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Afghan Women and Girls: Status and Congressional Action

The status of Afghan women and girls has improved since 2001 by some metrics, but arguably remains precarious. Given the formerly ruling Taliban’s views on women’s rights, and entrenched cultural attitudes (particularly in rural areas), the status of Afghan women and girls has long been a topic of congressional concern and action. Concern among some Members of Congress has increased in light of the ongoing withdrawal of U.S. troops, scheduled to be completed by spring 2021. Some experts warn that a full U.S. military withdrawal could pave the way for the Taliban to return to power—either by military force or through a political settlement—and that women’s rights could be compromised. Since 2001, Members of Congress have used a number of oversight and funding-related legislative measures to promote and safeguard the rights of Afghan women, and may consider the efficacy and sustainability of such approaches as the U.S. reduces its military footprint and as the Afghan conflict and political dynamic evolve.

Status of Women

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

Figure 1. Selected Development Indicators

	During Taliban Control (2000)	Afghanistan Today (2018)	Global Avg. (2018)
Life expectancy at birth	57 (F) 55 (M)	66 (F) 63 (M)	75 (F) 70 (M)
Maternal mortality (deaths/100k births)	1,450	638	211
Births per woman	7.5	4.5	2.4
Mean years of schooling	0.8 (F) 3.7 (M)	1.9 (F) 6.0 (M)	No Data
Est. GNI per capita (2011 PPP\$)	\$445 (F) \$1,167 (M)	\$1,102 (F) \$2,355 (M)	\$11,246 (F) \$20,168 (M)

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

Notes: GNI= Gross National Income; PPP= purchasing power parity

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

protections. The 2004 Afghan constitution prohibits discrimination on the basis of gender and enshrines equal rights between men and women. It mandates that at least two women be elected to the lower house of parliament from each of Afghanistan’s 34 provinces, creating a quota of 68 women out of 250 seats (about 27%); similarly, 17% of seats in the upper house of parliament are set aside for women. Additionally, the government has committed to achieving 30% representation of women in the civil service (currently at 27%) and increasing the number of women in the Afghanistan National Defense and Security Forces (ANDSF) (slightly less than 2%). Nevertheless, some recent surveys have suggested that traditional, restrictive views of gender roles and rights, including views consistent with the Taliban’s former practices, remain broadly held, especially in rural areas and among younger men.

Despite efforts to promote women’s rights, problems such as discrimination, harassment, and violence against women reportedly remain endemic in government-controlled areas and even in government ministries. In 2009, then-President Hamid Karzai issued, as a decree, the “Elimination of Violence Against Women” law, which makes widespread practices such as forced marriage and honor killings unlawful. Parliamentarians blocked the law’s ratification, describing it as against Islam. The government “has not taken meaningful steps to enforce” the law, according to Human Rights Watch in 2019. Reports indicate that prosecutions of abuses against women increasingly result in convictions, though only a small percentage of cases are registered formally with the police or courts.

The Taliban and Women’s Rights

During their rule, the Taliban effectively “forced Afghan women to disappear entirely from public view,” according to writer Ahmed Rashid. Based on their particularly conservative interpretation of Islamic practice, the Taliban prohibited women from working, attending school after age eight, and appearing in public without a male blood relative and without wearing a *burqa*. Women accused of breaking these or other restrictions suffered severe corporal or capital punishment, often publicly. These practices attracted near-universal condemnation from the international community.

The Taliban, who have held territory in parts of Afghanistan for years and by some measures now control or contest nearly half of the country’s area, have given conflicting signs about their current stance. They have not described in detail how they now view women’s rights or what role women would play in a Taliban-governed society. Skeptics note that the pledge frequently made by contemporary Taliban leaders to safeguard the rights of women “according to Islam” is subjective and echoes similar pledges made by the Taliban while in power. In February 2020, deputy Taliban leader Sirajuddin Haqqani

wrote of “an Islamic system . . . where the rights of women that are granted by Islam—from the right to education to the right to work—are protected.” The Taliban claim to not oppose education for girls, and in Taliban-controlled areas some girls are attending primary school. Generally, the Taliban have allowed girls’ education until sixth grade when the local community advocates for it; where it does not, girls’ schools are closed. A 2018 study could not identify a single girls’ secondary school open in areas of heavy Taliban influence or control. Additionally, the Taliban are accused of numerous attacks against girls’ schools in recent years, most recently in February 2020.

