

**AFGHAN GIRLS' RIGHT TO EDUCATION UNDER TALIBAN RULE
(2021–2025): A LEGAL ANALYSIS UNDER INTERNATIONAL HUMAN
RIGHTS LAW
THESIS**



Arranged By:

DEBA AHMADI

Student Number: 24912113

**INTERNATIONAL PROGRAM
MASTER'S PROGRAM IN LAW
FACULTY OF LAW
UNIVERSITAS ISLAM INDONESIA
YOGYAKARTA**

2026

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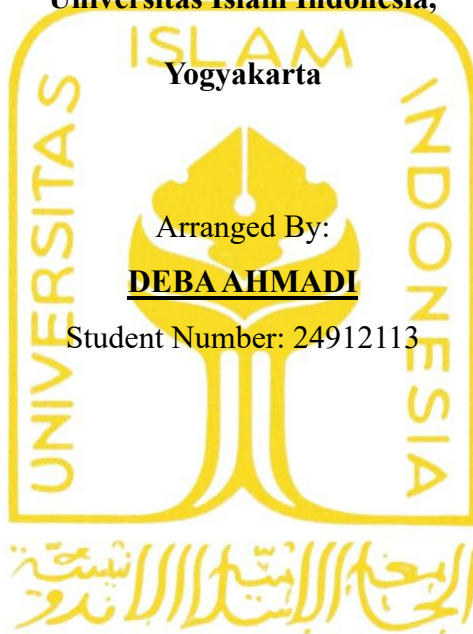
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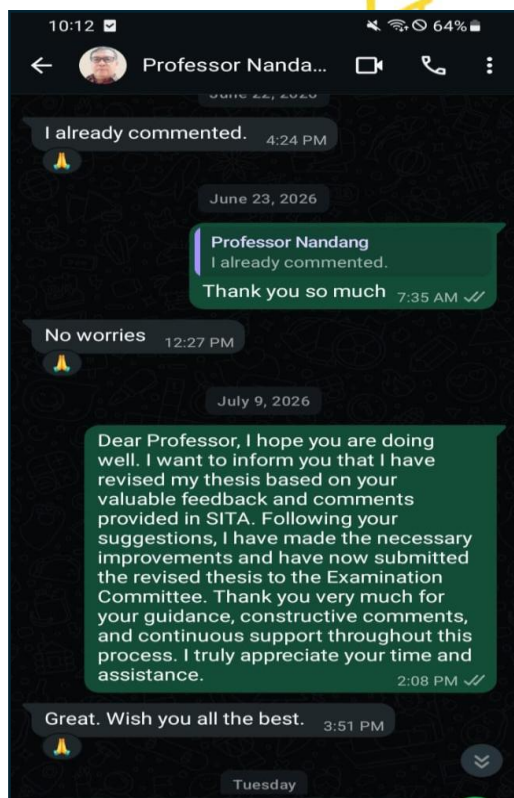
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(2021-2025): A LEGAL ANALYSIS UNDER INTERNATIONAL HUMAN
RIGHTS LAW**

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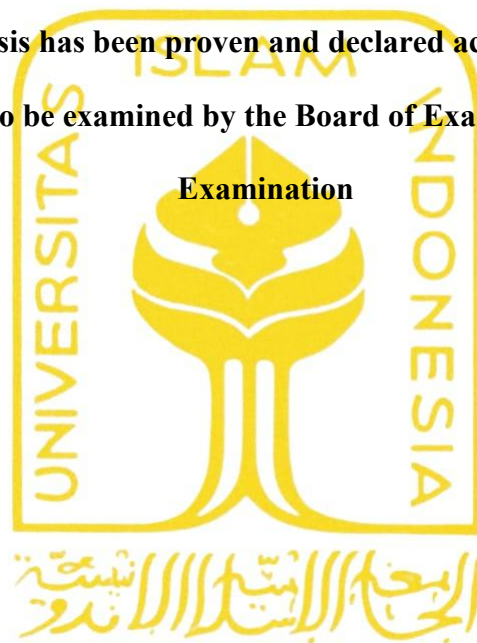
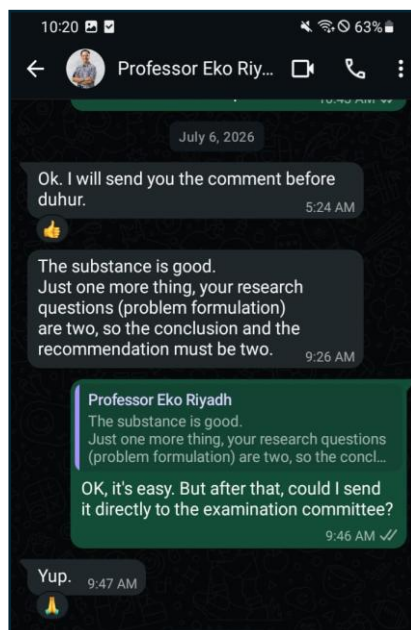
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The Declarant, Signature



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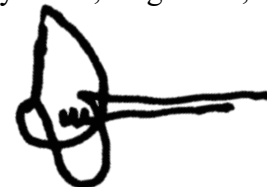
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- b. RWI Awardee, Raoul Wallenberg Institute, fully funded Scholarship,
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- c. Honoured by the Ministry of Information and Culture of the
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Yogyakarta, August 8th, 2026



Deba Ahmadi

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MOTTO

“One child, one teacher, one book, one pen can change the world.”

(Malala Yousafzai)

(QS. Al- ‘Alaq 96:1)

“Read in the name of your Lord who created

Created man from a clinging substance.

Read, and your Lord is the Most Generous.”

Imam Al-Ghazali (RA)

“Education is not the filling of a vessel, but the lighting of a lamp.”

Martin Luther King Jr.

“The function of education is to teach one to think intensively and to think critically.”

“Never give up. Never surrender to difficult moments.

Rise each morning and continue forward,

Your day will come.”

(My Mom)

DEDICATION

Allah SWT,

Who consistently listens to and grants my prayers,

Myself,

Never give up, and start with the belief to work for education in Afghanistan.

For your endless prayers, sacrifices, and unconditional love, which became the foundation for every step I take.

For your constant encouragement and for always believing in me, even in moments when I doubted myself.



My Beloved Parents,

My Lovely Siblings,

My Dearest Relatives,

For exceptional motivation and support, especially my dear Uncle

My supervisor,

For your invaluable guidance, patience, and academic insight that shaped this thesis into what it is today.

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For your continuous guidance, support, and trust in my potential.

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justice and human rights.

For all girls inside Afghanistan,

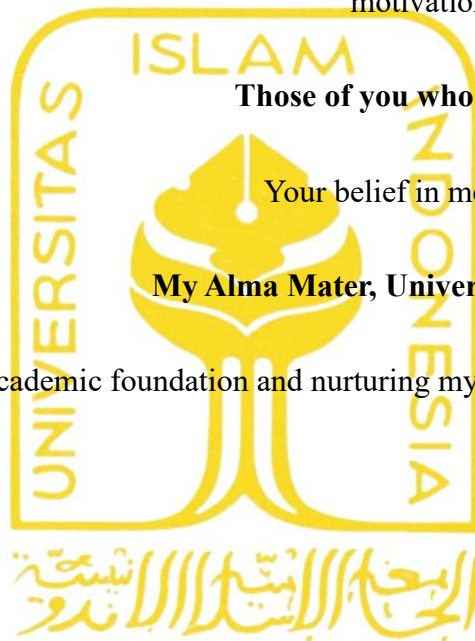
Especially those who are prohibited from education, your resilience is my greatest
motivation. This work is for you.

Those of you who support me endlessly,

Your belief in me has been my strength.

My Alma Mater, Universitas Islam Indonesia,

For shaping my academic foundation and nurturing my passion for justice and
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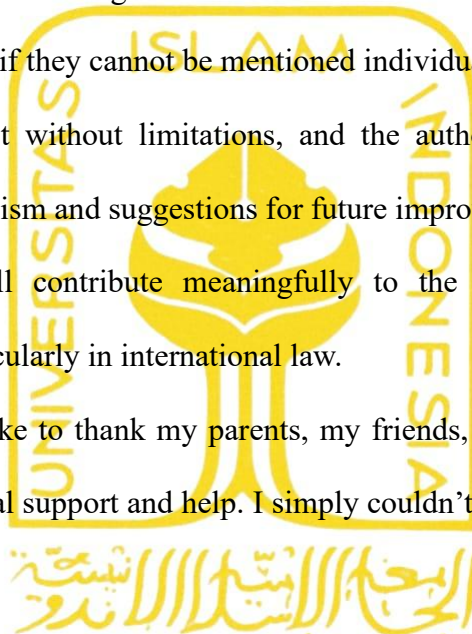
In the name of Allah, the Most Gracious, the Most Merciful

All praise be to Allah, Lord of the Universe; there is no God but Him.

The author would like to express sincere gratitude to all individuals and institutions whose support and guidance contributed to the completion of this thesis. Finally, this research is presented as reliable scientific work and aims to contribute to the academic discourse on international human rights. This research examines the violation and restriction of the right to education, especially the right to education of Afghan women and girls under the Taliban rule. It analyses this situation in light of the obligations of international human rights law. Education in Afghanistan has been a major issue in recent years at both the national and international levels. This thesis has been compiled to address this issue and to provide a legal and impartial analysis. It examines the issue without bias or political considerations within the framework of international law. Finally, this thesis has been completed within a limited timeframe, with scientific motivation and intellectual support from professors and academic guidance. Hereby, the author expresses his sincere gratitude to all professors and experts who played a significant role in completing this research through their constructive guidance and scientific encouragement. First and foremost, the author extends profound appreciation to:

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10. This thesis is not without limitations, and the author sincerely welcomes constructive criticism and suggestions for future improvement. It is hoped that this research will contribute meaningfully to the development of legal scholarship, particularly in international law.
11. Lastly, I would like to thank my parents, my friends, and my colleagues for their endless moral support and help. I simply couldn't have done this without them.



Wassalamu'alaikum warahmatullahi wabarakatuh.

Yogyakarta, August 8th, 2026

Deba Ahmadi

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LIST OF ABBREVIATION'S

CEDAW	: Convention on the Elimination of All Forms of Discrimination Against Women
CRC	: Convention on the Rights of the Child
ICCPR	: International Convention on Civil and Political Rights
ICESCR	: International Covenant on Economic, Social, and Cultural Rights
CRPD	: Rights of Persons with Disabilities
UN	: The United Nations
UNAMA	: United Nations Assistance Mission in Afghanistan
UNICEF	: The United Nations Children's Fund
UDHR	: The Universal Declaration of Human Rights
NGOs	: non-governmental organizations
IEA	: The Islamic Emirate of Afghanistan
HDI	: Human Development Index
AAE:	Aid Afghanistan for Education
ECW	: Education Cannot Wait
Madrasa	: Religious Institutions
Sharia	: Islamic Law

Mahram : A male chaperone to a woman, usually a family member

SDG : Sustainable Development Goals

ILO : International Labor Organization



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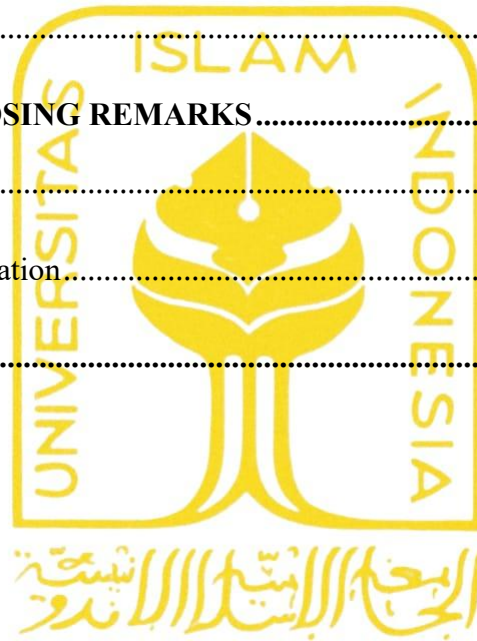
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ABSTRACT

The right to education is universally recognized as a fundamental human right and a central element of human dignity, equality, and social development. Article 26 of the United Nations Universal Declaration of Human Rights affirms that education shall aim at the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. Education therefore functions not only as an individual entitlement but also as an enabling right that facilitates the realization of other human rights, promotes gender equality, and supports sustainable development.

Since the Taliban's return to power on 15 August 2021, Afghanistan has experienced severe restrictions on access to education, particularly for girls at the secondary and higher levels. Although the Taliban are not formally recognized as the de jure government of Afghanistan, they function as a de facto authority exercising effective territorial control over the territory and population. This raises significant legal questions regarding the continuity of Afghanistan's international human rights obligations despite changes in governing authority.

This research examines whether the restrictions imposed under Taliban rule are compatible with Afghanistan's obligations under international human rights law. The study adopts a normative legal research method, analysing key international instruments including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights, together with relevant General Comments and United Nations reports.

The study finds that the prohibition of girls' education violates fundamental principles of non-discrimination and equality, as well as the obligation to respect, protect, and fulfil the right to education. It further argues that de facto authorities exercising effective control over a population remain bound by the state's international human rights obligations. The research concludes that the Taliban's restrictions on girls' education are inconsistent with Afghanistan's treaty commitments and recommends strengthened international monitoring and accountability mechanisms to safeguard the right to education for Afghan girls and women.

Keywords: Afghan Girls, Education, Human Rights, Taliban, International Law

CHAPTER I

INTRODUCTION

A. Background of the Study

‘Would World Leaders Bear It If Their Daughters Were Banned from School?’¹

Since the Taliban’s return to power, the right to education for girls in Afghanistan has been systematically restricted.² Nakisa, a 16-year-old student from Kabul, illustrates this regression. On 23 March 2022, following earlier announcements that girls’ secondary schools would reopen, Taliban officials arrived at her school. They ordered all female students to leave immediately, enforcing a nationwide ban on girls’ education beyond the primary level.³

A similar incident occurred in Badakhshan, where Nadia, a 12th-grade student, was informed by school authorities that the Taliban had ordered the closure of all girls’ schools. These cases are not isolated incidents but reflect a coordinated national policy that has resulted in the widespread denial of educational access to girls across Afghanistan. In March 2023, United Nations experts declared that the

¹ Human Rights Watch, “*One Year On, the Taliban Still Attacking Girls’ Right to Education* | *Human Rights Watch*,” March 24, 2023, <https://www.hrw.org/news/2023/03/24/one-year-taliban-still-attacking-girls-right-education>.

² OHCHR (Office of the United Nations High Commissioner for Human Rights) “Afghanistan: UN Experts Say 20 Years of Progress for Women and Girls’ Rights Erased since Taliban Takeover,” OHCHR, accessed August 1, 2025, <https://www.ohchr.org/en/press-releases/2023/03/afghanistan-un-experts-say-20-years-progress-women-and-girls-rights-erased>.

³ Amnesty International “Afghanistan: Taliban’s Backtrack on School Re-Opening for Girls Irreversibly Impacts Their Future,” *Amnesty International*, March 28, 2022, <https://www.amnesty.org/en/latest/news/2022/03/afghanistan-talibans-backtrack-on-school-re-opening-for-girls-irreversibly-impacts-their-future/>.

The rights of women and girls in Afghanistan had been effectively erased, reversing more than two decades of progress achieved after 2001.⁴ Her story is not an isolated It reflects the broader collapse of educational rights for girls in Afghanistan, a collapse that, if it occurred elsewhere, would provoke global outrage.⁵

What began as cautious hope for reform quickly gave way to widespread repression. These discriminatory policies have not only violated the right to education but have also inflicted psychological trauma and robbed girls of their futures.⁶ These actions starkly contradict Afghanistan's binding commitments under international human rights law.⁷ The right to education is universally recognised as a fundamental human right and a prerequisite for the realisation of other rights.⁸

It is codified in Article 26 of the Universal Declaration of Human Rights (UDHR), Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁹ and Article 10 of the Convention on the Elimination of

⁴ Amnesty International "Afghanistan." Taliban's Backtrack on School Re-Opening for Girls Irreversibly Impacts Their Future,"

"UN Condemns Taliban Decision to Bar Women from Universities, Calls for 'Immediate' Revocation | UN News," December 21, 2022, <https://news.un.org/en/story/2022/12/1131907>.

⁶ Aabid Rahman Rahmany, *Youth and Education in Afghanistan After 202*, 4, no. 1 (2021): 41. https://sciresol.s3.us-east-2.amazonaws.com/srs-j/bu_journals/JCP/Vol-4/Issue-1/pdf/JCP-2025-9.pdf

⁷ Mir Hussain Amiri and Benafsha Ahmadi, "Investigating the Status of Women's Education Under Taliban Rule," *International Journal of Islamic Studies Higher Education* 2, no. 3 (November 2023): 3, <https://doi.org/10.24036/insight.v2i3.150>.

⁸ Tushar Sharma, "Right to Education as Fundamental Human Right," *International Journal of Information Research and Review* 4, no. 12 (December 2017): 4841–42. <https://www.ijrr.com/sites/default/files/issues-pdf/2390.pdf>.

⁹ OCHCR (Office of the United Nations High Commissioner for Human Rights), "International Covenant on Economic, Social and Cultural Rights," OHCHR, accessed July 10, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

All Forms of Discrimination against Women (CEDAW). Education empowers women and promotes gender equality, enabling them to participate fully in society.¹⁰ These legal frameworks emphasise the central role of equal and inclusive education, particularly for women and girls, in sustainable development and the rule of law.¹¹

Within this framework, gender equality and education have remained central to international development agendas, particularly in the Education for All (EFA) initiative and the Millennium Development Goals (MDGs).¹² It is key to addressing major global issues such as poverty, inequality, and environmental challenges.¹³ Education is a fundamental component of development, not merely a means to an end.¹⁴ It empowers individuals to lead better lives, enhance freedom, and strengthen their ability to participate in society. Education is not only a basic human need but also a cornerstone of personal empowerment and collective advancement.¹⁵

This mission is grounded in international human rights instruments such as Article 26 of the Universal Declaration of Human Rights (UDHR),¹⁶ Article 28 of

¹⁰ Delfín Ortega-Sánchez et al., “Editorial: Gender Equality and Women’s Empowerment in Education,” *Frontiers in Education* 7 (January 2022), <https://doi.org/10.3389/feduc.2022.833977>.

¹¹ “Gender Equality and Education | UNESCO,” accessed July 11, 2025, <https://www.unesco.org/en/gender-equality/education?>

¹² Naureen Durrani Halai Anjum, “Gender Equality, Education, and Development: Tensions between Global, National, and Local Policy Discourses in Postcolonial Contexts,” in *Education for Sustainable Development*, Brill / Sense Publishers 5, no. 2 (2020): 65. https://ecommons.aku.edu/book_chapters/359/.

¹³ UNESCO, “Education for Sustainable Development | UNESCO,” accessed July 10, 2025, <https://www.unesco.org/en/sustainable-development/education>.

¹⁴ World Bank, “Overview,” World Bank, accessed July 10, 2025, <https://www.worldbank.org/en/topic/education/overview>.

¹⁵ Amiri and Ahmadi, “Investigating the Status of Women’s Education Under Taliban Rule.”

¹⁶ United Nations, “Universal Declaration of Human Rights,” United Nations, United Nations, accessed July 10, 2025, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

the Convention on the Rights of the Child (CRC),¹⁷ and Articles 13 and 14 of the International Covenant on Economic, Social, and Cultural Rights (*ICESCR*).¹⁸ These frameworks underscore the pressing need to ensure equal access to quality education, particularly for women and girls, as a crucial foundation for achieving broader human rights and the Sustainable Development Goals. However, the Taliban's return to power on August 15, 2021, marked a significant turning point in Afghanistan's political and social trajectory.¹⁹ One of the most pressing challenges faced by the Taliban regime has been the transition from an insurgent movement to a governing political entity, despite their earlier experiences of rule (1996-2001).²⁰

The situation of women's rights in Afghanistan has drastically worsened since the Taliban took back power. The Taliban has severely restricted women's rights, reversing decades of development and the liberties of girls. According to the Women, Peace, and Security Index, Afghanistan is currently at the bottom. The Taliban's first 80 edicts, 54 of which specifically target women and girls and impose policies that significantly restrict their access to school, public life, and employment, serve as an example of this degradation. Nearly 4 million girls were

¹⁷ OHCHR (Office of the United Nations High Commissioner for Human Rights), "Convention on the Rights of the Child," OHCHR, accessed July 10, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹⁸ OHCHR (Office of the United Nations High Commissioner for Human Rights) OHCHR, "International Covenant on Economic, Social and Cultural Rights."

¹⁹ Dr Mohammad Hadi Ahmadi, "Higher Education of Afghanistan under the Taliban Rule," *Yaar Organization / Heinrich Böll Stiftung*, 2022, 16. <https://www.boell.de/sites/default/files/2022-04/Afghanistans-higher-education-during-the-taliban-rule.pdf>.

²⁰ Huma Ahmed-Ghosh, "A History of Women in Afghanistan: Lessons Learnt for the Future or Yesterdays and Tomorrows: Women in Afghanistan", *Journal of International Women's Studies* 4, no. 3 (2013): 7. <https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1577&context=jiws>.

enrolled in first through 12th grade school between 2002 and 2021, before the Taliban returned, and more than 80,00 women were taught throughout the nation.²¹

However, despite these global commitments, millions of women- especially in war-torn and patriarchal societies- remain deprived of this fundamental right.²² Since the Taliban returned to power in 2021, over 1.1 million women have been systematically excluded from education.²³ They are removing women from society. Since the Taliban returned to power in 2021, education has been forbidden to girls aged 12. As a result of this ban, Afghanistan is now the only country in the world where girls do not have the right to attend secondary school.²⁴

Since the Taliban's return to power in 2021, their policies have systematically excluded women from nearly all spheres of public life. Nongovernmental organizations have been compelled to cease employing women due to escalating threats, and women have been barred from accessing public spaces, including parks, beauty salons, and sports facilities. That same year, the regime intensified its restrictions by banning women from most government positions, prohibiting travel without a male guardian (mahram), and mandating the wearing of the burqa.²⁵

²¹ Vivian Nguyen, "Human Rights in Afghanistan," 2025, *Harvard Model Congress*, assessed July 10, 2025, <https://static1.squarespace.com/static/5cb7e5637d0c9145fa68863e/t>.

²² *Research Journal of English Language and Literature (RJELAL)*, n.d., 78, <https://doi.org/10.33329/rjelal>.

²³ UNICEF, "1,000 Days of Education – Equivalent to Three Billion Learning Hours – Lost for Afghan Girls," accessed July 10, 2025, <https://www.unicef.org/rosa/press-releases/1000-days-education-equivalent-three-billion-learning-hours-lost-afghan-girls>.

²⁴ "UNESCO, "UNESCO Gives Voice to Afghan Girls and Women and Calls for Their Rights to Be Restored," accessed July 10, 2025, <https://www.unesco.org/en/articles/unesco-gives-voice-afghan-girls-and-women-and-calls-their-rights-be-restored>.

²⁵ International Crisis Group "Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis" [February 23, 2023, <https://www.crisisgroup.org/asia/south-asia/afghanistan/329-taliban-restrictions-womens-rights-deepen-afghanistans-crisis>.

Meanwhile, more moderate elements within the Taliban have advocated for girls' education, recognising it as a necessary investment to produce urgently needed female professionals, such as teachers and doctors. Although the Taliban initially pledged to permit women's participation in public life within the framework of Islam, this promise was swiftly broken.²⁶ During the two decades of democracy (2001-2021), Afghan women made sustainable gains in both education and employment.²⁷

The Taliban de facto authorities recently issued a directive prohibiting all female humanitarian workers at national and international NGOs from operating throughout Afghanistan, which UNICEF strongly condemns.²⁸ The most basic human rights of Afghan women and obligations under international humanitarian law are flagrantly violated by this judgment. Only a few days have passed since the decision to bar all women from pursuing higher education.²⁹ The Taliban's educational policies have had devastating consequences for Afghan girls and women. Currently, approximately 2.5 million girls and young women, representing 80% of the school-age females, are out of school. Nearly 30% of Afghan girls have never attended primary school.³⁰

²⁶ Daily Sabah with DPA, "Taliban Cite 'Afghan Pride' to Defend University Ban for Women," Daily Sabah, December 23, 2022, <https://www.dailysabah.com/world/mid-east/taliban-cite-afghan-pride-to-defend-university-ban-for-women>.

²⁷ Seyfullah Hasar, "Recognition of Governments and the Case of the Taliban," *Chinese Journal of International Law* 23, no. 1 (April 2024): 73–122, <https://doi.org/10.1093/chinesejil/jmac014>.

²⁸ Jonte Van Essen, "De Facto Regimes in International Law," *Utrecht Journal of International and European Law* 28, no. 74 (February 2012): 31, <https://doi.org/10.5334/ujiel.ay>.

²⁹ UNICEF, "Restricting Female Humanitarians from Working and Female Students from Access to Education in Afghanistan Is a 'Blatant Violation of Fundamental Human Rights,'" accessed July 10, 2025, <https://www.unicef.org/press-releases/restricting-female-humanitarians-working-and-female-students-access-education>.

³⁰ UNESCO, "Let Girls and Women in Afghanistan Learn," accessed July 10, 2025, <https://www.unesco.org/en/articles/let-girls-and-women-afghanistan-learn>.

The Taliban, an extremist and militant group that seized power in 1994, first in Herat and then in the capital of Afghanistan, plunged Afghanistan into a brutal and dictatorial State in which women were deprived of their fundamental human rights. And upon coming to power, it established a system of gender apartheid that effectively forced Afghan women into house arrest.³¹ When the Taliban came to power, they assured that, unlike the previous period, they would provide all opportunities for women and not discriminate. Their condition for this was that all women's rights be within the framework of Islamic law.³²

These outcomes are emblematic of Afghanistan's enduring gender inequalities, exacerbated by the collapse of the democratic government in 2021, further undermining women's right to education.³³ According to reports from human rights organisations and global development agencies, the Taliban's actions contravene not only national laws but also international human rights obligations, including the Universal Declaration of Human Rights (UDHR) and CEDAW, which call for the full and equal participation of women in education and society. The impact of these policies is not only detrimental to Afghanistan's future but also serves as a grave human rights crisis with far-reaching consequences for regional stability and global human rights standards.³⁴

³¹Feminist Majority Foundation, "The Taliban & Afghan Women," *Feminist Majority Foundation*, n.d., accessed August 1, 2025, <https://feminist.org/our-work/afghan-women-and-girls/the-taliban-afghan-women/>.

³² United Nations Security Council, *The Situation in Afghanistan and Its Implications for International Peace and Security*, (New York), September 9, 2024, <https://digitallibrary.un.org>.

³³ Basir Ahmad Hasin, Mir Mohammad Ayoubi, and Nasar Ahmad Shayan, "Challenges and Prospects: Women's Education in Contemporary Afghanistan," *Frontiers in Global Women's Health* 6 (March 2025), <https://doi.org/10.3389/fgwh.2025.1477145>.

³⁴ Kaamil Ahmed and Zahra Joya, "ICC Issues Warrant for Taliban's Supreme Leader for Persecution of Women," Global Development, *The Guardian*, July 8, 2025,

Instead of adapting to the evolving global context where Afghan citizens are more connected to the world and more aware of their rights, the Taliban have imposed a repressive regime that systematically restricts freedoms and violates fundamental human rights. Taliban officials initially pledged to respect women's rights, particularly in education and employment. In practice, however, they banned secondary and higher education for girls, closed women's universities, and barred women from working in most public sectors. These actions represent a severe rollback of women's rights and raise serious concerns under international human rights law.³⁵

Therefore, denying women access to education constitutes not only a human rights violation but also a significant obstacle to achieving sustainable development. The failure to uphold these legal and development obligations highlights the multifaceted harms caused by the ban on girls' education. What is currently considered a violation of human rights is likely to escalate into a broader national development crisis if left unaddressed.³⁶ As the UNDP reporter

“A significant change of course is necessary. Crises are becoming increasingly protracted and cyclical. Crises, often rooted in multidimensional development deficits, are ultimately development emergencies that require integrated development solutions.”³⁷

<https://www.theguardian.com/global-development/2025/jul/08/international-criminal-court-icc-arrest-warrants-taliban-supreme-leader-persecution-women>.

³⁵ Abdul Rahman Yasa, “Human Rights Violations in Afghanistan: An Analysis of Women's Plights under the Taliban,” 2023, *South Asia Collective*, 2023. https://thesouthasiacollective.org/wp-content/uploads/2023/02/ResearchPaper_MinorityWomen_Afghanistan.pdf.

³⁶ World Bank, “Girls' Education,” accessed July 12, 2025, <https://www.worldbank.org/en/topic/girlseducation>.

³⁷ United Nations Development Programme (UNDP), *UNDP's Crisis Offer: A Framework for Development Solutions to Crisis and Fragility* (September 2, 2022), https://www.undp.org/sites/g/files/zskgke326/files/2023-09/undp_crisis_offer_2022.pdf.

UN experts on December 21, 2022, strongly condemned the recent Taliban decision to exclude women and girls from universities, saying the ban by the Taliban is another violation of their human rights and the imposition of several unreasonable restrictions that may lead to gender-based violence, which is a crime against humanity.³⁸

Afghans will suffer significantly as a result of the cabinet decision number 28 to immediately suspend women and girls from universities nationwide until further notice. This is a blatant violation of their human rights, which are protected by several international treaties that Afghanistan has ratified. As was the case during the Taliban's last period of rule in the 1990s, it is known that the Amir, Sheikh Hibatullah, and a few close advisors are the only ones attempting to prevent women and girls from receiving an education beyond the primary level.³⁹

Without judges and women's rights advocates, Afghan women will lack access to justice. These severe restrictions will have disastrous consequences for Afghanistan. On August 21, the de facto Ministry for the Propagation of Virtue and Prevention of Vice in Afghanistan publicly enforced a law requiring women and girls to cover their faces and bodies when outside their homes.⁴⁰ The law also bans women from speaking in public, using public transit alone, and even looking at men who are not their relatives. Studies show that 70% of women feel completely

³⁸ OCHCR, "Afghanistan: Taliban's Outrageous Exclusion of Women and Girls from Universities is Disastrous for Everyone, Say UN Experts," accessed July 11, 2025, <https://www.ohchr.org/en/statements-and-speeches/2022/12/afghanistan-talibans-outrageous-exclusion-women-and-girls>.

³⁹ OCHCR, "Taliban's Outrageous Exclusion of Women and Girls from Universities."

⁴⁰ Liza Umami and Bambang Cipto, "China's Afghan Policy: De Facto Recognition of the Taliban Regime," *Intermestic: Journal of International Studies* 8, no. 1 (November 2023): 57–79, <https://doi.org/10.24198/intermestic.v8n1.4>.

insecure leaving their homes, with many attributing their fear to harassment by the de facto authorities.⁴¹ Analysing Taliban policies and their violation of Afghan women's fundamental human rights shows that education is not just an individual right but also a tool for social progress. The systematic denial of education to Afghan girls and women has worsened gender inequalities and caused psychological trauma.⁴²

The most critical issue in Afghanistan today is the Taliban's systematic and comprehensive ban on girls' and women's education, which UN experts describe as the most widespread and severe assault on women's rights anywhere in the world. Despite Afghanistan's ratification of multiple international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁴³ The de facto authorities have imposed restrictions that directly violate these binding obligations. The education ban not only infringes on the universal right to education but also institutionalizes gender discrimination by removing women and girls from public life, employment, and social participation.⁴⁴

This creates a legal and moral crisis under international law, raising urgent questions about State responsibility, enforcement mechanisms, and the role of

⁴¹ United Nations, "Sanctions, Travel Bans on Taliban Resulting in Afghanistan Being 'Ruptured from International Community', Special Representative Warns Security Council" Meetings Coverage and Press Releases," accessed July 11, 2025, <https://press.un.org/en/2024/sc15824.doc.htm?>

⁴² The Guardian, "How the Taliban Are Erasing Afghanistan's Women – Photo Essay," November 14, 2024, <https://www.theguardian.com/global-development/2024/nov/14/women-girls-afghanistan-taliban-repression-interviewed-photographed-100-afghan-women>.

⁴³ Syarifatu Hidayah, "State Responsibility in Protecting Human Rights: An International Legal Perspective," *International Law Discourse in Southeast Asia* 2023 2, no. 2 (n.d.): 283.

