

Taliban's Misconception of Islamic Law in Treatment with Women Rights

Yesbol Omirzhanov¹, Marwa Ghyasi², Binur Bertayeva³

^{1,2}Al-Farabi Kazakh National University, Almaty, Kazakhstan

³Asfendiyarov Kazakh National Medical University, Almaty, Kazakhstan

DOI: [10.36348/sjhss.2023.v08i05.004](https://doi.org/10.36348/sjhss.2023.v08i05.004)

Received: 19.04.2023 | Accepted: 22.05.2023 | Published: 27.05.2023

*Corresponding author: Yesbol Omirzhanov
Al-Farabi Kazakh National University, Almaty, Kazakhstan

Abstract

The coming to power of the Taliban in Afghanistan in August 15, 2021, changed the social and economic situation in the country. First of all, the changes concerned the rights of women, regarding which new rules are being established. As a result, Afghanistan lost its twenty-year achievements in the field of democracy, human rights, especially women's rights. The main aim of this article is to give full description to the situation of women rights in Afghanistan and give some recommendations on their improvements according to the foreign practice. The scientific significance of the article lies in the fact that the authors tried to give a scientific analysis of the situation with women's rights in Afghanistan, made a comparative analysis with women's rights in other Muslim countries to highlight Taliban Misconceptions of Islamic rules and gave specific recommendations. In this article, the authors used systematic analysis method, historical method, as well as comparative analysis method. In this research, on one hand authors discussed the situation of Afghan Women in the current Taliban's government, Taliban's decrees regarding women, and the clear violation of the most basic human rights of women. On the other hand, they discussed on Islamic laws, the legal status of women in some Islamic countries. The authors hope, this article, which contains exact recommendations has great practical importance to provide a model that can be useful and effective for the future of Afghan Women.

Keywords: Afghanistan, Islam, Taliban, Women Rights.

Copyright © 2023 The Author(s): This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC BY-NC 4.0) which permits unrestricted use, distribution, and reproduction in any medium for non-commercial use provided the original author and source are credited.

INTRODUCTION

During the first round of Taliban rule in the 1990s, when women were generally deprived of their basic rights and privileges, with the establishment of the transitional government and the attention of the international community to Afghanistan, a wave of civil activities to stabilize women's identity was accepted. Being in the community and restoring their inalienable rights, including the right to education, the right to work, and the right to social, political and cultural presence. These activities were certainly not ineffective in changing the status and position of women.

Unfortunately, the fall of the country destroyed all the achievements and hopes of the Afghan people, especially women. Since the Taliban came to power in Afghanistan on August 15, 2021, all social, economic and political fields in this country have faced serious problems. During this period, the Taliban's government did not have the capacity to provide the simplest social services to the people, but in contrast to the obvious violation of human rights, the disappearance of

previous government employees, the arrest of women, the suppression of minorities, and all the cases that violate human and Islamic rights have increased.

Women, who according to reports held nearly 28% of civil service positions in the previous government, were banned from going to work. In addition to all these, they have effectively banned girls from secondary education that it can guarantee a critical situation for women for many years.

The main purpose of this article is to give full description to the situation of women rights in Afghanistan and give some recommendations on their improvements.

RESEARCH QUESTIONS

The main question

What is the status of women's rights in Afghanistan and other Islamic countries?

Sub questions

1. What is the status of women's rights in the Taliban era?
2. What are the real Islamic rules and laws regarding to women?
3. How can a successful model of human rights for Afghan women be achieved considering advanced Islamic countries in the field of human rights?

The Hypothesis giving more opportunities for women will help the government of Afghanistan to improve all sphere of life in the society.

RESEARCH METHODS AND MATERIALS

In this article authors have tried to use the method of scientific analysis of the situation of women's rights in Afghanistan and used the method of historical analysis, which helped to make historical overview of women rights in previous periods, comparative analysis method helped to find out best models of protection of women rights in foreign countries and give recommendation to follow their practice.

In this article the authors used different materials from various sources, they emphasize two authors that had written books about Taliban in Afghanistan, such as; Taliban's treatment of women in Afghanistan by Shannon a. Middleton in 2001. The positive point of this book is the description of the most essential international documents on women's rights. But in this books we cannot find prominent recommendations. And the other one is *The Rise of the Taliban in Afghanistan* by Neamatollah Nojumi that published in 2002. Writing style and the complete description of the situation of that period makes this book very valuable, but author did not pay attention on women rights in international documents.

