

Reclaiming Human Rights: Afghan Women Journalists' Struggle under Taliban Governance (2021–2024)

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Abstract. Since the Taliban took power again in August 2021, women's rights in Afghanistan have gotten a lot worse. Women journalists have had some of the worst limitations. This article analyzes the legal and gender-based violations perpetrated against Afghan women journalists from 2021 to 2024, emphasizing Afghanistan's responsibilities under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Utilizing a descriptive-analytical and doctrinal legal technique, the study references international human rights instruments, United Nations reports, and recent academic literature. The analysis employs a Human Rights-Based Approach, augmented by perspectives from feminist legal theory, to evaluate the constitutionality of Taliban decrees governing media participation, employment, movement, and expression. The results show that these actions are systemic discrimination against women and violate basic rights, such as the right to work, freedom of speech, equality before the law, and the ability to take part in public life. International monitoring agencies have done a lot of work to document these transgressions, but the current accountability systems have not been very successful in dealing with them. The essay concludes that Afghan women journalists need better treaty-based oversight, acknowledgment of gender persecution under international law, and ongoing political and financial assistance for media groups run by women who are living in exile.

Keywords: Afghan women journalists, Taliban, ICCPR, CEDAW, Media freedom

Abstrak. Sejak Taliban kembali berkuasa pada Agustus 2021, hak-hak perempuan di Afghanistan mengalami kemunduran yang signifikan. Jurnalis perempuan termasuk kelompok yang paling terdampak oleh berbagai pembatasan. Artikel ini menganalisis pelanggaran hukum dan berbasis gender yang dialami jurnalis perempuan Afghanistan selama periode 2021–2024, dengan menyoroti kewajiban Afghanistan berdasarkan Kovenan Internasional tentang Hak-Hak Sipil dan Politik (ICCPR) serta Konvensi Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan (CEDAW). Dengan menggunakan metode hukum doktrinal serta pendekatan deskriptif-analitis, penelitian ini mengkaji instrumen hak asasi manusia internasional, laporan Perserikatan Bangsa-Bangsa, dan literatur akademik terkini. Analisis dilakukan melalui Pendekatan Berbasis Hak Asasi Manusia yang diperkaya dengan perspektif Teori Hukum Feminis untuk menilai legalitas dekret Taliban terkait partisipasi media, pekerjaan, mobilitas, dan kebebasan berekspresi. Hasil penelitian menunjukkan bahwa kebijakan tersebut merupakan bentuk diskriminasi sistematis terhadap perempuan dan melanggar hak-hak dasar, termasuk hak untuk bekerja, kebebasan berekspresi, persamaan di hadapan hukum, dan partisipasi dalam kehidupan publik. Meskipun berbagai lembaga internasional telah mendokumentasikan pelanggaran ini secara luas, mekanisme akuntabilitas yang ada masih belum efektif dalam menangannya. Artikel ini menyimpulkan bahwa jurnalis perempuan Afghanistan memerlukan pengawasan yang lebih kuat berbasis perjanjian internasional, pengakuan terhadap penganiayaan berbasis gender dalam hukum internasional, serta dukungan politik dan finansial yang berkelanjutan bagi organisasi media perempuan yang beroperasi di pengasingan.

Kata Kunci: Jurnalis Perempuan Afghanistan, Taliban, ICCPR, CEDAW, Kebebasan Pers

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INTRODUCTION

After 2001, more and more Afghan women worked in the media because of efforts to rebuild the country after the Taliban.¹ According to RSF (2022), this development fell apart quickly once the Taliban took power again in August 2021, causing the number of women working in the media to drop by 84%.² According to OHCHR (quoting UNAMA, 2023), almost all women journalists in Afghanistan's public broadcasting disappeared by the middle of 2023 because they were being harassed, threatened, and limited. This was after an 84% drop after the Taliban took over.³ Previous research on press freedom in Afghanistan underscored the ongoing precariousness of journalists and the inconsistent safeguarding of media rights before 2021.⁴

Scholars contend that the Taliban have utilized targeted intimidation, coercive monitoring, and structural media restrictions including content pre-approval, censorship, and gender-specific barriers to systematically marginalize women from public life, including journalism.⁵

International human rights law makes it clear that women can take part in public life. The International Covenant on Civil and Political Rights (ICCPR) says in Articles 2 and 19 that states must protect freedom of speech and not allow discrimination.⁶ while, Articles 7 and 10 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) say that women must be able to participate equally in

¹ Humayoon, "Womens-Visibility-in-Afghan-Media," accessed October 8, 2025, <https://www.info-res.org/app/uploads/2024/10/Womens-Visibility-in-Afghan-Media.pdf>.

² RSF, "Afghanistan 2022 - EN | RSF," 2022, https://rsf.org/en/analyse_regionale/698.

³ RSF, "Since the Taliban Takeover, 40% of Afghan Media Have Closed, 80% of Women Journalists Have Lost Their Jobs | RSF," December 20, 2021, <https://rsf.org/en/taliban-takeover-40-afghan-media-have-closed-80-women-journalists-have-lost-their-jobs>; UNAMA Human Rights Service, "UNAMA Human Rights in Afghanistan Report – June 2022 (ENGLISH)," 2022, 2021, https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf; United Nations, "Women Journalists Must Be Protected from Violence and Harassment," OHCHR, accessed November 3, 2025, <https://www.ohchr.org/en/stories/2023/05/women-journalists-must-be-protected-violence-and-harassment>.

⁴ Noorulbari Afghanmal, *Project Proposal: Freedom of Press in Afghanistan*, (Kent State University), July 12, 2021.

⁵ Raghav Sharma, "Discerning Taliban 2.0 and Afghanistan's Political Landscape," March 2024, <https://doi.org/10.1177/09749284231225677>.