⁴⁴ Tozun Bahcheli, Barry Bartmann, and Henry Felix Srebnik, eds., *De Facto States: The Quest for Sovereignty*, Politics (London: Routledge, 2004), <https://www.taylorfrancis.com/books/edit/10.4324/9780203485767/de-facto-states-tozun-bahcheli-barry-bartmann-henry-srebnik>.

global advocacy.⁴⁵ This thesis is grounded in Georg Jellinek's Negative Theory of rights, which distinguishes between negative rights, which require state non-interference, and positive rights, which require active state fulfilment.⁴⁶

Applied to the Afghan context, this framework reveals a dual violation by the Taliban: The active prohibition of girls' and women's access to education constitutes a breach of negative rights, while the failure to provide, support, or maintain educational institutions represents a violation of positive obligations under international human rights law.⁴⁷ All of these international human rights instruments address two basic issues: first, that all individuals have rights to; and second, that member states have obligations and commitments. The language in these instruments reinforces the earlier division of actors.⁴⁸

The term "all individuals" may raise questions about the scope of obligations regarding the state and its sovereignty. This expression can lead to differing interpretations among actors and may create ambiguity concerning the precise allocation of responsibility.⁴⁹ Although each individual, as an actor, has certain obligations, including the duty to respect the rights and freedoms of others, it is

⁴⁵ European Parliament, Policy Department C: Citizens' Rights and Constitutional Affairs. Recent Developments in International Constitutional Thinking: Reform Perspectives for the Seychelles Constitution. Brussels: European Union, [2008 October].5-9.

⁴⁶ Stephan Kirste, "The Formal and Substantive Core of Human Rights" *Humanities and Rights Global Network Journal*, 1, no. 1 (December 2019): 21–59, <https://doi.org/10.24861/2675-1038.v1i1.10>.

⁴⁷ Jochen Von Bernstorff, "Georg Jellinek and the Origins of Liberal Constitutionalism in International Law," *Goettingen Journal of International Law*, ahead of print, 2012, <https://doi.org/10.3249/1868-1581-4-3>.

⁴⁸ Eko Riyadi, Legal Characteristics of Constitutional Court Decisions: A Study of Constitutional Court Decisions Relating to Human Rights, 65-67, https://dspace.uui.ac.id/bitstream/handle/123456789/9192/Thesis_Eko%20Riyadi.pdf?sequence=1.

⁴⁹ Rachel Lopez, "The Duty to Refrain: A Theory of State Accomplice Liability for Grave Crimes," *Nebraska Law Review* 97, no. 1 (2019 2018): 134–67.

understood from the appearance of the text of the article that each individual is also obliged to realise and protect human rights. In this research, however, the adopted approach is that individuals are rights-holders, while the state is the primary duty bearer. According to the question, what are the state's obligations?⁵⁰

Despite growing scholarship on women's education in Afghanistan, existing studies primarily emphasise social and political impacts, offering limited legal analysis of Afghanistan's binding obligations under international treaties such as CEDAW, the CRC, and the ICESCR.⁵¹ Moreover, the accountability of de facto regimes like the Taliban remains insufficiently examined, particularly regarding how international human rights law applies in the absence of formal recognition.⁵²

This study addresses these gaps by integrating treaty-based obligations with Jellinek's theoretical framework to assess both direct restrictions and failures of fulfilment, thereby highlighting the legal and enforcement deficiencies that enable persistent violations of Afghan women's right to education.⁵³ The denial of education to women and girls also produces far-reaching social and developmental consequences that extend beyond legal violations. Excluding half of the population

⁵⁰ Riyadi, Legal Characteristics of Constitutional Court Decisions: A Study of Constitutional Court Decisions Relating to Human Rights "67.

⁵¹ Danai Angeli, "Positive Obligations in Human Rights Law: The Disabilities Paradigm Shift" (European University Institute, n.d.), <https://cadmus.eui.eu/server/api/core/bitstreams/a06469a6-5b2d-5952-859f-e8f26b1b81ed/content>.

⁵² Liza Umami and Bambang Cipto, "China's Afghan Policy: De Facto Recognition of the Taliban Regime," *Intermestic: Journal of International Studies* 8, no. 1 (November 2023): 57–79, <https://doi.org/10.24198/intermestic.v8n1.4>.

⁵³ Scott Pegg, *De Facto States in the International System*, n.d., <https://www.files.ethz.ch/isn/46433/WP21.pdf>.

from schooling exacerbates poverty, widens gender inequality, and undermines Afghanistan's long-term economic stability.⁵⁴

Without access to education, girls face reduced employment opportunities, weakened autonomy, and heightened vulnerability to forced marriage and exploitation. At the national level, the ban obstructs human capital formation and limits Afghanistan's capacity for social progress.⁵⁵ This research, therefore, examines the Taliban's policies through a combined lens of international law and development, assessing not only legal breaches but also the broader human and economic costs.⁵⁶ The aim is to contribute to stronger legal frameworks and advocacy strategies that defend the right to education, particularly in contexts where religion is misused to justify gender-based discrimination.

B. Problem Formulation

1. To what extent do the Taliban's post-2021 policies restrict the right to education for high school girls across Afghanistan?
2. How does this restriction violate Afghanistan's obligation to protect the right to education under international human rights law?

C. Objective Of Research

1. To identify how the Taliban's post-2021 policies restrict Afghan girls' access to education.

⁵⁴ Marc G. Pufong, "State Obligation, Sovereignty, and Theories of International Law," *Politics & Policy* 29, no. 3 (September 2001): 478–519, <https://doi.org/10.1111/j.1747-1346.2001.tb00600.x>.

⁵⁵ Hasar, "Recognition of Governments and the Case of the Taliban."

⁵⁶ Rohina Toran, *Women's Education Under Taliban Rule in Afghanistan: A Political and Socio-Cultural Analysis*, n.d., 44–45.

2. To examine how these restrictions violate Afghanistan's obligations under International human rights law.

D. Benefit Of Research

The expected results of this study offer both theoretical and practical benefits, particularly in the context of human rights violations against Afghan women under Taliban rule. These benefits are as follows:

1. Theoretical Benefits

- a. To contribute to the development of legal scholarship in international human rights law, particularly in relation to the right to education and gender equality in conflict-affected states.
- b. To reinforce the academic understanding of state responsibility and accountability when fundamental rights, such as the right to education, are restricted under de facto governance.
- c. To serve as a critical and well-documented analytical reference for further studies on violations of women's rights in religiously conservative or fundamentalist political systems.

2. Practical Benefits

- a. For the Researcher: To provide policymakers, NGOs, and human rights advocates with evidence-based findings that can support international advocacy for women's right to education in Afghanistan.

- b. For the Public: To assist regional and international actors in identifying gaps in the enforcement of existing human rights instruments related to education.
- c. For the Academic Community: To serve as a reliable source for future research on gender rights, Islamic governance, education policies, and human rights violations.
- d. For Policymakers and Human Rights Advocates: To provide legal and empirical documentation that may support international advocacy, evidence-based policy development, and diplomatic pressure mechanisms aimed at restoring educational rights for Afghan women and girls. To help design future interventions, monitoring strategies, and education support initiatives for Afghan girls under restrictive governance

E. Originality Of Research

This research explores the impact of the Taliban's return to power in 2021 and their systematic violation of Afghan girls' and women's right to education. It builds on existing literature but introduces a distinct legal and theoretical lens for analysing these developments. To avoid redundancy and ensure academic integrity, the study thoroughly reviews prior works, identifying gaps in conceptual frameworks and research approaches that the present study seeks to address.

While existing studies have explored mainly educational restrictions from social, cultural, economic, or general human rights perspectives,⁵⁷ This research offers a unique legal analysis grounded in binding international obligations, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).⁵⁸ By focusing on the 2021–2025 period, this study provides a systematic legal evaluation of how the Taliban’s policies amount to widespread, structural violations of the right to education.⁵⁹

Unlike descriptive accounts that focus on individual incidents, this study investigates Afghanistan’s legal obligations under international human rights law and the consequences of non-compliance. It conceptualises the right to education not merely as a social good but as a justiciable legal entitlement that requires both respect and provision by governing authorities.⁶⁰

For example, Tamana Azizi’s (2023) thesis at the University of Padua examines Afghan women’s rights under Taliban rule with an emphasis on gender equality. While comprehensive in its scope, it lacks a focused legal evaluation of the right to education and its enforceability under international law. In contrast, the present study explicitly investigates education-related violations, analyses them within a

⁵⁷ Jocelyne Cesari and José Casanova, *Islam, Gender, and Democracy in Comparative Perspective* (Oxford University Press, 2017).

⁵⁸ “United Nations CEDAW Committee Breaks New Ground with First Treaty Body Review of Afghanistan since Taliban Takeover in 2021,” OHCHR, accessed February 22, 2026, <https://www.ohchr.org/en/press-releases/2025/06/united-nations-cedaw-committee-breaks-new-ground-first-treaty-body-review>.

⁵⁹ OHCHR, “United Nations CEDAW Committee Breaks New Ground with First Treaty Body Review of Afghanistan since Taliban Takeover in 2021.”

⁶⁰ Nathan Abbott Way, *Afghanistan Legal Education Project (ALEP)*, n.d., 1–4.

legal framework, and emphasises the state's dual obligation to both refrain from interference (negative rights) and ensure access (positive rights).⁶¹

Shayan (2015) examines gender inequality in Afghanistan's education system, identifying barriers such as poverty, insecurity, cultural norms, and institutional weaknesses. While the study provides a valuable socio-educational analysis of disparities in access to education, it does not engage with Afghanistan's international human rights obligations, nor does it assess state responsibility under binding treaties such as CEDAW or the CRC.⁶²

Farhat Easar (2023) examines progress in women's education during the post-Taliban period, emphasizing the role of educational reforms and international assistance. Although this study provides essential historical context, it reflects a markedly different governance environment. It does not address the legal implications of education denial under international human rights law, particularly in relation to state obligations and accountability following the Taliban's return to power in 2021.⁶³

Yazdani (2020) Yazdani (2020) examines peace education in Afghan school textbooks during periods of conflict, with particular emphasis on educational content and its ideological influence on the education system. While the study contributes to understanding curriculum dynamics in conflict settings, it does not address the systematic denial of education to women and girls, nor does it analyse

⁶¹ Tamana Azizi, "Afghan Women's Rights under the Taliban Rule" (Universita Degli Studi Di Padova, 2022).

⁶² Hasin, Ayoubi, and Ahmad Shayan, "Challenges and Prospects."

⁶³ Farhat Easar et al., "Education in Afghanistan since 2001: Evolutions and Rollbacks," accessed February 16, 2026, <https://www.ssoar.info/ssoar/handle/document/85341>.

the resulting violations of binding international human rights treaties, such as CEDAW or the CRC.⁶⁴

Maroof bin Rauf (2021) Maroof bin Rauf (2021) examines educational challenges in Afghanistan following the Taliban's return to power, focusing on political instability, administrative collapse, and restrictions imposed on education. While the study offers a descriptive overview of post-2021 educational conditions, it does not engage in a doctrinal analysis of Afghanistan's obligations under international human rights law, nor does it assess the legal responsibility of governing authorities for the denial of education.⁶⁵

Kadir and Nurhaliza (2023) Kadir and Nurhaliza (2023) analyse the Taliban's policies on girls' education through the framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). While this treaty-based approach provides important normative insight, the study does not examine these policies in relation to other core international human rights instruments, such as the Convention on the Rights of the Child or the International Covenant on Economic, Social, and Cultural Rights. Moreover, the research does not sufficiently address the attribution of treaty obligations to a de facto governing authority, nor does it comprehensively assess the scope of Afghanistan's continuing legal responsibilities under international human rights law following the Taliban's assumption of power.⁶⁶

⁶⁴ Hafiza Yazdani, "History of Formal Education and Influence of Politics in Afghanistan," *In Factis Pax: Journal of Peace Education and Social Justice* 14, no. 2 (December 2020): 120–39.

⁶⁵ Dr Maroof Bin Rauf, "Educational Challenges in Afghanistan After the Rule of Taliban," *Pakistan Journal of International Affairs* 4, no. 4 (December 2021), <https://doi.org/10.52337/pjia.v4i4.411>.

⁶⁶ Muhammad Aiyub Kadir and Siti Nurhaliza, "State Responsibility of Afghanistan Under Taliban Regime," *Jurnal Media Hukum* 30 (January 2023): 1–18, <https://doi.org/10.18196/jmh.v30i1.16020>.

Qazi Zada and Qazi Zada (2024) examine the human rights situation of women under Taliban rule, with a particular focus on policy-oriented recommendations and proposed reforms. The study provides a broad overview of the challenges faced by Afghan women and contributes valuable normative and advocacy-based insights. However, its analysis primarily emphasizes policy discourse rather than a strict doctrinal legal examination.⁶⁷

As a result, the study offers limited engagement with Afghanistan's binding obligations under international human rights law, particularly regarding treaty interpretation, state responsibility, and the available mechanisms of international legal accountability. Similarly, Hasin, Ayoubi, and Shayan (2025) explore the challenges and prospects of women's education in contemporary Afghanistan, focusing on socio-educational barriers, structural constraints, and forward-looking policy responses. While the study offers essential empirical and contextual insights into the educational crisis facing Afghan women and girls, it devotes limited attention to Afghanistan's legal obligations under international human rights treaties. Moreover, the study does not systematically examine international accountability mechanisms for violations of Jus cogens norms and the right to education.⁶⁸

Likewise, studies such as Yasa (2022) provide valuable documentation of school closures, access limitations, and related educational challenges under Taliban

⁶⁷ Sebghatullah Qazi Zada and Mohd Ziaolhaq Qazi Zada, "The Taliban and Women's Human Rights in Afghanistan: The Way Forward," *The International Journal of Human Rights* 28, no. 10 (November 2024): 1702, <https://doi.org/10.1080/13642987.2024.2369584>.

⁶⁸ Rachel Lopez, *The Duty to Refrain: A Theory of State Accomplice Liability for Grave Crimes*, 97, no 1 (2019), 134, <https://heinonline.org/HOL/P?h=hein.journals/nebklr97&i=126>.

governance. However, these works largely remain descriptive in nature and do not engage in a doctrinal legal analysis of Afghanistan's international obligations under core human rights treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁶⁹ the Convention on the Rights of the Child (CRC), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This research addresses these gaps by offering a comprehensive legal analysis of the systematic denial of education under Taliban rule.⁷⁰

It demonstrates that such policies not only violate established international human rights norms but also expose significant failures in international legal accountability frameworks. One of the principal innovations of this study is its application of Georg Jellinek's Theory of Negative and Positive Rights⁷¹. This theoretical framework distinguishes between negative rights, which require the state to refrain from interference, and positive rights, which impose obligations on the state to take active measures to ensure access to essential services.⁷²

Taliban educational policies violate both dimensions: first, by explicitly prohibiting girls' access to education, thereby infringing negative rights; and

⁶⁹ Yasa, "Human Rights Violations in Afghanistan: An Analysis of Women's Plights under the Taliban."12, https://thesouthasiacollective.org/wp-content/uploads/2023/02/ResearchPaper_MinorityWomen_Afghanistan.pdf

⁷⁰ Nurilloev Shavkat Shukhrat Ugli, "The Foundations of State Responsibility in International Law: An in -Depth Analysis OF Key Principles and Norms," *European Journal of Contemporary Business Law & Technology: Cyber Law, Blockchain, and Legal Innovations* 1, no. 9 (September 2024): 100–111, <https://doi.org/10.61796/ejcbt.v1i9.1031>.

⁷¹ Bernstorff, "Georg Jellinek and the Origins of Liberal Constitutionalism in International Law."

⁷² Danie Strauss, *Assessing the Historical- Philosophical Background of the German Staatslehre in the Light of the Type Law of the State*, n.d., <https://repository.nwu.ac.za/server/api/core/bitstreams/58bdb641-a782-45b1-9f41-cb5c9fe48c54/content>.

second, by failing to provide accessible and functioning educational institutions for girls, thus breaching positive obligations under international law.⁷³

The originality of this research lies in the following contributions:

1. Theoretical innovation: Applying Georg Jellinek's Theory of Negative and Positive Rights to assess Afghanistan's international obligations and the Taliban's dual failure in relation to girls' education.⁷⁴
2. Legal precision: Framing educational access as a legal right under binding treaties such as CEDAW, CRC, and ICESCR.
3. Analytical depth: Differentiating between types of human rights violations (negative and positive), enabling a more nuanced legal argument.⁷⁵
4. Methodological contribution: Integrating doctrinal legal research with qualitative analysis, including case narratives, treaty interpretation, and international accountability mechanisms.⁷⁶
5. Policy relevance: Examining legal responsibility in contexts where governing authorities lack international recognition,⁷⁷ thereby contributing to the discourse on obligations of de facto regimes.⁷⁸

⁷³ Michał Gierycz and Piotr Mazurkiewicz, *Faces of the Rule of Law in Europe* (Vandenhoeck & Ruprecht, 2024).

⁷⁴ Christian Prof. Dr. Calliess, "Fundamental Rights Protection in Germany: The Multifaceted Dimensions of Freedom Defined by the Duty to Respect and the Duty to Protect," *SSRN Electronic Journal*, ahead of print, 2021, <https://doi.org/10.2139/ssrn.3847822.5-6>, 2021, <https://www.ssrn.com/abstract=3847822>

⁷⁵ Danai Angeli, "Positive Obligations in Human Rights Law: The Disabilities Paradigm Shift."

⁷⁶ Jochen Von Bernstorff, Georg Jellinek and the origins of liberal constitutionalism in international law, *Goettingen Journal of International Law*, 664, <https://journals.uni-goettingen.de/gojil/article/view/2058>.

⁷⁷ Bachler, Bartman, and Srebrink, *De Facto States*, 8.

⁷⁸ Pegg, *De Facto States in the International System*, 4, <https://www.files.ethz.ch/isn/46433/WP21.pdf>.

Furthermore, this research situates Afghanistan's educational crisis within a broader global context, emphasizing that the denial of girls' education is not merely a domestic policy issue but a violation of universally recognized legal standards. By linking human rights reporting with legal accountability frameworks, the study bridges the gap between normative commitments and enforcement mechanisms, offering a structured foundation for future legal and policy interventions.

In summary, this thesis makes five original contributions to the field:

1. Theoretical novelty through the application of Jellinek's theory in a conflict and authoritarian context.⁷⁹
2. Legal clarity regarding state and de facto authority obligations under international human rights law.⁸⁰
3. Comparative engagement with existing literature to expose underexplored legal dimensions.⁸¹
4. Methodological integration of doctrinal legal analysis and narrative evidence.
5. Practical policy implications concerning international accountability of non-recognized regimes.

This research thus serves as a bridge between legal doctrine and lived experience, contributing to the evolving discourse on women's rights, education,

⁷⁹ "Grundrechtsfunktionen - Status-Lehre Nach Jellinek - Juristischer Gedankensalat," accessed February 16, 2026, <https://www.juristischer-gedankensalat.de/2010/04/06/grundrechtsfunktionen-status-lehre-nach-jellinek/>

⁸⁰ Xenos, Dimitris, "Taking the State's Positive Obligations Seriously" (University of Durham - School of Law, https://etheses.dur.ac.uk/2027/1/2027_35.pdf?UkUDh:CyT.https://etheses.dur.ac.uk/2027/1/2027_35.pdf?UkUDh:CyT.

⁸¹ "Formation and Recognition of States Under International Law," Justia, June 9, 2021, <https://www.justia.com/international-law/formation-and-recognition-of-states-under-international-law/>.

and state responsibility under authoritarian governance. It establishes a robust, legally grounded, and gender-sensitive framework for analysing human rights violations in protracted political crises.

Table 1: Research Originality– A Comparative Analysis of this Thesis and Other Scholarly Theses and Articles

No	Title	Problem Formulation	Similarities	Differences
1	Shayan, Z. 2015. <i>Gender Inequality in Education in Afghanistan: Access and Barriers</i> . Open Journal of Philosophy, 5(5), 277–284. https://doi.org/10.4236/ojpp.2015.55035 .	What are the main barriers to girls' access to education in Afghanistan, and how does gender inequality impact their educational opportunities?	This study, like the present one, addresses girls' right to education and emphasizes the limiting role of gender. Both studies underscore the importance of education in accessing women's empowerment and achieving gender and social equality.	This research focuses more on girls' education during the democratic period. This research focuses more on the social approach, emphasizing cultural factors such as conflicts of the time, social restrictions, and family dynamics. At the same time, the present study is limited to the Taliban period, i.e., from 2021 to 2025. In

				contrast, the present study adopts a legal approach and analyzes international human rights standards, such as the Taliban's policies, as violations of legally binding obligations.
2	Yasa, A. R. 2022, January. <i>Human Rights Violations in Afghanistan: An Analysis of Women's Plights under the Taliban</i> . [Research report]. Afghanistan Policy Lab, Princeton School of Public and International Affairs https://th	What forms of human rights violations have Afghan women faced under Taliban rule since 2021, and how do these violations affect their legal, social, and political standing?	This study, like the present study, examines the impact of Taliban policies on women's specific rights. It examines the restrictions imposed by the Taliban after 2021. Both studies examine the restrictions imposed by the Taliban, such as the deprivation of education, and the	The YASA report examined various approaches, including women's education, freedom of movement, equality, and justice, within the framework of international law. However, the present study focuses solely on the right to

	esouthasiacollec tive.org/wp- content/upload s/2023/02/Rese archPaper_Min orityWomen_ Afghanistan.pdf.		increase in inequality in Afghan society. Both studies are grounded in international human rights principles, such as CEDAW, CRC, and ICESCR, and emphasize holding the global community accountable for women's rights.	education and analyzes it from an international obligation perspective. It emphasizes the distinction between positive and negative rights to illustrate the obligations of states under international law and human rights law.
3	Khan, K., Rafi, M., & Niaz Khan, U. 2025. Afghanistan's Taliban Denial of Women's Education: A Violation of International Human Rights Law. Social Science Review Archives, 3(2),	How has the Taliban's post- 2021 policy of banning female education in Afghanistan violated international human rights law, and what are the legal and global implications of these violations under	This study, like the present one, assesses the right to education of Afghan girls under Taliban rule after 2021. Both studies argue that the ban on girls from education is a clear violation of international human rights instruments. Both studies emphasize	This study examines the prohibition of the right to education in light of Afghanistan's commitments to international law and discusses its impact on academic freedom and critical thinking. While the

	1826–1842. https://doi.org/10.70670/sra.v3i2.801 .	instruments such as the CRC and UDHR?	the need for international institutions to hold these institutions accountable and to exert global pressure to stop these policies.	present study investigates the right to education of girls as a violation of international commitments, it analyses this prohibition from the theory of negative and positive rights to provide a mechanism for holding the Taliban government accountable.
4	Maroof bin Rauf, “Educational challenges in Afghanistan after the return of the Taliban”, Pak Journal of International Affairs, vol. 4, issue 3 (2021),	What are the leading educational challenges faced in Afghanistan following the Taliban’s return to power in 2021?	In this study, the author highlights the significant problems that arose following the collapse of the Afghan Republic. He analyses the impact of the Taliban government on	But my research approaches the issue from a legal and international analysis perspective. Finally, I analyze women’s education based

	http://www.pjia.com.pk/index.php/pjia/article/view/411/292		political, security, economic, and ideological factors that weaken public education. The author warns that the contribution of the Taliban's policies to the Afghan education system will cause the future generation to lag.	on human rights documents and examine how the ban on education violates Afghanistan's international obligations and universal human rights principles. Therefore, I have provided a deeper analysis of government performance against global standards, focusing on the international and human rights dimensions.
5	Hamed, Abdul Saboor 2023. Women's Education in Afghanistan: Activist, Taliban, and Public Views.	How do gender norms shape support for women's education among activists, the Taliban, and the public in Afghanistan?	Both studies address the impact of restrictions on girls in Afghanistan and highlight violations of their fundamental	This research examines the perspectives of activists, the Taliban, and public opinion on women's right to education. This

	Master's Thesis, Master's Study Program of Political Science, Faculty of Social Sciences, Indonesian International Islamic University, Depok.		rights. And share concerns about Taliban policies limiting girls' right to education, undermining human rights standards.	research analyzes the right to education for women within the framework of international human rights law.
6	Kadir, M., & Nurhaliza, N. 2023. Taliban's Policy on the Right to Education for Afghan Women from the Perspective of the Convention on the Elimination of All Forms of Discrimination Against	To what extent is the Taliban, as a de facto government, legally responsible under international human rights law, especially CEDAW Article 10, for the denial of Afghan women's right to education?	Both studies focus primarily on the situation of Afghan women after the Taliban took over in August 2021. Both consider the Taliban to be a clear violator of international obligations and refer to the Convention on the Elimination of All Forms of Discrimination	This study, drawing on George Yellen's theory of negative and positive rights, examines the prohibition of education not only as a restriction on individual freedom but also as a failure by the state to implement the right to

	Women (CEDAW). Al-Risalah: Jurnal Ilmu Syariah dan Hukum, 23(1), 103–120. https://www.researchgate.net/publication/367363315_State_Responsibility_of_Afghanistan_Under_Taliban_Regime.		against Women as the primary legal document to defend the rights of Afghan women. Both studies are grounded in international human rights standards and aim to assess the capacity for legal accountability in cases of violations of these obligations.	education. In contrast, Kadir's study focuses on the overall responsibility of the state and the accountability of the Taliban as a de facto regime. This study also includes empirical narratives and an analysis of legal documents. In general, this study specifically addresses the violation of women's right to education. At the same time, Kadir's article provides a more general review of the violations of women by the Taliban without
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				a specific focus on education.
7	Bazia, Yahia (2022) Education in Afghanistan: Developments, Influences and Legacies since 1901. London: Routledge, 2013.	How can women's human rights in Afghanistan be protected and advanced under Taliban rule, and what legal and institutional strategies are available under international human rights law to respond to these violations?"	Focuses primarily on the historical development of education in Afghanistan and does not comprehensively examine the international legal responsibility of a de facto regime for denying girls' education	But this research attempts to analyze women's right to education in two dimensions: state intervention and neglect in performing their duties. However, this research is more based on political proposals than on analyzing the current situation on a legal basis. Additionally, this research focuses on the period 2021-2025. In contrast, their article, "The General Human Rights Approach to Various

				Aspects of Women's Rights Violations from the Perspective of International Law," has a more in-depth analytical focus.
8	Besson, Samantha (2016) The principle of non-discrimination in the Convention on the Rights of the Child	What are the key challenges and future opportunities for children's education in Afghanistan under current socio-political conditions?	This research applies the principle of non-discrimination to Afghanistan's current situation and evaluates the legal responsibility and accountability of the Taliban under international human rights law.	This research applies the principle of non-discrimination to Afghanistan's current situation and evaluates the legal responsibility and accountability of the Taliban under international human rights law.
9	Yazdani, H. 2020. Peace education in Afghanistan: A comparative study of	How do school textbooks from different Afghan regimes (PDPA, ISAG, AIRG) differ in	This article examines the content of textbooks in Afghanistan. It explains how	This study explores girls' right to education in Afghanistan after the

	conflict and post-conflict school textbooks. In <i>Factis Pax: Journal of Peace Education and Social Justice</i>, 14(1), 2. https://openjournals.utoledo.edu/index.php/infactispax/article/view/988.	their inclusion of peace education principles such as recognising violence, nonviolent conflict resolution, and building positive peace?	education has been reflected in different historical periods before and after the war. This researcher, through a comparative study, examines how books during and after the war can play a dual role, either fuel violence or providing a basis for peace and reconciliation. This research examines the role of the education system in shaping the next generation to foster peace, national identity, and acceptance of diversity.	Taliban's return, focusing on curriculum content, political structures, and violations of international norms. Using a comparative approach to national laws, global treaties, and Taliban practices, it highlights how these policies systematically breach international human rights law. While primarily descriptive, it also offers legal analysis and highlights key implementation gaps that are often overlooked in current reports.
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10	Azizi, T. 2023. <i>Afghan women's rights under the Taliban rule</i> (Master's thesis). University of Padua, Department of Political Science, Law, and International Studies.	How has the Taliban's return to power affected the protection and enjoyment of Afghan women's rights to education?	Both studies examine the education of women and girls in Afghanistan, focusing on how political changes have affected access to education. Their shared aim is to analyse the current situation and raise awareness within the academic and international communities. Framed within Afghanistan's political developments, both works highlight the consequences of regime shifts for women's education.	This thesis focuses specifically on the legal analysis of human rights violations and assesses this situation more precisely within the framework of International Human Rights Law. The research demonstrates how the Taliban's ban on education is not only in contradiction with international obligations but also violates fundamental human rights. As a result, this research
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				combines legal, analytical, and developmental frameworks.
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After a careful review of previous sources and studies, it is evident that most research on the Taliban's return to power has focused primarily on the economic, social, and humanitarian implications of their governance. Reports by organisations such as Amnesty International and Human Rights Watch have provided valuable descriptive accounts of gender-based discrimination and restrictions on education; however, they often lack a systematic legal analysis grounded in binding international obligations.⁸² Similarly, while some academic studies have addressed the theoretical frameworks of negative and positive rights, they rarely apply them to the specific legal responsibilities of de facto regimes, such as the Taliban.⁸³

While many studies have examined the status of girls' education in Afghanistan, this research introduces a novel legal perspective, analysing the Taliban's educational restrictions through the lens of international human rights treaties, including CEDAW, CRC, and ICESCR.⁸⁴ Unlike general reports such as those from UNESCO, which emphasise the importance of education for sustainable development and women's empowerment, this study critically exposes the legal gap

⁸² "Human Rights in Afghanistan," *Amnesty International*, n.d., accessed February 22, 2026, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/>.

⁸³ Aiyub Kadir and Nurhaliza, "State Responsibility of Afghanistan Under Taliban Regime."

⁸⁴ "2 Education Reform and Effects on Basic Education from Myanmar's Education Reforms: A Pathway to Social Justice? On JSTOR," accessed February 24, 2026, <https://www.jstor.org/stable/j.ctv13xprwx.8>.

between Afghanistan's international commitments and the Taliban's de facto policies.⁸⁵

By employing a comparative, treaty-based legal framework, this research uncovers previously underexplored dimensions of the conflict between international legal standards and regressive domestic practices, thereby making a distinctive scholarly contribution. Moreover, this study integrates legal, empirical, and institutional perspectives. It examines not only ethical and political dimensions but also the structural and regulatory challenges of enforcing international obligations in situations where a de facto authority exercises control over a state without receiving widespread formal international recognition as the legitimate government. In this context, the study analyses the challenges associated with the Taliban's exercise of power in Afghanistan following their return to power in 2021.

F. Literature Review

Education is universally recognised as a fundamental human right and a cornerstone of gender equality and social progress.⁸⁶ In Afghanistan, however, this right has been gravely undermined following the Taliban's return to power in August 2021, when they imposed severe restrictions on girls' access to education.⁸⁷ Numerous studies and reports have documented the resulting human rights

⁸⁵ Raymond E. Wanner, "Unesco: An Introduction to Its Education Program," *Comparative Education Review* 26, no. 3 (1982): 420–34.

⁸⁶ Ros Wade, "Learning, Pedagogy and Sustainability: The Challenges for Education Policy and Practice," in *The Challenge of Sustainability*, 1st ed., ed. Ros Wade and Hugh Atkinson, Linking Politics, Education and Learning (Bristol University Press, 2015), 64–86, <https://doi.org/10.2307/j.ctt1t894qh.11>.

⁸⁷ Gabor Rona and Lauren Aarons, "State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace Human Rights," *Journal of National Security Law and Policy* 8, no. 3 (2016 2015): 503–30.

violations, including the blanket ban on secondary and higher education for girls, the removal of female educators, and the imposition of narrow, ideologically driven curricula.⁸⁸

This literature review examines prior academic and institutional research that has highlighted these violations under international human rights law.⁸⁹ Particularly as they relate to Afghanistan's obligations under treaties such as CEDAW, CRC, and ICESCR, it also identifies the structural, institutional, and legal barriers, including the absence of effective accountability mechanisms, that have allowed such violations to persist with minimal consequences.⁹⁰ These scholarly contributions provide the foundation and contrast for this study's legal analysis, which seeks to critically assess the Taliban's policies through a rights-based, treaty-oriented lens and to offer recommendations for international legal responses to the systematic denial of Afghan girls' right to education.