Research results as a result of the study the authors find out the main problems regarding to the women rights in Afghanistan and highlighted Taliban Misconceptions of Islamic rules, suggested their own recommendations to eliminate the obstacles on the way of improvement of women rights.

RESULTS AND DISCUSSIONS**The human rights situation of Afghan women in the Taliban era**

When the Taliban came to power in Afghanistan, the life of the Afghan people in all its dimensions suffered a decline. The areas of human, social, economic and political rights have suffered many and serious injuries. And among these, the condition of women seems to be the worst and most painful. The Taliban's medieval treatment of women deprives them of their most basic human rights and does not grant them the least rights as women and human beings. None of the women's rights have been

recognized by the Taliban, from education to participation in society and politics.

Although the region countries believed that the Taliban had changed, their inhuman behavior proved that their past mentality still exists. If in the first period of their rule, they had imposed laws related to social life, clothing, education, employment and access to health services on women. Women who did not follow these rules endured degrading treatment and torture. Taliban laws had affected women's freedom of movement, thought, expression, peaceful assembly, association, religion, employment, education and political life. Unfortunately, the current situation is less different and the policies of the Taliban constitute a violation of all the doctrines governing human rights (Middleton, 2001: 422).

Taliban's ideology is against women and their presence in society, after about a year of their domination on Afghanistan, only 13 articles against women have been issued. Women under the shadow of the Taliban in all parts of Afghanistan, regardless of ethnic, linguistic and religious differences, do not have a happy life. They even want to apply their tribal cultures to the people under the name of religion. Taliban's performance have been severely criticized by Afghan and non-Afghan religious scholars in Afghanistan and outside Afghanistan, and they have expressed that There is nothing in religion which the Taliban apply to the people (Monisa Mubarez, 2022).

Nematullah Najoomi wrote: The prohibition of women's education and public activities by the Taliban, especially activities in the programs of international non-governmental organizations, has provoked international condemnation. They dismissed international critics of human rights abuses, particularly those who commented on the abuse of women in Afghanistan. These new arrivals, along with the disappearance of women from the streets, girls from schools, the banning of art, music, cinema and photography and the appearance of a large number of bearded men, have changed the landscape of Kabul (Nojumi, 2002: 173). These shown that the Taliban has not substantively changed its position on women's rights.

The restrictions imposed by the Taliban on women can be written as follows:

Banning girls from going to school, imposing restrictions on women's travel, depriving them of the right to work, restricting the free movement of women, making the Talibani hijab (Burqa) compulsory, prohibiting men and women from going to parks and recreational areas in a mixed manner, prohibiting women from going to sports clubs; Deprivation of women from political rights and other economic and social rights, which we discuss in detail here.

Since the beginning of Taliban government until now, dozens of decrees have been published to limit the activities of girls and women in Afghanistan; the Taliban has systematically excluded women and girls from public life. Taliban Instead of focusing on public services focused on women and placed restrictions and imprisoned them. Banning of girls from attending school past the sixth grade, compulsory hijab, Increase the rate of unemployment between working women, and banning women from travelling long distances without a male chaperone, are some of the important issues of these restrictions (Monisa Mubarez, 2022). In the continuation of imposing restrictions and depriving the freedom of the Afghan people, the Taliban have also separated classes and school days for male and female students in universities. The girls' schools have been closed more than a year. Girls who protested for the opening of schools, the Taliban prevented them and dispersed them with successive air strikes. In addition, the educational places and courses where the girls were studying were attacked by suicide attacks and a large number of girls were killed, it is not unlikely that the perpetrators of all these are the Taliban. On the other hand, according to the BBC report, in some provinces girls were not allowed to choose their favorite faculties, including journalism, agriculture, veterinary medicine, engineering, and economics, in university entrance exams (Kaberu Khujesta, 2022).

Although the Convention on the Elimination of All Types of Discrimination against Women specifies that any discrimination against women whose result and purpose is to impair or violate the human rights and fundamental freedoms of women in political, economic, social, cultural, civil or any field it is forbidden anymore. Women should have equal rights in education with men and should have access to the same educational programs and opportunities (UN Optional Protocol, 1999). Thus, Article 26 of the Universal Declaration of Human Rights states that: Education is the right of everyone (The Universal Declaration of Human Rights, 1948: 7). But the Taliban do not have specific laws, nor do they respect the international laws.