⁶ United Nations, "International Covenant on Civil and Political Rights," OHCHR, accessed October 17, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

politics and public life.⁷ Since 2021, the Taliban has consistently broken international law by requiring female journalists to wear facial covers, necessitating male guardians to move around, and limiting their media visibility. According to Human Rights Watch and others, these laws violate international law by limiting basic rights to free speech, mobility, job, education, and political involvement.⁸

Numerous studies have recorded the oppression faced by female journalists during Taliban rule. Saddiqi and Durur (2022) emphasize pervasive prejudice, insecurity, and diminished career prospects.⁹ Zahra and Amin (2022) demonstrate that women's voices became progressively neglected in both national and international reporting.¹⁰ Akrami, Akrami, and Akrami (2023) contend that less female participation has undermined gender diversity and media autonomy.¹¹ UNAMA (2023) and RSF (2022) both say that journalistic freedom has dropped a lot.¹² Nevertheless, these studies mostly offer descriptive narratives and fail to deliver a comprehensive treaty-based legal evaluation of Afghanistan's commitments under international human rights law. While academics have explored the social, political, and professional obstacles confronting women journalists, a significant deficiency persists in the analysis of Taliban rules from a doctrinal legal standpoint. Rahman et al. (2024) examine the ideological dominance enforced by the Taliban in newsrooms,¹³ whilst Qazi Zada et

⁷ United Nations, "Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Articles 7 & 11," United Nations, 1979, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

⁸ Human Rights Watch, *Afghanistan: Taliban Crackdown on Media Worsens* | *Human Rights Watch*, November 22, 2021, <https://www.hrw.org/news/2021/11/22/afghanistan-taliban-crackdown-media-worsens-0>.

⁹ Mohammad Yousaf Saddiqi and Elif Kucuk Durur, "The Working Conditions and Challenges of Afghan Female Journalists," *American Journal of Applied Psychology* 11, no. 3 (2022): 90–100, <https://doi.org/10.11648/j.ajap.20221103.12>.

¹⁰ Fatima Zahra and Tariq Amin, "Afghan Women's Representation in News Discourse during the First 365 Days of Taliban Governance A Corpus-Based Analysis," *CARC Research in Social Sciences* 2 (December 2023), <https://doi.org/10.58329/criss.v2i4.70>.

¹¹ Mursal Akrami et al., "Exploring the Impact of Women's Presence in Afghan Media: An Examination of the Current Situation," *Studies in Media, Journalism and Communications* 1, no. 1 (2023): 1, <https://doi.org/10.32996/smjc.2023.1.1.1x>.

¹² RSF, "Afghanistan Has Lost Almost 60% of Its Journalists since the Fall of Kabul | RSF," August 10, 2022, <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul>; UNAMA, "Media Freedom in Afghanistan," November 2024, https://unama.unmissions.org/sites/default/files/unama_report_on_media_freedom_in_afghanistan.pdf.

¹³ Fadhlur Rahman et al., "Gendered Power Struggles: A Critical Discourse Analysis of Restrictive Practice in Contemporary Journalism Under Taliban Regime," *Tribakti: Jurnal Pemikiran Keislaman* 35 (February 2024): 23–36, <https://doi.org/10.33367/tribakti.v35i1.4418>.

al. (2024) demonstrate that these restrictions clearly contravene Afghanistan's human rights obligations.¹⁴ However, neither study assesses Taliban decrees through a comprehensive legal examination of ICCPR and CEDAW requirements, nor do they investigate the reasons for the ineffectiveness of international accountability procedures in safeguarding women journalists. This gap shows that there needs to be a focused legal study of Taliban prohibitions within the framework of international human rights law.

This study employs a doctrinal legal analysis rooted in international human rights legislation, utilizing a Human Rights-Based Approach and feminist legal perspectives to evaluate gender-specific abuses perpetrated against women journalists. This article fills this gap by looking at how Taliban orders given after 2021 break Afghanistan's duties under the ICCPR and CEDAW. The research delineates the legal characteristics of these transgressions, evaluates the degree to which restrictive policies erode protected rights, and analyzes the elements that have constrained the efficacy of international procedures in protecting women journalists. The aim of this research is to deliver a thorough doctrinal legal analysis that enhances comprehension of these infractions and bolsters forthcoming initiatives focused on accountability, reform, and the promotion of women's equal involvement in Afghanistan's media industry.

METHODOLOGY

This study utilizes a descriptive-analytical and doctrinal legal research technique to investigate the constraints placed on Afghan women journalists under Taliban rule from 2021 to 2024. A doctrinal legal approach is employed since the research primarily examines legal standards, state obligations, and the alignment of Taliban decrees with international human rights legislation, including Afghanistan's commitments under international treaties. The descriptive-analytical method facilitates the evaluation of the practical effects of these restrictions on women journalists and public engagement.

¹⁴ 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 (2024): 1687–722, <https://doi.org/10.1080/13642987.2024.2369584>.

This paper examines the legal and gender-based constraints placed on Afghan women journalists under Taliban governance, encompassing restrictions on freedom of expression, employment, mobility, and engagement in public life. The study particularly assesses the alignment of these practices with Afghanistan's commitments under international human rights legislation.

The research utilizes both primary and secondary legal sources. Primary legal materials encompass international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The study analyzes pertinent national legal frameworks, including the Constitution of the Islamic Republic of Afghanistan (2004), the Labour Law of the Islamic Republic of Afghanistan (Official Gazette No. 966 of 2007), and relevant media regulations and Taliban decrees impacting women journalists post-2021. Secondary legal documents encompass scholarly journal articles, books, United Nations reports, and publications from reputable international organizations, such as UNAMA, Human Rights Watch, Amnesty International, Reporters Without Borders (RSF), and OHCHR.

This research employs a library research methodology, entailing the systematic collection and analysis of legal documents, scholarly literature, treaty materials, journal articles, and institutional reports pertinent to women's rights, media freedom, and international human rights law in Afghanistan.