1. The Legal Status of the Right to Education in International Human Rights Law

Education is universally recognised as a fundamental human right and as an essential foundation for the enjoyment of other rights.⁹¹ The right to education is enshrined in numerous international and regional legal instruments, including binding treaties such as conventions, covenants, and charters, as well as non-

⁸⁸ State Obligations and Responsibilities on the Right to Education,” accessed February 12, 2026, <https://www.unesco.org/en/right-education/state-obligations-responsibilities>.

⁸⁹ Marc G. Pufong, “State Obligation, Sovereignty, and Theories of International Law,” *Politics & Policy* 29, no. 3 (September 2001): 478–519, <https://doi.org/10.1111/j.1747-1346.2001.tb00600.x>

⁹⁰ Bertrand G. Ramcharan, “National Responsibility to Protect Human Rights,” *Hong Kong Law Journal* 39, no. 2 (2009): 361–400.

binding soft law instruments, such as general comments, declarations, and frameworks for action.⁹² However, since the Taliban's return to power in August 2021, this right has been gravely violated, particularly for Afghan women and girls.⁹³

The Taliban have created a hostile environment for both international and domestic organisations, especially those working in the fields of human rights and women's empowerment. A series of decrees and edicts since 2021 has systematically restricted women's access to both education and employment, with no evidence of reversal or moderation.⁹⁴ According to UN reports, the closure of secondary and tertiary schools has denied millions of girls their right to education.⁹⁵ These actions constitute direct violations of multiple binding international human rights instruments.⁹⁶

Article 28 of the Convention on the Rights of the Child (CRC) recognises education as a universal right for every child. In contrast, Article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women

⁹² "International Law," Right to Education Initiative, accessed July 17, 2025, <https://www.right-to-education.org/page/international-law>.

⁹³ OHCHR "Afghanistan: Quality Education Must Be Equally Accessible to All, UN Experts Say," OHCHR, accessed July 17, 2025, <https://www.ohchr.org/en/press-releases/2023/03/afghanistan-quality-education-must-be-equally-accessible-all-un-experts-say>.

⁹⁴ United States Department of State "Afghanistan" Country Reports on Human Rights Practice accessed August 3, 2025, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/afghanistan/>.

⁹⁵ Devdiscourse, "130 million Girls Denied the Human Right to Education around the World: UN Expert," accessed August 3, 2025, <https://www.devdiscourse.com/article/education/2329863-130-million-girls-denied-the-human-right-to-education-around-the-world-un-experts>.

⁹⁶ Azam Malik et al., "Sustainable Development Goals: Students' Perception on Quality Education, Gender Equality, and Sustainability," *Discover Sustainability* 6, no. 1 (May 2025), <https://doi.org/10.1007/s43621-025-01288-5>.

(CEDAW) guarantees women equal rights with men in education.⁹⁷ Furthermore, Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) offers the most detailed international articulation of the right to education, establishing a robust framework for its progressive realisation.⁹⁸

In addition, Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR) obligate state parties to guarantee non-discrimination and ensure equal access to education without distinction of any kind. Article 2 imposes a positive obligation to respect and ensure the rights of all individuals, while Article 26 affirms the principle of equality before the law and prohibits discrimination.⁹⁹

Taken collectively, these legal frameworks establish that the Taliban's educational policies are not merely discriminatory but also constitute grave breaches of Afghanistan's binding international obligations. According to a UNICEF report cited by The New York Times, the Taliban have also banned women working in the education sector, including schoolteachers and administrators, exacerbating the crisis and further destabilising Afghanistan's already fragile educational infrastructure.¹⁰⁰

⁹⁷ "Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR," accessed August 3, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

⁹⁸ OHCHR, "International Covenant on Economic, Social and Cultural Rights," accessed August 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁹⁹ "International Covenant on Civil and Political Rights," OHCHR, accessed February 24, 2026, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁰⁰ UNICEF, "Restricting Female Humanitarians from Working and Female Students from Access to Education in Afghanistan Is a 'Blatant Violation of Fundamental Human Rights.'"

These measures violate the Universal Declaration of Human Rights (UDHR), specifically Article 26, which asserts the right of everyone to education, and they significantly undermine Afghanistan's prospects for achieving Sustainable Development Goal 4 (SDG 4), which calls for inclusive, quality, and equitable education for all.¹⁰¹ In sum, the current literature underscores that the Taliban's educational restrictions constitute grave violations of International law and pose a serious barrier to Afghanistan's social, economic, and cultural progress.¹⁰²

2. The Right to Education in Islam

Islam places a strong focus on the pursuit of knowledge for all believers, and the religious duty to educate oneself does not differentiate between men and women. Prophet Muhammad's first revelation started with the instruction to "read" (Iqra), including right away that the knowledge acquisition would be fundamental to the Islamic perspective. This mandate applied to all Muslims, regardless of gender. In many hadiths, Prophet Muhammad affirmed women's entitlement to an education. He most notably said, "Seeking knowledge is a requirement upon every Muslim (Ibn Majah)."¹⁰³

Using the Phrase "Musli in a sense that includes both men and women. He did not discriminate between genders when he said, "Whoever follows a path in pursuit of knowledge, Allah makes easy for him a path to paradise". Muslim in another

¹⁰¹ Human Rights Watch, "Taliban's Attacks on Girls' Education Harming Afghanistan's Future," September 17, 2024, <https://www.hrw.org/news/2024/09/17/talibans-attack-girls-education-harming-afghanistans-future>.

¹⁰² UNESCO, "Banned from Education: A Review of the Right to Education in Afghanistan - UNESCO Digital Library," accessed August 3, 2025, <https://unesdoc.unesco.org/ark:/48223/pf0000393229>.

¹⁰³ Habiba Elahi, *Women's Rights in Islam: A Comprehensive Analysis of Quranic and Sunnah Teachings*, "International Journal for Multidisciplinary Research (IJFMR)" 7, no. 2 (March–April 2025): 3–4, <https://www.ijfmr.com/papers/2025/2/38850.pdf>.

narration. These prophetic teachings made education for women in Islam not just acceptable but required. This idea was applied throughout early Islamic civilization, as historical documents show. Prophet Muhammad's (PBUH) wife, Aisha, transmitted some 2,210 hadiths and rose to prominence in Islamic law, making her one of the most significant academics in Islamic history.¹⁰⁴

Her scholarly contributions were highly regarded, and made companions of the Prophet Muhammad (PBUH) frequently sought her advice on religious issues, which scholars have understood to mean giving them chances to learn and develop intellectually. Islamic tradition encourages women to seek education in a variety of subjects that are beneficial to society, in addition to religious understanding. Women have succeeded as scholars, teachers, nurses, doctors, and field workers throughout Islamic history. In the days of traditional Islam, educational institutions were frequently accessible to women, and many of them gained recognition for their proficiency in disciplines like mathematics, medicine, and hadith studies.¹⁰⁵

In more than 200 countries and territories, including about 50 countries with a majority of Muslims, education for women and girls is widely accepted. However, since taking back power two years ago, Afghanistan's hardline Islamist Taliban rulers have prohibited teenage girls from continuing their education above the sixth grade. In December, the prohibition was expanded to include women attending universities. The hardline Taliban authorities have not been persuaded to reopen

¹⁰⁴ Habiba Elahi, *Women's Rights in Islam: A Comprehensive Analysis of Quranic and Sunnah Teachings*, p. 3.

¹⁰⁵ Habibi Elahi, *Women's Rights in Islam: A Comprehensive Analysis of Quranic and Sunnah Teachings*, p 4-5.

schools despite numerous internal demonstrations by Afghans, pressure from the international community, and lobbying by Muslim academics and clerics.¹⁰⁶

The majority of Muslims concur that Islam permits women to pursue higher education. However, the Taliban openly states that it will only permit girls to receive an education after guaranteeing total gender segregation and other vague requirements. Following the Taliban takeover, universities were strictly separated into men's and women's sections, and nearly all secondary schools in Afghanistan were gender segregated.¹⁰⁷

3. Taliban Policies on Women's Education (2021-2025)

Following the return to power in August 2021, severe restrictions on girls' and women's education were imposed across Afghanistan. Initially, secondary schools for girls were closed in most provinces, with authorities claiming the need to prepare an "Islamically appropriate" educational framework. Closing schools is expected to have high long-term costs and worse learning outcomes, particularly for underprivileged populations.¹⁰⁸

Although primary education (up to grade 6) was resumed in August 2021, severe restrictions on girls' and women's education were imposed across Afghanistan. Initially, secondary schools for girls were closed in most provinces, with authorities claiming the need to prepare an "Islamically appropriate" educational

¹⁰⁶ Abubakar Siddique, "Islam Does Not Ban Girls' Education. So, Why Does the Taliban?" Afghanistan, *Radio Free Europe/Radio Liberty*, 08:08:36Z, <https://www.rferl.org/a/taliban-girls-education-islam-takeover-anniversary/32546094.html>.

¹⁰⁷ Abubakar Siddique, "Islam Does Not Ban Girls' Education. So Why Does the Taliban?"

¹⁰⁸ Naureen Durrani et al., "Achieving SDG 4, Equitable Quality Education after COVID-19: Global Evidence and a Case Study of Kazakhstan," *Sustainability* 15, no. 20 (October 2023): 14725, <https://doi.org/10.3390/su152014725>.

framework.¹⁰⁹ These restrictions directly contradict both Afghanistan's national laws and its international legal obligations.¹¹⁰

Since the Taliban regained control of Afghanistan in 2021, Afghan women's and girls' education has been affected, and other human rights have been under attack.¹¹¹ These restrictions directly contradict both Afghanistan's national laws and its international legal obligations. Despite early promises of moderation, the Taliban systematically excluded women from all public spheres, including education, employment, civil society, and freedom of movement, resulting in a widening gender gap.¹¹²

In March 2022, schools reopened after winter break, but girls in grades 7 to 12 were still banned from attending. The Taliban repeated their claim that more time was needed to align education with Sharia, but no transparent legal reform or policy development process followed.¹¹³ The most drastic restriction occurred on December 20, 2022, when the Taliban issued a nationwide ban on women attending

¹⁰⁹ Arab News "Breaking News and Key Middle East Developments," Arab News, accessed August 3, 2025, <https://www.arabnews.com/middleeast>.

¹¹⁰ UNAMA United Nations Assistance Mission in Afghanistan, "Update on the Human Rights Situation in Afghanistan: January – March 2025," UNAMA, May 1, 2025, https://www.ecoi.net/en/file/local/2127630/unama_update_on_human_rights_in_afghanistan_january-march_2025.pdf.

¹¹¹ Aabid Rahman Rahmany and Lowest, "Youth and Education in Afghanistan After 2021," *Journal of Contemporary Politics* 4, no. 1 (June 2025): 41–49, <https://doi.org/10.53989/jcp.v4i1.9>.

¹¹² Rafiuddin Najam, "Closing the Gap: Effect of a Gender Quota on Women's Access to Education in Afghanistan," *Economics of Education Review* 99 (April 2024): 102509, <https://doi.org/10.1016/j.econedurev.2024.102509>.

¹¹³ Shohra Qaderi et al., "Taliban's War on Educating Girls and Women Must End Now: A Call for Global Actions," *Public Health Challenges* 2, no. 2 (2023): e80, <https://doi.org/10.1002/puh2.80>.

universities, denying more than 100,000 young women access to higher education.¹¹⁴

This ban extended to female university staff, instructors, and administrative personnel, crippling Afghanistan's higher education infrastructure and further marginalising women.¹¹⁵ These actions have no legal basis in Afghan national law. The 2004 Constitution of Afghanistan (Article 43) guarantees the right to education for all citizens, regardless of gender. Obligating state parties to ensure accessibility and equality in education, affirming the right to free and compulsory elementary education.¹¹⁶

After public schools and universities closed, many female graduates sought admission to private health and medical institutes as a last resort. However, in December 2023, the Taliban ordered the closure of several of these institutions without issuing a formal legal decree.¹¹⁷ Although a limited announcement in February 2024 allowed female graduates to apply to government medical colleges in 11 provinces, this permission was quickly reversed, illustrating the regime's policies' instability and discrimination.¹¹⁸

¹¹⁴ UNESCO, "Protecting the Right to Education for All Afghans," accessed August 4, 2025, <https://www.unesco.org/en/emergencies/education/afghanistan>.

¹¹⁵ Toran Rohina, "Women's Education Under Taliban Rule in Afghanistan: A Political and Socio-Economic Analysis," (Vancouver: The University of British Columbia, 2024), 17, <https://open.library.ubc.ca/soa/cIRcle/collections/ubctheses/24/items/1.0447745>.

¹¹⁶ "Constitution of Afghanistan (2004 - 2021, Reportedly Suspended in 2021)," Refworld, accessed July 18, 2025, <https://www.refworld.org/legal/legislation/natlegbod/2004/en/35107>.

¹¹⁷ Wahid Majrooh, "The Devastating Impact of the Taliban's Ban on Midwifery and Nursing Schools," *The Lancet Global Health* 13, no. 4 (April 2025): e622–23, [https://doi.org/10.1016/S2214-109X\(25\)00063-4](https://doi.org/10.1016/S2214-109X(25)00063-4).

¹¹⁸ Centre for Information Resilience, "Taliban Ban Women from Medical Studies, Sparking Protests across Provinces," *Centre for Information Resilience*, July 8, 2025, <https://www.info-res.org/afghan-witness/reports/taliban-ban-women-from-medical-studies-protests-erupt-across-provinces/>.

These repeated reversals and unannounced policy shifts highlight the Taliban's use of education as a tool of control, rather than governance. The inconsistency and arbitrariness of these policies have created a climate of fear and uncertainty, particularly for female students and educators. Ultimately, the Taliban's policies on women's education represent a gross violation of Afghanistan's obligations under binding international law, as well as its constitution.¹¹⁹

They not only deny Afghan women and girls their right to education but also undermine the prospects for sustainable development, gender equality, and peace in the region. These policies must be scrutinised not only for their social consequences but also for the legal responsibilities they impose on the Taliban as the de facto authority in effective control of the territory.¹²⁰

This policy and the Taliban's policies are a gross violation of international law and Afghanistan's obligations, including Article 26 of the UDHR, Article 13 of the ICESCR, Article 10 of the CEDAW, and Article 43 of the Afghan constitution.¹²¹ all of which emphasise the right to education and equality. Ultimately, they have disrupted the context for sustainable development in the country.¹²²

¹¹⁹ Ilias Bantekas and Lutz Oette, *International Human Rights Law and Practice: Fourth Edition*, n.d., 6–7.

¹²⁰ UNESCO, "2024/5 GEM Report | Global Education Monitoring Report - Reports," accessed August 5, 2025, <https://www.unesco.org/reports/gem-report/en/2024>.

¹²¹ "Human Rights: Handbook for Parliamentarians (Revised Edition)," OHCHR, accessed February 8, 2026, <https://www.ohchr.org/en/publications/special-issue-publications/human-rights-handbook-parliamentarians-revised-edition>.

¹²² Kamran Khan, Muhammad Rafi, and Umar Niaz Khan, "Afghanistan's Taliban Denial of Women's Education: A Violation of International Human Rights Law," *Social Science Review Archives* 3, no. 2 (June 2025): 2, <https://doi.org/10.70670/sra.v3i2.801>.

4. Mechanisms of Legal Accountability under International Law

De facto regimes often operate in a legal vacuum, lacking constitutional legitimacy and access to formal international legal processes. However, when such regimes as the Taliban exercise effective control over a population or territory, international human rights law may still impose binding obligations.¹²³ While traditionally conceived as governing relationships between states and individuals, international law has increasingly recognised the responsibilities of non-state actors, especially when states are unable or unwilling to fulfil their duties. As Clapham (2006) argues, if a state has ratified key human rights treaties, armed opposition groups operating within its territory may also be held accountable under those same instruments. This approach challenges the outdated assumption that only states bear international legal obligations.¹²⁴

This framework is critical in the context of Afghanistan, where the Taliban, despite lacking formal recognition, have exercised complete de facto control since 2021. The Taliban's systematic exclusion of girls and women from education constitutes a clear violation of international obligations under treaties such as CEDAW, ICESCR, and CRC.¹²⁵ Recognition is not a prerequisite for responsibility; instead, effective control invokes legal scrutiny. Several mechanisms under international law, such as UN treaty bodies (e.g., CEDAW Committee), special

¹²³ Tan Doran, "Filling the Lacuna: De Facto Regimes and Effective Power in International Human Rights Law," *New York University of International Law and Politics* 51, no. 2 (2019): 432. <https://nyujilp.org/wp-content/uploads/2019/04/NYI203.pdf?utm>.

¹²⁴ Andrew Clapham, *Human Rights Obligations of Non-State Actors in Conflict Situations*, 88, no. 863 (2006): 503–5. https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/irrc_863_clapham.pdf

¹²⁵ Janusz Symonides, ed., *Human Rights: New Dimensions and Challenges* (London: Routledge, 2019), <https://doi.org/10.4324/9780429398629>.

procedures (e.g., the Special Rapporteur on the situation of human rights in Afghanistan), and even the International Criminal Court, can be mobilised to assess and address these violations.¹²⁶

The right to education, enshrined in both binding and soft law instruments, imposes a tripartite obligation on states and de facto authorities: to respect, protect, and fulfil.¹²⁷ These duties are particularly urgent when violations target vulnerable groups, such as women and girls. As affirmed by General Comment No. 13 (ICESCR) and General Recommendation No. 36 (CEDAW), the right to education must be enforced through national legal systems and promote gender equality, peace, and access to other fundamental freedoms.¹²⁸

G. Research Methods

1. Type of Research

The research is normative, examining the principles and legal rules governing the right to education within the frameworks of international law, international human rights, and sustainable development documents. Normative legal research is a procedure for identifying legal rules and doctrines to address a specific legal

¹²⁶ United Nations Human Rights Council, “Situation of Human Rights in Afghanistan - Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, Richard Bennett (A/HRC/52/84) (Advance Edited Version) - Afghanistan | Relief Web,” March 1, 2023, <https://reliefweb.int/report/afghanistan/situation-human-rights-afghanistan-report-special-rapporteur-situation-human-rights-afghanistan-richard-bennett-ahrc5284-advance-edited-version>.

¹²⁷ Tomasevski Katrina, *The Right to Education: Report of the Special Rapporteur*, Katarina Tomasevski, Submitted Pursuant to Commission on Human Rights Resolution 2002/23, E/CN.4/2003/9 (Geneva Switzerland, 2003), <https://digitallibrary.un.org/record/487675?v=pdf>.

¹²⁸ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 36 (2017) on the Right of Girls and Women to Education*, CEDAW/C/GC/36 (Geneva, Switzerland (optional), 2017).

issue.¹²⁹ Result of the study of the law or argument, theory, or concept to solve the problem you faced. This research is based on the analysis of secondary data from legal instruments, scholarly publications, and official reports.

2. Description of Research Focus

This research focuses on the case of Afghanistan under Taliban rule as a lens to examine broader challenges to women's right to education in fragile, authoritarian, and religiously justified regimes. Specifically, it investigates how the Taliban's policies, which prohibit women and girls from accessing secondary and higher education, constitute a violation of Afghanistan's obligations under international human rights law, particularly regarding the rights to education and gender equality. Furthermore, the research highlights how such restrictions undermine the achievement of the Sustainable Development Goals, particularly Goal 4.

3. Research Approach

a. Statutory Approach

This study employs a normative legal research method within the framework of international human rights law. The research primarily relies on a statutory approach by analysing both binding and non-binding international legal instruments relevant to the right to education and women's rights in Afghanistan following the Taliban's return to power in 2021. The study examines international treaties, treaty

¹²⁹ Detmar W. Straub, Soon Ang, and Roberto Evaristo, "Normative Standards for IS Research," *ACM SIGMIS Database: The Database for Advances in Information Systems* 25, no. 1 (February 1994): 21–34, <https://doi.org/10.1145/188423.188429>.

body interpretations, United Nations documents, and other authoritative international materials related to the protection of girls' education under international human rights law.

b. Conceptual Approach

This study also adopts a conceptual approach by examining key legal concepts, including negative and positive state obligations, international responsibility, non-discrimination, gender equality, and the right to education. Through this approach, the research evaluates the Taliban's educational policies in light of international human rights principles and legal standards rather than merely describing the existing situation in Afghanistan.

c. Case Approach

In addition, this study applies a case approach by analysing the situation of girls' education in Afghanistan after the Taliban's return to power in 2021 as a contemporary human rights case study. The research examines Taliban policies and practices concerning girls' access to education in relation to Afghanistan's obligations under international human rights instruments, including treaties concerning women's rights and the right to education. The study further employs comparative analysis to assess the condition of girls' education before and after

2021 in order to determine the extent to which current policies comply with or violate international human rights standards.

4. Sources and Types of Legal Materials

The Present study employs a normative legal research methodology, which primarily relies on secondary sources, including authoritative legal materials such as international treaties, legal codes, regulations, judicial decisions, and academic commentary. These sources are examined to interpret legal principles related to the rights to education and gender equality in Afghanistan.

a. Primary legal materials

This study is based on primary legal sources, specifically international human rights treaties and national legal instruments related to the rights to education and gender equality. The following key documents will be examined:

1. The Universal Declaration of Human Rights (1948) is a foundational, non-binding declaration that recognises education as a universal human right.
2. The International Covenant on Economic, Social, and Cultural Rights (1966), a binding treaty ratified by Afghanistan, emphasises the right to education and equality.
3. The Convention on the Elimination of All Forms of Discrimination Against Women (1979). The principal treaty addressing gender -based discrimination.
4. The International Covenant on Civil and Political Rights (1966), which protects civil rights and prohibits discrimination.

5. The Constitution of Afghanistan (2004), which, under Article 44 and others, guarantees the right to education and gender equality.
6. UN General Assembly Resolution Development, particularly SDG 4 (Quality Education).

b. Secondary legal materials

This thesis also draws upon secondary legal materials, including legal writings and commentaries that are not considered primary sources of law. These materials provided interpretations, analyses, and contextual understanding of legal principles and their applications.

The secondary sources used in this study include:

1. Academic books and peer-reviewed journal articles related to international legal scholars and experts.
2. Legal commentaries and interpretations by international legal scholars and experts.
3. Reports and statements from international non-governmental organisations (NGOs), such as Human Rights Watch and Amnesty International.
4. Media Reports and investigative journalism from credible outlets such as Afghanistan International, Tolo News, Al Jazeera, and BBC News
5. UN reports and evaluations on the implementation of Sustainable Development Goals (SDGs), particularly Goal 4, in the context of Afghanistan.

6. Reports and publications from UN bodies, including the United Nations, UNESCO, UNAMA, and OHCHR.

c. Tertiary legal materials

The thesis uses sources that explain and guide primary and secondary legal documents, also known as tertiary legal materials. Examples of tertiary legal resources include encyclopaedias, cumulative indexes, legal dictionaries, and other reference books that clarify and contextualise legal terms and concepts. This study aims to provide a comprehensive analysis of the subject by incorporating tertiary legal materials. It does this by utilising a variety of sources to create a nuanced grasp of the pertinent legal issues.

5. Data Collection Techniques

In this research, the library study method is used as the primary data collection method. This method includes gathering information from written sources, taking notes, and organising research materials. The goal of this method is to provide comprehensive and systematic information on the existing literature related to the research topic, serving as a fundamental scientific basis for subsequent analysis. The primary technique used in the thesis to gather data is a literature review. Activities such as collecting information from library sources, taking notes, and organising research materials are integral to this strategy. The aim of using this approach is to present a thorough and organised overview of the body of knowledge regarding the research issue, which will serve as the basis for further analysis and interpretation.

6. Data Analysis Techniques

The materials collected in this study are analysed using a qualitative descriptive method. In this approach, information and data related to the topic are presented clearly and concisely. After collecting primary and secondary sources, including international human rights documents, the Sustainable Development Goals framework, and Taliban-issued Afghan laws and regulations, the data are analysed accurately. The analysis is undertaken deductively, beginning with general legal principles and concepts related to the right to education and gender equality, as set out in international instruments such as the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights. And the Convention on the Rights of the Child, as well as Sustainable Development Goal 4. It then explicitly examines the violation of these rights in Afghanistan under the Taliban Government between 2021 and 2025.

H. Limitation Of the Study

This research, while attempting to provide a comprehensive analysis, faces several fundamental limitations. First, this research is based on a normative approach and focuses on analysing international human rights documents and obligations, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Although this approach allows for a detailed assessment of the government's obligations, the present research lacks direct field data from inside Afghanistan.

Due to security conditions and restrictions in place, this research is based on UN reports, key non-governmental documents, reports from human rights institutions, and publicly available literature. Second, the present analysis examines women's education through a global human rights framework grounded in universal principles. This approach may not fully reflect all the cultural, social, and religious complexities affecting the Afghan education system. Although this study addresses Islamic perspectives and Taliban ideology, a comprehensive analysis of these topics is beyond its scope and belongs to religious studies. Third, the research focuses on the period following the Taliban's return to power in 2021.

Although periods from 1996 to 2001 are also mentioned for comparison, this research does not provide a comprehensive history of all educational developments in Afghanistan's contemporary period. Fourth, the study focuses on women's and girls' access to non-formal education, particularly at the secondary and higher education levels, and does not broadly address informal vocational education or underground educational initiatives operating outside the formal government structure. Fifth, the study assesses Afghanistan's obligations under international law. However, it focuses in depth on international enforcement mechanisms, including the practical effectiveness of treaty monitoring bodies or the Sixth Amendment, which focuses on the legal responsibility of the state, rather than the political feasibility of its implementation.

I. Systematic Of Writing

In writing this thesis, the author divides it into four (4) parts called chapters. Each chapter then has a subchapter that explains the problem raised. The parts in question are as follows:

CHAPTER I INTRODUCTION

This chapter outlines the study's context and rationale, formulates the research questions, and states the research objectives. It includes a literature review, operational definitions, the methodology employed, and the thesis structure. The chapter frames the analysis of the Taliban's ban on girls' education, focusing on its implications under international human rights law and sustainable framework, particularly the SDGs.

CHAPTER II INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON GIRLS' RIGHT TO EDUCATION

This chapter provides the theoretical and legal framework for analysing the research problem. It is structured into three main sections. The first section examines the normative foundations of the right to education under international human rights law, with particular attention to its application to girls and women. The second section analyses the obligations of states under international human rights law, including the tripartite framework of respect, protect, and fulfil, and evaluates its applicability to de facto authorities. The third section discusses the 4A framework of the right to education and its relevance to assessing the legality of the Taliban's policies toward girls' education.

CHAPTER III LEGAL ASSESSMENT OF TALIBAN POLICIES AND RESTRICTIONS ON GIRLS' RIGHTS TO EDUCATION

This chapter provides a legal analysis of the Taliban's policies concerning the right to education following their return to power in August 2021. It examines the compatibility of these measures with Afghanistan's international human rights obligations and evaluates whether they constitute violations of binding legal standards. The analysis builds upon the legal and theoretical framework established in Chapter II.

The chapter is organised into four sections. The first section examines the Taliban's post-2021 policies affecting girls' secondary education. The second section reviews the legal framework governing the right to education in Afghanistan between 2001 and 2021. The third section analyses the Taliban's conduct in light of international human rights treaties. The fourth section assesses the ideological and legal justifications advanced by the Taliban and evaluates their consistency with international law.

CHAPTER IV CLOSING REMARKS

This last chapter contains conclusions and recommendations.

CHAPTER II

INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON GIRLS' RIGHT TO EDUCATION

A. Human Rights Framework (The Right to Education in Human Rights Documents)

Today, the idea that fundamental human rights should be recognized and guaranteed by law for all human beings has become an essential concern.¹³⁰ The purpose of international human rights is to protect the inalienable rights that all humans have simply by virtue of being human.¹³¹ International human rights comprise a body of global rules, procedures, and principles, and no other international body can make laws that are directly and uniformly binding on all States.¹³² One of the purposes of the United Nations is to promote international

¹³⁰ Fundamental education includes the elements of availability, accessibility, acceptability, and adaptability, which are common to education in all its forms and at all levels. In general terms, fundamental education corresponds to basic education as set out in the World Declaration on Education for All. By virtue of article 13(2) d, individuals who have completed the whole period of their primary education have a right to fundamental education or basic education as defined in the World Declaration on Education for All. Since everyone has the right to the satisfaction of their basic learning needs as understood by the World Declaration, the right to fundamental education is not confined to those who have not received or completed the whole period of their primary education. The right to fundamental education extends to all who have not yet met their basic learning needs. While the covenant requires that the material conditions of teaching staff be continuously improved, in practice, the general working conditions of teachers have deteriorated and reached unacceptably low levels in many States Parties in recent years. Not only is this inconsistent with Article 13(2) (e), but it is also a major obstacle to the full realisation of students' right to education. The Committee also notes the relationship between articles 13(2)e, 2(2) and 6-8 of the Covenant, including the right of teachers to organise and bargain collectively, draws the attention of states parties to the joint UNESCO/ILO Recommendation Concerning the status of teachers (1966) and the UNESCO recommendation concerning the status of higher education teaching personnel (1997), and urges states parties to report measures they are taking to ensure all teaching staff enjoy the conditions and status commensurate with their role. (<https://hrlibrary.law.umn.edu/edumat/IHRIP/circle/gencom13.htm>).

¹³¹ Elizabeth G. Ferris, "Human Rights and Protection," in *The Politics of Protection*, The Limits of Humanitarian Action (Brookings Institution Press, 2011), 40–61, <https://www.jstor.org/stable/10.7864/j.ctt1261f7.6>.

¹³² UNICEF and UNESCO, eds., *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007).

cooperation to encourage and protect human rights and fundamental freedoms for all, without discrimination based on race, sex, language, or religion. The Preamble of the United Nations also reaffirms faith in fundamental human rights, the dignity of the human person, and the equal rights of men and women.¹³³

International law does not require constitutional legitimacy as a strict condition for a state's recognition of a government. In practice, the exercise of effective control over a state's territory and population has often been considered an important factor in determining governmental authority. Historically, several governments have received varying degrees of international recognition regardless of the manner in which they came to power. However, contemporary recognition practices may also involve considerations relating to legitimacy, human rights, and international acceptance.¹³⁴

The fact that an institution has specific obligations and responsibilities does not, in itself, make it a state phenomenon.¹³⁵ Although human rights have existed for a long time, the phrase itself was first used in international discussions only about sixty years before the establishment of the United Nations. Since 1945, human rights have expanded significantly, and the concept is now firmly ingrained in the

¹³³ Eve McCabe, "The Inadequacy of International Human Rights Law to Protect the Rights of Women as Illustrated by the Crisis in Afghanistan," *UCLA Journal of International Law and Foreign Affairs* 5, no. 2 (2000): 419–60.

¹³⁴ UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All*.

¹³⁵ Katarina Tomasevski, "Globalizing What: Education as a Human Right or as a Traded Service?" *Indiana Journal of Global Legal Studies* 12, no. 1 (2005): 1–78, <https://doi.org/10.2979/gls.2005.12.1.1>.

global community. The present concern with protection responds to the crises of the 1990s.¹³⁶

According to international human rights instruments, access to quality education is a fundamental human right. The right to education forms the foundation of human understanding and development and is a prerequisite for the realization of other human rights, such as freedom of expression, the right to work, political participation, freedom of thought, and freedom of belief. It holds a prominent place in human rights discourse and is recognized and emphasized in all primary international human rights instruments.¹³⁷

According to international human rights instruments, depriving women of their fundamental rights and freedoms, including the right to education, and discriminating against women are considered forms of violence against women. The preamble to the Declaration on the Elimination of Violence against Women (DEVAW) emphasizes that such violence includes violations of women's fundamental rights and freedoms that result in the impairment or deprivation of their enjoyment.¹³⁸

Article 1 of DEVAW defines violence against women as “any violent act based on gender that results in physical, sexual, or psychological harm or suffering to

¹³⁶ Elizabeth G. Ferris, “Concluding Observations and Recommendations,” in *The Politics of Protection, The Limits of Humanitarian Action* (Brookings Institution Press, 2011), 270–86, <https://www.jstor.org/stable/10.7864/j.ctt1261f7.14>.

¹³⁷ Niveditha S, “Right to Education: A Fundamental Path to Equality and Empowerment” 1-2, https://www.researchgate.net/profile/Niveditha-Sathish/publication/388327057_Right_to_Education_A_Fundamental_Path_To_Equality_and_Empowerment/links.

