Rachael Glasenapp
GBD/ Prof. Maute
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Gender Apartheid: Taliban Policies and Human Rights

I. Introduction

Women’s experience under the Taliban regime in Afghanistan is characterized by brutality, depravity, and repression. Although its use has been limited to race, apartheid, defined in international law as “domination by one group and the systematic oppression of another,” clearly applies in Afghanistan to gender.¹ In this paper I will examine Taliban policies and argue that the international community’s failure to adequately respond to the pleas of Afghani women and label their abuse “apartheid” reflects underlying gender discrimination and biased assumptions inherent in international human rights law. Giving primacy to the personal experience of Afghani women under Taliban rule reveals how gender, race, class, and international politics intersect to create the current human rights crisis, and demonstrates how the law is used as a political tool to oppress women, and can therefore also be used as a tool for positive social change.

II. Background

Afghanistan, a country the size of Texas, has approximately 24 million inhabitants.² Its population is notable for its diversity; while the Pakhtun, an ethnic Islamic group from the Pashtun provinces of southern Afghanistan, comprise a majority


of the population, several religious, ethnic and linguistic minorities exist as well.\textsuperscript{3} Further, the Islamic population is not a strictly heterogeneous group itself, as important and often divisive ethnic and linguistic differences exist among them. Most Afghans inhabit rural areas and adhere to traditional local cultural practices, leading simple yet arduous lives in the mountains or countryside, primarily concerned with mere subsistence. Urban populations continue to increase however, and with them developed a marked disparity between rural and middle/upper class urban Afghan lifestyles, the latter having had access to modern schools, professional employment, hospitals, transportation, and the media for years.\textsuperscript{4}

Currently, Afghanistan is one of the world's poorest countries.\textsuperscript{5} It has one of the highest infant, child, and maternal mortality rates in the world.\textsuperscript{6} Life expectancy of women is 44 years.\textsuperscript{7} Access to safe drinking water is as low as 17% in rural areas and 38% in urban areas.\textsuperscript{8} An estimated 42% of Afghanistan deaths are due to diarrheal diseases, which claim 85,000 children under five every year.\textsuperscript{9} As many as 52% of children under five suffer from malnutrition.\textsuperscript{10} Seventy percent of the health care system

\textsuperscript{3} ROBERT YOUNG PELTON, FIELDING'S THE WORLD’S MOST DANGEROUS PLACES 273 (3d ed. 1998) [hereinafter Robert Pelton].

\textsuperscript{4} See Nancy Gallagher, supra note 2, at 368.


\textsuperscript{6} Id.

\textsuperscript{7} Id.

\textsuperscript{8} Id.

\textsuperscript{9} Id.

\textsuperscript{10} Id.
in Afghanistan is dependent on external assistance.\textsuperscript{11} In addition to its extreme poverty, Afghanistan has suffered from periodic droughts and more than twenty years of war, resulting in a lack of economic development and political stability.\textsuperscript{12} Afghans have been the world’s largest group of refugees for the past twenty years.\textsuperscript{13}

In 1929 Afghan governments first recognized women’s rights to education and employment opportunities and have since intermittently supported their development.\textsuperscript{14} Although the first attempts at “formal equality” proved unsuccessful, in 1959, under the leadership of Prime Minister Daoud Khan, the status of women improved as part of the government’s general efforts to modernize Afghanistan.\textsuperscript{15} The government provided growing numbers of women with an education, and while women’s colleges had existed since 1946, in 1963 women were admitted to Kabul University and coeducation in all primary schools began.\textsuperscript{16} In 1964 the Afghan constitution guaranteed that “both women and men, without discrimination and privilege, have equal rights and obligations before the law,” and in 1965 the government granted women suffrage.\textsuperscript{17} Throughout the 1970’s women’s employment opportunities continued to expand.\textsuperscript{18} In 1978, Daoud was deposed

\textsuperscript{11} PHR study, \textit{supra} note 5.

\textsuperscript{12} \textit{Id.}

\textsuperscript{13} \textit{Id.}

\textsuperscript{14} Nancy Gallagher, \textit{supra} note 2, at 369.