The analysis employs a Human Rights-Based Approach (HRBA) and Feminist Legal Theory (FLT) to assess the gendered aspects of Taliban policies and their effects on freedom of expression, equality, and women's engagement in public life. These analytical frameworks are employed to evaluate the efficacy of current international accountability procedures in addressing systematic violations against Afghan women journalists.

RESULT AND DISCUSSION

Legal Analysis of Taliban Restrictions on Women Journalists under International Human Rights Law

A. Legal Suppression of Women Journalists under Taliban Rule

After the Taliban's ascendance in August 2021, Afghanistan's media environment experienced an unparalleled decline in press freedom and women's involvement. The Taliban promulgated a series of edicts limiting women's mobility, attire, and public visibility.¹⁵ Comparative examinations of Afghanistan's media systems reveal that Taliban government reinstated stringent limitations on press freedom and women's involvement in media relative to the democratic period.¹⁶ The reinstatement of Taliban governance has been marked by intensified limitations on media freedom, particularly affecting women journalists who encounter significant professional and legal obstacles.¹⁷

The Ministry for the Promotion of Virtue and Prevention of Vice mandated that all media outlets refrain from airing programs that showcase women not wearing complete hijab and prohibited female anchors from appearing on television without a male guardian (mahram).¹⁸ According to the United Nations Assistance Mission in Afghanistan (UNAMA), these policies resulted in the closure of more than 80 percent of women-led media outlets, with roughly 84 percent of female journalists losing their employment within the first year of Taliban administration.¹⁹ Such policies constitute

¹⁵ "HUMAN RIGHTS IN AFGHANISTAN: 15 AUGUST 2021 – 15 JUNE 2022 | United Nations in Afghanistan," accessed June 25, 2025, <https://afghanistan.un.org/en/191313-human-rights-afghanistan-15-august-2021-%E2%80%93-15-june-2022>, <https://afghanistan.un.org/en/191313-human-rights-afghanistan-15-august-2021-%E2%80%93-15-june-2022>.

¹⁶ Ali Hassan et al., "A Comparative Analysis of Media Restrictions under the Taliban Regimes & Democratic Regime in Afghanistan," *Al-Mabdi Research Journal (MRJ)* 5, no. 5 (2024): 644–65, <http://ojs.mrj.com.pk/index.php/MRJ/article/view/521>.

¹⁷ Naveedullah Alokozay, "Media Freedom and Censorship: A Comparative Case Study of Media Freedom under Previous and Current Taliban Governments," *Ampera: A Research Journal on Politics and Islamic Civilization* 5, no. 02 (2024): 78–87, <https://doi.org/10.19109/ampera.v5i02.18904>.

¹⁸ Sana Atif, "No Guardian, No Freedom: Inside Afghanistan's Mahram Restrictions," *More to Her Story*, Jun 24, <https://www.moretoherstory.com/stories/how-mahram-rules-are-pushing-afghan-women-out-of-public-life>; Ayaz Gul, "Taliban Warns of Ban on Female Media Appearance Without Dress Code Compliance," *Voice of America*, March 1, 2024, <https://www.voanews.com/a/taliban-warns-of-ban-on-female-media-appearance-without-dress-code-compliance/7509825.html>.

¹⁹ UNAMA, "Media Freedom in Afghanistan."

state-imposed gender segregation and contravene international law's core protections of equality and freedom of expression.²⁰

In December 2021, UNAMA and Reporters Without Borders reported that several well-known women presenters from TOLONews and Shamshad TV were suspended or fired for refusing to follow Taliban dress code rules that said they had to cover their faces completely on live. The 2022 study "Afghanistan: Women Journalists Facing Systematic Erasure" from RSF shows that by early 2022, women had "virtually disappeared from the screen." This is one of the clearest examples of systematic gender censoring.²¹

According to a Human Rights-Based Approach (HRBA), these restrictions directly violate Afghanistan's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women. Article 19 of the ICCPR provides the right to free expression, including the right to seek, receive, and impart information through any means, but Article 2 prohibits gender discrimination. Similarly, Articles 7 and 10 of CEDAW compel nations to eradicate discrimination against women in political and public life, including access to media.²² The Taliban's regulations that keep women from working, speaking, or being seen in public are a legal step back that breaks Afghanistan's treaty obligations and create a de facto kind of gender apartheid in the media sector.²³

Furthermore, the Taliban's decrees lack legal legitimacy in the context of international human rights legislation. The Taliban are not recognized as a legitimate government

²⁰ "United Nations Assistance Mission in Afghanistan (UNAMA). Human Rights in Afghanistan: 15 August 2021 – 15 June 2023. Kabul: UNAMA Human Rights Service, 2023," n.d., accessed October 17, 2025, https://unama.unmissions.org/sites/default/files/a_barrier_to_securing_peace_aug_2023_english__0.pdf.

²¹ "Since the Taliban Takeover, 40% of Afghan Media Have Closed, 80% of Women Journalists Have Lost Their Jobs | RSF," December 20, 2021, <https://rsf.org/en/taliban-takeover-40-afghan-media-have-closed-80-women-journalists-have-lost-their-jobs>; Human Rights Watch, "Afghanistan: Events of 2023," in *World Report 2024* (2024), <https://www.hrw.org/world-report/2024/country-chapters/afghanistan>.