The Taliban have taken the right to work from women, which is one of the most fundamental rights of a human being. Women were gradually removed from government offices. In their new decree, they made it clear that women who worked in government offices should introduce one of the men among the family as a replacement. So, in this way, women are supposed to be absolutely prohibited from working in their government. This action of the Taliban contradicts Article 23 of the Universal Declaration of Human Rights, which states that every human being has the right to own a job and choose his job freely (The Universal Declaration of Human Rights, 1948: 6). On the other hand, complaints and appeals of women to

judicial authorities are not heard and ignored by Taliban.

Taliban's restrictions caused to many point of suicide and self-immolation of women. Below is a very obvious example of the oppression of women in the Afghan society during the Taliban era: Semin, an 18-year-old girl from Badakhshan province, was killed on July 18, 2022 by her brother, who was a member of the Taliban, because she refused to forced marriage. She was shot dead in the presence of his mother. After the murder of Semin, no authorities investigated her case and the murderer was not prosecuted. What is happening to Afghan women has apparently caused global reactions and various international organizations have condemned the Taliban's behavior towards women, including the United Nations and Amnesty International. But unfortunately, no fundamental work has been done in this regard.

Although Afghan women have not kept silent in the face of all this oppression and have launched massive demonstrations and protests in various provinces and demanded the right to education, to work and freedom, but they have faced with strong opposition from the Taliban and the misbehavior of their soldiers. While it is stated in the Universal Declaration of Human Rights that every human being has the right to freedom of assembly and the formation of peaceful associations. But on the contrary, the Taliban imprisoned some of those women and some others were threatened and brutally beaten to stop their struggle. As a new report by the human rights organization Amnesty International on July 27, 2022, has given new details about the abuse of girls and women by the Taliban. The report states that the Taliban's "brutal" crackdown has destroyed the lives of women and girls in Afghanistan (Abdul Ahad, 2022).

More than a hundred Afghan women and girls were interviewed by the human rights organization Amnesty International for the preparation of a report titled "Gradual Death". Their statements show how the Taliban threatens, arrests, tortures and disappears those who dare to protest against these restrictions. Threats to kill women's families, severe beatings and torture through electric shocks are among the cases that the women have admitted in the report. Article 5 of the Universal Declaration of Human Rights states that: no one should be subjected to torture or cruelty or abuse, or subjected to inhumane punishment or behavior that leads to the degradation of his human status (The Universal Declaration of Human Rights, 1948: 2).

In the meantime, female judges, defense lawyers, and prosecutors are also in serious danger. Because the Taliban released all the prisoners and these released prisoners are serious dangers for the mentioned women. A number of women wanted to leave

Afghanistan to protect their dignity and life, the Taliban stopped them at the airports and did not let them travel abroad. The women who are captured by the Taliban, tortured and forced to make false and forced confessions against fighting and demanding their rights. What a huge amount of insult, pain and shame is inflicted on women, and after that, what is the state of individual and family life as well as the mental state of these women; It is not profitable or attractive for any media or human rights organization (Ruyina Shahabi, 2022).

As we see how Taliban made rules which contradicted with the real Islamic rules the authors decided to give a brief description of Islamic rules about women rights, and they given an overview on legal status of women in Islam. In this part of the article we can find how the Taliban made changes into Islamic rules and tried to use it for their interests.

The legal status of women in Islam

With the advent of Islam, women earned their rights and were placed in a different position compared to the age of ignorance. Undoubtedly, the value and dignity of women in Islam should be obtained from the clear verses of the Holy Quran and other reliable sources. In Islam, every man and woman can achieve material and spiritual development by implementing the programs of Islam. Women, like men, are independent and free in Islamic programs in most of sense. In the matter of the creation of men and women, Almighty Allah states that He created women from the same nature as men (Elahi Qomshaei, 2006: 78).

The pride of the Islamic legal system is that since its emergence, women have economic rights such as the right to property and inheritance, political rights such as allegiance and choice, family rights such as the right to choose a spouse, judicial rights such as the right to file a complaint and refer to judicial authorities, and religious rights such as Honoring Hajj is recognized as obligatory. By taking into account dowry, alimony and the need to treat her well, he has ensured the material and spiritual rights of women in the family system.