¹³⁸ “Ending Discrimination: A Fundamental Right,” accessed February 18, 2026, <https://www.un.org/womenwatch/daw/cedaw/cedaw20/ending.htm>.

women, including the threat of such acts, forced or arbitrary deprivation of rights and freedoms, whether in public or private life, or that is likely to result in such harm.” CEDAW also addresses many of these issues, including in the field of education.”¹³⁹

1. The Right to Education and the Universal Declaration of Human Rights (UDHR 1948)

Education is a fundamental human right. ¹⁴⁰The right to education has been recognised in numerous international and regional legal instruments, including treaties (conventions, covenants, and charters), as well as in soft law instruments such as general comments, recommendations, declarations, and frameworks for action. ¹⁴¹No decree or directive concerning women’s and girls’ education or employment was reversed or relaxed. ¹⁴²According to a United Nations report, the closure of secondary and tertiary schools in Afghanistan has prevented millions of girls from continuing their education. ¹⁴³These actions by the Taliban directly violate several international legal Instruments that protect the right to education.¹⁴⁴

For instance, Article 28 of the *CRC* recognises education as a fundamental right for every child, while Article 26 of the *UDHR* affirms that everyone has the right to

¹³⁹ United Nations General Assembly, Declaration on the Elimination of Violence against Women, Dec 20, 1993, Article 1.

¹⁴⁰ OHCHR, “Afghanistan.”

¹⁴¹ Manfred Nowak, *Human Rights or Global Capitalism: The Limits of Privatization*, ed. Burt B. Lockwood (University of Pennsylvania Press, 2017), <https://www.jstor.org/stable/j.ctv2t4djs>.

¹⁴² “Afghanistan,” *United States Department of State*, n.d., accessed July 17, 2025, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/afghanistan/>.

¹⁴³ “The World Is Failing 130 million Girls Denied Education: UN Experts | OHCHR,” accessed February 8, 2026, <https://www.ohchr.org/en/press-releases/2023/01/world-failing-130-million-girls-denied-education-un-experts>.

¹⁴⁴ “A/HRC/58/80: Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan - Advance Edited Version,” OHCHR, accessed February 8, 2026, <https://www.ohchr.org/en/documents/country-reports/ahrc5880-report-special-rapporteur-situation-human-rights-afghanistan>.

education.¹⁴⁵ Article 13 of the *ICESCR*, the most detailed provision in the covenant, outlines a comprehensive framework for the realisation of the right to education. *It is the* longest in the Covenant and provides detailed provisions on a wide range of education-related issues.¹⁴⁶

Furthermore, Articles 2 and 26 of the *ICCPR* impose binding obligations on states to ensure equal educational opportunities and prohibit discrimination. (*Art. 2 – Affirmative Obligation of Equal Rights, Art. 26 – Prohibition on Discrimination*) The UN Convention on the Rights of the Child (CRC).¹⁴⁷ Taken together, these legal instruments affirm that the Taliban's policies are not discriminatory but also constitute a serious breach of Afghanistan's obligations under international human rights law. According to a UNICEF report cited by *The New York Times*, the Taliban have not only restricted girls' access to education but have also banned women employed in government positions, including teachers, from attending or working in schools. This policy has placed Afghanistan's educational infrastructure in a state of severe crisis.¹⁴⁸

These actions violate the Universal Declaration of Human Rights, which affirms the right to education for all. And severely threaten the country's prospects for sustainable development. The principle of social justice and equality, a fundamental right, the right to education, poses a serious threat to the country's sustainable

¹⁴⁵ International Law Editorial, *Understanding the Right to Education in International Law - World Jurisprudence*, Human Rights Law, May 30, 2024, <https://worldjurisprudence.com/right-to-education-2/>.

¹⁴⁶ OHCHR, "International Covenant on Economic, Social and Cultural Rights."

¹⁴⁷ "9 The Right to Education: A Foundation for Equal Opportunities A Foundation for Equal Opportunities from Advancing Equality: How Constitutional Rights Can Make a Difference Worldwide on JSTOR," accessed February 19, 2026, <https://www.jstor.org/stable/j.ctv1f8854w.13>.

¹⁴⁸ "Restricting Female Humanitarians from Working and Female Students from Access to Education in Afghanistan Is a 'Blatant Violation of Fundamental Human Rights.'"

development.¹⁴⁹ In particular, Sustainable Development Goal 4 (SDG 4), which aims to ensure inclusive, equitable, and quality education, has seen significant improvement.¹⁵⁰

The UDHR, adopted by the United Nations General Assembly, is one of the main pillars of international human rights. This declaration states the fundamental rights and freedoms to which every human being is entitled, without distinction of sex, ethnicity, religion, or nationality. Education has a special place in this, as it is not only a fundamental human right but also paves the way for the realization of other rights. Article 26 states that “everyone has the right to education”.¹⁵¹

Article 1 of the UDHR, grounded in human rationality and inherent dignity, laid the foundation for the recognition of human dignity in international human rights law. Access to education was crucial in promoting the use of reason and the development of the human personality.¹⁵² The Universal Declaration of Human Rights (UDHR) was unanimously adopted by the UN on December 10, 1948, sixty years ago. Despite lacking legal authority, the UDHR is the most significant ethical declaration. Authority is unmatched.¹⁵³

¹⁴⁹ Anil Sadgopal, “Right to Education vs. Right to Education Act,” *Social Scientist* 38, no. 9/12 (2010): 17–50.

¹⁵⁰ “Taliban’s Attack on Girls’ Education Harming Afghanistan’s Future | Human Rights Watch,” accessed February 8, 2026, <https://www.hrw.org/news/2024/09/17/talibans-attack-girls-education-harming-afghanistans-future>.

¹⁵¹ Ashutosh Kumar Singh, “‘Universal Declaration of Human Responsibilities: A Distant Dream in 21st Century,’” *University of Delhi*, 2020 9 (2020): 3–5.

¹⁵² Prachi Srivastava and Claire Noronha, “Institutional Framing of the Right to Education Act: Contestation, Controversy and Concessions,” *Economic and Political Weekly* 49, no. 18 (2014): 51–58.

¹⁵³ Antoon De Baets, “The Impact of the ‘Universal Declaration of Human Rights’ on the Study of History,” *History and Theory* 48, no. 1 (2009): 20–43.

This justified recognizing the right to education, especially the right to compulsory education for children.¹⁵⁴ As a result, education became a central factor in humans' ability to use reason and to develop their inherent capacity for rational thinking.¹⁵⁵ The most important international human rights instruments that underpin free, compulsory education are those that recognize the intrinsic dignity of all.

Article 26 of UDHR states:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all based on merit.¹⁵⁶

2. Education shall be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace¹⁵⁷

Article 26 (2) describes that education shall contribute to:

1. The full development of the human personality and the strengthening of respect for human rights and fundamental freedoms.

2. The promotion of understanding, tolerance, and friendship among all nations, racial or religious groups, and Article 21 about

¹⁵⁴ Sumanjeet Singh and Chirag Nagpal, "The Right of Children to Free and Compulsory Education Act 2009: Promises and Perils," *World Affairs: The Journal of International Issues* 14, no. 4 (2010): 118–35.

¹⁵⁵ Obinna Christian Edeji, "Intersections of the Right to Education and Human Dignity in International Human Rights Law: A Purpose-Based Analysis," *Laws* 14, no. 3 (June 2025): 33, <https://doi.org/10.3390/laws14030033>.

¹⁵⁶ Ashutosh Kumar Singh, "Universal Declaration of Human Responsibilities: A Distant Dream in 21st Century," 3-4, <https://penacclaims.com/wp-content/uploads/2020/04/Ashutosh-Kumar-Singh.pdf>.

¹⁵⁷ "Universal Declaration of Human Rights - Human Rights at Your Fingertips | Australian Human Rights Commission," accessed February 11, 2026, <https://humanrights.gov.au/resource-hub/by-resource-type/guides/rights-and-freedoms/universal-declaration-human-rights-human-rights-your-fingertips>.

the state must provide free and compulsory education for all citizens.¹⁵⁸

3. The furthering of the activities of the United Nations for the maintenance of peace.¹⁵⁹

Treaty	Year	Provisions
Nations Charter	1945	Articles 1(3), 13(1), and 55 of the UN Charter laid the foundation for modern international human rights law.
Universal Declaration of Human Rights (UDHR)	1948	Article 26(1): Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.
UNESCO Convention against Discrimination in Education	1960	Article 4(a): The States Parties to this Convention undertake

¹⁵⁸ Aishwarya Ayushmaan and Deepthi Bavirisetty, "Right to Education: Edging Closer to Realisation or Furthering Judicial Conundrum?" *National Law School of India Review* 26, no. 1 (2014): 87–101. Ashutosh Kumar Singh

¹⁵⁹ "Claiming Human Rights: A Guide to International Available Procedures in Case of Human Rights Violations in African States - UNESCO Digital Library," accessed February 8, 2026, <https://unesdoc.unesco.org/ark:/48223/pf0000184133>.

		furthermore to formulate, develop, and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education, in particular (a) to make primary education free and compulsory.
International Covenant on Economic, social, and cultural Rights (ICESCR)	1966	Article 13(1): The States Parties to the present Covenant recognise the right of everyone to education. Article 13(2): The States Parties to the present Covenant 1966 recognise that with a view to

		achieving the full realisation of this right: (a) primary education shall be compulsory and available free to all.
United Nations Convention on the Rights of the Child (UNCRC)	1989	Article 28(1)(a): States Parties recognise the right of the child to education, and with a view to achieving this right progressively and based on equal opportunity, they shall, in particular: (a) make primary education compulsory and available free to all.
Convention on the Rights of Persons with Disabilities (CRPWD)	2006	Article 24(1): State parties recognise the right of persons with disabilities to education. Directed to (a) The full development of human

		potential and sense of dignity and self-worth.
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(UNESCO, 2009)

Treaty that includes rights for education:

1. Nations Charter (1945): Articles 1(3), 13(1), and 55 of the UN Charter laid the foundation for modern international human rights law.

2. Universal Declaration of Human Rights (UDHR) 1948: Article 26(1): Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.¹⁶⁰

2. International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1966:

Article 13(1): The States Parties to the present Covenant recognise the right of everyone to education. Article 13(2): The States Parties to the present Covenant 1966 recognise that with a view to achieving the full realisation of this right: (a) primary education shall be compulsory and available free to all.¹⁶¹ Convention on the Rights of Persons with Disabilities (CRPD) 2006 Article 24(1): State parties recognise the right of persons with disabilities to education. Directed to (a) The full development of human potential and sense of dignity and self-worth. Later, as a follow-up, Article 13(1) of the ICESCR provided the following: ¹⁶²

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of

¹⁶⁰ United Nations, "United Nations Charter (Full Text)," United Nations, United Nations, accessed February 16, 2026, <https://www.un.org/en/about-us/un-charter/full-text>.

¹⁶¹ "Committee on Economic, Social and Cultural Rights | OHCHR," accessed February 16, 2026, <https://www.ohchr.org/en/treaty-bodies/cescr>.

¹⁶² "Convention on the Rights of Persons with Disabilities," OHCHR, accessed February 19 2026, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms.¹⁶³

They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations.¹⁶⁴ Recognizing the value and right to education, the ICESCR (1966) dedicates Articles 13 and 14 to it. Article 13, the longest provision in the Covenant, is the most wide-ranging and comprehensive article on the right to education in international human rights law.¹⁶⁵

Article 13 ICESCR 1966 reads: “1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms.¹⁶⁶ They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic, or religious groups, and further the activities of the United Nations for the maintenance of peace.¹⁶⁷

¹⁶³ “Claiming Human Rights: A Guide to International Available Procedures in Case of Human Rights Violations in African States - UNESCO Digital Library.”

¹⁶⁴ Syed Ali Akbar, “The Right to Education,” *The Indian Journal of Political Science* 13, no. 3/4 (1952): 89–94.

education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic, or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that with a view to achieving the full realization of this right(<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>).

¹⁶⁶ “Human Rights in Afghanistan,” *Pakistan Horizon* 41, no. 4 (1988): 123–54.

¹⁶⁷ Khan, Rafi, and Khan, “Afghanistan’s Taliban Denial of Women’s Education.”

2. The States Parties to the present Covenant recognize that, to achieve the full realization of this right: (a) Primary education shall be compulsory and available free to all.

(c) Higher education shall be made equally accessible to all, based on capacity, by every appropriate means, and in particular by the progressive introduction of free education.¹⁶⁸

The Right to education is covered in Articles 13 and 14. According to Article 13, the States Parties must recognize and have respect for the contents of the article. This implies that the state parties' positive, progressive, and negative acts meet the right to education. They should acknowledge, among other things, that everyone has the right to an education, that basic education should be free and required, that secondary education should be widely available and accessible to everyone, and that higher education should be equally accessible to everyone.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children's schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their convictions.¹⁶⁹

¹⁶⁸ Carlijn Bussemakers et al., "Women's Worldwide Education–Employment Connection: A Multilevel Analysis of the Moderating Impact of Economic, Political, and Cultural Contexts," *World Development* 99 (November 2017): 28–41, <https://doi.org/10.1016/j.worlddev.2017.07.002>.

¹⁶⁹ "International Covenant on Economic, Social and Cultural Rights | OHCHR."

ICESCR 1966 Art 13 reads: “1. The States Parties to the present Covenant recognize the right of everyone to education.¹⁷⁰ They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.¹⁷¹ They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic, or religious groups, and further the activities of the United Nations for the maintenance of peace. The States Parties to the present Covenant recognize that with a view to achieving the full realization of this right:¹⁷²

(a) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(b) Higher education shall be made equally accessible to all, based on capacity, by every appropriate means, and in particular by the progressive introduction of free education;¹⁷³

(c) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;¹⁷⁴

General Comment No.11 on the right to education, in the second paragraph, in addition to recalling the right to education in Articles 13 and 14 of this law, has classified it along with economic, social, and cultural rights. This right is also

¹⁷⁰ Kishore Singh, “Right to Education,” *India International Centre Quarterly* 42, no. 3/4 (2015): 119–30.

¹⁷¹ “(D) General Comment No. 13: The Right to Education (Article 13) (1999),” OHCHR, accessed February 8, 2026, <https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>.

¹⁷² “General Comment No. 13: The Right to Education (Art. 13 of the Covenant),” Refworld, accessed January 31, 2026, <https://www.refworld.org/legal/general/cescr/1999/en/37937>.

¹⁷³ OHCHR, “(D) General Comment No. 13.”

¹⁷⁴ Refworld, “General Comment No. 13.”

considered, in many ways, a civil and political right. Because it plays a fundamental role in the full and practical realization of rights.¹⁷⁵

Therefore, the right to education is a clear example of the indivisibility and interdependence of all human rights. Paragraph 9 states that a State Party cannot avoid developing a plan of action simply because resources are lacking or unavailable. If such an excuse were accepted, the very purpose of Article 14 would be undermined.¹⁷⁶ General Comment No.13. In this, the compulsory nature of primary education and the importance of education are emphasized. The Covenant emphasizes additional goals, such as the development of personality and human dignity, and the promotion of understanding among all human beings. The greatest goal of this Covenant is the realization of education, and this is possible when the States Parties support the right to education at all levels of society.¹⁷⁷

According to Commentary No. 13, paragraphs 43 and 44 emphasize the full realization of the right to education and the States Parties' obligation to do so, taking into account the limitations. The obligations must be implemented immediately.¹⁷⁸ In general, the International Covenant on Economic, Social, and Cultural Rights of 1966 defines the right to education more comprehensively. It

¹⁷⁵ "CESCR General Comment 11: Plans of Action for Primary Education," Right to Education Initiative, accessed February 13, 2026, <https://www.right-to-education.org/resource/cescr-general-comment-11-plans-action-primary-education>.

¹⁷⁶ "General Comments," OHCHR, accessed February 8, 2026, <https://www.ohchr.org/en/treaty-bodies/cescr/general-comments>.

¹⁷⁷ Tristan McCowan, "Is There a Universal Right to Higher Education?" *British Journal of Educational Studies* 60, no. 2 (2012): 111–28.

¹⁷⁸ "C) General Comment No. 11: Plans of Action for Primary Education (Article 14) (1999)," OHCHR, accessed February 13, 2026, <https://www.ohchr.org/en/resources/educators/human-rights-education-training/c-general-comment-no-11-plans-action-primary-education-article-14-1999>.

obliges states that are parties to this Covenant to consider and implement all the requirements incorporated in this Covenant.¹⁷⁹

3. The Right to Education and International Covenant on Civil and Political Rights (ICCPR), 1966

Several important human rights are recognized by the ICCPR, including freedom of thought, conscience, and religion; the right to privacy; freedom of expression; the right to assemble and associate; the right to participate in public affairs; and the right to vote.¹⁸⁰ The previously described Rights are fundamental to protecting people's dignity and are enshrined in several articles of the Covenant.¹⁸¹

All people have the right to self-determination, including the freedom to choose their own political status and to pursue their own economic, social, and cultural advancement, as set out in the International Covenant on Civil and Political Rights (ICCPR). The previously described The Covenant's Article 1 codifies this idea. Other civil and political rights, such as freedom of expression and the right to participate in politics, are closely linked to the fundamental human right to self-determination.¹⁸²

The protection of minority rights and the avoidance of discriminatory acts based on nationality. Regarding education, Article 18(4) of the International

¹⁷⁹ OHCHR, "C) General Comment No. 11."

¹⁸⁰ "International Covenant on Civil and Political Rights," *Human Rights Quarterly* 7, no. 1 (1985): 132–54, <https://doi.org/10.2307/762040>.

¹⁸¹ R. Goodman and D. Jinks, "Incomplete Internalization and Compliance with Human Rights Law," *European Journal of International Law* 19, no. 4 (September 2008): 725–48, <https://doi.org/10.1093/ejil/chn039>.

¹⁸² Goodman and Jinks, "Incomplete Internalization and Compliance with Human Rights Law", 726.

Covenant on Civil and Political Rights (ICCPR) requires member states to respect the liberty of parents as legal guardians to ensure the religious and moral education of their children in conformity with their convictions.¹⁸³ Furthermore, Article 2 of the Convention prohibits any form of discrimination within the territory of a state party, including discrimination based on sex. It ensures that all girls recognized in the covenant are equally protected from both women and men.¹⁸⁴

The International Covenant on Civil and Political Rights (ICCPR) places a strong emphasis on the state's obligation to respect fundamental freedoms and human rights. Article 18(4), in particular, strikes a balance between families' religious and moral values while ensuring that it is delivered without discrimination.¹⁸⁵

According to the states, they are obligated to guarantee access to education for all, including girls, in a manner that respects religious and moral convictions while upholding gender equality. As previously mentioned, there are important positive aspects to ICCPR rights (both negative and positive obligations), even though civil

¹⁸³ "International Covenant on Civil and Political Rights Human Rights Committee Concluding Observations," *International Legal Materials* 47, no. 4 (2008): 598–606.

¹⁸⁴ "International Covenant on Civil and Political Rights," OHCHR, accessed February 8, 2026, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁸⁵ The State parties to the present convention undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions, Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, Article 27 In those states in which ethnic, religious or linguistic minorities exist persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture to profess and practise their own religion, or to use their own language(<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>)

and political rights were initially treated as negative rights during the drafting process.¹⁸⁶

For instance, Article 14's guarantee of a fair trial cannot be effectively ensured without proactive measures, such as establishing courts and providing qualified, impartial judges.¹⁸⁷ To fully guarantee the right to vote under Article 25(b), election infrastructure must be provided. Indeed, every right has both positive and negative aspects.¹⁸⁸

4. The Right to Education and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979

Afghanistan is a signatory to several international human rights treaties, including the Convention against Torture, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). CEDAW, the Convention on the Rights of the Child (CRC), and cruel, inhuman, or degrading treatment or punishment (CAT). The aforementioned human rights accords and customary international law bind the Taliban, who are the de facto rulers of Afghanistan. It's unclear what will happen to Afghanistan's international commitments now that the Taliban have gained power,

¹⁸⁶ Sarah Joseph, "International Covenant on Civil and Political Rights (ICCPR)," in *Elgar Encyclopedia of Human Rights*, <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/publications/icrc-002-0173.pdf>, ed. Christina Binder et al. (Edward Elgar Publishing, 2022), 178–87, <https://doi.org/10.4337/9781789903621.int.covenant.civil>.

¹⁸⁷ Liora Lazarus, "United Nations Basic Principles and Guidelines on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court," *International Legal Materials* 55, no. 2 (2016): 361–406, <https://doi.org/10.5305/intelegamate.55.2.0361>.

¹⁸⁸ Joseph, "International Covenant on Civil and Political Rights (ICCPR)."

especially those regarding women. Afghanistan has ratified several international human rights treaties.¹⁸⁹

The Universal Declaration of Human Rights asserts that all people are born free and equal in dignity and rights, thereby entitling everyone to the freedoms and rights outlined in the declaration, without any distinction. It also emphasises the responsibility of States Parties to the International Covenants on Human Rights to ensure that men and women have equal access to all civil, political, social, cultural, and economic rights.¹⁹⁰ In the history of human rights, the Universal Declaration of Human Rights (UDHR) is a foundational document.¹⁹¹

The Declaration was drafted by representatives from all over the world with diverse legal and cultural backgrounds. On December 10, 1948, the United Nations General Assembly adopted it in Paris (General Assembly resolution 217 A) as a universal benchmark for the success of all peoples and countries.¹⁹² CEDAW provides states with a framework for assuming accountability in combating gender discrimination and achieving genuine equality for women in both public and private domains. It describes a wide range of women's rights, including social, cultural,

¹⁸⁹ Sebghatullah Qazi Zada, "The Taliban and women's human rights in Afghanistan: the way forward" 1688-1689, *The International Journal of Human Rights*, <https://www.tandfonline.com/doi/full/10.1080/13642987.2024.2369584>.

¹⁹⁰ United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination against Women," 1979, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

¹⁹¹ John P. Humphrey, "The Universal Declaration of Human Rights," *International Journal* 4, no. 4 (1949): 351–61, <https://doi.org/10.2307/40197502>.

¹⁹² "The Universal Declaration of Human Rights," *Race/Ethnicity: Multidisciplinary Global Contexts* 3, no. 2 (2010): 145–51.

economic, political, and civil rights. It is the first human rights agreement to support women's reproductive rights.¹⁹³

It focuses on tradition and culture as influential factors in gender roles and family dynamics. The Convention addresses only women's status, unlike most other laws.

¹⁹⁴The Convention defines discrimination against women as “any distinction, exclusion, or restriction based on sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field, on a basis of equality with men.” By ratifying the Convention, states commit to undertaking a series of measures to end discrimination against women in all forms, including:¹⁹⁵

1. Implementing appropriate laws that prohibit discrimination against women, eliminating all discriminatory legislation, and integrating gender equality into their legal system.
2. Establishing tribunals and other governmental institutions to ensure adequate protection for women against discrimination and to guarantee that no individual, group, or business discriminates against women.¹⁹⁶

¹⁹³ Markus Kaltenborn, Markus Krajewski, and Heike Kuhn, eds., *Sustainable Development Goals and Human Rights*, vol. 5, Interdisciplinary Studies in Human Rights (Cham: Springer International Publishing, 2020), <https://doi.org/10.1007/978-3-030-30469-0>.

¹⁹⁴ “Definition of Discrimination - Article 1, CEDAW,” Women's Resource Centre, November 25, 2020, <https://www.wrc.org.uk/blog/definition-of-discrimination-article-1-cedaw>.

¹⁹⁵ Marsha A. Freeman, “The Human Rights of Women under the CEDAW Convention: Complexities and Opportunities of Compliance,” *Proceedings of the Annual Meeting (American Society of International Law)* 91 (1997): 378–83.

¹⁹⁶ “Text of the Convention on the Elimination of All Forms of Discrimination against Women,” accessed July 5, 2025, <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

The CEDAW remains the primary and most comprehensive document resulting from these efforts to advance women's rights and eliminate discrimination.¹⁹⁷ CEDAW mandates that the State Parties “take all appropriate steps to eliminate discrimination against women to secure to them equal rights with males in the sphere of education and in particular to ensure, on a foundation of equality. Both males and females.”¹⁹⁸

Thus, as was previously mentioned, the Taliban blatantly violated Article 10 of CEDAW “states parties to eliminate discrimination against women in education, in respect of access to studies at the pre-school, general, technical, professional, higher, technical, and vocational training levels.” by denying the girls access to education beyond secondary school. Because girls are not afforded the same educational opportunities as boys, it is discriminatory and may be a blatant violation of CEDAW.¹⁹⁹ CEDAW 1979 Art. 10 States Parties shall take all appropriate measures to eliminate discrimination against women to ensure them equal rights with men in the field of education and, in particular, to ensure, on a basis of equality of men and women:²⁰⁰

- a) The same conditions for career and vocational guidance, for access to studies, and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical,

¹⁹⁷ OHCHR, “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979.”

¹⁹⁸ “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR.”

¹⁹⁹ Qazi Zada and Qazi Zada, “The Taliban and Women’s Human Rights in Afghanistan,” November 2024.

²⁰⁰ OHCHR, “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979.”

professional, and higher technical education, as well as in all types of vocational training.²⁰¹

b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality;

c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;²⁰²

d) The same opportunities to benefit from scholarships and other study grants;

e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;²⁰³

f) The reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely;

g) The same opportunities to participate actively in sports and physical education;²⁰⁴

Article 10 of the CEDAW reinstates Article 9 of the DEDAW with regard to the right to education. It states that States parties must take all relevant steps to eliminate discrimination against women to secure for them equal rights with males in the sphere of education, and specifically to guarantee the equality of men and women. However, governments' acceptance is a prerequisite for the application of international standards under the CEDAW. In actuality, states have expressed numerous reservations about the Convention in relation to religious and customary

²⁰¹ OHCHR, "Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979."

²⁰² OHCHR, "Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979."

²⁰³ Wade M. Cole, "Government Respect for Gendered Rights: The Effect of the Convention on the Elimination of Discrimination against Women on Women's Rights Outcomes, 1981–2004," *International Studies Quarterly* 57, no. 2 (2013): 233–49.

²⁰⁴ Seo-Young Cho, "International Women's Convention, Democracy, and Gender Equality," *Social Science Quarterly* 95, no. 3 (2014): 719–39.

values. For example, in Muslim nations, the adoption of the Convention would depend on how well it complies with Islamic law.²⁰⁵

d. Challenges of the Enforcement of the CEDAW

Periodic reporting and individual complaint channels are provided by the CEDAW's enforcement mechanisms, especially through the Committee on the Elimination of Discrimination Against Women. However, these processes face significant challenges in conflict or post-conflict states, such as Afghanistan, due to restrictions.²⁰⁶ The Taliban-run Afghan government is unlikely to voluntarily cooperate with foreign organizations, rendering the CEDAW reporting obligations largely ineffective. Additionally, the Committee's ability to effectively persuade the state to fulfill its responsibilities is hampered by the regime's opposition to international standards.²⁰⁷

The CEDAW Convention is, without a doubt, the most extensive international agreement to safeguard women's human rights. According to the Convention's Article 1, discrimination entails: Any distinction, exclusion or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."²⁰⁸

²⁰⁵ Liesbeth Lijnzaad, *Reservations to UN Human Rights Treaties: Ratify and Ruin?* (Brill | Nijhoff, 1995), <https://doi.org/10.1163/9789004478480>.

²⁰⁶ Beatričė Kukulskytė, "Girls Education and International Obligations: Assessing Afghanistan's Adherence to the Convention on the Elimination of all forms of Discriminations against Women and the Convention on the rights of the child amidst policy challenges, 20.

²⁰⁷ Kukulskytė, 12-13.

²⁰⁸ Heisoo Shin, "CEDAW and Women's Human Rights: Achievements and Obstacles", 13, https://www.monash.edu/_data/assets/pdf_file/0010/138664/heisoo-shin-paper.pdf

(Article 1) De jure equality, equality of opportunity, and de facto equality, or equality of outcome, are also covered by CEDAW. This would include both direct and indirect discrimination in all areas of life, whether public or private. private discrimination by anybody, whether personal partners, the government, businesses, or private citizens. The Convention also mandates the abolition of discriminatory practices and gender-stereotypical traditions.²⁰⁹

e. Interpretative Context of the CEDAW

The importance of education in achieving gender equality and empowering women is emphasized in General Recommendation No. 36 on the right of girls and women to education. The CEDAW Committee highlights several issues directly related to Articles 5 and 10, with particular emphasis on eliminating discrimination and promoting women's rights in the classroom. First, the recommendation emphasizes the need to address and eradicate gender stereotypes that persist in the educational environment.²¹⁰

This aligns with Article 10(c), which requires eliminating stereotypes about the roles of women and men in education. The CEDAW Committee urges governments to develop educational initiatives that challenge established gender norms and foster an environment in which boys and girls can participate and thrive on equal terms. Furthermore, the recommendation emphasizes that states must ensure girls' retention in school and equal access to education.²¹¹

²⁰⁹ Heisoo Shin, "CEDAW and Women's Human Rights: Achievements and Obstacles", 14.

²¹⁰ OHCHR, "Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979."

²¹¹ Beatričė Kukulskytė, 26.

The Convention is a crucial tool for promoting gender equality in education. According to the CEDAW Committee, nations must actively remove obstacles to women's access to education and eliminate discrimination, and the Convention is committed to promoting women's rights to equality with men. The Committee has explicitly called for changes in education that address gender stereotypes in teaching methods and curricula, emphasizing the importance of high-quality education.²¹² However, the lack of information since the Taliban's return makes it extremely difficult to monitor these commitments. The Committee's most recent observations highlight persistent challenges, including high rates of female dropout, socioeconomic barriers, and cultural beliefs that prioritize boys' education over girls.²¹³

These concerns suggest that the current political environment has exacerbated the situation. Although the general wording of Articles 5 and 10 of CEDAW demonstrates a strong commitment to challenging gender norms, the language is often ambiguous and open to interpretation, leading to uneven application. The aforementioned study noted that this ambiguity allows states to circumvent certain responsibilities, thereby weakening the urgency of necessary reforms.²¹⁴

²¹² Sindiso Ngaba, "CEDAW: Eliminating Discrimination against Women," *Agenda: Empowering Women for Gender Equity*, no. 27 (1995): 81–89, <https://doi.org/10.2307/4065976>.

²¹³ Beatričė Kukulskytė, "Girls Education and International Obligations: Assessing Afghanistan's Adherence to the Convention on the Elimination of all forms of Discriminations against Women and the Convention on the rights of the child amidst policy challenges, 23.

²¹⁴ Beatričė Kukulskytė, "Girls Education and International Obligations: Assessing Afghanistan's Adherence to the Convention on the Elimination of all forms of Discriminations against Women and the Convention on the rights of the child amidst policy challenges, 25.

5. The Right to Education and Convention on the Rights of the Child (CRC, 1989)

Afghanistan adopted the CRC in 1994, which establishes broad obligations for states to safeguard children's rights, including the right to education.²¹⁵ The CRC is the most widely ratified human rights treaty, demonstrating universal agreement that children's rights must be upheld. The specific right to education is outlined in Article 28 of the CRC, which requires states to ensure that all children have access to education.²¹⁶ This provision clearly obliges states to remove all obstacles to primary education and to guarantee that all children, regardless of gender, receive a basic education. The article's scope is broad, covering both availability and quality, with minimal room for interpretation, as the terms "free" and "compulsory" are explicit and binding.²¹⁷

The Convention on the Rights of the Child (CRC) is one of the most authoritative international instruments, adopted in 1989. It is among the most prominent treaties, ratified by the vast majority of countries, demonstrating member states' commitment to children's rights more than any other human rights treaty.²¹⁸ The Convention is legally binding, and states that have ratified it must consider its implementation at both the policy and practical levels. The CRC emphasizes that all children's rights are equally important and cannot be revoked. The right to

²¹⁵ Maria Herczog, "Rights of the Child and Early Childhood Education and Care in Europe," *European Journal of Education* 47, no. 4 (2012): 542–55.

²¹⁶ Laura Lundy, "Children's Rights and Educational Policy in Europe: The Implementation of the United Nations Convention on the Rights of the Child," *Oxford Review of Education* 38, no. 4 (2012): 393–411.

²¹⁷ Beatričė Kukulskytė, "Girls Education and International Obligations: Assessing Afghanistan's Adherence to the Convention on the Elimination of all forms of Discrimination against Women and the Convention on the Rights of the Child amidst policy challenges, 24.