\textsuperscript{15} \textit{Id.}

\textsuperscript{16} JAN GOODWIN, \textit{PRICE OF HONOR: MUSLIM WOMEN LIFT THE VEIL OF SILENCE ON THE ISLAMIC WORLD}, 89 (1994) [hereinafter Jan Goodwin].

\textsuperscript{17} \textit{Id.} at 79.

\textsuperscript{18} Nancy Gallagher, \textit{supra} note 2, at 369.
by a group of urban leftists, but lack of popular support and internal conflicts in the regime led to their defeat by a rival faction, who backed by the Soviet Union, took control in 1979. A bitter civil war ensued, and until 1992 Afghanistan served as a battleground for Cold War politics, with the Soviet-backed government fighting various Afghan opposition groups, secular, ethnic, nationalist, or religious in orientation.

During the Soviet-backed government’s rule, women’s secular education and professional opportunities continued to increase. By the 1980’s most women were used to public education and professional employment in government offices, private companies, hospitals, and schools.

These advances were not to last however. The United States and other Soviet opponents, eager to aid in suppressing the red menace as to further their own economic and political agendas, quickly lent their support to the Afghan resistance groups. Interestingly enough, the United States, through a covert CIA operation, opted to back the religious, or Mujahidin, groups. While this choice seems at odds with the United State’s democratic and secular orientation, the reason for the United State’s support for the Mujahidin was clearly made for strategic reasons. Pakistan, the United State’s regional ally, hoped to create an Islamic bloc to strengthen its position against India, and also wanted to prevent nationalistic Afghans from incorporating the Pashtun region of

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20 Id.

21 Nancy Gallagher, supra note 2, at 371.

22 AI Report, supra note 19.

23 Robert Pelton, supra note 3, at 272. Pelton reports that President Carter provided $30 million in covert aid through the CIA. This support increased under Reagan, by 1985 the US gave $250 million a year in covert assistance. By 1988, annual US assistance to the Afghan resistance reached $700 million.
Pakistan.24 Obviously, supporting the Mujahidin would best further these goals. The
Mujahidin groups were themselves diverse and had additional sponsors, especially Saudi
Arabia and Iran.25 The United States and others invested considerable financial resources
to aid the Mujahidin over the years, including a vast number of weapons. In all, the
United States and other Mujahidin supporters gave over $10 billion in support of the
effort.26 Pakistan used some of this support, with the United States’ approval, to fund
military schools in Pakistan for boys, whose students were mainly refugees from
Afghanistan, displaced by years of civil war.27 These schools touted fundamentalist
Islamic doctrine and anti-Western sentiment in an attempt to produce soldiers prepared to
wage holy war against the Godless Soviets.28 In 1989 the Soviet troops withdrew and in
1992 the Soviet-backed government finally collapsed, ending the Cold War scramble for
Afghanistan as a group of Mujahidin forces took control.29

As their political power stemmed from their religious orientation, the Mujahidin,
in an attempt to solidify this power, quickly deemed anything associated with the West or
the Soviet Union as un-Islamic and therefore sinful.30 After decades of foreign
occupation and internal conflict, the Mujahidin understood the necessity of establishing a
national identity distinct from the West in order to maintain their power and popular

24 Nancy Gallagher, supra note 2, at 370.
25 Id.
26 Id.
27 Muhammad Ahsan Yatu, U.S. Duplicity in Afghanistan, The Frontier Post (9/6/00) at
28 Id.
29 Nancy Gallagher, supra note 2, at 370.
30 Id.
support. Thus, fundamentalist Islam, insofar as it represented both a commonality among the majority of Afghans and a diametric opposition to "Western" values, served the Mujahidin as an effective political tool of unification. After suffering years of human rights violations and the daily horrors of civil war under Soviet occupation, the Mujahidin capitalized on the Afghan populations righteous anger and fear of outsiders and equated a nationalist identity with a fundamentally Islamic one. According to the fundamentalist leaders, women's rights fit under the rubric of unholy Western ideology; they denounced the concept as one imposed by outsiders and claimed women's rights were not only foreign, but also contrary to Islam.\textsuperscript{31} The Mujahidin forces urged women to return to the home and required them to wear the burqa, a cloth covering from head to toe, while in public.\textsuperscript{32} Constant power struggles within the Mujahidin coalition prevented strict enforcement of this policy, but in 1994 the government announced that in addition to wearing the burqa in public, women wearing perfume would be considered guilty of adultery, women were required to obtain the permission of a male guardian in order to leave their homes and women could not look at men to whom they were not related.\textsuperscript{33} In response, in 1995 educated women held a conference in Kabul, the nation's capital, and planned to send a delegation to the Forth World Conference of Women in Beijing but were denied participation by the Mujahidin at the last minute, who deemed the conference "anti-Islamic and a threat to Afghan religious and cultural traditions."\textsuperscript{34}