²² "International Covenant on Civil and Political Rights," OHCHR, accessed October 20, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>; "Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979," OHCHR, accessed July 12, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

²³ "Death in Slow Motion: Women and Girls Under Taliban Rule," *Amnesty International*, July 27, 2022, <https://www.amnesty.org/en/latest/research/2022/07/women-and-girls-under-taliban-rule-afghanistan/>.

by the United Nations, yet they maintain complete control over the legal system, issuing edicts that directly contravene Afghanistan's constitution (2004) and ratified human rights accords.²⁴ The Human Rights Council's Special Rapporteur on Afghanistan (2023) noted that Taliban limitations on women's employment and education represent "state-imposed gender persecution" potentially amounting to crimes against humanity under Article 7 of the Rome Statute.²⁵

Human Rights Watch (2022) and Amnesty International (2023) have both stated that the Taliban's censorship and restrictions on women's work in the media are deliberate acts of gender persecution designed to eliminate women from public debate.²⁶ These acts not only violate Afghanistan's duties under the ICCPR and CEDAW, but they may also be considered crimes against humanity under the International Criminal Court's Rome Statute due to their pervasive and systematic nature.²⁷

Finally, according to the HRBA, the Taliban's persecution of female journalists constitutes a failure of state accountability. The HRBA emphasizes responsibility, participation, and non-discrimination as cornerstones of governance.²⁸ The Taliban's policies eliminate all three: they limit women's involvement, deny them protective mechanisms, and replace lawful control with oppressive "moral governance." This has resulted in a chilling effect on media freedom, as reported by Reporters Without Borders (RSF) and UNAMA, which has expanded beyond women journalists to encompass male colleagues and entire editing teams.²⁹ UNAMA's 2023 report "Human Rights in Afghanistan: Women Under Taliban Rule" documented several

²⁴ *The Constitution of the Islamic Republic of Afghanistan*, 2004.

²⁵ Richard Bennett, "Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan," February 9, 2023.

²⁶ "Afghanistan: The Taliban's War on Women: The Crime against Humanity of Gender Persecution in Afghanistan," *Amnesty International*, May 25, 2023, <https://www.amnesty.org/en/documents/asa11/6789/2023/en/>; *Afghanistan: Taliban Severely Restrict Media* | *Human Rights Watch*, October 1, 2021, <https://www.hrw.org/news/2021/10/01/afghanistan-taliban-severely-restrict-media>.

²⁷ "Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in Afghanistan | International Criminal Court," accessed June 25, 2025, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-afghanistan>.

²⁸ Anne F. Bayefsky, "Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation," in *The UN Human Rights Treaty System in the 21 Century*, ed. Anne Bayefsky (Brill | Nijhoff, 2000), https://doi.org/10.1163/9789004502758_044.

²⁹ RSF, "Afghan Journalism Still Resisting after Two Years of Taliban Persecution | RSF," August 10, 2023, <https://rsf.org/en/afghan-journalism-still-resisting-after-two-years-taliban-persecution>.

instances of female journalists being arrested for "moral offenses" or for talking to politicians. This shows that this kind of persecution is not just a one-time thing, but a pattern.³⁰ Thus, the restriction of female journalists is more than just a cultural issue; it is a systemic legal breach that undermines Afghanistan's whole human rights framework and jeopardizes the pluralism required for democratic regeneration.³¹

B. Gendered Censorship and the Silencing of Women's Voices

Under the Taliban's rebuilt leadership, the Afghan media has become a vital tool for imposing patriarchal dominance and removing women from public discourse. Feminist Legal Theory (FLT) demonstrates that laws are never gender-neutral; they reflect and reinforce social inequalities of power.³² Between 2021 and 2023, the Taliban issued a number of decrees limiting women's visibility and mobility. The Ministry for the Promotion of Virtue and Prevention of Vice's "Media Regulations" from November 2021 said that women journalists and presenters had to wear full-face covers and that movies and dramas with female performers could not be shown.³³

According to UNAMA (2023) and Human Rights Watch (2022), women were forbidden from appearing on television without face coverings, from traveling long distances without a male guardian (mahram), and were obliged to have a male escort even when attending work.³⁴ These laws, which were put into place in the name of moral governance, turned media law into a tool for gendered censorship. They made it illegal for women to work in the media and reinforced the idea that women should stay silent at home.³⁵

³⁰ United Nations, "Human Rights Situation in Afghanistan Jul-Sep23," September 2023, https://unama.unmissions.org/sites/default/files/human_rights_situation_in_afghanistan_jul-sep_2023.pdf.

³¹ "Afghanistan: Media Landscape Suffocated by Repressive Taliban Directives That Target Women in Particular | RSF," March 13, 2024, <https://rsf.org/en/afghanistan-media-landscape-suffocated-repressive-taliban-directives-target-women-particular>.

³² Hilary Charlesworth et al., "Feminist Approaches to International Law," *JSTOR* 85 (October 1991): 613–45.

³³ Amu TV, "Key Provisions of Taliban's New 'Vice and Virtue' Law," *Amu TV*, August 22, 2024, <https://amu.tv/118783/>; "Afghanistan: Condemnation for New Taliban 'Virtue and Vice' Order Targeting Women | UN News," August 27, 2024, <https://news.un.org/en/story/2024/08/1153631>.

³⁴ *Afghanistan*, October 1, 2021; "HUMAN RIGHTS IN AFGHANISTAN."

³⁵ Amnesty International, "Afghanistan: Death in Slow Motion: Women and Girls under Taliban Rule," *Amnesty International*, July 27, 2022, <https://www.amnesty.org/en/documents/asa11/5685/2022/en/>.