²¹⁸ Lundy, "Children's Rights and Educational Policy in Europe."

education is explicitly mentioned in Articles 28 and 29 of the CRC and is also referenced indirectly throughout other provisions of the Convention.²¹⁹

Article 28 of the CRC addresses compulsory education for all. It envisions a system in which the human dignity of children is preserved, and the conditions for the development of their talents and skills are ensured through various programs implemented by States Parties.²²⁰ Furthermore, the promotion and expansion of different forms of secondary education are considered essential elements of Article 28. In addition, States Parties are encouraged to progressively realize the right of children to education, with due regard for equal opportunities.²²¹

- a) Make primary education compulsory and available free to all.
- b) Make higher Education accessible to all based on the capacity by every appropriate means;
- c) Make educational and vocational information and guidance available and accessible to all children;²²²
- d) States parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.²²³

From the outset, states are obliged to regulate their actions in accordance with the principles of non-discrimination. The interpretation of Article 29 of the Convention on the Rights of the Child (CRC, 1989), as set out in General Comment

²¹⁹ Najiba Haidary. Thesis pp 15-16.

²²⁰ Laura Lundy, "'Voice' Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child," *British Educational Research Journal* 33, no. 6 (2007): 927.

²²¹ "Girls' Education | UNICEF," accessed November 22, 2025, <https://www.unicef.org/education/girls-education>.

²²² Tristan McCowan, Is There a Universal Right to Higher Education? *British Journal of Educational Studies*, 60, no. 2, 2 (2012): 116, <https://www.jstor.org/stable/23270123>.

²²³ OHCHR, "Convention on the Rights of the Child."

No. 1 of the Committee on the Rights of the Child on the aims of education, provides a clear understanding of the substantive meaning of the right to education.²²⁴ “ States Parties recognize the right of the child to education, and with a view to achieving this right progressively and based on equal opportunity, they shall, in particular:

a. Challenges of Enforcement for CRC

Strong institutional mechanisms, such as an efficient legal system, a capable government, and adequate educational infrastructure, are necessary to enforce the CRC’s commitments. However, Afghanistan faces serious shortcomings across all these categories. The nation’s legal system is unable to uphold international law standards, particularly in areas under Taliban rule.²²⁵

Although the CRC provides mechanisms for international supervision, such as the submission of periodic reports to the Committee on the Rights of the Child, these procedures have limited effectiveness in Afghanistan, and there is minimal advocacy to promote compliance. Such mechanisms are unlikely to succeed, as the Taliban has shown little willingness to adhere to international law or submit to external scrutiny. In the absence of enforceable accountability, CRC violations can continue without consequence, particularly when the government restricts or obstructs foreign engagement.²²⁶

²²⁴ Haidary Najiba, p. 15.

²²⁵ Azeezat Alaka, The Effectiveness of CEDAW in Enforcing Human Rights of Women, 5, https://www.researchgate.net/profile/Azeezat-Alaka-2/publication/382329388_The_effectiveness_of_CEDAW_in_enforcing_human_r.

²²⁶ Azeezat Alaka The Effectiveness of CEDAW, P- 2-3, https://www.researchgate.net/profile/Azeezat-Alaka-2/publication/382329388_

The Committee acknowledges the growing body of research and theory supporting the view that young children are best understood as social actors, whose development, well-being, and survival depend on close, nurturing relationships.²²⁷

These relationships are typically formed with a select group of significant individuals, most often parents, peers, extended family members, and other early childhood professionals or caregivers. Research on the social and cultural aspects of early childhood, however, highlights the diverse ways in which early development is understood and implemented, including different approaches to a child's upbringing and education, as well as varying expectations for them.²²⁸

f. Interpretative Context of the CRC

Although not all of the CRC Committee's general comments specifically mention schooling, General Comment No. 7 is particularly relevant to this study. This comment, which addresses young children up to age 8, highlights the right to an education free from prejudice. It emphasizes that, regardless of gender, race, or socioeconomic background, children should have equal access to educational opportunities. This aligns with Article 2 of the CRC, which states that all rights, including the right to education, shall be respected without exception.²²⁹

²²⁷ UN. Committee on the Rights of the Child, ed., *General comment no. 7 (2005), Implementing child rights in early childhood* (Geneva: UN, 1), <https://digitallibrary.un.org/record/570528>.

²²⁸ GENERAL COMMENT No. 7 (2005), *Implementing Child Rights in Early Childhood*, Geneva, 9-27 January 2006 (n.d.), <https://digitallibrary.un.org/record/570528?v=pdf>.

²²⁹ The convention recognizes the right of the child to education, and primary education should be made compulsory and available free to all, Article 28. The committee recognizes with appreciation that some States Parties are planning to make one year of preschool education available and free of cost for all children. The committee interprets the right to education in early childhood as beginning at birth and is closely linked to young children's right to maximum development under Article 62. The link between education and development is elaborated in Article 29. States parties agree that the education of the child shall be directed to: (a) the development of the child's personality, talents, and mental and physical abilities to their fullest potential. General Comment No.1 on the aims of education explains that the goal is to empower the child by developing his or her skills, learning,

The comment details how girls frequently bear excessive family responsibilities and are denied opportunities to participate in early childhood and elementary education, which constitutes discrimination. These obligations not only hinder their academic engagement but also reinforce social norms that view girls as less deserving of financial support for their education. To address these disparities, General Comment No. 7 recommends specific measures to ensure that young girls have equal access to education alongside boys.²³⁰

6. The Right to Education and Convention against Discrimination in Education (UNESCO, 1960)

At both the national and international levels, UNESCO emphasizes that strong action in support of universal education should be pursued with greater vigor and enhanced collaboration.²³¹ The Organization, established to play a pioneering role in advancing the right to education, must intensify its efforts to address the fundamental educational needs of the modern world. Adopted in 1960, UNESCO's Convention against Discrimination in Education focuses on the measures required to ensure that everyone has access to free and compulsory education.²³²

Therefore, it was a wise move for UNESCO to first approve a convention on the topic. Maintaining a strong stance on these ideals and making sure they weren't

and other capacities, human dignity, self-esteem, and self-confidence, and that this must be achieved in ways that are child centred, child friendly and reflect the rights and inherent dignity of the child (para 2) states parties are reminded that children's right to education include all children, and that girls should be enabled to participate in education without discrimination of any kind (art.2)(<https://digitallibrary.un.org/record/570528?v=pdf>).

²³⁰ Beatričė Kukulskytė, "Girls Education and International Obligations: Assessing Afghanistan's Adherence to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child amidst Policy Challenges, 28.

²³¹ Raymond E. Wanner, "UNESCO: An Introduction to Its Education Program," *Comparative Education Review* 26, no. 3 (1982): 420–34.

²³² OHCHR, "Convention on the Rights of the Child."

compromised was also preferable. Thus, Article 9 of the convention excludes reservations, and Article 15 states that it can be applied not only to each state's metropolitan territory but also to territories whose international relations are under that state's jurisdiction.²³³

This precludes the application of the treaty-law provision known as the colonial clause. Regarding the guiding principles, the General Conference's Declaration on Race and Racial Prejudice,²³⁴ Adopted at its 20th session in November 1978, is particularly notable. The Declaration affirms that the equality of rights and dignity forms the foundation of "the rights to be different" and establishes that the function of education is guided by the widely recognized principle of international law that "all human beings and all peoples, irrespective of race, colour, and origin" (Article 9).²³⁵

Thus, the concepts of equality and differentiation, or discrimination, are closely related. The Charter's duty to advance human rights without discrimination is mandatory. To encourage the equitable exercise of human rights, such as the right to education. According to the UNESCO treaty, one must refrain from taking any actions that may undermine equality. Therefore, establishing standards for identifying which differentiating measures are incompatible with equality is the key challenge.²³⁶

²³³ OHCHR, "Convention on the Rights of the Child."

²³⁴ Clancy Rude forth Barnet Rubin and, "Enhancing Access to Education: Challenges and Opportunities in Afghanistan," *Center of Cooperation International*, 2016, n.d., https://protectingeducation.org/wp-content/uploads/documents/documents_enhancing_access_education_may23_final.pdf.

²³⁵ Clancy, "Enhancing Access to Education: Challenges and Opportunities in Afghanistan -16.

²³⁶ Vernon van Dyke, "Equality and Discrimination in Education: A Comparative and International Analysis," *International Studies Quarterly* 17, no. 4 (1973): 375–404, <https://doi.org/10.2307/2600219>.

The Covenant imposes many duties on States parties that take effect immediately, even though it allows for gradual realization and recognizes the limitations imposed by resource scarcity.²³⁷ States parties have immediate responsibilities regarding the right to education, including the need “to take steps” (art. 2(1)) to fully realize article 13 and the “guarantee” that the right “will be exercised without discrimination of any kind” (art. 2(2)). Achieving the full realization of the right to education requires “deliberate, concrete, and targeted” actions.²³⁸

7. General Comment NO. 13(1999) and the Right to Education

Article 13 (1): Aims and Objectives of Education

States parties concur that the goals and purposes stated in article 13(1) should be the focus of all education, whether formal or informal, public or private.²³⁹ The committee observes that the core goals and ideals of the UN, as stated in Articles 1 and 2 of the charter, are reflected in these educational goals. Article 26(2) of the Universal Declaration of Human Rights largely covers them, but Article 13(1) adds three additional Dimensions. Education should focus on the “sense of dignity” of the human personality, “enable all persons to participate effectively in a free society,” and “promote understanding among all ethnic groups, as well as nations and racial and religious groups.”²⁴⁰

²³⁷ Robin S. Mama, “Needs, Rights, and the Human Family: The Practicality of the Convention on the Rights of the Child,” *Child Welfare* 89, no. 5 (2010): 177–90.

²³⁸ OHCHR, “(D) General Comment No. 13.”

²³⁹ “(D) General Comment No. 13: The Right to Education (Article 13) (1999) | OHCHR,” accessed February 16, 2026, <https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>.

²⁴⁰ “(D) General Comment No. 13: The Right to Education (Article 13) (1999) | OHCHR.”

As well as countries, ethnic groupings, and religious communities. Perhaps the most fundamental educational goal shared by Article 13(1) of the Covenant and Article 26(2) of the Universal Declaration of Human Rights is that “education shall be directed to the full development of the human personality.” By linking the principles of General Comment No. 13 to the right to education, it becomes clear that this comment provides a concrete interpretation of states’ obligations under international law.²⁴¹ It emphasizes that education is not only a formal right but also a means of realizing other human rights, advancing human dignity, and promoting equality and social development. In this way, General Comment No. 13 strengthens the legal and practical understanding of the right to education for all individuals.²⁴²

The Committee observes that other international treaties have further clarified the goals to which education should be aimed since the General Assembly adopted the Covenant in 1966. In light of the World Declaration on Education for All (Jomtien, Thailand, 1990) (art. 1), the Convention on the Rights of the Child (art. 29 (1)), the Vienna Declaration and Programme of Action (Part I, para. 33 and Part II, para. 80), and the Plan of Action for the United Nations Decade for Human Rights Education, the Committee thus holds that states parties must make sure that education complies with the goals and objectives stated in article 13 (1).²⁴³

Additionally, Article 26(1) of the Universal Declaration of Human Rights states:

“Technical and professional education shall be made generally available.”²⁴⁴

²⁴¹ “Universal Declaration of Human Rights,” *The Phi Delta Kappan* 31, no. 1 (1949): 20–22.

²⁴² OHCHR, “D) General Comment No. 13.”

²⁴³ *World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs*; 1990, n.d., https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNESCO_World_Declaration_For_All_1990_En.pdf.

²⁴⁴ “The Universal Declaration of Human Rights.”

As a result, the Committee believes that TVE is a crucial component of education at all levels. States parties concur that the goals and purposes stated in article 13(1) should be the focus of all education, whether it be formal, public, or private. According to the committee, these educational goals align with the UN's core goals and values, as set out in Articles 1 and 2 of the UN Charter. Although Article 13(1) adds three things to the Universal Declaration of Human Rights, they are primarily found in Article 26(2) as well.²⁴⁵

Education should focus on the dignity of the human person, enable all persons to participate effectively in a free society, and foster understanding among all ethnic, racial, and religious groups, as well as among nations. "Of those educational objectives which are common to article 26(2) of the Universal Declaration of Human Rights and article 13(1) of the Covenant, perhaps the most fundamental is that 'education shall be directed to the full development of the human personality.'²⁴⁶

Other International instruments have further clarified the goals to which education should be directed since the UN General Assembly adopted the Covenant in 1966, the Committee observes. As a result, the committee holds that states must ensure that education complies with the goals and objectives set out in article 13(1), as interpreted in the context of the Vienna Declaration and Programme of Action,

²⁴⁵ Ravindra Kumar, Dr. Preeti Misra, "Right to Education: A Critical Evaluation of the Right of Children to Free and Compulsory Education Act, 2009, in the Light of 4, A's Framework, 187, <https://docs.manupatra.in/newslines/articles/Upload/538B0C53-24D2-4979-BBE8-B58D52050E5D.pdf>.

²⁴⁶ Convention on the Rights of the Child, 2UN Committee on the Rights of the Child's Combined Second to Fifth Reports Submitted by Afghanistan Under Article 44 of the Convention,

Paragraphs 33 and 80. The Convention on the Rights of the Child, article 29 (1), and the plan of action for the UN Decade for Human Rights, paragraph 2.²⁴⁷

Despite including features not specifically included in Article 13(1), such as particular references to gender equality and respect for the environment, these paragraphs broadly align with Article 13(1) of the covenant. These new components represent a modern understanding of Article 13(1) and are implied in it. The board supports the claim that the aforementioned texts have been received from around the world, lending credence to the committee's viewpoint.²⁴⁸

8. CESCR - General Comment No.11(1999) and the Right to Education

Under Article 14, each State Party must submit to the Committee a plan of action prepared in accordance with the established guidelines. The Committee notes that approximately 130 million school-age children in developing countries currently lack access to primary education, with around two-thirds of them being girls. This obligation must therefore be strictly upheld. The Committee also recognizes that States Parties face significant challenges in fulfilling their duty to present a plan of action due to various constraints.²⁴⁹

²⁴⁷ Convention on the Rights of the Child.

²⁴⁸ Availability of functioning educational institutions and programs has to be available in sufficient quantity within the jurisdiction of the state party. What they require to function depends upon numerous factors, including the development context within which they operate. For example, all institutions and programmers are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, and safe drinking water, trained teachers on domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer laboratory, and information technology. Primary education includes the elements of availability, accessibility, and adaptability, which are common to education in all its forms and at all levels. As formulated in Article 13(2) states that primary education is compulsory and free for all. For the Committee observations on both terms, see paragraphs 6 and 7 of General Comment 11 on article 14 of the Covenant (<https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>).

²⁴⁹ OHCHR, "C) General Comment No. 11."

A State Party cannot invoke a lack of resources as an excuse to avoid the clear obligation to establish a plan of action. The special requirement in Article 14, which explicitly applies even when financial resources are insufficient, would be meaningless if states could evade their responsibility in this manner.²⁵⁰ Similarly, the Covenant's references to "international action" in Article 23 and to "international assistance and cooperation" in Article 2.1 are particularly relevant in this context. The international community has a clear duty to provide support when a State Party lacks the necessary resources or expertise to develop and implement a comprehensive plan of action.²⁵¹

B. Right to Education from an Islamic Perspective

The Qur'an emphasises the paramount importance of acquiring knowledge and makes a clear distinction between those who possess knowledge and those who do not: "Are those who know equal to those who do not know"? [Qur'an 39:9]. It urges believers to pray for the advancement of knowledge and highlights its value, even in times of hardship. In Islam, all forms of knowledge, religious and secular, are considered valuable. The first revelation of the Quran begins with the command to "Read": "Read In the name of Allah who created v. Created from a clinging clot. Read and your Allah is the most generous -who taught by the pen -Taught man what he did not know". [Qur'an Al-Alaq, 96].

²⁵⁰ "General Comment No. 11: Plans of Action for Primary Education (Art. 14 of the Covenant)," Refworld, accessed February 13, 2026, <https://www.refworld.org/legal/general/cescr/1999/en/8359>.

²⁵¹ Refworld, "General Comment No. 11."

A hadith narrated by Abu Said al Khudri demonstrates the Prophet's commitment to educating women:

*"Some women requested the Prophet to fix a day for them, as the men were taking all his time. On that, he promised them one day for religious lessons and commandments." [Sahih al-Bukhari, Hadith 101].*²⁵²

This illustrates that Islam does not limit the pursuit of knowledge to men alone; women are equally encouraged to seek education and contribute intellectually to society. Muslim women have historically played a vital role in nurturing educational values within the household and beyond. To access the value Islam places on women's education, relevant Qur'anic verses and hadiths must be examined. These texts can be categorised into two categories: general and specific directives.²⁵³ An executive director of Physicians for Human Rights observed that:

*"We are not aware of any place in the world in recent history where women have been so systematically deprived of every opportunity to survive in society, from working to getting an education to walking on the street to getting health care."*²⁵⁴

The Islamic nations were even shocked by the Taliban's activities. Qatar is one of the Muslim Nations that has denounced the Taliban since its rise and voiced its disappointment at the group's violations of human rights, especially those of women and girls. We need to keep engaging them and urging them not to take such actions, and we have also been trying to demonstrate to the Taliban how Muslim countries can enforce their laws, how they can deal with women's issues, said

²⁵² Muhammad ibn Isma'il al-Bukhari, *Sahih al-Bukhari*, Book of Knowledge (Kitab al-Ilm), Hadith no. 101, trans. Muhammad Muhsin Khan (Riyadh: Darussalam, 1997).

²⁵³ Ali Alhadi Hedayati, "Women Education from the Perspective of Islam and Consequences of Restrictions on Women's Education in Afghanistan," 2023, <https://springpub.com/sjahss/article/view/sjahss-2-8-1-01-09>.

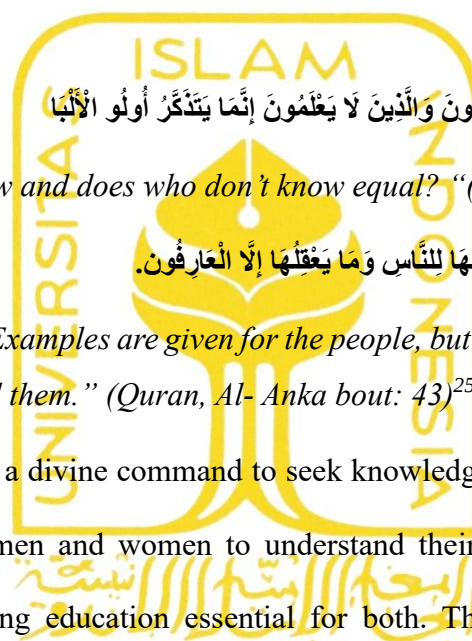
²⁵⁴ Qazi Zada and Qazi Zada, *The Taliban and Women's Human Rights in Afghanistan*, 1709.

Sheikh Muhammad bin Abdulrahman Al Thani, the foreign minister of Qatar. One of the examples is the state of Qatar, which is a Muslim Country; our system is Islamic, but we have women outnumbering men in the workforce in government and in higher education.²⁵⁵

1. General Proposition

All Qur'anic verses related to knowledge are general and apply to both genders.

For example,



أَفَلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

Are those who know and does who don't know equal? “(Quran, Taha: 114)

2- "وَتِلْكَ أَمْثَالُ نَضْرِبُهَا لِلنَّاسِ وَمَا يَعْقِلُهَا إِلَّا الْعَارِفُونَ.

Meaning: These Examples are given for the people, but only the knowledgeable ones can understand them.” (Quran, Al-Ankaboot: 43)²⁵⁶

Such verses affirm a divine command to seek knowledge, regardless of gender. Islam requires both men and women to understand their religious and worldly responsibilities, making education essential for both. The Prophet Muhammad (PBUH) also emphasised this in various Hadiths: “*Seeking knowledge is an obligation upon every Muslim.*” And “*seek Knowledge even if it is in China*”. Though most translations use the masculine form “Muslim, Arabic grammar includes both men and women unless explicitly stated otherwise, some versions even specify both genders.²⁵⁷

²⁵⁵ Qazi Zada and Qazi Zada, *The Taliban and Women's Human Rights in Afghanistan*, 1710.

²⁵⁶ Mohammad Ali Haideri, “The Right to Education for Women in Islam,” *Scientific-Research Quarterly Journal Law Knowledge of Khatam Al-Nabieen University*, 2024.

²⁵⁷ Mohammad Ali Haideri, “*The Right to Education for Women in Islam*, 4-5,”

2. Specific Proposition

Several Hadiths specifically affirm women's capability and right to religious understanding:

1. Imam Ja'far al-Sadiq stated that a woman who has performed Hajj and is knowledgeable in religious matters can perform Hajj on behalf of a man, acknowledging women's religious competence.²⁵⁸ And still, I need something new as

2. The Prophet Muhammad (PBUH) praised the women of the Ansar, *"Modesty did not prevent them from seeking knowledge."*²⁵⁹ And some cases that I want to review as well

3. Aisha narrated that the Prophet said, *"Women are the sisters of men."* Scholars interpret this to mean women are equal to men in Shariah except in matters explicitly defined otherwise.²⁶⁰

The Prophet Muhammad's (PBUH) stance on women's education is grounded in both the Qur'an and Hadith. Notably, Khadijah bint Khuwaylid was the first to receive and accept the Prophet's message, which highlights his deep respect for women. Denying women the right to education contradicts fundamental Islamic principles of equality, justice, and the promise of equal rewards or punishments based on faith and deeds.²⁶¹

The Prophet Muhammad (peace be upon him) began his mission against illiteracy within his household, appointing female teachers for his wives. Through

²⁵⁸ Haidari, *"The Right to Education for Women in Islam"*, p. 61

²⁵⁹ Haidari, *The Right to Education for Women in Islam*, p. 61.

²⁶⁰ Haidari, *The Right to Education for Women in Islam*.

²⁶¹ Seikh Idris Ahmad and Farhana Tak, "Study of Women Education in Islam: Barriers and Recommendations," *Indonesian Journal of Interdisciplinary Islamic Studies*, 3-4 2020, <https://journal.uin.ac.id/IJIS/article/view/27182>.

this approach, the mothers of the Believers became role models for the women and girls of Medina, leading to a significant family that played prominent roles in religious and legal matters. Their homes functioned as madrasahs (schools), where students gathered to study the Hadith, Sharia law, and other aspects of spiritual knowledge.²⁶²

Ibn Majah narrates a Hadith in which the Prophet Muhammad (PBUH) said, “Seeking knowledge is obligatory upon every Muslim, man and woman.” During the Battle of Badr, the Prophet established a school for prisoners of war, offering freedom to those who could teach ten individuals. Both men and women participated in this effort, reflecting the prophet's high regard for knowledge.²⁶³

C. Obligations of the State Under International Human Rights Law

There is no doubt that national governments are obligated to respect and implement international human rights standards. As instruments of public international law, human rights treaties impose binding commitments on the states that ratify them. The principle that governments are responsible for upholding human rights norms is clear, and the applicability of these treaties to ratifying states is well established.²⁶⁴ However, the precise nature and scope of these governmental commitments remain less defined. As political theorists frequently note, the recognition of rights for some actors implies corresponding duties for others.

²⁶² Ali Alhadi Hedayati, *Women's Education from the Perspective of Islam and Consequences of Restrictions on Women's Education in Afghanistan*, 4.

²⁶³ Smart Women Network, “Girls’ Education Is a Divine Right and a Priority for Smart Development,” 8 AM Media, 2021, <https://8am.media/fa/girls-education-divine-right-and-priority-for-intelligent-development/>.

²⁶⁴ Daniel Bodansky and J. Shand Watson, “State Consent and the Sources of International Obligation,” *Proceedings of the Annual Meeting (American Society of International Law)* 86 (1992): 108–13.

Within a universal human rights framework, states are generally regarded as the primary duty bearers, while individuals are the designated right holders.²⁶⁵

The responsibilities of states under international human rights law are extensive, reflecting the broad and diverse range of human rights. The mechanisms for implementing these rights are equally varied, shaped by the socio-cultural conditions necessary for their realization and by each state's particular circumstances regarding positive and negative rights.²⁶⁶ All human rights, economic, social, civil, political, and cultural, impose both negative and positive obligations on states, as reflected in the distinction between the duties to respect, protect, and fulfill.²⁶⁷

Therefore, failure to fulfill any of these three obligations constitutes a violation of those rights. State responsibility to protect human rights is classified into three important types:

1. **Respect:** The government has an obligation not to interfere with or violate individuals' rights, including refraining from arbitrary detention, censorship, and discrimination.²⁶⁸
2. **Protecting Rights:** The state is obligated to safeguard individuals from human rights abuses committed by third parties, including private

²⁶⁵ Faig Gahramanov "The Role of National Governments in Protecting Human Rights, n.d., https://www.researchgate.net/publication/392863434_The_Role_of_National_Governments_in_Protecting_Human_Rights#fullTextFileContent.

²⁶⁶ Gonzalo Sánchez de Tagle, "The Objective International Responsibility of States in the Inter-American Human Rights System," *Mexican Law Review* 7, no. 2 (January 2015): 115–33, [https://doi.org/10.1016/S1870-0578\(16\)30005-1](https://doi.org/10.1016/S1870-0578(16)30005-1).

²⁶⁷ "The Objective International Responsibility of States in the Inter-American Human Rights System," accessed February 13, 2026, <http://www.elsevier.es/en-revista-mexican-law-review-123-pdf-S1870057816300051>.

²⁶⁸ Eric A. Posner, "Do States Have a Moral Obligation to Obey International Law?," *Stanford Law Review* 55, no. 5 (2003): 1901–19.

individuals or corporations. Examples of this duty include enforcing labor standards and addressing gender-based violence.

3. **Fulfilling Rights:** The state is obligated to take proactive measures to create conditions that enable the full realisation of human rights. This includes ensuring access to education, healthcare, and social security, as well as addressing systemic inequalities.²⁶⁹

Under international law, a state is bound by obligations arising from both its ratification of human rights treaties and customary international law. These obligations are commonly understood through the three pillars of state responsibility: the duty to respect, protect, and fulfill human rights.²⁷⁰

Negative obligations require the state to refrain from any action that would unlawfully or unreasonably interfere with the rights of individuals or those enshrined in relevant human rights instruments. Positive obligations, in contrast, compel state authorities to take proactive measures to protect and guarantee these rights. In most cases, such obligations explicitly require the state to take concrete actions to ensure their effective implementation.²⁷¹

²⁶⁹ “Committee on Economic, Social and Cultural Rights | OHCHR.”

²⁷⁰ For Example, states may be aware that by joining certain international human rights treaties, they may contribute to “externalize” certain domestic performance, “lead by example”, and generally live in a broader area where principles they are committed to domestically will also be honoured by “partner” states. Or they may think that having other states commit to these standards will inspire them to do so, or at least deter them from reneging on their commitments. None of these rationales for joining treaties should be overlooked, but they are not primarily at stake when states join human rights treaties(<https://www.ohchr.org/en/treaty-bodies/cescr>).

²⁷¹ Council of Europe (European Court of Human Rights Toolkit), *Substantive Rights and Freedoms — Meaning of Some Technical Terms*, Part of the European Court of Human Rights Toolkit published by the Council of Europe (n.d.), <https://www.coe.int/en/web/echr-toolkit/respecter-les-droits-de-lhomme>.

The obligation to protect requires the state to prevent human rights violations by individuals and non-state actors, to respond effectively when such violations occur, and to provide appropriate remedies through legislative, administrative, and judicial measures. The obligation to fulfill human rights requires the state to take proactive measures, including formulating public policies, allocating sufficient resources, and establishing institutional mechanisms necessary for the full realization of these rights.²⁷²

What constitutes an obligation? While there is general agreement on the broad nature and purpose of obligations, scholars disagree on their precise character. An obligation may arise from voluntary or consensual arrangements or from involuntary conditions arising from participation in private, social, or public activities. Obligations may also derive from longstanding social norms widely recognized or that have evolved over time and across societies independently of individual consent.²⁷³

Accordingly, an obligation, whether legal, social, or political, requires an individual or entity to perform a specific act, arising from a contract, promise, or defined social responsibility. Obligations may be created in relation to a set of rules, norms, and principles, or as part of a broader structure of enduring commitments. In this context, a contractual obligation constitutes a legally enforceable duty.²⁷⁴

²⁷² Walter Kälin and Jörg Künzli, “The Legal Nature of Human Rights Obligations,” in *The Law of International Human Rights Protection*, ed. Walter Kälin and Jörg Künzli (Oxford University Press, 2019), 0, <https://doi.org/10.1093/law/9780198825685.003.0003>.

²⁷³ Pufong Marc G, *State Obligation, Sovereignty, and Theories of International Law*, 479, Politics & Policy, <https://onlinelibrary.wiley.com/doi/10.1111/j.1747-1346.2001.tb00600.x>.

²⁷⁴ Pufong Marc G, *State Obligation, Sovereignty, and Theories of International Law*, 480.

However, international human rights obligations continue to primarily operate through states as the principal subjects and guarantors of international law. At the same time, the limited international recognition and legal personality of de facto authorities may complicate the implementation and enforcement of human rights protections for individuals living in territories under their control.²⁷⁵

Unlike fundamental norms in a domestic legal system, the core principles of the international legal order are not derived from a specific legislative source or formal lawmaking process. Article 53 of the 1969 Vienna Convention on the Law of Treaties defines a peremptory norm of general international law (*jus cogens*) as a rule that is accepted and recognized by the international community of states as a whole, from which no derogation is permitted, and which can only be modified by a subsequent norm of equal status. Article 53 further emphasizes the role of states in creating peremptory norms, recognizing them as having privileged normative authority within the international community.²⁷⁶

The tripartite standard is not required in this context, which differs from cases of unilateral secession. Recognition by other states may offer a supporting rationale, but it alone is insufficient to provide a firm legal basis for secession. Moreover, the principal considerations remain the parent state's right to territorial integrity and its sovereignty.²⁷⁷

²⁷⁵ Jonte Van Essen, *De Facto Regimes in International Law*, 28, no 74(2012): 33, <http://www.utrechtjournal.org/articles/abstract/10.5334/ujel.ay/>.

²⁷⁶ United Nations, *Materials on the Responsibility of States for Internationally Wrongful Acts*, United Nations Legislative Series (United Nations, 2013), <https://doi.org/10.18356/1b3062be-en>.

²⁷⁷ Anna Zanetti, "The Right to Justice in the 'Self-Proclaimed' Authorities of the Post-Soviet Area" (Master's Degree, Università Ca Foscari Venezia, n.d.), <https://unitesi.unive.it/retrieve/e0d7d10b-043d-4a17-b12f-11c87a0d11c6/857764-1263639.pdf>.

1. Obligation to Respect

Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) similarly adopt a forward-looking approach, stating that “Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancement and its benefits.”²⁷⁸

“The Government has the duty and responsibility to respect, protect, defend, and promote human rights as stipulated in this law, other provisions of laws and regulations, and international human rights.”²⁷⁹ Under international law, it is well established that governments have a responsibility and an obligation to respect, protect, and promote human rights.²⁸⁰

The first obligation of a state is to respect and guarantee the rights recognized in the International Covenant on Civil and Political Rights (ICCPR) for all individuals within its territory and under its jurisdiction. A state fulfils this obligation by refraining from violating these recognized rights. The primary responsibility for preventing human rights violations rests with each state’s national

²⁷⁸ Rona and Aarons, “State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace Human Rights.”

²⁷⁹ “State Obligations and Responsibilities on the Right to Education,” accessed February 12, 2026, <https://www.unesco.org/en/right-education/state-obligations-responsibilities>.