Afghan women, with U.S. support, have sought to make their voices heard as Afghans look ahead to prospective talks between Kabul and the Taliban. A number of women participated in July 2019 talks between Taliban and Afghan representatives (including some government officials who attended in a personal capacity). After the signing of the U.S.-Taliban agreement in February 2020, the Afghan government formed a 21-member negotiating team, which includes five women, one of whom survived an August 2020 assassination attempt near Kabul. Despite steps hailed as progress by both sides, talks remain complicated by a number of issues, including continued Taliban violence.

U.S Funding: Congressional Approaches

Improving conditions for Afghan women has been one prominent objective of U.S. development efforts since at least 2001, when Congress passed the Afghan Women and Children Relief Act (P.L. 107-81), authorizing education and health assistance for Afghan women. According to a 2019 Special Inspector General for Afghanistan Reconstruction (SIGAR) report, Congress has appropriated over \$1 billion for USAID, State, and DOD-administered gender-related programs in Afghanistan, and an additional \$1 billion on programs in which women’s advancement was a component over the past two decades. Since U.S.-Taliban talks began in 2018, some Members of Congress appear to have prioritized engagement on Afghan women’s rights, sending several letters in 2019 to Secretary of State Michael Pompeo on the issue. Congress directed in FY2020 appropriations and authorization legislation that the Secretary of State “promote” the participation of women in peace and reconciliation processes, in accordance with the Women, Peace, and Security Act of 2017 (P.L. 115-68). As Members consider the future of U.S.-Afghan relations, they may debate the effectiveness of U.S.-funded programs for Afghan women, future funding, and appropriate conditions.

Directed funding. In some past appropriations acts, Congress specified certain amounts of State Department- and USAID-administered assistance to be made available for programs to support Afghan women and girls, but Congress has not done so since FY2010. As in recent years, Section 7044 of the Further Consolidated Appropriations Act, 2020 (Division G, P.L. 116-94), makes an unspecified amount of funding available for “programs that protect and strengthen the rights of Afghan women and girls and promote the political and economic empowerment of women.” Congress regularly has authorized a specific portion of the Department of Defense-administered Afghanistan Security Forces Fund (ASFF) to support the recruitment, training, and treatment of women in the ANDSF (\$10 million authorized in FY2020). Members

interested in guaranteeing that a certain share of U.S. development aid supports Afghan women could consider reauthorizing minimum amounts, or directing funding for certain projects or objectives related to women and girls.

Conditionality. Secretary of State Pompeo said in Kabul in June 2019 that Afghanistan’s future international relations would depend in part on “what Afghans do to maintain the civil rights of women.” Congress at times has considered conditioning assistance on the protection of women’s rights. For example, the House Appropriations Committee-passed FY2019 State, Foreign Operations, and Related Programs appropriations bill (H.R. 6385) would have required the Secretary of State to certify that the Afghan government is protecting women’s rights (among other conditions) before obligating funds; that provision was not included in the final FY2019 Consolidated Appropriations Act. Some Members have also proposed conditioning the U.S. military presence on guarantees for Afghan women (see H.R. 2060). Section 1213 of the House-passed FY2021 NDAA (H.R. 6395) would prohibit the use of funds to withdraw U.S. forces below certain levels until the Administration submits a report that includes an analysis of the impact of a U.S. withdrawal on Afghan women’s rights. Congress could consider aid conditionality as a means of influencing how a prospective future Afghan government, including one in which the Taliban play a part, treats women’s rights. Such a government could reject conditionality based on women’s rights as unwarranted or unwelcome.

Oversight, monitoring, and evaluation. Various congressional subcommittees have held hearings and briefings related to Afghan women and U.S. policy, and Congress has separately tasked other entities (most notably SIGAR) with oversight in this area. Successive SIGAR audits and reports have identified problems with U.S.-funded programs to support Afghan women. One 2014 SIGAR audit reported that U.S. agencies struggled to track the extent of U.S. funding to support Afghan women, had unclear metrics for measuring progress, and were unable to assess whether observed progress was a direct result of U.S. programming. In 2018, SIGAR noted that the most prominent and highly funded initiative in this area, USAID’s Promoting Gender Equity in National Priority Programs (known as *Promote*), was hindered by insufficient evaluation efforts and noted that it was “unclear whether the Afghan government has the institutional capacity to continue *Promote*’s activities once the program ends.” S.Rept. 116-126 directs SIGAR to assess “the extent to which the Department of State and USAID have developed strategies and plans for the provision of continued reconstruction assistance to Afghanistan in the event of a peace agreement, including a review of any strategies and plans for . . . protecting the rights of Afghan women and girls.” That assessment is under development.

Oversight of U.S. spending may prove even harder in any more challenging security environment (including after U.S. military withdrawals) and in any scenario where U.S. funds are provided directly to the Afghan government.

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