Women's political rights in Islam

In the political system of Islam, the role and position of women in the political and social arena is not less than that of men. For the participation of women in this field, there are various solutions, one of which is the issue of allegiance. Also, Jihad and migration are important elements of the political culture of Islam, and Muslim women were present in this arena along with men. Women, like men, have the great responsibility of guardianship and correctional management. Political and governmental issues are at the top of the pyramid of social issues, and women, like men, should intervene and play a role in it.

The Holy Quran accepts the pledge of allegiance (Bai'at) to the government, which is one of the most obvious manifestations of the political covenant of the society for women. The history of Islam also shows the achievement of this political act by women. In Tabaqat book, Ibn Sa'ad has devoted pages to how women pledged allegiance to the Prophet (PBUH) and the content of the pledges, and listed the names of 70 women who participated in the pledges (Ibn Saad, 1989: 150).

Historically, the first appearance of women's pledge of allegiance in the era of the Prophet (PBUH) is mentioned as the Bai'at al-Nassa (Women's Covenant). Even some historians believe that since the presence of a woman in such an important matter, at a time when women were deprived of their first individual and social rights, was very surprising, this pledge was called the pledge of women (Motahari Morteza, 2012: 75).

Of course, women's allegiance to the Messenger of God (PBUH) was verbal, and in the peace of Hudaibiyah and the conquest of Mecca, a group of women pledged allegiance to the Prophet (PBUH). In this verse, Almighty God orders the Prophet (PBUH): "O Prophet! When the believing women come to pledge allegiance to you that they will never again associate partners with God, commit theft and adultery, and not kill their children, and not slander anyone or slander you... With these conditions, accept their commitment and accept the pledge» (Elahi Qomshaei, 2006: 169).

It is said that in the first armed political conflict, the leadership of one of the major factions in the conflict was carried by a woman (Aisha, the wife of the Prophet) and the other companions obeyed her. According to these clear explanations, it can be seen that at the beginning of Islam, women had a fundamental role in all political fields, and according to Islamic instructions in the 21st century, despite all these facilities, women should be present and active in all fields of life.

Women's economic rights in Islam

By the advent of Islam, women gain their various financial and economic rights, so that even their fathers and husbands did not have the right to interfere in women's financial affairs; among these rights are:

Inheritance

The principle of a woman's inheritance is one of the principles of Islamic law. With the light of Islam and the revelation of verse 7 of Surah Nisaa, the principle of the sharing of the deceased's property by men and women was recognized and objectified, and with this transformation, new legal relationships emerged that women also benefited from inheritance.

Almighty Allah says: "For men, there is a share of what their parents and relatives leave behind, and for women, there is a share of what their parents and relatives leave, whether that property is small or large." This is a determined and payable share" (Elahi Qomshaei, 2006: 78). In this verse, the ruling on the inheritance contract for women is given in an independent and separate sentence. This is because it expresses the independence of women in inheriting like men.

Right of ownership

In the verse that Almighty God said in this matter, it means that each man and woman, what they get, whether it is voluntary, such as earning money, or non-voluntary, such as inheritance, etc., is reserved for them. They will have the right to use and operate independently.

A woman in an Islamic society can become an owner, dispose of her property; she inherits from her relatives or even earns and trades in a legitimate way, as Zainab Attara sold perfume and the Prophet of Islam bought perfume from her.

Dowry

One of the rights that Islam has considered for women is dowry. Dowry is money that a man is obliged to give to a woman on the occasion of marriage. For this reason, the silence of both parties in the marriage, even the agreement that the woman is not entitled to dowry, cannot eliminate the duty of the man in this regard.

According to what we discussed about women's rights in Islam, it becomes clear that what the Taliban claim and consider themselves to be the scholars of Islamic religion and Sharia, is false and incorrect. As mentioned above, the religion of Islam has set limits for women neither in politics, society nor economy, so that women cannot achieve their rights. Education is mandatory in Islam without exception, but the Taliban have prevented girls from going to school. In Islam, women can be involved in political affairs, but the Taliban have completely removed them from the political scene.

Women can work in jobs that are suitable for their condition and earn money, but the Taliban have deprived women from their jobs. The Prophet of Islam forbade beating and torturing women, and in numerous hadiths, he ordered women's rights and respect for them, but the Taliban beat and tortured protesting women. Drumhead Court Martial is prohibited in Islam, but the Taliban have done it among various men and women in most cases. The Messenger of Allah (PBUH) strictly forbade Muslims from discrimination, but most of the actions of the Taliban are discriminatory.