These measures have had terrible effects. Reporters Without Borders (RSF 2023) says that by early 2023, more than 80% of Afghan women journalists had lost their jobs. The number of female journalists in the media decreased from 700 in 2020 to fewer than 100 across the country. UNAMA's Human Rights in Afghanistan: Women Under Taliban Rule (2023) said that women who worked in broadcasting were threatened, watched, and held without reason for breaking "Islamic media codes."³⁶

Amnesty International's 2023 gave further examples of women journalists being jailed for talking to women's rights activists or writing about women's education. These limits not only violate women's rights to free speech under Article 19 of the ICCPR and Articles 7 and 10 of CEDAW, but they also put them under persistent psychological stress and professional suppression, which are two of the most important ways that males dominate women.³⁷

Feminist Legal Theory posits that these prohibitions constitute a systemic type of gender persecution that marginalizes women from public life and institutionalizes their invisibility as a legal standard. Feminist scholars, like Hilary Charlesworth, Christine Chinkin, and Dianne Otto, contend that international law has frequently perpetuated this "politics of absence," wherein women's exclusion from public and professional domains leads to their marginalization in legal and political discourses. In Taliban-controlled Afghanistan, the lack of women's voices in newsrooms and public television illustrates how patriarchal power reorganizes legal systems to preserve male supremacy.³⁸ Similarly, some contends that Afghan women are frequently depicted through external narratives, inhibiting their ability to articulate their own perspectives and perpetuating their marginalization in public discourse.³⁹

³⁶ "What Happens When Afghan Women and Girls Go Offline? | UN News," October 18, 2025, <https://news.un.org/en/story/2025/10/1166124>; "Since the Taliban Takeover, 40% of Afghan Media Have Closed, 80% of Women Journalists Have Lost Their Jobs | RSF."

³⁷ Amnesty International, "Afghanistan."

³⁸ Hilary Charlesworth et al., "Feminist Approaches to International Law," *The American Journal of International Law* 85, no. 4 (1991): 613–45, <https://doi.org/10.2307/2203269>; Dianne Otto, "Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law," in *International Law and Its Others*, 1st ed., ed. Anne Orford (Cambridge University Press, 2006), <https://doi.org/10.1017/CBO9780511494284.012>; Charlesworth et al., "Feminist Approaches to International Law," 1991.

³⁹ Saumava Mitra, "'Picturing Afghan Women' for Western Audiences: The Afghan Perspective," *Journalism* 21, no. 6 (2020): 800–820, <https://doi.org/10.1177/1464884919849359>.

Some scholars argue that Afghan women have often been portrayed as subjects of discourse rather than recognized as active agents in shaping narratives about their own rights and experiences.⁴⁰

Many Afghan women journalists, according to others, were "caught in the middle of a nightmare," where fear, censorship, and gender-based repression became an integral part of their professional lives. The demarcation between journalism and perpetual danger seems to have dissolved.⁴¹

FLT also points out that the international community's inadequate response to gendered censorship is not a mistake; it is a result of the patriarchal bias in international law. UN member states and international organizations have not used gender-sensitive accountability because they have called Taliban orders "cultural" or "religious" instead of "gender-based human rights violations."⁴²

Recent study on Taliban political ethics indicates that restrictions on women's rights and freedom of expression are not simply transient political strategies, but rather embody a comprehensive ideological framework that validates patriarchal dominance over women's public presence and discourse.⁴³

To restore the rights of Afghan women journalists, these actions must be recognized as breaches of international law rather than merely local customs. Reform that works must include legislative systems that take gender into account, protection for women-led media (like Rukhshana Media and Zan Times), and feminist involvement in monitoring and documenting. Afghan women journalists can only get their voices

⁴⁰ Corinne Fowler, *Journalists in Feminist Clothing: Men and Women Reporting Afghan Women during Operation Enduring Freedom*, 2001, 8 (2013).

⁴¹ Zahra Nader, "Women Journalists Caught in Middle of a Nightmare," *Index on Censorship* 50, no. 4 (2021): 14–16, <https://doi.org/10.1177/03064220211068680>.

⁴² UN *Human Rights Report 2023*, 2023; Dianne Otto, "Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law," in *International Law and Its Others*, 1st ed., ed. Anne Orford (Cambridge University Press, 2006), <https://doi.org/10.1017/CBO9780511494284.012>.

⁴³ Ghorban Nahani Pour et al., "Ethics and Gender in Taliban Political Thought: Women's Rights and Freedom of Speech," *International Journal of Ethics and Society* (IR) 6, no. 2 (2024), <https://doi.org/10.22034/ijethics.6.2.62>.

back, their professional dignity, and their legitimate role in public discourse through these kinds of institutional changes.⁴⁴

C. International Accountability and the Failure of Protection Mechanisms

Despite Afghanistan's continued membership in major human rights treaties, international and regional procedures have been largely ineffectual in protecting Afghan women journalists since 2021. The Human Rights-Based Approach (HRBA) views accountability as the primary responsibility of both local and international actors.⁴⁵ However, international responses have been limited to diplomatic statements and non-enforceable sanctions. For example, the UN Security Council has condemned actions several times without taking any action that would be legally enforceable. Donor countries have often limited their involvement to humanitarian relief instead of legal advocacy.⁴⁶

Some scholar argues the international community's hesitation to designate the Taliban's gender persecution as a jus cogens violation reveals a deeper crisis in human rights enforcement and represents international legal institutions' continued gender blindness.⁴⁷ Instead of mobilizing treaty-based accountability, donor states and UN organizations have prioritized humanitarian access over legal pressure, ultimately legitimizing the Taliban's gender-discriminatory government.⁴⁸ Academic study in the *International Journal of Transitional Justice* demonstrates how gender-specific effects are frequently overlooked in global accountability frameworks. According to Sikkink et al. (2024), transitional justice procedures have traditionally prioritized

⁴⁴ "Death in Slow Motion"; A/HRC/52/84, "A/HRC/52/84: Situation of Human Rights in Afghanistan - Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, Richard Bennett," OHCHR, February 9, 2023, <https://www.ohchr.org/en/documents/country-reports/ahrc5284-situation-human-rights-afghanistan-report-special-rapporteur>; "Summary of Countrywide Consultations with Afghan Women [July 2024]," UN Women – Asia-Pacific, accessed October 25, 2025, <https://asiapacific.unwomen.org/en/digital-library/publications/2024/10/summary-of-countrywide-consultations-with-afghan-women>.

⁴⁵ Bayefsky, "Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation."