\textsuperscript{32} Nancy Gallego, \textit{supra} note 2, at 370.

\textsuperscript{33} \textit{Id.} at 371.

\textsuperscript{34} \textit{Id.}
Meanwhile, a faction of the Mujahidin known as the Taliban, many of whom were students of the Pakistani military schools, began to expand their control from the southern regions of Afghanistan.\textsuperscript{35} They hoped to rid Afghanistan of the corrupt Mujahidin forces and enact their own version of Islamic law (Shari’ah).\textsuperscript{36} In September 1995 the Taliban captured Herat, a major Afghan city and later that month, captured the capital city, Kabul.\textsuperscript{37} Since that time the Taliban have gained control of over 90 to 95% of Afghanistan.\textsuperscript{38}

III. Taliban Policies

My sister, how can I start my story? Shall I start with my amazement, or my lonesomeness, or my homelessness? My name is BiBi Keshvar. I am about 40-43 years old... We used to live on the income from selling grapes... When wars between the Taliban and Masoud started we lost everything. We lost our house, our property, our belongings... For us women, this group of the Taliban does not help us, and do not even let us ask for help to live... Even God does not help us. We are wandering here and there, sometimes at different people’s homes. Now we live in the countryside of Afghanistan. We live a bad life.\textsuperscript{39}

The Taliban is a religious, militant and political organization headed by Mullah Muhammad Omar.\textsuperscript{40} He and other officials issue edicts and directives, which are routinely contradictory, changed, or ignored.\textsuperscript{41} Immediately upon seizing control, the

\textsuperscript{35} Nancy Gallagher, supra note 2, at 372.
\textsuperscript{36} Id.
\textsuperscript{37} Id. at 373.
\textsuperscript{38} AI Report, supra note 19.
\textsuperscript{39} Saleema, Story of a Woman Victim of War, (7/15/00) at http://rawa.kwebcreations.com/woman10.htm (visited on 9/19/01) (copy on file with author).
\textsuperscript{40} AI Report, supra note 19.
Taliban began issuing policies restricting women's activities that conformed to their version of Islamic law, one derived from the rural Pashtun culture (from which the majority of the Taliban belong), a culture which is very conservative and opposed to modernizing trends in Islamic thought.\textsuperscript{42} Thus, although the Taliban claim to be a religious, rather than ethnic group, their cultural and ethnic identity colors their interpretations of "real" Islamic law. Taliban policies prohibit women from working in public positions with the exception of a few female nurses and doctors.\textsuperscript{43} Before Taliban control 50\% of civilian government workers and 40\% of doctors in Kabul were women.\textsuperscript{44} Women are required to wear the burqa at all times when in public.\textsuperscript{45} Women who attempt to work or fail to observe the strict dress code requiring the burqa are often beaten in the streets by Taliban militants.\textsuperscript{46} The Taliban also closed 158 public schools as well as Kabul University, and when reopened, the Taliban prohibited women from attending.\textsuperscript{47} Previously, women constituted 50\% of the students and 60\% of the teachers at Kabul University.\textsuperscript{48} Many boys found themselves without teachers because women

\textsuperscript{41} AI Report, supra note 19.

\textsuperscript{42} Nancy Gallagher, supra note 3, at 372.

\textsuperscript{43} Id. at 373.

\textsuperscript{44} Feminist Majority Foundation, Campaign to Stop Gender Apartheid in Afghanistan, (2001) at http://www.feminist.org/afghan/facts.html (visited on 9/10/01) (copy on file with author) [hereinafter FMF].

\textsuperscript{45} Id.


\textsuperscript{47} Nancy Gallagher, supra note 3, at 373.