These were among the most important things that highlighted women's rights, so if the Taliban do not respect all of these, the rest of women's rights will also be lost. Therefore, it can be concluded that the Taliban are in opposition to Islamic principles in all their functions.

Therefore to find out the best model of protection of women rights, the authors tried to make comparative analysis of legal system of some Islamic countries and paid more attention to the rights of women in that countries. Most of all the authors paid attention to the issues of implementation of Islamic rules about women rights. As an object they were selected three Islamic countries Malaysia, Saudi Arabia and United Arab Emirates. In this comparison the authors considered the positive and negative points of implementation of Islamic rules on women rights. As a result the authors used some positive practice of those countries on making recommendations.

Comparative analysis of Women Rights in Malaysia, Saudi Arabia and United Arab Emirates

Malaysia

Malaysia is a country located in Southeast Asia, its official religion is Islam, and Islam plays a central role in the cultural identity of the people of that country, for this reason, the laws and regulations that arise in various fields are influenced by Islamic rules and orders. Women in Malaysia, like in other parts of the world, have rights and privileges in dealing with laws and in some cases their rights have been violated or they have not been given equal rights. Here we discuss the positive and negative aspects of women's rights in Malaysia.

Positive points

Since there are different races in Malaysia, the rights and functions of women in each race are different. In the 1960s, Malay women were mostly engaged in agriculture in the villages, but with industrialization and the spread of mechanization, they migrated to cities and worked in electronic industries. Today, women in Malaysia are involved in various government, industrial, production and even higher positions in the executive body of the government.

Economy

Women in Malaysia after the independence of that country and over a long period of time were able to get their basic rights and play and maintain their role in all economic, political, cultural and..... fields. Rural women in Malaysia are engaged in agriculture and play a special role in the society's economy. Their products are among the export goods of Malaysia. After the independence of Malaysia, its people achieved gender equality to some extent. In the economic sector, women are allowed to have a job in their desired field and become an expert in that field. The government has a

support system for women who are employed but married, if they have a child, they can continue their work remotely, i.e. at home, along with family responsibilities and raising children (Palangi, 1996).

Here, the role of the support system for married working women is highlighted. For example, flexible working hours, telecommuting and childcare facilities. Participation and presence of women in industrial fields has increased from 39% to 62%. Now 47% of the labor force in Malaysia is made up of women. The review of Malaysia's 10th Plan between 2011-2015 showed an increase in the participation of women in the labor force, which has increased significantly from 4.46% to 55% in 2009 (World economic forum 2018: 174).

Policy

In the contemporary era, the need for women's presence in politics has been given more attention and importance than ever before. The Ministry of Women's Affairs in Malaysia was established in 2001 to support women and their rights. Also, the convention on elimination of all forms of discrimination against women was approved in 2010. In Malaysia, under the supervision of the Ministry of Unity, an organization was created to protect and create more opportunities and conditions for women called "Hawa" organization. The National Council of the Women's Association works to empower and improve women's skills and raise their level of participation in society. This council was established in 1961 and has 61 non-governmental organizations and is managed by Mrs. Nafisa Omar. It creates favorable conditions for women and it is considered a positive thing and a great achievement (Palangi, 1996).

One of the other privileges of Malaysian women is the existence of non-governmental cultural organizations that work to create job opportunities for women, support and strengthen them. In 1988, Mrs. Zeina Anwar founded the Muslim Sisters group. This group was created for the purpose of realizing women's Islamic rights and they wanted to present a correct interpretation of progressive and enlightened Islam that seeks justice and equality for women. They claimed that the problem is from the patriarchal society that interprets the Islamic rules for their own interests. As a result of the tireless efforts of this group, the domestic violence law was approved and implemented in 1994, which would not have been possible without the cooperation of this group. The Muslim Sisters Group is trying to guide women in the direction of introducing Islam as an ideology that supports women, can improve the position of women, and introduce them to many achievements and successes.

Women have a fundamental role in the government structure, so that in 2014, 2.10% of the boards of directors of the companies were women,

which increased to 30% in 2016 (World economic forum 2018: 174). As an example, the state of Kelantan has created great opportunities for women and empowered them and given them the right to actively participate in governance, including the positions that women have in the management sector in the state, such as members of parliament, the state legislature, the senator in the senate and the executive adviser of foreign affairs, the local councilor, the state administrative officer and the religious officer are appointed. Men in this state of Malaysia have a positive view of women and support their women.