⁴⁶ A/HRC/52/84, "A/HRC/52/84."

⁴⁷ roxanna, "Gender Persecution in Afghanistan: Could it come under the ICC's Afghanistan investigation?," *Afghanistan Analysts Network - English*, May 26, 2023, <https://www.afghanistan-analysts.org/en/reports/rights-freedom/gender-persecution-in-afghanistan-could-it-come-under-the-iccs-afghanistan-investigation/>.

⁴⁸ OCHA, "Afghanistan Humanitarian Response Impact Analysis 2021 - 2024 (October 2024) | OCHA," November 3, 2024, <https://www.unocha.org/publications/report/afghanistan/afghanistan-humanitarian-response-impact-analysis-2021-2024-october-2024>.

political stability over gender justice, dismissing systemic breaches of women's rights as secondary or cultural concerns.⁴⁹

This relationship is readily seen in Afghanistan, where women journalists are often the targets of gender-based violence yet are hardly ever referenced in Security Council briefings or Special Rapporteur assignments. From the standpoint of Feminist Legal Theory (FLT), this omission reveals the patriarchal bias inherent in international law, which has traditionally favored state sovereignty and geopolitical stability over women's lived experiences and human rights. The international community has continually put off decisions over Afghanistan's UN representation, even though there have been serious and continuous violations. This shows that the international community is not able to hold people accountable or make sure that victims may get justice.⁵⁰

The Taliban's unrecognized but real power has created a legal vacuum that makes it hard for women journalists to get help in either domestic or international courts. According to de Silva de Alwis (2024), Afghanistan has turned into a "black hole of gender justice," where there are no ways to hold people accountable and people get away with things. This institutional stagnation contravenes HRBA principles of participation and equality by denying Afghan women journalists the forums necessary to assert their rights or seek redress.⁵¹

Recent literature contends that the Taliban's resurgence has established conditions of systematic gender persecution sufficiently severe to warrant gender-based refugee claims for Afghan women under international protection systems.⁵²

The minimal involvement of global actors underscores systemic deficiencies in international human rights governance. Feminist scholars, including Hilary

⁴⁹ Kathryn Sikkink et al., "Gender and Transitional Justice: Explaining Global Trends," *International Journal of Transitional Justice* 18, no. 3 (2024): 387–404, <https://doi.org/10.1093/ijtj/ijae022>.

⁵⁰ General Assembly, "Resolution Adopted by the General Assembly on 10 November 2022," November 10, 2022.

⁵¹ Rangita De Silva De Alwis, "Holding the Taliban Accountable for Gender Persecution: The Search for New Accountability Paradigms under International Human Rights Law, International Criminal Law and Women, Peace, and Security," *German Law Journal* 25, no. 2 (2024): 289–334, <https://doi.org/10.1017/glj.2023.113>.

⁵² Suzanna Lewis, "The End of the Afghanistan War and the Return of the Taliban's War against Women: An Analysis of Gender-Based Asylum in the United States for Afghan Women Student Notes," *Chicago-Kent Law Review* 98, no. 3 (2023): 763–88, <https://heinonline.org/HOL/P?h=hein.journals/chknt98&i=773>.

Charlesworth (2022) and Dianne Otto (2023), have contended that the absence of gender analysis in enforcement mechanisms renders international law complicit in perpetuating patriarchal power systems. The lack of gender-sensitive monitoring by the CEDAW Committee and the Human Rights Council has allowed the Taliban's continued repression to continue virtually unopposed.⁵³

To address these deficiencies, forthcoming initiatives must integrate HRBA's legal accountability framework with FLT's structural analysis. This entails designing enforcement mechanisms that deal with both formal treaty infractions and the gender structures that support them. Afghan women journalists and women all across the world can only get real help and long-term safety if gender justice is built into international legal systems.⁵⁴

D. The Right to Work and the Economic Exclusion of Afghan Women Journalists

The right to work is protected under Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Articles 7 and 11 of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which obligate states to ensure equality in employment, non-discrimination, and safe working conditions for women. Since the Taliban came back in August 2021, this right has been deliberately broken, leaving almost all Afghan women journalists out of employment.⁵⁵

Evidence indicates that female journalists were among the initial groups targeted for economic displacement. Mujtaba Haris documents that female reporters had to deal

⁵³ "PDF," n.d.; United Nations, "Afghanistan: 'All Tools' Approach Needed to End Systematic Gender Oppression, Says UN Expert," OHCHR, June 18, 2024, <https://www.ohchr.org/en/press-releases/2024/06/afghanistan-all-tools-approach-needed-end-systematic-gender-oppression-says>.

⁵⁴ Catharine A. MacKinnon, "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence," *Signs* 8, no. 4 (1983): 635–58, <https://www.jstor.org/stable/3173687>.

⁵⁵ RSF, "Since the Taliban Takeover, 40% of Afghan Media Have Closed, 80% of Women Journalists Have Lost Their Jobs | RSF"; OHCHR, "Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979"; "International Covenant on Economic, Social and Cultural Rights," OHCHR, accessed November 26, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

with right away, including being fired, threatened, and forced to leave newsrooms.⁵⁶ More than 84% of Afghan women journalists lost their employment within the first year, and more than 80% of women-run media outlets shuttered, according to UNAMA (2024) and Reporters Without Borders. This shows that there was a deliberate effort to get rid of women's economic and professional presence.⁵⁷

Recent academic study confirms that these constraints are part of a broader structure of gender-based exclusion. Women not being able to find work is related to bigger problems with mobility, education, and civic engagement.⁵⁸ Recent research indicates that Taliban limitations on women's education perpetuate wider patterns of gender exclusion and economic marginalization in Afghanistan.⁵⁹ Some scholars conclude that Afghan women have suffered long-term social and economic repercussions as a result of the Taliban's persistent restrictions on their access to public engagement, work, and education.⁶⁰

Similarly, some scholars note that limitations on women's access to education and vital services constitute a broader system of exclusion that diminishes women's social, economic, and professional engagement under Taliban governance.⁶¹

Recent academic study confirms that these constraints are part of a broader structure of gender-based exclusion. Women not being able to find work is related to bigger problems with mobility, education, and civic engagement.⁶² Further study shows that Taliban rules, such requiring a mahram, not letting women appear on TV, and

⁵⁶ Mujtaba Haris, "Challenges Facing Afghan Journalists in Afghanistan and Abroad," *Journalists for Human Rights (JHR)*, 2024.