\textsuperscript{48} FMF, supra note 44.
were no longer allowed to teach and they comprised about 70% of school teachers.\textsuperscript{49} In all, about 40,000 women lost their jobs, many of these war widows with no other means of support.\textsuperscript{50} As a result of the Taliban’s policies designed to “protect” women and improve Islamic society by a supposed return to fundamental Islamic law, countless women have been reduced to begging and prostitution, suffer beatings and harassment by Taliban police, and are put to death for violating Taliban policies.

In 1997 Taliban policies became even more restrictive.\textsuperscript{51} Edicts were issued stating women could not wear shoes that made noise while they walked, ride in a car with foreigners, drive, gather in groups of women, or conduct business inside small shops.\textsuperscript{52} Further, women could take women-only buses, whose windows had to be covered with curtains, and ground floor windows of buildings with female inhabitants were ordered painted black.\textsuperscript{53} The Taliban closed the public baths for women, which are most women’s only means of hygiene as few have running hot water or bathing facilities in their homes.\textsuperscript{54} Further, women are prohibited from operating a home business unless a male relative gained permission from the Ministry for the Propagation of Virtue and the Suppression of Vice (“religious police”).\textsuperscript{55} In 1998 the Taliban further obstructed the work of Non-Governmental Organizations (NGOs) who are working to assist the

\textsuperscript{49} Nancy Gallagher, \textit{supra} note 2, at 373.

\textsuperscript{50} \textit{Id.}

\textsuperscript{51} \textit{Id. at} 374.

\textsuperscript{52} \textit{Id.}

\textsuperscript{53} \textit{Id.}

\textsuperscript{54} \textit{Id.}

\textsuperscript{55} \textit{Id.}
impoorished and war-torn Afghans, by closing more than 100 NGO-funded girls’
schools and home-based women’s vocational projects in Kabul, announcing that girls
over age eight were not allowed to attend school and that girls’ instruction would be
limited to the Qur’an (Muslim holy book). Women are beaten publicly for the slightest
infraction and public lashings of women, for violating Taliban decrees, are held weekly.
Thus, every aspect of women’s lives, their education, employment, health, freedom of
movement, association, and expression are profoundly affected by the Taliban’s policies.

In addition to the above restrictions on women, the Taliban decrees also limited
the activities of men, forcing them to grow beards and prohibiting Western style
clothing. The Taliban decrees have directly affected the entire population by banning
cinema, television, the internet, kite-flying (a popular pastime), secular festivals, sports,
music and toys. Adulterers are publicly stoned, murderers are publicly executed, and
thieves have their hands or feet amputated as dictated by Islamic law. Further, anyone
who carries objectionable literature or converts from Islam to any other religion is
executed.

In the first study of its kind, Physicians for Human Rights (PHR) surveyed
Afghanistan citizens to determine their attitudes towards Taliban policies and the degree
to which Afghan women believe these policies have detrimentally affected their health

56 Nancy Gallagher, supra note 2, at 376.
57 RAWA, supra note 46.
58 Id.
59 Id.
and well being.\textsuperscript{60} An overwhelming majority of the Afghan women and men surveyed (over 90\%) strongly support rights of women currently restricted by the Taliban, including equal access to education and employment, freedom of expression, legal protection of women’s human rights and political participation for women.\textsuperscript{61} Around 80\% of men and women agree that women should have freedom of movement and that Islam is not contrary to women’s human rights.\textsuperscript{62} Seventy-five percent of men and women support women’s freedom of association.\textsuperscript{63} These findings directly contradict the Taliban’s claim that their policies represent Islamic doctrine and Afghan culture. The study makes clear that the majority of Afghan people support women’s rights and do not feel Taliban policies represent their interests. The study also demonstrates that Taliban policies have very real and extreme consequences for women’s physical and mental well-being. A majority of women surveyed (57-86\%) attributed their declining physical and mental health directly to Taliban official policies, despite decades of war and extreme poverty.\textsuperscript{64} Almost all women (94-98\%) agreed that the Taliban had made their lives “much worse”.\textsuperscript{65} PHR concluded that Taliban policies are detrimental to the Afghan people’s health and general well-being.\textsuperscript{66}

\textsuperscript{60} PHR Study, supra note 5. This survey consisted of two separate studies conducted over a three-month period in 2000. PHR randomly sampled men and women in four geographic areas, in both rural and urban households, in both Taliban and non-Taliban controlled areas.