Judgment and legislation

Various factors such as religion, beliefs and geographical location have an effect on legislation. Women serve as judges in courts and can judge except for crimes that carry the death penalty. In the case of divorce, women can claim the right to child maintenance expenses, the right to labor incurred during marriage, the savings and joint assets of their married life. In the new laws, for husbands whose wives give birth, they also got the right of 3 days leave.

Women in Malaysia have the right to be elected, and they are present in the parliament of this country. Among the 220 representatives in the parliament, 33 of them are women, and 15% of them formed the parliament in 2021. The government also supports and encourages women in making decisions.

The national education policy provided equal opportunities for girls and boys to study. The literacy rate of women in Malaysia in 2009 is estimated at 90.5%. Boys and girls have the same opportunities in the field of education and a large number of women are studying in universities (P. ARUNA, 2013).

Negative points

Despite the good and excellent features that highlight the status of Malaysian women in a positive way, it must be said that, like the rest of the world, where women do not have equal rights with men in some areas, and some of them are not in a better situation, Malaysian women are also not exceptions. Sexual harassment exists in Malaysia. The government has taken measures to protect women, including separate buses for women in Kuala Lumpur since 2010, and taxis in this area since 2011. There is one that is special for women and their drivers are also women.

The law that gave men the power to divorce and polygamy also gave them the right to own their wives' property. This shows that women do not have absolute authority over their property, although this is in conflict with religion. So here it becomes clear that this approach is based on their national and local culture but not as an Islamic rule. There are some problems and discrimination in the employment sector, women do not

have the same parts as men in the management affairs of cities and high government bodies, they are not equal to men in terms of salary and men are in high job positions (Palangi, 1996).

In the political arena, the presences of women are less than men, and the participation of men in political institutions is more, including the parliament, which the majority members are men. This situation also exists in the cabinet and some other institutions.

Saudi Arabia

Saudi Arabia is the largest country in the Middle East and the Islamic world. The official religion of this country is Islam. The situation of women in Saudi Arabia, like other parts of the world, has positive and negative points. The Saudi government has imposed restrictions on women in various fields, some of which stem from the old Arab culture.

Positive points

Although the rights of women in Saudi Arabia were limited in the past and women were deprived of many of their rights, today there have been significant changes in the field. The government is trying to provide more ground for growth, activity, presence and participation and empowerment of women. Women's employment is not prohibited in Saudi Arabia, women can work and earn money for themselves, but there are some restrictions in this field, such as: women's jobs must be in proportion to their physical, mental and psychological condition, such as teaching, nursing, Sewing and the like. After the formation of the new government, girls were able to go to school at the same time as boys. The first girls' school was established in Mecca in 1948, and it grew gradually and schools were established in other areas. And now the education of girls until the age of 15 is compulsory like boys.

Women are allowed to study and can finish their education in school and university. More than seventy percent of Saudi women have university education. Even recently, the number of female students is more than that of boys. Despite the separation of schools and universities based on gender, their courses are of the same quality and even today many universities use the world of technology and women continue their courses online.

Despite strong opposition regarding women's driving, King Salman issued a decree on September 26, 2017, which ensured the freedom of women in the field of driving and stated that from June 2018, women can obtain a driving license and drive, and Women who are over 21 years old can travel alone (Martin Chulov, 2017).

In this country, 2017 is seen as the beginning of positive developments in the field of women's lives,

women gained access to more rights and privileges and gained more freedoms, in 2018 positive measures include: allowing sports for girls in schools, women's presence in sports clubs For competitions, they are the approval of the law prohibiting the harassment of women, granting the right to drive, granting a pilot's license and participating in the world games which open all the gates for more growth of women. Women can participate in elections and vote for the desired candidate, and they can also work as defense lawyers (Nilofar Gholami, 2021).

The role of women in work has doubled since 2016 and reached 33%. The Saudi government is trying to make women actively participate in various departments and sectors of society, including the defense and security organs, the Shura Council, and cultural and educational centers, within the framework of the 2030 vision. In 2019, Shadakht Rima was appointed as the first female ambassador in Washington. The presence of women in political arenas, government bodies and decision-making centers has increased. Recently, the role of women as an active workforce has been highlighted and women are employed in various positions in governmental and non-governmental organizations, such that in the last five years, women in high government positions such as: diplomat, deputy minister, editor newspaper, bank manager, deputy mayor, TV presenter and public prosecutor were appointed.