⁵⁷ RSF, "Since the Taliban Takeover, 40% of Afghan Media Have Closed, 80% of Women Journalists Have Lost Their Jobs | RSF"; UNAMA, "Media Freedom in Afghanistan."

⁵⁸ Setara Javed, Tamanna Quraishi, and Nargis Hakimi, "The Systematic Oppression of Afghan Women and Girls Since the Taliban's Takeover in 2021," *APLIKATIF: Journal of Research Trends in Social Sciences and Humanities* 4, no. 1 (2025): 22–38, <https://doi.org/10.59110/aplikatif.v4i1.555>.

⁵⁹ Mir Hussain Amiri, "Obstacles to Women's Rights to Education: The Taliban Regime and Its Policies on Women's Education in Afghanistan," *Journal of Asian Social Science Research* 5, no. 2 (2024): 167–84, <https://doi.org/10.15575/jassr.v5i2.71>.

⁶⁰ Setara Javed, Tamanna Quraishi, and Nargis Hakimi, "The Systematic Oppression of Afghan Women and Girls Since the Taliban's Takeover in 2021," *APLIKATIF: Journal of Research Trends in Social Sciences and Humanities* 4, no. 1 (2025): 22–38, <https://doi.org/10.59110/aplikatif.v4i1.555>.

⁶¹ Patrick T. Panos et al., "The Status of Women under Taliban Rule in Afghanistan: Education & Healthcare," *The International Journal of Human Rights*, May 1, 2026, 1–24, <https://doi.org/10.1080/13642987.2026.2664625>.

⁶² Javed, Quraishi, and Nargis Hakimi, "The Systematic Oppression of Afghan Women and Girls Since the Taliban's Takeover in 2021."

imposing tight dress requirements, directly go against CEDAW's job protections.⁶³ Policies like these have been called gender persecution since they take away women's freedom and ability to make a living. They have also been called a type of gender apartheid, when limits on work are used to keep people apart.⁶⁴

The Labour Law of the Islamic Republic of Afghanistan (Official Gazette No. 966, 2007) explicitly ensures equal employment rights and forbids all types of discrimination, including in hiring, job performance, and termination (Arts 8(1) and 9(1)).⁶⁵ These provisions directly fulfil Afghanistan's commitments under the ICESCR (accessed 24 January 1983), especially Article 6 in conjunction with Articles 2(2) and 3 regarding non-discrimination and gender equality.⁶⁶ Since 2021, the Taliban has systematically kept women journalists out of the media by banning female broadcasters, closing women-led publications, and preventing women from working in the media.⁶⁷ So, it clearly breaks both Afghanistan's labor laws from before 2021 and its ICESCR obligations.

The CESCR made it plain in General Comment No. 18 (2006) that it is a serious violation of the Covenant to deny someone the right to work because of their sex (paras 1, 10(b)(i), 13, 23, 31–34).⁶⁸ The persistent violation of Afghan women journalists' rights is an example of gender-based economic violence that needs ongoing international responsibility and assistance for women-led media in exile.

⁶³ Qazi Zada and Qazi Zada, "The Taliban and Women's Human Rights in Afghanistan."

⁶⁴ Farkhondeh Akbari and Jacqui True, "One Year on from the Taliban Takeover of Afghanistan: Re-Instituting Gender Apartheid," *Australian Journal of International Affairs* 76, no. 6 (2022): 624–33, <https://doi.org/10.1080/10357718.2022.2107172>; Nasratullah Akbari, "Violation of Women's Rights in Afghanistan under the Taliban Rule," *International Journal of Science and Research (IJSR)* 12, no. 3 (2023): 1226–29, <https://doi.org/10.21275/SR23320011848>.

⁶⁵ Labour Law of the Islamic Republic of Afghanistan (2007), "Labour Law of the Islamic Republic of Afghanistan (2007)," 2007, <https://kakaradvocates.com/uploads/laws/translation-Labor%20Law%20-%20En.pdf>.

⁶⁶ International Covenant on Economic, Social and Cultural Rights, "International Covenant on Economic, Social and Cultural Rights," OHCHR, accessed December 8, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁶⁷ Ruchi Kumar, "Off Air: One by One, the Taliban Are Removing Women's Voices from Afghan Radio," Global Development, *The Guardian*, February 19, 2025, <https://www.theguardian.com/global-development/2025/feb/19/off-air-one-by-one-the-taliban-are-removing-womens-voices-from-afghan-radio>; Human Rights Watch, *Afghanistan: Taliban Trample Media Freedom* | Human Rights Watch, October 23, 2025, <https://www.hrw.org/news/2025/10/23/afghanistan-taliban-trample-media-freedom>; A/HRC/52/84, "A/HRC/52/84."

⁶⁸ CESCR, "General Comment No. 18," 2005, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/18&Lang=en.

