and in surrounding nations should be given top priority among foreign donors and organizations. The world community also has to make sure that the rights of Afghan women

⁴⁹ 'United Nations Educational, Scientific and Cultural Organization (UNESCO), 2021' (n 13).

⁵⁰ 'United Nations International Children's Emergency Fund (UNICEF), 2023' (n 18).

⁵¹ Behnaz Tavakoli, 'Multiple Discriminations Against Afghan Girls in Iran' (2014) 40 *Studia Migracyjne-Przegląd Polonijny* 321.

and girls are safeguarded and their voices raised. These covers helping ground-based activists and women-led organizations from Afghanistan that are pushing change.

Denying education to Afghan women and girls is not only a national but also a worldwide concern with consequences for global security, gender equality, and human rights. Human Rights Watch notes that "the world cannot afford to turn a blind eye to the systematic oppression of Afghan women and girls."⁵² Every girl in Afghanistan has the chance to learn, develop, and help her country; so, the international community has to act forcefully to guarantee this for every one of her. We can only hope to slow down the catastrophe engulfing Afghanistan and preserve everyone's universal right to education by means of group efforts.⁵³

Conclusion

Particularly in terms of education, Afghanistan underwent a terrible turning point with the Taliban's comeback in August 2021. Their methodical deconstruction of educational rights particularly for women and girls represents not just a serious breach of international human rights law but also a major humanitarian disaster with broad repercussions. The Taliban have virtually undone decades of advancement towards gender equality and socioeconomic development by excluding girls from secondary and higher education, discounting female teachers, and imposing a strict ideological curriculum. All of this contravenes Afghanistan's obligations, which were established by international legal documents, including the Universal Declaration of Human Rights, Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. These documents affirmed that access to education was a basic human right.

These laws impact not just the immediate denial of access to education but also deny Afghan society the contributions of half of its population, promoting poverty, gender inequity, and social unrest. The Taliban's restriction of academic freedom and critical thinking is an even greater barrier to intellectual and economic growth and leaves Afghanistan poorly prepared to compete in the increasingly global economy. While the world community has condemned these behaviors unequivocally, up to the present, diplomatic pressure and sanctions have failed to convince the Taliban to change its course of action.

Despite these barriers, there are glimmers of hope in the resolve of Afghan civil society and efforts by international organizations to link alternative learning opportunities. While stop-gap solutions persist involving clandestine schools, online learning environments, cross-border initiatives, and so on, these cannot be substituted for a formal inclusive education system. Ultimately, the international community should use its political, financial, and legal instruments to hold the Taliban accountable, while subsequently standing resolved in demanding the return of educational rights in Afghanistan. Education is a fundamental human right but also a basis for peace, progress, and equality. The future of Afghanistan and the world depends on every Afghan, especially women and girls, having access to education. We can only expect to solve this dilemma and defend the universal right to education by means of constant, group effort.

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⁵² 'Human Rights Watch, 2023' (n 49).

⁵³ Zama Coursen-Neff, 'The Right to Education: Regulating the Conduct of Armed Forces under International Law' (2015) 37 *Harvard International Review* 27.

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