\textsuperscript{61} Id.

\textsuperscript{62} Id.

\textsuperscript{63} Id.

\textsuperscript{64} Id.

\textsuperscript{65} Id.

\textsuperscript{66} Id.
Thus the Taliban has effectively reduced women to the status of ghosts, not to be seen or heard outside the home. Afghan women have been marginalized to the point of non-existence, they have no voice, no identity, no subjectivity; shrouded in their burqas they have even been stripped of their individuality. Relegated to the sphere of “sub-man” and therefore “sub-human,” Afghan women exist solely for Afghan men, to labor in their homes and birth their children. Paradoxically, the Taliban’s concern with protecting women, suppressing vice, and promoting fundamentalist Islam has resulted in decrees which sexualize women’s entire being, with little more visible than the eyes, even eye contact is considered sexually provocative.\(^\text{67}\)

IV. Women’s Rights in International Law

Several instruments govern international human rights standards. In a general way, the United Nation’s Charter states this standard, as the international community promised to “promot[e] and encourag[e] respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”\(^\text{68}\) Shortly after its creation the U.N. issued the Universal Declaration of Human Rights, which listed rights and freedoms that “everyone is entitled to...without distinction...such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”\(^\text{69}\) Twenty years later, the U.N. proposed two new resolutions that purported to expand human rights, The international Covenant on Economic, Social, and Cultural Rights and its partner, The International Covenant on

\(^{67}\) Jan Goodwin, *supra* note 16, at 94. While living in Afghanistan, Goodwin learned of a practice called “eye purdah,” or averting one’s eyes in order to avoid trouble from men.


\(^{69}\) *Id.*, at 15.
Civil and Political Rights. These documents tended to discuss rights in terms of equal treatment under the law, thus reflecting a liberal feminist perspective which stresses formal equality and assumes such will remedy all forms of discrimination against women. This perspective ignores the systemic nature of women’s oppression and the inherent gender bias present in most social, political, religious, and cultural institutions, insofar as they were developed exclusively for men with the implicit, if not overt, purpose of maintaining male privilege.

In 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). While CEDAW also centered on formal equality, it developed specific rights with a focus on women. CEDAW required signatory countries to “embody the principle of the equality of men and women in their national constitutions[,] ... to establish legal protection of the rights of women on an equal basis with men[;] ... [and] to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”

CEDAW also granted women equality with men before the law, in the family, in voting rights and political participation, in education, and in seeking all types of employment. Further, CEDAW states that, “all appropriate measures should be taken to modify the

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70 Ahrens, supra note 68, at 15.

71 Id. at 16.

72 Id. at 18.


74 Id.
social and cultural patterns of conduct of men and women.” CEDAW allowed governments to enact “temporary special measures aimed at accelerating de facto equality between men and women.” To date, over 160 countries have signed the treaty, but the United States is not among them, preferring to remain in the company of Afghanistan, Iran, Saudi Arabia, Somalia and the United Arab Emirates.

V. Gender Apartheid and Human Rights

The Taliban policies are a flagrant violation of international human rights standards for women. While only three countries recognize the Taliban as the official government, the international community should not remain blind to abuses simply because their perpetrators lack official status. The lack of international repercussions for the Taliban’s abuse of women stems from several assumptions inherent in human rights law. First, a distinction is typically made between state actions and private actions, between the political and the social. Adhering to a public-private dichotomy means that several crucial areas in which women experience oppression are rendered outside the scope of international law. Although Taliban policies are in fact “state action,” the international community’s reluctance to take a pro-active stance demanding their dissolution reveals that the public/private dichotomy still operates on a covert level. State action which essentially reifies women’s traditional roles appears as less of an infraction

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75 Ahrens, supra note 68, at 18.