E. Reclaiming Human Rights: Toward Accountability and Reform

The combination of the Human Rights-Based Approach (HRBA) and Feminist Legal Theory (FLT) provides a comprehensive explanation of Afghanistan's decline in women's rights beyond 2021. While the HRBA emphasizes accountability, participation, and non-discrimination as essential values of human rights, FLT reveals how legal systems maintain patriarchal hierarchies that disadvantage women.⁶⁹ In Afghanistan, the Taliban's decrees restricting women's movement, labor, and public participation not only violate international treaties, but also reverse the gender-inclusive progress gained between 2002 and 2020.⁷⁰ To regain the rights of female journalists, legal reform must address both the formal violations of international law and the underlying gender prejudices that continue to shape enforcement gaps.⁷⁰ Recent studies indicate that Taliban policies have exacerbated gender equality disparities in school, employment, and public involvement, hence hurting women's rights and larger developmental goals in Afghanistan.⁷¹

A comprehensive reform strategy must include gender-responsive procedures at all levels of foreign engagement with Afghanistan. The Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Council's Special Rapporteur on Afghanistan have consistently requested the establishment of a monitoring system focusing solely on gender persecution.⁷² However, present approaches are disjointed and lack binding enforcement. According to academic study by de Silva de Alwis (2024), international human-rights organizations must move beyond punitive sanctions and toward "transformative accountability," which promotes structural improvement and survivor participation.⁷³ Research utilizing a rights-based framework underscores that gender equality enhances overall social and human

⁶⁹ Bayefsky, "Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation."

⁷⁰ "United Nations Assistance Mission in Afghanistan (UNAMA). Human Rights in Afghanistan: 15 August 2021 – 15 June 2023. Kabul: UNAMA Human Rights Service, 2023."

⁷¹ Felicity Nneoma Ike et al., "Closing Gender Equality Gaps in Taliban-Ruled Afghanistan," *Discover Public Health* 22, no. 1 (2025): 240, <https://doi.org/10.1186/s12982-025-00636-0>.

⁷² Richard Bennett, "Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan."

⁷³ De Silva De Alwis, "Holding the Taliban Accountable for Gender Persecution."

development results, hence highlighting the necessity of safeguarding women's rights as a cornerstone for sustainable reform.⁷⁴

At the national level, assisting women-led media in exile has emerged as one of the most realistic ways to restore free expression. Rukhshana Media and Zan Times, formed by Afghan women journalists overseas, continue to report on human rights crimes within Afghanistan and offer as alternative venues of visibility.⁷⁵ Their work indicates that resistance to gendered censorship can survive even in exile. International donors and UN agencies should prioritize support for these projects and acknowledge them as legitimate participants in human rights documentation. This strategy is consistent with the HRBA's idea of participation and maintains the FLT emphasis on amplifying women's voices within male-dominated institutions.⁷⁶

Finally, restoring human rights for Afghan women journalists involves more than symbolic solidarity; it necessitates structural transformation. The HRBA serves as the legal underpinning for enforcing treaties such as the ICCPR and CEDAW, while FLT provides an interpretive lens for tackling the deeply ingrained patriarchal culture that allows for continued violations. Together, these frameworks assert that women's participation in media is not a privilege but a fundamental right related to freedom, dignity, and equality.⁷⁷ To ensure accountability, the international community must not only hold the Taliban accountable, but also fulfill its responsibility to protect, assist, and empower Afghan women journalists as change agents in the global human rights battle.⁷⁸

⁷⁴ Tanmay Bagade et al., "A Women's Rights-Based Approach to Reducing Child Mortality: Data from 193 Countries Show That Gender Equality Does Affect Under-Five Child Mortality," *Maternal and Child Health Journal* 26, no. 6 (2022): 1292–304, <https://doi.org/10.1007/s10995-021-03315-z>.

⁷⁵ Wikitia, "Zan Times - Wikitia," July 4, 2024, https://wikitia.com/wiki/Zan_Times; Rukhshana Media, "About Rukhshana Media," *Rukhshana Media*, 2021, <https://rukshana.com/en/about-rukshana/>.

⁷⁶ Tarushi Aswani, "In 'Zan Times', Afghanistan Finds a Voice in Exile," June 2, 2023, <https://akademie.dw.com/en/in-zan-times-afghanistan-finds-a-voice-in-exile/a-65804496>; Bayefsky, "Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation."

⁷⁷ Kerry Rittich, *The Boundaries of International Law: A Feminist Analysis*, by Hilary Charlesworth and Christine Chinkin, Manchester University Press, Manchester, 2000, ISBN 0-7190-3739-5, 414 Pp., UK£ 55 (Hardbound)/UK£ 17.99 (Paperback), *Leiden Journal of International Law* 14, no. 4 (2001): 935–39, <https://doi.org/10.1017/S0922156501210449>.

⁷⁸ Rangita de Silva de Alwis, *Holding the Taliban Accountable for Gender Persecution: The Search for New Accountability Paradigms under International Human Rights Law, International Criminal Law and Women, Peace, and Security* | *German Law Journal* | Cambridge Core, March 6, 2024, <https://www.cambridge.org/core/journals/german-law-journal/article/holding-the-taliban-accountable-for-gender-persecution-the-search-for-new-accountability->

CONCLUSION

This analysis shows that the Taliban's rule after 2021 has led to systematic and legally important abuses of the rights of Afghan women journalists under the ICCPR and CEDAW. The research illustrates that these procedures, in addition to recording individual limits, cumulatively impede women's engagement in public life and compromise Afghanistan's international obligations. The paper elucidates that the exclusion of women journalists is not incidental; rather, it signifies an intentional framework of gender-based repression entrenched in law and policy, utilizing a doctrinal legal analysis informed by a Human Rights-Based Approach and feminist legal perspectives.

The results of this study have wider effects for the enforcement of international human rights. They show how weak current accountability systems are when dealing with de facto regimes and stress the necessity for better monitoring based on treaties and acknowledgment of gender persecution in international law. This study enhances legal scholarship by characterizing the suppression of women journalists as a violation of freedom of expression and a structural equality issue, thus providing a framework to guide future advocacy, policy initiatives, and international efforts to safeguard women's rights in similarly oppressive environments.

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COMPETING INTEREST

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