²⁸⁰ The implementation of this treaty faces several challenges that hinder the efforts of the State to protect, promote, implement, and realize human rights. First, the State’s compliance with this article is often influenced by policies that are inconsistent with human rights principles. Resource constraints are also a serious issue. Limited funding for human rights programmes and inadequate law enforcement institutions often hinder implementation. In addition, the public’s lack of awareness and education about human rights is a significant obstacle. Insufficient understanding of fundamental rights and the importance of implementing this article in society can hinder the State’s efforts to comply with human rights principles. Corruption in government departments and violence by security forces disrupt the implementation of human rights and violate the principles set out in this article. In addition, political instability and social conflicts may divert resources from human rights issues. Finally, legal uncertainty within the legal framework and law Enforcement mechanisms can hinder implementation due to a lack of transparency or ambiguity. (<https://journal.unnes.ac.id/sju/ildisea/article/view/77145/26636>).

protection system. Moreover, the protection of human rights must be exercised within the territory where individuals reside and under the authority of the state.²⁸¹

It is a fundamental duty of states to promote and protect the dignity and rights of their populations. Accordingly, Article 21 of the Universal Declaration of Human Rights (UDHR) affirms that the will of the people shall form the basis of governmental authority.²⁸² Under international law, states have a duty to respect and ensure the rights of individuals under their jurisdiction. While the obligation to guarantee individual rights is closely linked to the duty to provide remedies for violations of those rights, the duty to respect requires states to prevent such abuses from occurring in the first place. The primary concern arises when the state itself breaches these obligations, resulting in widespread violations.²⁸³

2. Obligation to Protect

The obligation to protect requires states to safeguard individuals from human rights violations perpetrated by non-state actors, foreign governments, or state agents acting beyond their official authority. This obligation has two dimensions: preventive and remedial. Accordingly, states are required to enact and enforce laws that protect human rights.²⁸⁴

John Ruggie has affirmed the fundamental principle of international law that states have an obligation to protect human rights from violations committed by non-

²⁸¹ Ramcharan, “National Responsibility to Protect Human Rights.”

²⁸² Antoon De Baets, “The Impact of the ‘Universal Declaration of Human Rights’ on the Study of History,” *History and Theory* 48, no. 1 (2009): 20–43.

²⁸³ Katharine G. Young, “Rights and Obligations,” in *International Human Rights Law*, ed. Daniel Moeckli et al. (Oxford University Press, 2022), 0, <https://doi.org/10.1093/he/9780198860112.003.0007>.

²⁸⁴ OHCHR, “Human Rights.”

state actors. This obligation requires states to safeguard individuals from abuses by such actors. The right to education is a clear example: the state must protect it against interference by third parties, including parents, family members, and teachers. There is a broad consensus regarding states' responsibilities under this obligation to protect.²⁸⁵

The protection of human rights is experiencing a strategic restructuring of the social contract at the global level, evolving from a primarily domestic responsibility into an international obligation. While the protection of citizens remains the primary duty of the state and a key condition of its legitimacy, the international community has a responsibility to intervene when the state fails to fulfil this duty.²⁸⁶ This international responsibility encompasses all human rights but prioritizes fundamental rights, including the rights to life, health, safety, education, and physical security. It arises only when widespread human rights violations lead to crises or humanitarian disasters that threaten human life.²⁸⁷

As stated in Article 7 of the Universal Declaration of Human Rights (UDHR), all individuals are equal before the law and are entitled, without discrimination, to equal protection under the law.²⁸⁸ Discrimination constitutes a denial of the principle of equality and an affront to human dignity. The Charter of the United

²⁸⁵ "Human Rights," Inter-Parliamentary Union, February 12, 2026, <https://www.ipu.org/resources/publications/handbooks/2016-10/human-rights>.

²⁸⁶ "Economic and Financial Committee (Second Committee) - UN General Assembly," United Nations, accessed February 16, 2026, <https://www.un.org/en/ga/second/>.

²⁸⁷ David Miller, "The Responsibility to Protect Human Rights," in *Legitimacy, Justice and Public International Law*, 1st ed., ed. Lukas H. Meyer (Cambridge University Press, 2009), 232–51, <https://doi.org/10.1017/CBO9780511691720.009>.

²⁸⁸ "The Universal Declaration of Human Rights."

Nations (UN), in Articles 55 and 75, similarly emphasizes respect for human rights and fundamental freedoms for all, without distinction based on sex, language, or religion.²⁸⁹

During its 37th session in 1989, the Human Rights Committee, in its General Comment, provided the following definition of discrimination: “Any distinction, exclusion, restriction, or preference based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons, on an equal footing, of all rights and freedoms..”²⁹⁰ Human rights violations occur when a state is unwilling or unable to fulfil its duties, namely, to respect, protect, and fulfil human rights. A corresponding legal authority and power accompany each obligation imposed on the state. By contrast, under international human rights law, individuals have a single obligation: to respect others’ human rights.²⁹¹

When an individual violates another person’s or group’s human rights, this action falls outside the strict legal definition of a human rights violation, as individuals generally lack the authority to enforce or restrict rights. Consequently, only the state and its officials are formally recognized as human rights violators. This limitation extends to economic, social, and cultural rights, including the rights to education, health, work, and housing. If a state fails to meet the minimum standards established

²⁸⁹ Nations, “Universal Declaration of Human Rights.”

²⁹⁰ Janusz Symonides, ed., *Human Rights: New Dimensions and Challenges* (London: Routledge, 2019), <https://doi.org/10.4324/9780429398629>.

²⁹¹ “International Human Rights Law | OHCHR,” accessed February 16, 2026, <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>.

under the International Covenant on Economic, Social, and Cultural Rights (ICESCR), such failure constitutes a human rights violation.²⁹²

3. Obligation to Fulfill

States have a responsibility not only to respect and protect human rights but also to fulfil them. Fulfilling these obligations requires creating an enabling environment in which individuals can access and fully enjoy their rights and basic needs. In addition, states have a duty to safeguard the rights of minorities and vulnerable groups, including children, women, persons with disabilities, and migrants.²⁹³

In addition, states need to adhere to international human rights law by ratifying, implementing, and enforcing human rights treaties and instruments. By fulfilling these obligations, states contribute to the advancement and promotion of human rights on a global scale. One of the primary responsibilities in the realization and protection of human rights rests with the state. This responsibility is fundamentally reflected in the state's relationship with individuals under its jurisdiction.²⁹⁴

The state's responsibility to respect human rights requires refraining from any actions that violate these rights. This means that governments must avoid policies or practices that directly or indirectly infringe upon individual rights. For example, governments may not engage in torture, restrict freedom of expression or religious practice, or discriminate against individuals on any grounds. In addition, states have

²⁹² Riyadi "Legal Characteristics of Constitutional Court Decisions: A Study of Constitutional Court Decisions Relating to Human Rights, 73-75.

²⁹³ Syarifaatul Hidayah, "State Responsibility in Protecting Human Rights: An International Legal Perspective."

²⁹⁴ Syarifaatul Hidayah, "State Responsibility in Protecting Human Rights: An International Legal Perspective," *International Law Discourse in Southeast Asia* 2, no. 2 (July 2023): 279–304, <https://doi.org/10.15294/ildisea.v2i2.77145>.

a duty to protect human rights from violations. This entails preventing abuses, investigating and prosecuting violations, and providing effective mechanisms for redress. Promoting human dignity in the twenty-first century necessitates a rethinking of the relationship between the individual and the state.²⁹⁵ Most historical discussions have focused primarily on the relationship between individual rights. However, rights cannot exist in a vacuum of responsibility. As Mahatma Gandhi insightfully stated, rights are not self-sustaining but derive their legitimacy from corresponding responsibilities.²⁹⁶

D. Katarina's Framework on Education

The right to education is grounded in various international conventions and treaties. Its first formal reference dates back over 80 years, to 1921, when the International Labour Organization (ILO) connected free and compulsory education to eliminate child labour. Since then, the right to education has been reinforced in numerous international instruments.²⁹⁷ These include the Universal Declaration of Human Rights, the UNESCO Convention, the Convention against Discrimination in Education, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and other international agreements. Katrina emphasizes that the concept of “progressive realization” is central to understanding the right to education in international human rights law.²⁹⁸

²⁹⁵ Hidayah, 284.

²⁹⁶ Ashutosh Kumar Singh, ““Universal Declaration of Human Responsibilities: A Distant Dream in 21st Century.””

²⁹⁷ *A History of Women in Afghanistan: Lessons Learnt for the Future or Yesterdays and Tomorrows: Women in Afghanistan*, 4 (2013).

²⁹⁸ “Convention against Discrimination in Education | UNESCO.”

The Katrina investigation was complex. It demonstrated that serious deficiencies in management and infrastructure can escalate a task into a significant and extraordinary crisis.²⁹⁹ Thus, governments are obliged to provide free and compulsory education for all children immediately or to develop a plan and seek international assistance to fulfill this obligation as promptly as possible. Post-compulsory education should be progressively made available and accessible.³⁰⁰ Among other points, the first Special Rapporteur emphasized that states must ensure the effective implementation of accessibility, availability, acceptability, and adaptability in all circumstances.³⁰¹

The four characteristics of education will be examined in greater depth here, as they are also outlined in the General Comment on Article 13 of the ICESCR (1966). While all elements are interrelated, accessibility is regarded as a particularly significant factor in the right to education.³⁰² The right to education is addressed in Articles 13 and 14 of the ICESCR at the international level. Among these, Article 13 provides the most comprehensive framework for protecting the right to education under international human rights law.³⁰³

²⁹⁹ J. Steven Picou and Brent K. Marshall, "Social Impacts of Hurricane Katrina on Displaced K–12 Students and Educational Institutions in Coastal Alabama Counties: Some Preliminary Observations," *Sociological Spectrum* 27, no. 6 (September 2007): 767–80, <https://doi.org/10.1080/02732170701534267>.

³⁰⁰ Rebecca Harlin and James D. Kirylo, "Issues in Education: Lessons: Katrina and Beginning Anew," *Childhood Education* 82, no. 2 (December 2005): 95–97, <https://doi.org/10.1080/00094056.2006.10521354>.

³⁰¹ Kees Steven J., *The Right to Education*, 499.

³⁰² *Right to Education: Scope and Implementation; General Comment 13 on the Right to Education, Art. 13 of the International Covenant on Economic, Social and Cultural Rights*; 2003, n.d.

³⁰³ Secondary education includes the elements of availability, acceptability, and adaptability, which are common to education in all its forms and at all levels. While the content of secondary education will vary among states parties and over time, it includes completing basic education and consolidating the foundations for lifelong learning and human development. It prepares students and consolidates the foundations for vocational and higher educational opportunities. Article 13 (2) (b) applies to secondary education "in its different forms", thereby recognising that secondary education

1. Availability

The first component of the Tomasevski framework is accessibility, which ensures that no one is deprived of the right to education. To ensure access for all, education policies must adopt a non-discrimination approach. Accessibility should be considered in education from primary school onwards.³⁰⁴

However, greater emphasis is placed on the government's commitment, particularly in allocating financial resources for free and compulsory primary education. Another aspect of this responsibility is to ensure the availability of educational institutions and to establish protective mechanisms against the misuse of governmental power.³⁰⁵ This implies that government officials cannot exploit the right to education to advance their political ideology by imposing political agendas. Such practices are evident in some countries where ruling parties have politicized education, leading to changes in the education system, textbook content, and discriminatory practices.³⁰⁶

requires flexible curricula and varied delivery systems to respond to the needs of students in different social and cultural settings. The committee encourages alternative educational programmes that parallel regular secondary school systems. According to Article 13(2) (b), secondary education shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education. The phrase generally available signifies, first, that secondary education is not dependent on a student's apparent capacity or ability, and, second, that education will be distributed throughout the state in such a way that it is available on the same basis to all. For the committee's interpretation of accessible. The phrase "every appropriate means" underscores that states parties should adopt varied and innovative approaches to delivering secondary education across different social and cultural contexts. Progressive introduction of free education means that while states must prioritise free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education. For the committee: general observations on the meaning of the word "free," general comment 11 on article 14 (<https://hrlibrary.law.umn.edu/edumat/IHRIP/circle/gencom13.htm>).

³⁰⁴ Najiba Haidari, *The Taliban and the Right to Education in Afghanistan*, 50.

³⁰⁵ Loretta Pyles, "Toward a Post-Katrina Framework: Social Work as Human Rights and Capabilities," *Journal of Comparative Social Welfare* 22, no. 1 (April 2006): 79–88, <https://doi.org/10.1080/17486830500523086>.

³⁰⁶ Najiba Hidari, *The Taliban and the Right to Education in Afghanistan*, 30-32.

This right necessitates a sufficient number of functional educational institutions and programs within the country. It also requires adequate learning facilities, including safe buildings, basic services such as water and sanitation, educational materials and resources, library facilities, and access to modern information technology.³⁰⁷

They also agree that education should promote mutual understanding, tolerance, and solidarity among all people, enabling individuals to participate fully in a free society. According to the 4A's framework, education as a meaningful right must be available, accessible, acceptable, and adaptable. Under this framework, governments have a primary obligation to respect, protect, and fulfill the right to education by ensuring its accessibility, acceptability, and adaptability.³⁰⁸

The framework also assigns responsibilities to other parties involved in the educational process. These include the child, who must comply with compulsory education requirements as the primary beneficiary of the right to education; the parents, regarded as the "first educators"; and professional educators, such as teachers and instructors. The following section provides a further explanation of the 4A's framework.³⁰⁹

³⁰⁷ Fons Coomans, "Exploring the Normative Content of the Right to Education as a Human Right: Recent Approaches," *Persona y Derecho*, October 22, 2018, 88–100, <https://doi.org/10.15581/011.31869>.

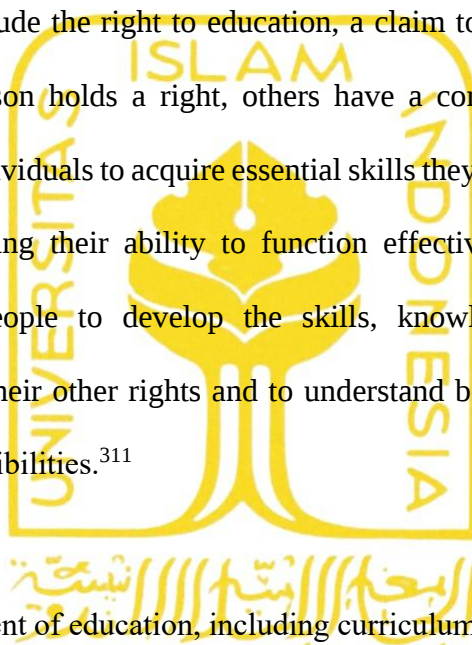
³⁰⁸ K. (Katarina) Tomasevski und UN. Commission on Human Rights. Special Rapporteur on the Right to Education, eds., *Progress report of the Special Rapporteur on the Right to Education, Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1999/25* (Geneva: UN, 1), <https://digitallibrary.un.org/record/408995>.

³⁰⁹ Tomasevski and UN. Commission on Human Rights. Special Rapporteur on the Right to Education.

2. Accessibility

Educational institutions and programs should be accessible to all, without discrimination and irrespective of the State Party's jurisdiction. Accessibility can be understood through three key dimensions.³¹⁰

Human rights include the right to education, a claim to which individuals are entitled. When a person holds a right, others have a corresponding obligation. Education enables individuals to acquire essential skills they cannot acquire on their own, thereby enhancing their ability to function effectively in life. Access to education enables people to develop the skills, knowledge, and confidence necessary to protect their other rights and to understand both their rights and the government's responsibilities.³¹¹



3. Acceptability

The form and content of education, including curriculum and teaching methods, must be relevant, culturally appropriate, of high quality, and aligned with the best interests of the child, as emphasized in General Comment No. 13 on Article 13 of the ICESCR. When children's rights to education are prioritized, this framework

³¹⁰ The realization of the right to education over time, that is "progressively", should not be interpreted as depriving States parties' obligations of all meaningful content. Progressive realization means that States parties have a specific and continuing obligation "to move as expeditiously and effectively as possible" towards the full realization of article 13. While the Covenant provides for progressive realization and acknowledges constraints due to resource limits, it also imposes on States parties various obligations that are of immediate effect. States parties have immediate obligations in relation to the right to education, such as the "guarantee" that the right "will be exercised without discrimination of any kind" (art. 2 (2)) and the obligation "to take steps" (art. 2 (1)) towards the full realization of article 13. Such steps must be "deliberate, concrete and targeted" towards the full realization of the right to education. (<https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>).

³¹¹ "Introducing Human Rights Education - Manual for Human Rights Education with Young People," accessed February 16, 2026, <https://www.coe.int/en/web/compass/introducing-human-rights-education>.

fosters a more positive and inclusive learning environment. According to the General Comment, the state must ensure that all schools meet minimum standards based on community needs to make education accessible to everyone.³¹²

As previously noted, acceptability refers to providing an appropriate learning environment for children. It is particularly important to consider the cultural dimensions of the right to education. While the focus is often on minority language and religious acceptability, other cultural factors, such as ensuring a safe school environment, preventing the politicization of the curriculum, and respecting appropriate dress standards, also significantly influence whether the right to education is effectively realized and accepted.³¹³

Subject to the educational objectives mandated by Article 13(1) and any minimum standards established by the State (see Articles 13(3) and (4)), the form and content of education, including curricula and teaching methods, must be acceptable to students and, where appropriate, to parents. This means that education should be relevant, culturally appropriate, and of high quality.³¹⁴

4. Adaptability

The final feature is adaptability. Governments should structure and regulate education to address students' diverse needs. From a human rights perspective, adaptability entails eliminating inequalities and ensuring that education responds to

³¹² Samantha Besson, "The Principle of Non-Discrimination in The Convention on The Rights of The Child," in *Children's Rights: Progress and Perspectives*, ed. Michael Freeman (Brill, 2011), 85–117, <https://doi.org/10.1163/ej.9789004190498.i-527.26>.

³¹³ *General Comment No. 13: The Right to Education (Art. 13)*, n.d.

³¹⁴ Refworld, "General Comment No. 13."

each learner's individual circumstances.³¹⁵ Meeting the unique needs of students in a community, adapting to evolving societal demands, and promoting gender equality are all examples of adaptability. Educational programs should be flexible and responsive to community needs and social changes. To accommodate students, schools should respect religious and cultural holidays. States must prioritize students' best interests when implementing these interrelated and essential features of education.³¹⁶

1. Probable Question for Adaptability Vis-à-Vis The 4 A Framework

2. Is the right to education free and compulsory?
3. Is the government's plan to achieve free and compulsory education within a reasonable time?
4. Are school buildings safe, like sanitation, drinking water, and library, etc.?
5. Is education accessible to all children without any type of discrimination? Are existing laws preventive, and do they need to be enforced for accessibility?
6. Is the right to education within safe reach and appropriate transport facilities?³¹⁷

³¹⁵ Kamonwan Petchot, "The Right to Education for Migrant Children in Thailand:" 2011,24-25, https://thesis.eur.nl/pub/10820/SB1126_RP.pdf?utm.

³¹⁶ "World Declaration on Education for All: Meeting Basic Learning Needs - UNESCO Digital Library," accessed February 8, 2026, <https://unesdoc.unesco.org/ark:/48223/pf0000262438>.

³¹⁷ Kumar and Misra, Right to Education: A Critical Evaluation of the Right of Children to force and compulsory education. Act,2009, in the light of the 4 A'S framework, 192-193.

Adaptability applies to both primary and secondary education. Children of diverse sexes, genders, abilities, ethnicities, and minority statuses must be considered when designing a flexible educational framework at the primary level. Given the varied circumstances of students in secondary school, additional guidelines and provisions should be established to ensure the system's adaptability.³¹⁸

The UNESCO World Declaration on Education for All (1990) emphasizes that all individuals, regardless of their background or status, should have access to educational opportunities that address their fundamental learning needs. Education must be adaptable to meet the diverse needs of students across different social and cultural contexts, as well as the evolving demands of communities and societies.³¹⁹

The plan must be sufficiently detailed to ensure the full realization of the right to education and should include all essential actions necessary to secure each component of the right. All sectors of civil society must be involved in the plan's development, and mechanisms should be established to ensure accountability and periodically assess progress. Without these elements, the article's significance would be undermined.³²⁰

³¹⁸ "World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs," accessed February 16, 2026, <https://digitallibrary.un.org/record/101572>.

³¹⁹ "World Declaration on Education for All: Meeting Basic Learning Needs - UNESCO Digital Library."

³²⁰ Refworld, "General Comment No. 11."

CHAPTER III

LEGAL ASSESSMENT OF TALIBAN POLICIES AND RESTRICTIONS ON GIRLS' RIGHTS TO EDUCATION

Chapter III examines the condition of girls' right to education in Afghanistan following the Taliban's return to power in August 2021. Since regaining control over Afghanistan, the Taliban have adopted a range of policies restricting women's rights, particularly access to secondary and higher education for girls. As a result, millions of Afghan girls have been excluded from formal education, raising serious concerns within the international community regarding equality, non-discrimination, and the protection of fundamental human rights.

This chapter specifically addresses two central issues. First, it examines the extent to which Taliban policies since 2021 have restricted girls' access to secondary education throughout Afghanistan. In answering this question, the chapter analyses school closures, administrative regulations, gender-based restrictions, and related measures that have prevented girls from continuing their education. It also considers the broader social and developmental consequences of excluding girls from education, including its impact on gender equality, economic participation, and the future stability of Afghan society.

Second, this chapter analyses whether these restrictions violate Afghanistan's obligations under international human rights law. In addressing this issue, the study examines relevant international legal instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and

Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. Particular attention is given to the obligations to respect, protect, and fulfil the right to education without discrimination.

In addition, this chapter considers the legal implications of the Taliban's position as a de facto authority exercising effective control over Afghanistan despite lacking widespread international recognition as the de jure government. Within this framework, the chapter analyses whether Afghanistan's international human rights obligations continue to apply under Taliban rule and examines the relationship between de facto control, state responsibility, and the protection of human rights after 2021.

A. Taliban's post-2021 policies: Restricting the Right to Education for High School Girls across Afghanistan

The Taliban's post-2021 policies have severely restricted the right to education for high school girls across Afghanistan through systematic legal, institutional, ideological, and social measures. Following the Taliban's return to power in August 2021 after the withdrawal of the United States and NATO forces, the de facto authorities reintroduced restrictive policies targeting women and girls, particularly in the fields of education.³²¹ Although Taliban officials initially stated that girls would be permitted to continue their studies within an Islamic framework, girls above six

³²¹ Sadaf Lakhani and Rahmatullah Amiri, *Displacement and the Vulnerability to Mobilize for Violence: Evidence from Afghanistan*, with United States Institute of Peace, Peaceworks / United States Institute of Peace, no. 155 (January 2020) (Washington, DC: United States Institute of Peace, 2020), <https://www.acbar.org/upload/157666190089.pdf>.

were gradually prohibited from attending secondary schools and universities throughout most provinces of Afghanistan. These restrictions have continued for several years without any clear legal framework or timeline for reopening denied secondary and higher education solely based on gender.³²² The Taliban's educational restrictions are reflected in official policy documents and directives issued by the de facto Ministry of Education and the High Commission for Education. The Taliban's education policy consists of more than one hundred provisions regulating the administration, curriculum, financing, structure, and ideological orientation of the educational system under Taliban control and requires provincial education authorities to implement directives issued by the high commission.³²³

Through this rigid structure, the Taliban exercises extensive control over educational content, teaching methods, and access to education. In addition, curriculum reforms introduced after 2021 removed or reduced subjects considered inconsistent with Taliban ideology, including civic education, cultural studies, and certain social science subjects, while emphasizing religious instruction and madrasa-based education. The Taliban have therefore transformed education into an ideological instrument designed to reinforce their interpretation of religion and social order.³²⁴

These restrictions imposed by the Taliban extend beyond curriculum reforms and directly affect girls' physical access to education. Secondary schools for girls have

³²² Sadaf Lakhani and Rahmatullah Amiri, *Displacement and the Vulnerability to Mobilize for Violence: Evidence from Afghanistan*, 149.

³²³ Tristan McCowan, "Reframing the Universal Right to Education," *Comparative Education* 46, no. 4 (2010): 509–25.

³²⁴ Aiyub Kadir and Nurhaliza, "State Responsibility of Afghanistan Under Taliban Regime."

remained closed in most provinces since 2021, while universities were ordered to suspend female students in December 2022. Female students were also prohibited from attending many health and medical institutes, despite the country's severe shortage of female healthcare professionals. The Taliban further implemented strict gender segregation measures requiring separate educational environments, restrictions on women's travel without a mahram, and limitations on female teachers. Female teachers are prohibited from teaching male students, while male teachers are often prevented from teaching female students.³²⁵

These restrictions have created severe institutional barriers preventing girls from accessing education, even where schools formally remain open. During the period between 2001 and 2021, Afghanistan experienced significant educational progress. Millions of girls returned to schools and universities following the collapse of the Taliban's first regime.³²⁶ By 2010, approximately 2.4 million girls were enrolled in schools, representing around 35 percent of total enrolment. By 2020, more than 3.5 million girls attended schools across Afghanistan, and women constituted approximately 40 percent of university students.³²⁷

However, following the Taliban's return, more than 1.1 million girls were excluded from secondary and high school education for one year, while female participation in higher education declined dramatically after the December 2022 University ban. Reports by international organizations indicate that approximately

³²⁵ Aiyub Kadir and Nurhaliza.

³²⁶ Carol J. Riphpenburg, "Post-Taliban Afghanistan: Changed Outlook for Women?" *Asian Survey* 44, no. 3 (2004): 402–21, <https://doi.org/10.1525/as.2004.44.3.401>.

³²⁷ Sebghatullah Qazi Zada, "Legislative, Institutional and Policy Reforms to Combat Violence against Women in Afghanistan," *Indian Journal of International Law* 59, no. 1 (February 2021): 257–83, <https://doi.org/10.1007/s40901-020-00116-x>.

80 percent of school-aged Afghan girls are currently out of school, representing one of the highest rates of educational exclusion in the world.³²⁸

The Taliban's educational policies have also had severe psychological, social, and economic consequences for Afghan girls and women. The prohibition on girls' education has generated widespread fear, hopelessness, anxiety, depression, and psychological trauma among students and families. Many Afghan girls describe losing hope for their future due to the continuing closure of schools and universities. The restrictions have further increased forced and early marriages, particularly among girls who no longer have opportunities for education or employment. Reports indicate that many families now arrange marriages for daughters at younger ages because educational opportunities beyond grade six have disappeared. The exclusion of girls from education has therefore reinforced gender inequality, dependency, and social marginalization throughout Afghan society.³²⁹

In addition, the Taliban's restrictions have undermined Afghanistan's broader social and economic development. Education plays a crucial role in preparing individuals for employment, participation in public life, and national development. However, the exclusion of women from education has created severe shortages of qualified female healthcare workers, which has also negatively affected women's access to medical treatment, especially because Taliban policies often restrict interaction between women and male medical professionals. Consequently, the

³²⁸ OHCHR, "Afghanistan."

³²⁹ Nasr Ullah et al., "The Collapse of Women Education in Afghanistan: Post-Taliban Policies, 2021-2025," *International Journal of Multidisciplinary Research and Growth Evaluation* 6, no. 5 (2025): 188–96, <https://doi.org/10.54660/IJMRGE.2025.6.5.188-196>.

Taliban's restrictions affect not only individual rights but also the long-term stability and development of Afghanistan as a whole.³³⁰

The Taliban's post-2021 policies have also reversed many of the legal and institutional achievements developed during the period between 2001 and 2021. During that period, Afghanistan adopted constitutional and institutional reforms recognizing education as a fundamental right. Article 43 of the 2004 constitution guaranteed education for all Afghan citizens, while national educational strategies sought to expand female enrolment and reduce gender disparities in education. However, the Taliban's return to power reversed many of these developments through systematic restrictions targeting women and girls in nearly all areas of public life, including education, employment, and freedom of movement.³³¹

Furthermore, Taliban policies restricting girls' education are closely connected to the group's ideological and religious interpretations. Taliban leaders repeatedly justify these restrictions by referring to Islamic principles, cultural values, and gender segregation. Nevertheless, many Muslim-majority states and Islamic scholars reject these interpretations and continue to permit girls' education at all levels. Critics, therefore, argue that the Taliban's policies reflect an extreme ideological position rather than universally accepted Islamic principles. Human rights organizations and international institutions have repeatedly condemned these restrictions as systematic discrimination against women and girls. Some international experts and

³³⁰ Zakia Adeli, *The Consequences of Taliban Policies on Human Rights in Afghanistan (August 2021–August 2023)* (East-West Center, 2024), 6, <https://www.jstor.org/stable/resrep57923>.

³³¹ Tamana Azizi, "Afghan Women's Rights under the Taliban Rule."

organizations have further described the Taliban's treatment of women as a form of gender apartheid due to the systematic exclusion of women from education and public life.³³²

The Taliban High Commission oversees the education sector and issues policies, and assigns roles and responsibilities. Article 55 of the Taliban education policies provides that the provincial education official, in all its activities, shall seek instruction from the high Commission and foster cooperation with the governor, district governor, and head of the military commission. Article 56 requires provincial education officials to oversee their subordinate authorities for the better and faster implementation of the policy. These provisions show a centralized and hierarchical system of educational control, in which local education authorities are expected to follow the directions of the de facto Taliban leadership.³³³

Article 56: The provincial education officials are obliged to oversee their subordinate authorities on the better and faster implementation of this policy.

Article 60: Provincial and district education officials shall keep a logbook to record all their revenues and expenses.

This structure has enabled the Taliban to control not only the administration of education but also the substance and purpose of education. Curriculum reforms introduced after 2021 removed or reduced subjects considered inconsistent with Taliban ideology, including civic education, cultural studies, life skills, and certain

³³² Rahmatullah Amiri and Ashley Jackson, *Current Taliban Policies Governing Education*, Taliban Attitudes and Policies towards Education (ODI, 2021), 13–25, <https://www.jstor.org/stable/resrep51180.9>.

³³³ Rahmatullah Amiri and Ashley Jackson, *Current Taliban Policies Governing Education*, Taliban Attitudes and Policies towards Education, 14–15.

social science subjects, while emphasizing religious instruction and madrasa- based education. In February 2025, the updated curriculum was made official. Certain subjects were considered incompatible with Afghan social values or unrelated to the national university entrance examination. Through these reforms, the Taliban transformed education into an ideological instrument designed to reinforce their interpretation of religion and social order.³³⁴

The Taliban have collectively imposed restrictions in accordance with their policies and practices, severely limiting or completely banning girls and women from accessing education. These actions directly contravene both Afghanistan's national laws and international legal obligations.³³⁵ Since regaining control of Afghanistan in August 2021, the rights of Afghan women and girls, including the right to education, have been systematically violated.³³⁶

Afghan schools reopened following the winter break; however, the Taliban maintained the ban on girls in grades seven through twelve, claiming they required additional time to develop a plan compliant with Sharia law.³³⁷ These bans have no legal foundation and are instead based on the Taliban's arbitrary interpretations of religion and ideology.³³⁸

³³⁴ Amiri and Jakson, *Current Taliban Policies Governing Education*, 14.

³³⁵ *UNAMA's 3-Month Report on Human Rights Situation in Afghanistan Released | Afghanistan Peace Campaign*, May 2, 2024, <https://afghanistanpeacecampaign.org/2024/05/02/unamas-3-month-report-on-human-rights-situation-in-afghanistan-released/>.

³³⁶ Hemant Gupta, "Senior Taliban Official Backs Afghan Women's Right to Education," *The Borgen Project*, February 13, 2025, <https://borgenproject.org/afghan-womens-right-to-education/>.

³³⁷ Ayaz Gul, "Taliban Renege on Promise to Allow All Afghan Girls Back in School," *Voice of America*, March 23, 2022, <https://www.voanews.com/a/taliban-renege-on-promise-to-allow-all-afghan-girls-back-in-school-/6497413.html>.

³³⁸ *The Commune*, *16 Key Cases of Taliban Crackdown on Women's Rights and Education In 2024*, Special Articles, January 3, 2025, <https://thecommunemag.com/16-key-cases-of-talibans-crackdown-on-womens-rights-and-education-in-2024>.

After schools and universities closed, most of the girls who had graduated began their education at health and medical institutes as their last option. However, after a while, a new restriction was imposed, and the health institutes for girls were nongovernmental organizations led by women or employing them. The restrictions on education and employment reflect the Taliban's rigid interpretation of religion, which is underpinned by an ideology of violence and control.³³⁹ The Taliban's perspective on women, including restrictions on their access to education and employment, reflects their strict and restrictive interpretation of religion. This ideology is further reinforced by a reliance on violence as a tool for social and political control.³⁴⁰

While parents generally report strong support for their children's education, young people perceive parental commitment to vary by gender. Although most students view their parents' support positively and believe they will receive financial and emotional support to continue secondary education, boys report feeling more supported than girls do.³⁴¹ Despite global commitments to education as a fundamental right, millions of women, particularly in war-torn and patriarchal societies, remain deprived of this entitlement. Since the Taliban returned to power in 2021, over 1.1 million women have been systematically excluded from education,

³³⁹ *The Taliban Rule and the Radicalisation of Education in Afghanistan – Global Campus of Human Rights*, n.d., accessed February 23, 2026, <https://www.gchumanrights.org/preparedness/the-taliban-rule-and-the-radicalisation-of-education-in-afghanistan/>.