76 Id.

77 Ann Mayer, supra note 1, at 244-45.

78 Id. at 275. Only Pakistan, Saudi Arabia, and the United Arab Emirates recognize the Taliban as the official government of Afghanistan.

on human rights than as a mere harmless codification of cultural norms which primarily concern the private sphere, and are therefore not a pressing international human rights concern. Second, the international communities sensitivity to colonialism and cultural imperialism, in itself a positive development, has the unfortunate consequence of allowing political regimes which subordinate women to appeal to religion and culture as a justification.80 This leads one to question why slavery and racial apartheid have been internationally condemned, a position apparently immune to accusations of cultural imperialism, given that they were integral to many religions and cultures as well. Thus the third assumption in human rights law, which gives validity to this justification in regards to women, is revealed: that oppression on the basis of sex is somehow different from that based on race and therefore less objectionable to the international community.81 Discrimination against women is justified by appeals to innate differences between the sexes, thereby naturalizing women's complimentary, yet subordinate role to men.82 While Taliban abuses of Afghan women may appear unconscionable, they are merely more explicit manifestations of the behavior this ideology engenders when taken to its extreme.

The Taliban claims its policies reflect Shari'ah, or Islamic law. As discussed, the opinions of the Afghan population contradict this argument. An examination of Islamic law reveals that the alleged conflict between women's rights and Shari'ah is advocated for political purposes rather than an actual incompatibility between the two.83 Contrary

80 Ann Mayer, supra note 1, at 243.
81 Id. at 240.
82 Id. at 251.
83 Urfan Khaliq, supra note 31, at 43-44.
to Taliban ideology, the principles of Islam support most of the rights granted to women in CEDAW. Islam was born out of the nomadic tribes of seventh century Arabia, when Prophet Mohammed received the word of God through Archangel Gabriel. These messages were eventually recorded two to three centuries later, forming the Qur'an. Shari'ah, or Islamic law, literally means "path to follow" and is the general source of ethical, religious, and legal principles. Shari'ah comes from the Qur'an, the Hadith, (sayings and traditions of Mohammed, which illustrate examples of model behavior) and several secondary sources. Thus Shari'ah has never been immutable, it consists of mainly man-made regulations which can and should be altered as circumstances warrant. The general principles upon which Islam is based; tolerance, justice, freedom, and equality are similar to the principles human rights standards are based. Many Muslims argue the principles of the Qur'an must be applied to the modern era, not its literal word, as verses were revealed to accommodate circumstances at a particular point in time in a particular society. Additionally, the Qur'an repeatedly states a person will not be excused for accepting a prior interpretation of the Qur'an without first

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84 Urfan Khaliq, supra note 31, at 43.
85 Id. at 6.
86 Id.
87 Id. at 7.
88 Id. at 8.
89 Id. at 12.
90 Id. at 47.
91 Id.
contemplating it. This explains why slavery, although expressly permitted in the Qur'an, has since been abrogated by proponents of Shari'ah as a mode of human relationships no longer beneficial to the community in the modern era. Similarly, outdated conceptions of women's roles and relationships to men can be abrogated, as they are incompatible with the modern world. Further, the Qur'an clearly states that women may keep what they earn, implying the right to work. The Qur'an contains no prohibitions against women's political participation or education, in fact a Hadith states, "acquisition of knowledge is obligatory for every male and female." Additionally, neither the Qur'an nor any Hadith requires women to wear a burqa, to remain silent in public, or to be confined to the home. No access to education leaves women ignorant of their rights under Islam, and provides men with an effective means of control as they have exclusive authority over the word of God, and therefore over women's lives. While this brief description of Islam is obviously inadequate given its complex and rich history, it is sufficient to reveal that Taliban policies claimed to be rooted in Shari'ah are in fact culturally, if not entirely politically, created restraints. Using Islam to justify the Taliban's treatment of women is merely a smokescreen to mask the political agenda furthered by women's subordination, one which solidifies the Taliban's power through

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92 Urfan Khatiq, supra note 31, at 46.

93 Id. at 13.

94 Id. at 25.

95 Id. at 24.

96 Id. at 21. These verses were meant to apply only to the Prophet's wives.

97 Id. at 45.
constant domination and brutality, terrorizing women and reminding men that they too are powerless to protect their female loved ones and that Taliban authority is total.