³⁴⁰ Martina Smith, Student of Sociology et al., "The Humanitarian Impact of The Taliban's Restrictive Laws on Women in Afghanistan," *The Organization for World Peace*, August 13, 2023, <https://theowp.org/reports/the-humanitarian-impact-of-the-talibans-restrictive-laws-on-women-in-afghanistan/>.

³⁴¹ Robert Wm. Blum et al., "Coming of Age in the Shadow of the Taliban: Education, Child Marriage, and the Future of Afghanistan from the Perspectives of Adolescents and Their Parents," *Journal of Adolescent Health* 64, no. 3 (March 2019): 370–75, <https://doi.org/10.1016/j.jadohealth.2018.09.014>.

effectively removing them from public life. Girls aged 12 and older have been affected by the Taliban's restrictive interpretation of Islam, which is closely intertwined with ethnic and tribal customs, particularly those of the Pashtun culture. Women are perceived as during the Taliban's first regime (1996–2001), women were completely denied access to education. Following the regime's fall in 2001, Afghanistan entered a new phase of educational reform, and the gender gap in education began to narrow significantly.³⁴²

Since the Taliban's return to power in 2021, their policies have systematically excluded women from nearly all spheres of public life. Nongovernmental organizations have been forced to cease employing women due to escalating threats, and women have been barred from accessing public spaces, including parks, beauty salons, and sports facilities.³⁴³ Afghan women have frequently been victims of the political unrest and associated violence that have afflicted their nation both historically and in the present day.³⁴⁴ This ruling flagrantly violates the basic human rights of Afghan women as well as Afghanistan's obligations under international humanitarian law. Only a few days have passed since the decision to bar all women from pursuing higher education.³⁴⁵

³⁴² KabulNow, "Afghanistan Ranks Lowest in Global Gender Gap Index," *KabulNow*, June 22, 2023, <https://kabulnow.com/2023/06/afghanistan-ranks-lowest-in-global-gender-gap-index/>.

³⁴³ Sayeed Naqibullah Orfan and Abdul Wahab Shams, "'Why I Was Born a Woman': Female Students' Challenges in Afghanistan Higher Education under the Taliban Rule," *Higher Education*, ahead of print, May 6, 2025, <https://doi.org/10.1007/s10734-025-01454-8>.

³⁴⁴ Seran De Leede, "Afghan Women and the Taliban: An Exploratory Assessment," *Terrorism and Counter-Terrorism Studies*, ahead of print, 2014, <https://doi.org/10.19165/2014.2.01>.

³⁴⁵ "Restricting Female Humanitarians from Working and Female Students from Access to Education in Afghanistan Is a 'Blatant Violation of Fundamental Human Rights,' 78, accessed July 10, 2025, <https://www.unicef.org/press-releases/restricting-female-humanitarians-working-and-female-students-access-education>.

These figures clearly violate Sustainable Development Goal 5 (Gender Equality) and further exacerbate existing social disparities.³⁴⁶ This ban has not only deprived women of essential knowledge and skills but has also contributed to a sharp increase in early marriages, domestic violence, psychological trauma, and gender-based discrimination. It deepens the cycle of poverty, dependency, and marginalization for Afghan women, further entrenching long-standing beliefs that have historically excluded them from public life and development.³⁴⁷ Consequently, Afghanistan risks producing an uneducated generation of women, with serious long-term social, political, and economic consequences for the country.³⁴⁸

Political regimes in Afghanistan have profoundly affected individual freedoms, particularly those of women. The systematic denial of education to Afghan women represents not only a clear violation of their rights but also highlights the persistent challenges women face in a patriarchal society, which have historically limited their empowerment.³⁴⁹ Education in Afghanistan serves not only as a means of individual advancement but also as a crucial instrument for addressing gender inequality. Moreover, the ban on education for Afghan women carries consequences beyond the

³⁴⁶ “Sustainable Development Goals (SDG 5) | United Nations Western Europe,” accessed February 17, 2026, <https://unric.org/en/sdg-5/>.

³⁴⁷ “Women’s Education: Cultural and Religious Solutions from the Heart of Afghanistan,” *Middle East Council on Global Affairs*, n.d., accessed July 10, 2025, <https://mecouncil.org/publication/womens-education-cultural-and-religious-solutions-from-the-heart-of-afghanistan/>.

³⁴⁸ Matiullah Qazizada, “Impacts of the Taliban’s Ban on Women’s Work and Education,” *Devpolicy Blog from the Development Policy Centre*, February 8, 2024, <https://devpolicy.org/impacts-of-the-talibans-ban-on-womens-work-and-education-20240209/>.

³⁴⁹ “Human Rights in Afghanistan,” *Amnesty International*, n.d., accessed July 12, 2025, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/>.

individual level, undermining national development, depriving the next generation of learning opportunities, and exacerbating societal disparities.³⁵⁰

This ban has not only deprived women of essential knowledge and skills but has also contributed to an alarming rise in early marriages, domestic violence, psychological trauma, and gender-based discrimination, further entrenching cycles of poverty and dependency. In many cases, families have resorted to marrying off their daughters early due to the lack of educational opportunities beyond grade six.³⁵¹

1. From Expansion to Exclusion: The Impact of Taliban Policies on Education

2. In 2001, under Taliban rule, fewer than 5000 girls were enrolled in primary schools nationwide, and virtually none attended secondary schools or universities.

3. By 2010, nearly 2.4 million girls were enrolled in schools, constituting 35% of total enrolment.³⁵²

4. By 2020, about 3.5 million Afghan girls were in schools, accounting for 39% of total enrolment. By 2020, more than 3.8 million Afghan girls were enrolled in schools, compared to virtually none under the Taliban's first regime (1990-2001). Women constituted 40% of all university students. Within one year of Taliban control, 1.1-1.5 million girls were excluded from secondary schools. Amnesty International reports a 90% drop in female

³⁵⁰ Yahia Baiza, *Education in Afghanistan: Developments, Influences and Legacies since 1901*, Routledge Studies in Middle Eastern Society (London: Routledge, 2013).

³⁵¹ V. Kovess-Masfety et al., "Education as a Protective Factor for Mental Health Risks among Youth Living in Highly Dangerous Regions in Afghanistan," *Child and Adolescent Psychiatry and Mental Health* 17, no. 1 (January 2023): 3–12, <https://doi.org/10.1186/s13034-022-00548-w>.

³⁵² Ullah et al, "The Collapse of Women's Education in Afghanistan, 194.

enrolment in higher education after the December 2022 University ban. Overall, 80% of Afghan girls of school age are now out of school, the highest rate globally.³⁵³

1. Overview of the Taliban's Educational Policy (2021-2025)

The state of Afghanistan's educational system deteriorated rapidly following the Taliban's takeover in 2021. The community has faced brain drain, university closures, and the suspension of numerous educational reforms, alongside the shutdown of many economic sectors. These setbacks have undone much of the progress achieved over the previous two decades. Between 2001 and 2021,³⁵⁴ The number of students enrolled at all educational levels increased tenfold, from about 1 million to 10 million. Similarly, girls' enrolment in higher education grew from 5,000 in 2001 to 90,000 in 2021. The Taliban's policies threaten to reverse these gains, leaving the educational sector and broader society at risk.³⁵⁵

Due to staffing shortages caused by Taliban rules restricting women teachers, children's access to education has been limited. For instance, the Taliban demands gender segregation in classrooms and only allows female teachers to instruct girls. This policy has significantly reduced the number of female teachers, and the need for more male teachers to cover newly established male-only classes has worsened the

³⁵³ Ullah et al, "The Collapse of Women's Education in Afghanistan, 193.

³⁵⁴ Hassan Reza Rezai, Addressing Education Challenges in Afghanistan under Taliban Rule,2, https://d1wqtxts1xzle7.cloudfront.net/112540702/Policy_Brief_Hassan_-libre.pdf?1710792379=&response-content-.

³⁵⁵ Hassan Reza Rezai, Addressing Education Challenges in Afghanistan under Taliban Rule,2-3, https://d1wqtxts1xzle7.cloudfront.net/112540702/Policy_Brief_Hassan_-libre.pdf?1710792379=&response-content-.

teacher shortage.³⁵⁶ Afghanistan's deteriorating economic situation further restricts access to education at all levels. To cover household expenses, some families have been compelled to marry off underage daughters or pull younger children out of school to work. These staffing and financial challenges have forced schools to close, either partially or entirely.³⁵⁷

The Taliban's views on women and education are deeply rooted in their ideology. They view education as a tool that can be used to combat what they refer to as Western and infidel thoughts that create and advance real Islamic institutions and restore Islamic values. For instance, in August 2021, Abdul Baqi Haqqani, a member of the Haqqani network and the Taliban's Minister of Higher Education, acted in accordance with Islamic Law.³⁵⁸

The Haqqani Network, which the United States and the United Nations have designated as a terrorist organization, continues to hold sway over the Taliban leadership and exerts significant influence over the group's general goals and strategies.³⁵⁹ "Abdul Baqi Haqqani, acting head of the Taliban's ministry of higher education, reportedly said that Afghan girls and boys will study in separate classes at

³⁵⁶ "Universal Access to Education: We Can Do Better - UNESCO Digital Library," accessed February 17, 2026, https://unesdoc.unesco.org/ark:/48223/pf0000379775_eng.

³⁵⁷ *Status of Education in Afghanistan: Taliban Policies Have Resulted in Restricted Access to Education and a Decline in Quality*, Special Inspector General for Afghanistan Reconstruction, SIGAR 24-01 Evaluation Report, October 2023 (n.d.), <https://www.govinfo.gov/content/pkg/GOVPUB-S-PURL-gpo220930/pdf/GOVPUB-S-PURL-gpo220930.pdf>.

³⁵⁸ "Taliban to Permit Women to Attend University: Acting Minister | Daily Sabah," accessed February 17, 2026, <https://www.dailysabah.com/world/asia-pacific/taliban-to-permit-women-to-attend-university-acting-minister>.

³⁵⁹ *The Taliban Rule and the Radicalisation of Education in Afghanistan – Global Campus of Human Rights*, n.d., accessed February 15, 2026, <https://www.gchumanrights.org/preparedness/the-taliban-rule-and-the-radicalisation-of-education-in-afghanistan/>.

universities in Afghanistan under Taliban rule.”³⁶⁰ The Taliban adhere to a very strict interpretation of Sunni Islam, which demands that Sharia, or Islamic Law, be applied in every aspect of daily life. Additionally, they uphold a strict social structure. The Taliban see the West as a negative influence on Islamic society and oppose human rights and women’s rights. After regaining power in 2021, the Taliban have undone the gains made over the last 20 years for the rights of Afghan women.³⁶¹

According to the minister, there will be no shortage of female teachers, and only female teachers will be permitted to instruct female students. However, men will also be allowed to teach women without breaking Islamic law if it is truly necessary. He emphasized that, although coeducation will not exist in Afghanistan, his government plans to maintain the progress the country has made in education over the past 20 years.³⁶²

a. Impact of the Taliban’s policies on Girls

Since the Taliban regained control of the country in August 2021, they have prohibited girls from attending school, which has had a significant and lasting impact on Afghan society, particularly for women and girls. Due to this legislation, the nation is now the only one in the world where women are routinely denied the opportunity

³⁶⁰ India Today Web Desk, “After Taliban Takeover, Afghan Girls and Boys to Study in Separate Classes at Universities: Report,” India Today, August 29, 2021, <https://www.indiatoday.in/world/story/taliban-afghan-girls-boys-study-separate-classes-universities-1846874-2021-08-29>.

³⁶¹ “Taliban Overhaul Afghanistan’s Education System,” Dw. Com, accessed February 15, 2026, <https://www.dw.com/en/taliban-overhaul-afghanistans-education-system/a-70913020>.

³⁶² Ayaz Gul, “Taliban: Women Can Study in Gender-Segregated Universities,” Voice of America, September 12, 2021, <https://www.voanews.com/a/taliban-women-can-study-in-gender-segregated-universities/6223214.html>.

to continue their education past grade six, which has a catastrophic effect on people's lives, the economy, and the future of the country.³⁶³

Desperation and severe psychological shock were the initial effects of the prohibition. Many were devastated when the Taliban declared in March 2022 that girls older than the sixth grade were not allowed to attend school, which went viral on social media, highlighting the psychological harm caused by the abrupt ban as their daughters' futures grew uncertain. Families and communities experienced a collective sense of loss, with many losing hopes for both professional and personal development.³⁶⁴

Afghan society as a whole suffers when girls are kept out of school. Writer and policy analyst Aqa Mohammad Qureshi stated that prohibiting female education not only renders them illiterate but also keeps half of the nation's human resources out of the process of growth. Afghanistan has faced a shortage of qualified female professionals in both the public and private sectors. Only a traditional educational system that gives women and girls a significant role in both study and play will eventually close this gap. Without educated and healthy women, a society cannot be healthy and educated.³⁶⁵

³⁶³ Rohina Toran, *Education under Taliban Rule in Afghanistan: A Political and Socio-Cultural Analysis*, 25.

³⁶⁴ Rohina Toran, 44.

³⁶⁵ Muqadasa Ahmadzai, "The War on Schoolgirls: Responding to the Education Crisis in Afghanistan," *Afghanistan Policy Lab School of Public and International Affairs Princeton University*, n.d., 3–4.

b. Self-Growth and Personal Growth

The Taliban's policies are outdated. They disbanded the parliament, which represented the nation's fourteen ethnic groups. In addition to dissolving the election commission, they prohibited fifty-seven political parties from engaging in any political activity. They stated that women's education was prohibited and cancelled the policy of education for women. They also outlawed employment for women. "There are a lot of girls responds: I am certain that my life wouldn't be stressful and boring by just staying home and putting a cross mark in front of my wishes and goals". I think of that time (If she has the chance to go to school), I can stand on my own and can improve and make my life and future by myself". I could truly accomplish my objectives and improve my life.³⁶⁶

For Afghan girls, the prohibition on access to education has major repercussions. It stands for the loss of their social life and aspirations. The 20 people who were interviewed for this short were all worried about what would happen to Afghan girls and the nation if the Taliban kept preventing them from going to school. Some of their thoughts about the future are listed here. At their request, their names have been left out.³⁶⁷

"Right now, the future of Afghan women and girls is disastrous because they have neither the right to study nor to work. Many educated Afghans have already fled their homeland, and many others will leave the country for their children's education. In another five years, there will not be an educated or literate girl or woman left in Afghanistan." We fear schools will remain closed for years, like they did during the Taliban's first period of rule. The academic year has started, but schools and

³⁶⁶ Rohina Toran, 45.

³⁶⁷ Muqadasa Ahmadzai, *The War on Schoolgirls: Responding to the Education Crisis in Afghanistan*, 5.

universities are still closed. It drives us crazy. We do not know what to do, where to go, or what to do to educate our children.”³⁶⁸

c. Mental Health

The psychological consequences of the Taliban’s education ban are severe. Many Afghan girls experience fear, anxiety, depression, hopelessness, and trauma because of the closure of schools and universities. The ban has created a mental health crisis among girls who feel that their futures have been stolen. For many girls, education was their main source of hope. It offered a path toward independence, employment, and contribution to society. When that path is blocked, girls may feel trapped and powerless. This is especially harmful for adolescents, whose identity and plans are still developing.³⁶⁹ And all of this is a result of over 50 restriction decrees against women that have been issued by the Taliban in the two and a half years since their return to power.³⁷⁰

More than half of the Afghan population will be affected by mental health problems in 2024, with one in five individuals suffering from severe mental health issues, the paper states. According to the report, the number of mental health patients has increased by 40 to 50 percent since the year started, and it is predicted that this number will keep rising. The uncertainty of the ban intensifies the harm. Girls do not know when schools will reopen or whether they will ever be allowed to continue. This produces constant stress. Families also experience distress because they see their

³⁶⁸ Muqadasa Ahmadzai, *The War on Schoolgirls: Responding to the Education Crisis in Afghanistan*, 4.

³⁶⁹ Mariam Safi and Althea-Maria Rivas, *The Mental Health Crisis among Afghan Women and Girls*, n.d., 11–12.

³⁷⁰ Omid Sharafat, “Consequences of Taliban’s Ban on Women’s Education,” *Zan Times*, March 21, 2024, <https://zantimes.com/2024/03/21/consequences-of-talibans-ban-on-womens-education/>.

daughters' opportunities disappearing. The harm is therefore not limited to individual students; it affects entire households and communities.³⁷¹

Based on evidence, one female student stated that the absence of positive feelings and a future, and a misconnection from the community, have caused her to start each day with fear and anxiety. "Many girls, including me, are depressed and have lost hope in life for having a great future and achieving our dreams. We are worried and waiting to see how our future and the future of our country will be".³⁷²

The Founder of Afghan Women in France, Sheila Noori, recently travelled to Afghanistan to evaluate the humanitarian and mental health of women and girls. She revealed the pervasive pain and hopelessness among the younger generation by sharing their stories with Radio France Internationale. Mental Health results have considerably deteriorated as a result. Children are increasingly being coerced into labor to provide for their families, while mothers who used to study or work now report suffering from acute despair. Mental health consequences are legally relevant because the right to education is connected to dignity, development, and equality. A policy that systematically deprives girls of education and causes widespread psychological harm cannot be treated as a neutral administrative decision; it is a rights violation with deep human consequences.³⁷³

³⁷¹ Mohammad, "Afghan Girls in Crisis: Erosion of Rights and Rising Psychological Distress Amidst Widespread Violations of Citizens' Rights," Daily Reports, *Hasht-e Subh*, October 14, 2024, <https://8am.media/eng/afghan-girls-in-crisis-erosion-of-rights-and-rising-psychological-distress-amidst-widespread-violations-of-citizens-rights/>.

³⁷² Abdul Basir Hamidi, "Restriction Policy on Afghan Girls' Education and Its Consequences", 234.

³⁷³ Fidel Rahmati, "Afghan Women and Girls Face Rising Mental Health Crisis Amid Restrictions," *Khaama Press*, August 24, 2025, <https://www.khaama.com/afghan-women-and-girls-face-rising-mental-health-crisis-amid-restrictions/>.

d. Forced Marriages

The U.S. Special Inspector General for Afghanistan Reconstruction (SIGAR) estimates that since the Taliban took back control, almost one-third of Afghan females have been coerced into marriage. According to a SIGAR study from October 2023, 35 percent of Afghan females under the age of 18 have been forced into marriage since 2021, and 17 percent of those under the age of 15. SIGAR was referenced by Voice of America, which reported that 361 out of 578 forced marriage cases recorded between December 2022 and February 2023 involved minors.³⁷⁴ International accords generally acknowledge that child marriage violates children's basic rights to equality, health, education, and non-discrimination, as well as the freedom from exploitation and violence. The UDHR 1948, the CRC 1989, and the CEDAW 1979 all codify the ban on child marriage³⁷⁵.

The restriction on girls' education increases the number of early marriages, exacerbates gender inequality, hinders, and raises maternal death rates. According to the 2017 Afghanistan Center statistics organization research, 4% of Afghan girls were married before the age of 15, and 28% of Afghan females were married before the age of 18. According to a study conducted by the local group Bishnaw-Wawra in August 2023, which involved speaking with more than 3,000 young women, 70% of them were aware that girls were being forced into marriage before reaching

³⁷⁴ Arzo Arwin Rahimi Maryam, "More than One-Third of Afghan Girls Trapped in Forced Marriages," *Zan Times*, January 20, 2025, <https://zantimes.com/2025/01/20/more-than-one-third-of-afghan-girls-trapped-in-forced-marriages/>.

³⁷⁵ Hadari, 23.

adulthood. These numbers demonstrate how severely the Taliban policy affected Afghan families and society as a whole.³⁷⁶

According to one of the interviewees, if the current restrictions on girls' education persist and she is not allowed to attend school, she may be forced into marriage as well. "If schools do not open for another year and girls do not have the right to study and work, I will also be a victim of forced marriage as I do not have a father or older brother." Another girl states that due to the absence of education and opportunities for a better future, families are compelled to arrange marriages for girls at a young age. "Neglecting girls' education makes a person do misplaced things. In Afghanistan, the most important issue and pressure on girls is forced and underage marriages, which, in the absence of education, are forced."³⁷⁷

2. Ban on Higher Education for Girls

The Taliban's restriction on girls' education expanded beyond secondary schools. In December 2022, the Taliban suspended women from universities. This decision denied young women access to higher education and destroyed the academic plans of thousands of students who had already entered university. The university ban is secondary education; they cannot qualify for university, and even those who have already completed secondary education lose their right to continue studying.

³⁷⁶ Matiullah Qazizada, "The Continuing Ban on Girls' Education in Afghanistan," *Devpolicy Blog from the Development Policy Centre*, March 26, 2025, <https://devpolicy.org/the-continuing-ban-on-girls-education-in-afghanistan-20250327/>.

³⁷⁷ Abdul Basir Hamidi, "Restriction Policy on Afghan Girls' Education and Its Consequences", 235.

Together, these measures close the educational pathway for Afghan girls and women at almost every level above primary school.³⁷⁸

The Taliban also restricted women's access to many health and medical institutes. This is especially serious because Afghanistan has a strong need for female healthcare workers. Due to Taliban restrictions and conservative social rules, many women cannot access female doctors, nurses, midwives, and health professionals. By preventing women from studying medicine and health-related fields, the Taliban creates future shortages that will harm women's access to healthcare.³⁷⁹

This means the education ban has consequences beyond education itself. It affects the right to health, women's bodily autonomy, and material health, child health, and access to basic services. In Afghanistan, where gender segregation affects healthcare access, banning women from medical education can place women's lives at risk. The restriction also prevents women from entering other professions. Without secondary and higher education, women cannot become teachers, lawyers, judges, administrators, researchers, journalists, or public servants. This removes women from public life and reinforces the Taliban's border system of gender exclusion.³⁸⁰

Abbas Stanekzai, Afghanistan's secondary education system faces significant obstacles beyond the fact that girls are prohibited from attending beyond grade six. The majority of foreign subsectors no longer receive development assistance due to

³⁷⁸ "Beyond the Classroom: How Taliban Policies Are Shaping Afghanistan's Education System I Exclusive Interview," Development Aid, accessed February 22, 2026, <https://www.developmentaid.org/news-stream/post/188912/afghanistans-education-system>.

³⁷⁹ Najiba Haidari, The Taliban and the Right to Education in Afghanistan, 11-12.

³⁸⁰ راديو آزادی, "The plan to create large religious schools in the provinces; Some knowledgeable people: The goal of the Taliban is to recruit soldiers08:28:54, راديو آزادی, افغانستان, Z, <https://da.azadiradio.com/a/31894488.html>.

financial constraints.³⁸¹ The de facto Ministry of Education devotes over 90% of its budget to teacher wages under the tashkil, leaving little for capital projects, school upkeep, or the creation of instructional materials. Because of this, secondary education continues to be chronically underfunded, with severe infrastructure gaps, a severe lack of subject-specialist teachers with the necessary qualifications, and almost no access to basic resources like labs, libraries, and technology.³⁸²

The two primary justifications offered by the de facto authorities to the media, human rights organizations, and UN agencies for restricting girls' access to education are the necessity of establishing a safe atmosphere and enforcing a Sharia-based dress code. According to the Taliban, girls would already be safe in separate schools from boys with only female teachers. Regarding the school uniforms, they totally conceal the girls' bodies and are black with white scarves. Therefore, it is clear that the de facto authorities merely wish to express their opinions without genuinely opposing girls' education.³⁸³

Higher education in Afghanistan is facing serious challenges. The sector is at risk of stagnation due to restrictions on girls' education and the withdrawal of international financial support. Schools struggle to provide quality learning environments, even for boys, largely due to limited funding and resources.³⁸⁴ At the

³⁸¹ “‘This Isn’t a Wise Decision’: Taliban Reversal on Girls’ Education Met with Condemnation,” NBC News, April 11, 2022, <https://www.nbcnews.com/news/world/taliban-afghanistan-girls-education-ban-reversal-condemnation-rcna21941>.

³⁸² “Banned from Education: A Review of the Right to Education In,” accessed February 21, 2026, <https://www.unesco.org/en/articles/banned-education-review-right-education-afghanistan>.

³⁸³ Haidary, *The Taliban and the right to Education in Afghanistan*, 51.

³⁸⁴ Emma Graham-Harrison, “Taliban Ban Girls from Secondary Education in Afghanistan,” World News, *The Guardian*, September 17, 2021, <https://www.theguardian.com/world/2021/sep/17/taliban-ban-girls-from-secondary-education-in-afghanistan>.

secondary level, students need specialized teachers, materials, and facilities to prepare for higher education, career pathways, and future employment. However, these needs are not being properly addressed. As a result, secondary education has become one of the weakest parts of Afghanistan's education system, limiting opportunities for lifelong learning and active participation in the labor market.³⁸⁵

Between 2017 and 2024, male secondary school enrolment remained relatively stable, peaking at 1.18 million in 2023 before slightly declining. EMIS data show that girls' enrolment increased from 640,000 in 2017 to over 1.07 million in 2024, suggesting progress toward gender parity. However, in reality, girls above grade six are not allowed to attend school, and field reports indicate that their actual enrolment in 2024 is effectively zero. The reported EMIS figures are therefore used only to estimate the number of girls who would normally be expected in lower secondary education based on past trends.³⁸⁶

3. The Taliban's Ideological Framework on Girls' Education

Since the Taliban's return to power in 2021, their policies have systematically excluded women from nearly all spheres of public life. Nongovernmental organisations have been compelled to cease employing women due to escalating threats, and women have been barred from accessing public spaces, including parks, beauty salons, and sports facilities. That same year, the regime intensified its

³⁸⁵ Banned from Education: A Review of the Right to Education.

³⁸⁶ UNSECO, *Afghanistan Education Situation Report 2025*.

restrictions by banning women from most government positions, prohibiting travel without a male guardian (mahram), and mandating the wearing of the burqa.³⁸⁷

The Ministry of Education has stated that girls' schools will remain closed until further notice, citing concerns about inadequate dormitory arrangements, travel without a mahram (male guardian), and gender mixing in universities. Although the Taliban continues to assert that they support women's education within an Islamic framework, five years have passed without meaningful action. Afghan girls and their families have complied with all the conditions imposed by the authorities, yet no progress has been made.³⁸⁸

This lack of action suggests that the actual reason for the ban lies in the Taliban's rigid and extreme interpretation of Islamic teachings, rather than in logistical or infrastructural limitations. The Taliban use a rigorous interpretation of Deobandi Islamic Law in conjunction with Pashtunwali tribal norms to defend their prohibition on women's education. Leaders assert that co-education is un-Islamic, that Afghan values are undermined by Western curricula, and that female education beyond puberty breaches Islamic modesty.³⁸⁹

In keeping with previous Taliban discourse from 1996 to 2001, they also contend that women's primary role is to care for the family. However, these explanations are in stark opposition to international human rights standards. Afghanistan has long been a signatory to the Convention on the Elimination of All Forms of Discrimination

³⁸⁷ Kristina Hummel, "Have the Taliban Changed?" *Combating Terrorism Center at West Point*, March 22, 2021, <https://ctc.westpoint.edu/have-the-taliban-changed/>.

³⁸⁸ Qaderi et al, Taliban's war on Educating Girls and Women must end now, 2-3.

³⁸⁹ Salman Rafi Sheikh, "Pashtun Nationalism: Politics and Talibanization," *Pakistan Horizon* 69, no. 1 (2016): 71–86.

against Women (CEDAW), Article 26 of the Universal Declaration of Human Rights (UDHR), and Article 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), all of which affirm education as a fundamental right free from discrimination.³⁹⁰

4. Religious Justification and Interpretation of Islamic Law

The Taliban places strong emphasis on religious education and madrasas; its policy requires the High Commission for Education to support the establishment of madrasas and other religious institutions. The Taliban presents Islamic education as necessary for Afghan society and seeks to expand religious schooling. Religious education itself is not automatically a violation of Human rights. However, problems arise when religious education is used to replace equal access to general, secondary, higher, and professional education for girls.³⁹¹

If girls are denied science, mathematics, civic education, professional training, and university education, while being directed mainly toward religious or limited forms of learning, then the education system becomes discriminatory. The Taliban's approach to madrasas must therefore be understood in context. It is not only about adding religious education. It is part of a broader ideological project that narrows educational opportunities and reinforces strict gender roles. When combined with the ban on girls' secondary and higher education, the emphasis on religious education

³⁹⁰ Ullah, et al, The collapse of Women's Education in Afghanistan, 192.

³⁹¹ Ullah, et al, The collapse of women's Education in Afghanistan, 193.

contributes to the exclusion of girls from modern academic and professional pathways.³⁹²

Article 3: The High Commission for Education, to the extent possible, is obliged to take serious measures to establish a Madrasa, for Islamic and religious education of the Children of the Muslim nation and the Mujahideen.

Article 5: The High Commission, within its financial means, is obliged to ensure that the Muslims and the Mujahid nation establish private educational institutions, such as madrasas, seminaries, and Dar-ul-Hefaaz, and to foster previously established institutions to make our nation self-reliant in the field of education.³⁹³

Article 73: The other five types of institutions would be established, considering the possibilities, and when the grounds are prepared.

Article 74: Rural madrasas are schools that have a long history in the country, in which the essential subjects such as Quran, Seerat an – Nabawi (prophetic biography), jurisprudence, beliefs, Pashto, Persian, mathematics, and calligraphy are taught to the children of the village by the respected Imam of the mosque.

Article 79: The purpose of the above-mentioned curriculum designed for Muslim boys or girls is to teach the beliefs of the holy religion of Islam, the necessary ancillary provisions according to the Qur'an, sunnah, and the Hanafi sect, to teach the necessary reading and writing skills, and also obtain some historical and geographical knowledge.³⁹⁴

This is especially important because education under international law must prepare children for a responsible life in a free society. It must develop their abilities and respect for human rights. A system that excludes girls from secondary and higher education cannot satisfy this requirement merely by offering limited religious instruction. The main goal of the Taliban's education policy is religious instruction. Although the Taliban are adamant that Islamic education is necessary. There is also a practical aspect that affects both society and the person. The Taliban recruits and

³⁹² Ullah, et al, The collapse of women's Education in Afghanistan, 194.

³⁹³ Amiri and Jakson, Current Taliban Policies Governing Education, 18.

³⁹⁴ Amiri and Jakson, Current Taliban Policies Governing Education, 18.

indoctrinates people through mosques, madrasas, and Islamic education in schools.³⁹⁵ It has successfully seized and appropriated a significant portion of the rural religious elite and their establishments across many regions of the nation. The Taliban sees its base in rural religious leaders.³⁹⁶

In fact, a lot of these individuals actively or covertly provide information and support for the Taliban's ideology. They give the Taliban legitimacy, uphold their laws, and increase their power; in exchange, the Taliban honours them and offers incentives. People who oppose the Taliban are probably going to face violence and intimidation. As a result, many areas controlled or influenced by the Taliban perceive religious leaders and organizations as being closely linked to the conflict. Additionally, the policy aims to raise the standards of madrasa education.³⁹⁷

It requires a three-year curriculum that includes Persian, Pashto, and math, as well as technological topics. Madrasa teachers can be anyone with the necessary qualifications, not just religious leaders. This seems to be a recognition that more knowledge is needed, since religious teachers may not be well-informed about non-religious matters. The drive to raise standards in religious seminaries is comparable.³⁹⁸

³⁹⁵ Samiullah Adel, "Access to Islamic Education in Afghanistan: Female Madrasa under the Rule of the Taliban" (Universitas Islam International Indonesia, 2023).

³⁹⁶ Amiri and Jakson, Current Taliban Policies Governing Education, 18-19.

³⁹⁷ Amiri and Jackson, 20.

³⁹⁸ Amiri and Jackson, 19.

5. Gender Segregation Policies and Religious Madrasas

Based on their understanding of Islamic justice, the Taliban's primary goal in Afghanistan has been to impose Sharia. Promoting meritorious behaviour and outlawing evil are the mission's main goals, which are essential to its identity (*al-amr bi al-ma'rūf wa nahy 'an al-munkar*). The idea of obeying the Amir is one of the main tenets of the Taliban's enforcement of Sharia. This concept emphasizes the respect that Afghan Muslims are obliged to show and the unwavering commitment that officials in the Taliban's Islamic Emirate must exhibit. The Amir, thought to be divinely directed, serves as the Taliban's moral compass for all its acts.³⁹⁹

In sharp contrast to the fractured character of Afghan politics, this theory not only upholds the movement's moral integrity but also its cohesion and organizational efficacy. Another crucial component of the Taliban's Sharia enforcement is the application of *qiṣāṣ* (retributive justice) and *ḥudūd* (corporal punishment for specific acts). As stipulated in the Qur'an, *ḥudūd* entails physical punishments for offenses like theft and murder, representing the Taliban's dedication to an originalist view of Islamic law. The heirs of a murder victim have the choice of demanding the murderer's execution or offering leniency in exchange for monetary recompense under *qiṣāṣ*, a type of vengeance outlined in the Qur'an.⁴⁰⁰

The majority of Afghan academics and scholars think that the Taliban exploit Islam as a means of achieving their political objectives. For instance, author and former Afghan parliament member Shah Gul Rezaie contends that the Taliban, as a

³⁹⁹ Rohina Toran, *Women's Education under Taliban Rule in Afghanistan: A Political and Socio-Cultural Activities*, 25.

⁴⁰⁰ Rohina, 15.

fundamentalist religious organization, accomplished notable achievements by taking advantage of Sharia, the Prophet's traditions, and dominant social norms.⁴⁰¹ She contends that the Taliban's understanding of Islam is characterized by extreme interpretations that support their goals rather than the more inclusive, broader tenets of the religion, and that they never consistently uphold or acknowledge any Islamic values outside of the particular interpretations they support. According to Rezaie, by taking an extreme approach to interpreting Sharia and Islamic law, the Taliban have been instrumental in damaging Islam's reputation and have established themselves as key players in this harmful movement.⁴⁰²

The Taliban leader stated that the legislative framework established during the 2001–2021 republican period was considered human-made, shaped by the people's choice, and, as a result, rendered obsolete. He emphasized the exclusion of popular will in legal matters and the exclusive application of Sharia rules under the Taliban's Islamic Emirate. The Taliban rulers will be able to interpret Sharia law broadly following the annulment of the substantive and procedural legal frameworks.⁴⁰³

Misogynistic views are fostered by the Taliban's adherence to a traditional interpretation of religion. Their limited knowledge of religious concepts and lack of exposure to scientific ethical standards lead to discriminatory actions against women. Finally, the Taliban's discriminatory practices against women are motivated by political considerations. The Taliban's leaders support a purposeful policy of female

⁴⁰¹ Rohina, 16.

⁴⁰² Rohina Toran, Women's Education under Taliban Rule in Afghanistan: A Political and Socio-Cultural Activities, 14-15.

⁴⁰³ A- Yusufzai, Geeta, and G Kataria, Taliban Discrimination against women: Comprehensive analysis of main Factory: Human Rights, state regulations of Religion, Crime and punishment, 695 <https://kulawr.msal.ru/jour/article/view/419/271>

discrimination because they see misogyny as essential to their political goals. They take advantage of deeply ingrained gender standards in Afghan society and foster misogyny to gain support, especially in rural regions where traditional values are prevalent.⁴⁰⁴

Richard Bennett, the UN Special Rapporteur on the situation of human Rights in Afghanistan, made the following statement in his report to the UN Human Rights Council: The severe, systemic, and systematic discrimination against women and children that underpins the Taliban's doctrine and governance raises concerns that they may be responsible for the system of gender apartheid globally, the international community would be able to fulfill its obligation to respond and successfully strive toward the eradication of gender apartheid if it were illegal. It would create the legal foundation needed to respect global pledges to protect women's rights in all spheres of life.⁴⁰⁵

Violent punishments like public executions, stoning, floggings, and amputations were part of the Taliban's strict application of the concept during its 1996–2001 rule. El Fadl claimed that because most Islamic jurists throughout history have not interpreted the law in the same way as the Taliban does, severe penalties were rarely applied within the 1,400-year Sharia tradition. "One cannot overlook the Taliban's

⁴⁰⁴ Maëli Ormiston, "Coming to terms with the past: The impact of state-building approaches on the legitimacy of transitional justice mechanisms in post-conflict societies", University Leiden, 1-2, <https://studenttheses.universiteitleiden.nl/access/item%3A4252991/view>.

⁴⁰⁵ Sukumar Basu et al., *Taliban's Ideology on Women: A Fundamental Problem of Afghanistan*, n.d., 65.

unique approach to Sharia,” El Fadl stated. “Anyone who doesn’t meet their criteria may be executed.”⁴⁰⁶

The Taliban tried to create a more moderate image after taking control in August of last year in an effort to win over other countries, but in the months that followed, the group tightened its grip on liberties and rights. Based on this implementation of Sharia, Girls and women are not able to. In Afghanistan, women are no longer allowed to work in the majority of fields, need a male guardian when traveling long distances, and are not allowed to attend secondary school.⁴⁰⁷

Overall, the Taliban’s post-2021 policies have resulted in the near-total exclusion of high school girls from formal education across Afghanistan. Through school closures, university bans, curriculum control, gender segregation, restriction on female teachers and students, and ideological regulation of educational institutions, the Taliban have severely restricted girls’ access to education. These policies have not only deprived millions of girls of their fundamental right to education but have also intensified psychological harm, gender inequality, poverty, forced marriage, and long-term social and economic instability within Afghan society. Now this is appropriately detailed for a Chapter III analytical section. Long enough to sound like a serious legal thesis instead of a conference abstract trying to survive on caffeine and optimism alone.⁴⁰⁸

⁴⁰⁶ Sahar Akbarzai Mogul Shafi Kakar, Rhea, “Taliban to Impose Their Interpretation of Sharia Law in Afghanistan,” CNN, November 15, 2022, <https://www.cnn.com/2022/11/15/asia/taliban-afghanistan-sharia-law-intl-hnk>.

⁴⁰⁷ Sahar Akbar Zai, Mogul Shafi Kakar, Rhea, “Taliban to Impose their Interpretation of Sharia Law in Afghanistan.”

⁴⁰⁸ Sahar Akbar Zai, Mogul Shafi Kakar, Rhea, “Taliban to Impose their Interpretation of Sharia Law in Afghanistan.”

6. Afghanistan Educational Progress before 2021

Early in the post-2021 period, the Afghan government established educational rights. All residents have the right to free education up to the bachelor's degree, according to Article 43 of the 2004 constitution. In addition, it demands a uniform curriculum that honours Islamic and cultural values and requires specific initiatives to advance women's education and end illiteracy. All subsequent policies were framed in accordance with these constitutional requirements. The Afghan constitution of 2004 establishes education as a basic right.⁴⁰⁹

To protect and enhance children's right to an education, the former Afghan governments have been actively working to rebuild and improve the education system since 2001. These initiatives focused on secondary education, primarily on maintaining and advancing education, as well as on elementary enrolment. The National Ministry of Education (MoE), which oversees the educational system, has a solid legal foundation, thanks to the Constitution Law of 2004 and the Afghan government's early establishment of educational rights in the post-2021 period.⁴¹⁰

All residents have the right to free education up to the bachelor's degree, according to Article 43 of the 2004 constitution. In addition, it demands a uniform curriculum that honours Islamic and cultural values and requires specific initiatives to advance women's education and end illiteracy. All subsequent policies were

⁴⁰⁹ Mohammad Shafi Mohammadi and Dr. Thannickal John Joseph, "Trends and Progress in Education in Afghanistan from 2001 to 2021: A Systematic Review," *Kardan Journal of Social Sciences and Humanities*, December 30, 2025, 79, <https://doi.org/10.31841/KJSSH-8.2-2025-91>.

⁴¹⁰ Haidary, 29.

framed in accordance with these constitutional requirements. The Afghan constitution of 2004 establishes education as a basic right.⁴¹¹

According to government data, there were only 21,000 instructors in late 2001; by 2005, there were 140,000, and 29% had less than 12 years of schooling, 49% had completed high school (12th grade), and the remaining 22% met the minimal requirements. The majority of these individuals had graduated from TTCs in previous decades. Only 28% of these individuals were females, and they were primarily found in cities. In addition, several major challenges, such as financial, geographic, and physical restrictions, harassment and abuse, a lack of family support, and early marriage during the Islamic Republic, hindered Afghans, particularly females, from obtaining an education.⁴¹²

Education systems are crucial to both personal growth and social stability. When speaking about the value of education in society, sociologist Émile Durkheim contended that it socializes people to become citizens, thereby fostering stability and social cohesion. Freire, an educational theorist, pointed out that teaching strategies and quality play a significant role in preparing students for change.⁴¹³

In a similar vein, Paolo Freire emphasized the need to increase students' critical consciousness as a tool for social change. Based on research on education, international organizations like the United Nations Educational, Scientific, and Cultural Organization (UNESCO) emphasize and acknowledge the value of

⁴¹¹ Mohammadi and Joseph, "Trends and Progress in Education in Afghanistan from 2001 to 2021."

⁴¹² Farhat Easar et al., "Education in Afghanistan since 2001: Evolutions and Rollbacks."

⁴¹³ Farhat Easar, 10.

education for peacekeeping and human rights advancement and development, declaring that:⁴¹⁴

Within weeks of taking power, the Taliban began implementing policies directly targeting the education system, particularly for women and girls, and announced plans to introduce a new curriculum emphasising their strict interpretation of Islamic law. Consequently, Afghanistan faces the risk of becoming one of the most educationally deprived countries globally, with profound implications for both human development and gender equality.⁴¹⁵

Interestingly, the leaders of this group also have mixed opinions. The leaders of this group hold contradictory views on girls' education.⁴¹⁶ While the Taliban have imposed severe restrictions on girls' education, certain officials have expressed differing views. Some have argued that school and university closures are unjustifiable restrictions, while others attribute the limitations to cultural considerations. In September 2022, Mahmoud Abbas Stanikzai, a former Deputy Foreign Minister of the Taliban, stated that education is essential for the country's development and emphasised that knowledge is obligatory for both men and women. This tension between policy and rhetoric highlights the complex and often contradictory stance of the Taliban regarding girls' education.⁴¹⁷

⁴¹⁴ "Afghanistan: UNESCO Strategy for Education Reconstruction - UNESCO Digital Library," accessed February 16, 2026, <https://unesdoc.unesco.org/ark:/48223/pf0000139851>.

⁴¹⁵ Khan, Rafi, and Khan, "Afghanistan's Taliban Denial of Women's Education."

⁴¹⁶ Rohina Toran, *Women's Education under Taliban Rule in Afghanistan: A Political and Socio-Cultural Analysis* (MA thesis, The University of British Columbia, 2024), 35–36, accessed December 21, 2025.

⁴¹⁷ Afghanistan International TV, "Amuzish-e Dokhtaran va Pesarān Tānhā Rāh-e Tose'eh-ye Afghanistan Ast," accessed December 21, 2025, <https://www.afintl.com/202402220540>.

The Taliban, like many political groups, justify their policies by appealing to Islamic law. However, their interpretation differs significantly from that of other Islamic states, with systematic discrimination against women being far more severe. The restrictions on education imposed by the Taliban stand in sharp contrast to broader Islamic interpretations. Maulvi Abdul Hakim Haqqani, a Taliban judge, notes in his book *Al-Imarah al-Islamiyah wa-Niazmh* (الإمارة الإسلامية و نظامها, p. 80) that one of the conditions for being an Imam is being male, explaining that “women have been ordered to remain in the home.”⁴¹⁸

For the Taliban, the concept of education is primarily religious, which all members of the group emphasize, and they consider it necessary to integrate modern knowledge with Islamic teachings. This reflects the Taliban’s control over education: a system that adheres to contemporary educational frameworks but remains consistent with their ideological agenda. Human rights experts and UN officials have described the situation in Afghanistan as gender apartheid. A joint report by Amnesty International and the International Commission of Human Rights notes that the Taliban are implementing a system based on gender segregation and structural discrimination.⁴¹⁹

If these restrictions continue until 2030, more than four million girls will be denied access to secondary and higher education. This represents not only a loss of

⁴¹⁸ visitatore, *La Visione Del Mullah Haqqani Sullo Stato Islamico e La Governance Dei Talebani - Euro Islam*, September 24, 2023, <https://www.euroislam.eu/en/counter-extremist-ideology/mullah-haqqani-expresses-his-vision-of-the-islamic-state/>.

⁴¹⁹ *A Detailed Analysis of How the Taliban Erased Girls’ Education in Afghanistan – Release Peace*, n.d., accessed February 8, 2026, <https://releasepeace.org/a-detailed-analysis-of-how-the-taliban-erased-girls-education-in-afghanistan/>.

individual opportunity but also has profound consequences for national development. The absence of women in critical sectors, particularly healthcare, contributes to the deaths of approximately 16,000 mothers and 3,500 newborns each year, according to UNICEF.⁴²⁰

When the Taliban regained power, they partially reinstated the stringent restrictions on women's education that had existed in the 1990s. Although the temporary administration announced that boys' schools would resume for grades six through twelve, uncertainty remained regarding girls' schooling. The Taliban justified their stance by claiming that women's education is acceptable only if it adheres to "Islamic values" and continues to enforce gender segregation in educational settings. Furthermore, restrictions on women's employment have created a severe shortage of trained teachers, particularly female educators, exacerbating challenges within Afghanistan's educational institutions.⁴²¹

The lack of adequate infrastructure and schools is the main factor contributing to low female enrolment in Afghanistan. Areas under Taliban control are particularly affected, as the group opposes female education and operates few or no girls' schools. The closure of schools has been further exacerbated by attacks from rebels opposed to female education. Cultural traditions also impede women's education; for

⁴²⁰ "UNESCO Gives Voice to Afghan Girls and Women and Calls for Their."

⁴²¹ Sabrina Nadiry, *The Right to Education for Afghan Women: An Islamic Legal Perspective with an Analysis of Cultural and Political Influences*, Universitas Islam International Indonesia, Indonesia, and Kabul University, Afghanistan, 10-11, <https://journal.walideminstitute.com/index.php/sicopus/article/view/290/532>.

example, the Pashtun, who constitute the majority of the Afghan population, have historically placed little value on educating girls.⁴²²

a. The Right to Education in the National Constitution Law (2004)

Education is internationally recognized as a fundamental right.⁴²³ The Constitution of the Islamic Republic of Afghanistan explicitly affirms this principle. Article 43 states: “Education is the right of all citizens of Afghanistan and shall be provided up to the level of secondary education,” reflecting a constitutional commitment to equal access for all Afghan citizens. Furthermore, Article 44, found in Chapter Two titled “Fundamental Rights and Duties of Citizens”.⁴²⁴

Furthermore, Article 44, found in Chapter Two titled “Fundamental Rights and Duties of Citizens,” requires the state to implement effective programs to ensure balanced educational expansion nationwide. It emphasizes affirmative measures to address educational disparities, including gender inequality, by prioritizing girls’ education and ensuring access for marginalized groups.⁴²⁵

Article 45 mandates the establishment of a unified national curriculum grounded in Afghan national culture, Islamic principles, and recognized academic standards. It also provides for the teaching of religious subjects in accordance with the various

⁴²² Hazrat Usman Mashwani, *Female Education in Afghanistan: Opportunities and Challenges*, 46-47, https://www.researchgate.net/profile/HazratMashwani/publication/321683009_Female_Education_in_Afghanistan_Opportunities_and_Challenges/links/5a2ac205a6fdccfbfb8515e1/Female-Education-in-Afghanistan-Opportunities-and-Challenges.pdf.

⁴²³ Jody Heymann, Amy Raub, and Adèle Cassola, “Constitutional Rights to Education and Their Relationship to National Policy and School Enrolment,” *International Journal of Educational Development* 39 (November 2014): 121–31, <https://doi.org/10.1016/j.ijedudev.2014.08.005>.

⁴²⁴ Sayed Edris Hashimi, *Education Rights of Women in Afghanistan After 200*, 16 (2021).

⁴²⁵ Constitution of Afghanistan 2004, <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/66413/AFG66413%20ENG.pdf>.

Islamic sects present in Afghanistan.⁴²⁶ Article 46 outlines the state's responsibility to establish and administer general, specialized, and higher education institutions. It further permits Afghan citizens and, with government approval, foreign entities to establish educational institutions, provided they operate in accordance with national law. Additionally, admission to state-run universities and related academic matters is also to be regulated by law.⁴²⁷

After the Taliban government outlawed female education in 1996, basic and secondary education was largely provided through madrassas, or mosque schools. Following the Taliban's overthrow in 2001, the interim government received substantial international assistance to rebuild the educational system; however, the Taliban continued to target public institutions over the next several years. By 2007, a third of schools in the southern provinces had to close due to increased Taliban activity. In areas under their control, the Taliban established a limited number of Islamist schools, while nine provinces launched informal community education initiatives between 2004 and 2005. By 2008, approximately 9,500 schools were reportedly open nationwide.⁴²⁸

Although Article 43 of the Constitution guarantees free education up to the bachelor's level, historical and fiscal challenges have hindered its universal implementation. Nevertheless, the constitutional framework emphasizes principles

⁴²⁶ Constitution of Afghanistan, art. 45, 2004.

⁴²⁷ Constitution of Afghanistan, art. 46, 2004.

⁴²⁸ Asghar Khan, Ayaz Ahmad, and Asma Gul, "Constitution of Afghanistan: An Analysis of Educational and Linguistic Provisions," *Liberal Arts and Social Sciences International Journal (LASSIJ)* 4, no. 1 (2020): 66–75.

of gender equality in education and prioritizes girls' access to learning opportunities.⁴²⁹

b. The National Educational Strategies Plans I, II, III (2006 -2021)

Afghanistan's Ministry of Education developed multi-year strategic plans to guide sectoral reform during this reconstruction phase. With assistance from UNESCO/IIEP, the Afghan Compact (2006) established the National Education Strategy Plan (2006-2010). It sought to implement a new secondary curriculum, increase the number of female teachers by 50%, and increase primary net enrolment to at least 60% for girls and 75% for boys by 2010.⁴³⁰

B. Violation of Afghanistan's Obligation to Protect the Right to Education under International Human Rights Law

The Taliban's restrictions on girls' education violate Afghanistan's obligations under international human rights law in several ways. Afghanistan remains a party to major international human rights treaties protecting the right to education, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).⁴³¹

Although the Taliban are not formally recognized as the de jure government of Afghanistan, they exercise effective territorial control over the state and population

⁴²⁹ Khan, Ahmad, and Gul. 13.

⁴³⁰ Mohammad Shafi Mohammadi, Trends and progress in Education in Afghanistan from 2001-2021: A Systematic Review, 78.

⁴³¹ Khan, Ahmad, and Gul 14-15.

and therefore remain responsible for implementing Afghanistan's international human rights obligations as a de facto authority. The Taliban assert that their treatment of women and girls is consistent with Islamic values; no Islamic nation has ever enforced such severe treatment of women. This was also true under the Taliban's prior rule from 1996 to 2001. An executive director of Physicians for Human Rights observed that:⁴³²

“We are aware of any place in the world in recent history where women have so systematically been deprived of every opportunity to survive in the society, from working to getting an education to walking on the street to getting health care.”⁴³³

The Taliban's policies restricting girls from secondary and higher education constitute a clear violation of the principle of non-discrimination under international human rights law. Article 26 of the UDHR recognizes education as a fundamental human right that must be accessible to everyone without discrimination. Similarly, Article 10 of CEDAW specifically obliges states to eliminate discrimination against women and ensure equal access to education at all levels. By prohibiting girls from attending high schools and universities solely based on gender, the Taliban imposes discriminatory measures that directly contradict these international obligations.⁴³⁴

The Taliban have promised to uphold Afghanistan's international human rights obligations and have not withdrawn from any of the following human rights treaties.

⁴³² Sebghatullah Qazi Zada and Mohd Ziaolhaq Qazi Zada, “The Taliban and Women's Human Rights in Afghanistan: The Way Forward,” *The International Journal of Human Rights* 28, no. 10 (November 2024): 1687–722, <https://doi.org/10.1080/13642987.2024.2369584>.

⁴³³ “A/HRC/51/6: Situation of Human Rights in Afghanistan - Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan,” OHCHR, accessed May 16, 2026, <https://www.ohchr.org/en/documents/country-reports/ahrc516-situation-human-rights-afghanistan-report-special-rapporteur>.

⁴³⁴ V. O. A. News, “Muslim Scholars, Activists: Taliban Ban on Girls' Education Not Justified,” *Voice of America*, April 12, 2022, <https://www.voanews.com/a/muslim-scholars-activists-taliban-ban-on-girls-education-not-justified-/6526830.html>.

The Taliban must continue to uphold international human rights legislation about women to keep Afghanistan's membership in the human rights treaty responsibilities.

The following were observed by the Special Rapporteur on the situation of Human Rights in Afghanistan:

“The de facto authorities (Taliban) have effective control over the country and therefore are responsible for fulfilling the obligations emanating from the international human rights and humanitarian treaties to which Afghanistan is a party, regardless of whether there is recognition of a formal change of government.”⁴³⁵

1. Violations of the Right to Education and the Principle of Non-Discrimination

The Taliban's policies restricting girls from higher and secondary education constitute a clear violation of the principle of non-discrimination under international human rights law. Article 26 of the UDHR recognizes education as a fundamental human right that must be accessible to everyone without discrimination. Similarly, Article 13 of the ICESCR recognizes the right of everyone to education and requires states to ensure accessible secondary and higher education. In addition, the exclusion of girls from education produces broader social and humanitarian consequences, including increased gender inequality, reduced economic participation, psychological harm, and long-term barriers to social development. Consequently, the Taliban's restrictions not only violate specific treaty obligations concerning education but also undermine the broader principles of equality, human dignity, and human rights protection recognized under international law.⁴³⁶

⁴³⁵ OHCHR, “A/HRC/58/80.”

⁴³⁶ Mehtarkhan Khwajamir, “History and Problems of Education in Afghanistan,” *SHS Web of Conferences* 26 (2016): 826, <https://doi.org/10.1051/shsconf/20162601124>.

2. Violations of Women's Rights and Gender Equality Principles under CEDAW

Additionally, the right to education for women was acknowledged as a fundamental human right by CEDAW. In particular, Article 10 of CEDAW asks for the abolition of gender discrimination in education and addresses women's right to an education. This entails ensuring that women and girls have equal access to education at all levels, eliminating gender prejudice and stereotyping in the classroom, and taking additional steps to ensure that women and girls have equal access to education.⁴³⁷

The Taliban's restrictions, which include forbidding women from traveling and studying on scholarships, shutting down beauty salons, and placing limitations on everything, including entering public spaces, stand in stark contrast to international standards that promote gender equality and women's empowerment through work and education. States are required by Article 2 to uphold, defend, advance, and fulfill international principles of gender equality. According to Article 2(f), their responsibility includes the removal of customs that are discriminatory in nature.⁴³⁸

3. Violations of Afghanistan's Obligations under the Convention on the Rights of the Child (CRC)

Furthermore, the UN General Assembly adopted the CRC in 1989 and acknowledged children's right to an education. According to Article 28 of the CRC, states must guarantee that every child has access to education based on equal

⁴³⁷ "Afghanistan: Taliban Ban Women from Universities amid Condemnation," December 21, 2022, <https://www.bbc.com/news/world-asia-64045497>.

⁴³⁸ Khwajamir, "History and Problems of Education in Afghanistan." Khwajamir.

opportunity since education is crucial for children's growth and well-being. The continued closure of schools for girls prevents Afghanistan from fulfilling its treaty obligations toward children under international human rights law. Article 28(3) of the CRC establishes international collaboration in subjects concerning human rights, such as the right to education. It requires the state parties to look for, support, and advance international cooperation in the field of education.⁴³⁹

4. Violations of the Obligations to Respect, Protect, and Fulfill the Right to Education

The right to education, like all human rights, places obligations on nations to uphold, defend, and fulfill this right. The obligation to respect requires states to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires states to take measures that prevent third parties from interfering with the enjoyment of the right to education.⁴⁴⁰

The obligation to fulfill means that states must take positive measures that enable and assist individuals and communities to enjoy the right to education. Furthermore, the Taliban's educational policies violate the obligations to respect, protect, and fulfill the right to education. By systematically excluding girls from education and failing to establish policies that guarantee equal educational opportunities, the Taliban violates all three dimensions of Afghanistan's obligations under international human rights law.⁴⁴¹

⁴³⁹ "Article 26 of The Universal Declaration of Human Rights," accessed May 17, 2026, <https://www.humanrights.com/course/lesson/articles-26-30/read-article-26.html>.

⁴⁴⁰ "Afghanistan," OHCHR, accessed May 17, 2026, <https://www.ohchr.org/en/countries/afghanistan>.

⁴⁴¹ OHCHR, Afghanistan.

5. Violations of International Anti-Discrimination Standards in Education

The terms “discrimination” and “education” are defined under Article 1 of the CDE. Article 1(1) of the convention defines discrimination as any distinction, exclusion, limitation, or preference based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition, or birth, which has the purpose or effect of impairing equality of treatment in education.⁴⁴²

According to Article 1(2), education includes the standards and quality of education, as well as the conditions under which it is provided. Articles 3 and 4 codify the state's duty against all forms of discrimination. Article 3 addresses active discrimination by requiring states to take action to end and prevent discrimination in education, while Article 4 requires states to formulate and implement national policies that promote equality in education.⁴⁴³ Since every nation in the world has ratified at least one treaty that addresses some parts of the right to education, they are all expected to put that right into practice.⁴⁴⁴

1. The right to education, like all human rights, places obligations on nations to uphold, defend, and fulfill this right.
2. The obligation to respect requires states to avoid measures that hinder or prevent the enjoyment of the right to education.
3. The obligation to protect requires states to take measures that prevent third parties from interfering with the enjoyment of the right to education.

⁴⁴² Cho, “International Women’s Convention, Democracy, and Gender Equality.”

⁴⁴³ “Girls Education in Afghanistan at Risk from U.S. Withdrawal,” accessed May 17, 2026, <https://time.com/6078072/afghanistan-withdrawal-taliban-girls-education/>.

⁴⁴⁴ OHCHR, Afghanistan.

4. The obligation to fulfill means that states must take positive measures that enable and assist individuals and communities to enjoy the right to education.⁴⁴⁵

6. International Cooperation and Restoration of Constitutional Protection

Therefore, with the help and support of the international community, women's rights to education, employment, and freedom of movement can be realized. International human rights law calls upon nations to seek out and foster cooperation to effectively implement and meaningfully realize international human rights norms at home.⁴⁴⁶ The constitutional and domestic legal framework established for the protection of women's rights to education, employment, and freedom of movement should be restored by the de facto authority in Afghanistan, including the reinstatement of Afghanistan's 2004 Constitution and the 2009 Elimination of Violence Against Women Law.⁴⁴⁷

The terms “discrimination” and “education” are defined under Article 1 of the CDE. Article 1(1) of the convention defines discrimination as any distinction, exclusion, limitation of preference which, being based on race, colour, sex, language, religion, political or other opinion, has the intent or effect of nullifying or weakening equality of treatment in education, regardless of national or social origin, economic status, or place of birth.⁴⁴⁸

⁴⁴⁵ “State Obligations and Responsibilities on the Right to Education,” accessed May 17, 2026, <https://www.unesco.org/en/right-education/state-obligations-responsibilities>.

⁴⁴⁶ Maryam Qasim, Muhammad Imran Khan, and Muhammad Zamin, *Challenges to Women and Girls' Right to Education and*, no. 01 (2025): 22–26.

⁴⁴⁷ Qasim, Khan, and Zamin.

⁴⁴⁸ Rofii Ahmad, “The Interface of Sharia and International Human Rights,” *Mahkamah: Jurnal Kajian Hukum Islam* 9, no. 2 (December 2024): 114, <https://journal1.uinss.ac.id/index.php/mahkamah/article/view/19447>.

7. Assessment of Taliban Policies through Katarina Tomasevski's Four-A Framework

The preceding analysis has demonstrated that the Taliban's post-2021 education policies, including the prohibition of girls' secondary and higher education, restrictions on female teachers, curriculum reforms, and gender segregation, have fundamentally transformed Afghanistan's education system.⁴⁴⁹ These measures may also be evaluated through Katarina Tomasevski's Four-A Framework, particularly the principle of accessibility, which requires that education be accessible to all without discrimination and that legal, administrative, and institutional barriers preventing access to education be removed.⁴⁵⁰

The findings of this chapter demonstrate that the Taliban's policies are fundamentally inconsistent with the accessibility dimension of the right to education. Since returning to power in 2021, the Taliban have prohibited girls from attending secondary schools, universities, and many medical institutes solely based on gender. Additional restrictions, including mandatory gender segregation, limitations on female teachers, and the *mahram* requirement, have created institutional and legal barriers that systematically prevent girls and women from accessing education. These restrictions are not the result of inadequate educational

⁴⁴⁹ Rohina Toran, *Women's Education Under Taliban Rule in Afghanistan: A Political and Socio-Cultural Analysis* (MA thesis, The University of British Columbia, 2024), 35-36, <https://open.library.ubc.ca/soa/cIRcle/collections/ubctheses/24/items/1.0447745>.

⁴⁵⁰ Rohina Toran, *Women's Education Under Taliban Rule in Afghanistan: A Political and Social Cultural Analysis*.

facilities or limited financial resources but arise from deliberate government policies that deny educational opportunities exclusively to female students.⁴⁵¹

Under international human rights law, education must be accessible to everyone without discrimination, particularly to vulnerable and marginalized groups. The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child all recognise equal access to education as a fundamental human right. By excluding girls from education solely because of their gender, the Taliban's policies constitute a clear form of systematic gender discrimination and are incompatible with these international legal obligations.⁴⁵²

Moreover, as demonstrated throughout this chapter, these restrictions have resulted in widespread educational exclusion, psychological harm, increased school dropout rates, early and forced marriages, economic dependency, and the long-term marginalisation of women in Afghan society. The denial of educational access therefore extends beyond the violation of an individual right and produces broader social and developmental consequences.

Overall, applying Katarina Tomasevski's Accessibility Principle confirms the conclusions reached in this chapter. The Taliban have created legal, administrative, and institutional barriers that systematically deny Afghan girls' equal access to

⁴⁵¹ Farhat Easar, Hadia Azizi, Khudaynazar Rahmani, Mujtaba Moradi, Rajab Taieb, and Wasal Naser Faqiryar, *Education in Afghanistan since 2001: Evolutions and Rollbacks*, research report, 5-6, 2021.

⁴⁵² Farhat Easar, Hadia Azizi, Khudaynazar Rahmani, 8-9.

education solely because of their gender. Consequently, these policies violate not only the accessibility dimension of the right to education but also the broader principles of equality and non-discrimination established under international human rights law.



CHAPTER IV

CLOSING REMARKS

A. Conclusion

This study concludes that the Taliban's policies since 2021 have systematically restricted girls' right to education throughout Afghanistan. The findings show that girls have been excluded from higher education and have faced severe restrictions in accessing higher education. These policies have reversed significant educational progress achieved before 2021 and have deprived millions of Afghan girls of educational opportunities. Beyond education, the restrictions have also produced long-term social, economic, and developmental consequences by limiting women's participation in society and undermining Afghanistan's future development.

This study concludes that the Taliban's restrictions on girls' education constitute a clear violation of Afghanistan's obligations under international human rights law. Afghanistan remains bound by major international human rights treaties, including the ICESCR, CRC, CEDAW, and CERD, all of which guarantee the right to education without discrimination. By prohibiting girls from accessing secondary and higher education solely based on gender, the Taliban have violated the principles of equality and non-discrimination and failed to uphold Afghanistan's international commitments. Furthermore, although the Taliban lack widespread international recognition, their effective control over Afghanistan requires them, as a de facto authority, to respect and implement the state's human rights obligations. Weak domestic accountability mechanisms and limited international

enforcement have allowed these violations to continue despite widespread international condemnation.

B. Recommendation

According to the Author's perspective, the following recommendations can be suggested:

1. The Taliban, as the de facto authority exercising effective control over Afghanistan, should immediately remove all restrictions on girls' secondary and higher education and ensure equal access to education without discrimination. In line with Afghanistan's obligations under international human rights law, the authorities should restore girls' access to schools and universities, protect women's educational rights, and adopt policies consistent with the principles of equality and non-discrimination.
2. The international community, including the United Nations, international human rights organizations, donor countries, and educational institutions, should strengthen coordinated efforts to protect Afghan girls' right to education. This should include increasing diplomatic engagement and accountability measures, expanding scholarship opportunities and educational visas, and providing sustained financial and technical support for alternative education initiatives, such as online learning and community-based education, until girls regain full access to formal education in Afghanistan

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