Muslim women have made a mistake in thinking that it is not their territory to be educated in Islamic law, or the Islamic way of thinking... We left it to men and then we mourn and say, ‘Oh, this is injustice, such injustice imposed upon us.’ If something that has been given to us by God is taken away in the name of Islam, I will fight it... Women have been completely ignored for a very, very long time in our part of the world. And the most unfortunate enemy that women, and men, have in the Islamic world is ignorance: ignorant people facing selfish forces intent on sing the religion for political reasons, reasons of power.\textsuperscript{98}

The international community condemns racial apartheid and slavery and took proactive measures to end their practice. In the 1980’s the international community imposed sanctions and boycotts on South Africa and prohibited their participation in international sports.\textsuperscript{99} This international pressure eventually crippled South Africa’s economy and led to the end of its apartheid regime.\textsuperscript{100} Assuming that religion and culture are no more a justification for oppression based on gender than for that based on race, the international community’s failure to deal similarly with gender apartheid reveals an apathetic and complicit stance. Those who view critics of the Taliban as cultural imperialists ignore the voices of the Afghans themselves, who hotly debate women’s rights issues.\textsuperscript{101}

Accusations of cultural imperialism provide an effective means of obscuring the

\textsuperscript{98} Jan Goodwin, \textit{supra} note 16, at 80.

\textsuperscript{99} Ann Mayer, \textit{supra} note 1, at 241.

\textsuperscript{100} \textit{Id}.

\textsuperscript{101} \textit{Id.} at 337.
systematic, political and egregious nature of gender discrimination, rendering it innocuous by labeling it religion or culture.  

By comparing CEDAW with the Apartheid Convention, one can identify the assumptions that support gender discrimination and make it appear as something other than “domination by one group and the systematic oppression of another.” The most notable difference of course, is that CEDAW does not use the term apartheid. It thus fails to draw a connection between racial and gender oppression, treating the two as separate concepts; thus behavior amounting to apartheid but based on gender rather than race is not recognized as a comparable evil. Additionally, CEDAW does not state that gender discrimination is unjustifiable, although the Apartheid Convention expressly regards reasons for racial discrimination as irrelevant. Further, by avoiding terms such as “oppression” and “domination” and using the adjective “appropriate” to qualify its demands, CEDAW allowed governments to portray women’s treatment as religious or cultural rather than political.

Real differences do exist between racial and gender apartheid, the latter is often more subtle as the oppressed is intimately linked with the oppressor and also seen as more “natural” insofar as it purports to reflect innate differences between the oppressed

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102 Ann Mayer, supra note 1, at 240.

103 Id.

104 Id. at 245.

105 Id.

106 Id.
and the oppressor. However, by failing to recognize the assumption essential to maintaining all forms of oppression, that by birth one is inferior to another and therefore deserving of subordination, we cannot understand the interconnectedness of all forms of oppression, and are left with an incomplete picture. The oppression of the “Third World,” of the “non-white,” and of the female must all be understood to appreciate the Afghan woman’s experience of gender apartheid.

By deeming racial oppression unacceptable, even in light of religious and cultural justifications, the international community has established a threshold of acceptable behavior and imposed a moral imperative on the world in regards to race and human rights. Why a similar imperative does not exist for gender reveals that men, who comprise the majority of governments, have a vested interest in maintaining the status quo the world over.

VII. Conclusion

The international community has a responsibility to support the will of the Afghan people in establishing political stability and bringing an end to human rights violations. As discussed, the Taliban was one of the several Mujahidin groups whose rise to power resulted in large part from United States and ally support. The United States and allies effectively used Afghanistan as a stage for furthering Cold War agendas, which ultimately strengthened the United States position internationally. The arms the United States and others financed were used to commit massive human rights abuses. It is the duty of the United States and the world to correct these abuses by the Taliban and expose Islamic fundamentalist gender policies as the political tool they are.

107 Ann Mayer, supra note 1 at 251.
Resistance comes in many forms. For Afghan women, gathering together to secretly apply make-up and nail polish is an act of resistance to male domination.\textsuperscript{108} Some Western feminists would characterize such acts as an internalization of a male defined standard of femininity. These various interpretations highlight the importance of context and personal experience, and illustrate the need to provide a voice to the silenced in order to fully understand the complexities involved in their oppression. While Western feminists can aid in supporting Afghani women and influencing the international community and their own countries to take action, it is ultimately the Afghan women who must determine their role in Islam and society.