Negative points

In Saudi Arabia, women face restrictions in some fields, they cannot get a passport, get married, and start a business without the permission of their guardian. The presence of women in ministries, executive positions and high-ranking offices is less, and it is relatively male. Women are not allowed to judge. For their employment, they must have their guardian's permission and complete the conditions for employment. Although women and some women's support organizations made efforts to get more rights for women for their participation in work, they faced the opposition and resistance of the government and men of that land. They believe that women's place is at home and their activities should be limited to the family environment.

Now many young people are working for their rights through virtual pages, but many of them avoid introducing their identity for fear of punitive measures. The 2020 report on gender differences by the "Hahani Economic Council" ranked Saudi Arabia 146th among 153 countries in the world, which means that this country will have to spend a long time to achieve gender equality. The laws of Saudi Arabia are full of ambiguities and therefore leave the judge's free in judgment. Women's rights activists and petitioners have

been arrested under various pretexts and sentenced to several years in prison.

United Arab Emirates

The United Arab Emirates is a country on the Persian Gulf and has a population of 9.9 million. But only 10% of them are UAE citizens and the rest are foreigners. Women in the United Arab Emirates went through different periods and today their role in the society is very prominent. They have achieved many achievements in various political, social, academic and legal fields and have attracted the attention of the world. However, the situation of women in the United Arab Emirates is not good at all, and women are deprived of some of their rights, which are not hidden.

Positive points

The United Arab Emirates has been in the first place among the different countries of the world due to its capacity building programs and the growth and support of women. The Georgetown Research Institute conducted a survey among 170 countries in the world, in which the level of peace and security of women in the society was considered. This poll, which examined the status of women around the world, announced that the United Arab Emirates was ranked first. UAE women who are 15 years old and above declared that they are not afraid of anything when walking in the city at night and feel safe, which shows the percentage of 98% of women. But unfortunately, Afghanistan was ranked last (Naema Samir, 2021).

It has made good progress in terms of education and women can get education and go to school and study in the university in their desired field. A report published in 2007 regarding the Sustainable Development Goals showed that UAE women had extraordinary access to education in a way that such progress had not been achieved anywhere in the world, so that between 1990 and 2004, female students have increased, and this is really admirable. In the same way, the UAE has achieved equality in education between men and women. And now 77% of Emirati graduates are women. Even this country is training a 28-year-old woman named Nora Al-Mutarshi in the field of astronautics as an astronaut. The World Economic Forum has introduced the UAE as a country that supports gender equality among Middle Eastern countries.

Women in the UAE have the legal right to work, they participate in government in various fields, and even this country is considered as a regional model that supports women. Forbes magazine reminded of the report it presented on equal pay for women and said that UAE women were on the list of the world's top business women in 2020, this highlights the ability and efficiency of women that leads the society towards equality.

Various organizations work to support women in the country. Fatemeh bint Mubarak is a woman who headed the Women's General Union and chaired the Mother and Child Supreme Council and the Family Development Foundation. Due to her efforts, she is known as a hero woman in the world. In 2016, the UAE opened the United Nations Women's Liaison Office in Abu Dhabi in cooperation with Mrs. Fatemeh. With 47% participation in the workforce, Emirate women have the second rank among the member states of the Persian Gulf Council (Naema Samir, 2021).

In the field of politics and governance, women also have an essential role, so that in 2017, the number of female ministers in this country reached 9, which make up 1/3 of the cabinet. And out of 40 seats in the parliament, 20 are allocated to women, they have 50% share and this number is unique among countries. The UAE has joined the commissions to eliminate all types of discrimination against women in 2004, and the commission on equal remuneration for men and women workers for work of equal value in 1996. As a result of its desire for the growth and activity of women, between In 2013, he was a member of the Executive Board of United Nations Women. And assumed the presidency of the United Nations Women's Council in 2017. Until 2010, it has provided financial aid of about 26 million dollars to United Nations Women (Naema Samir, 2021).

Negative points

Despite the positive and valuable points that the United Arab Emirates had, this country also has negative functions in line with the condition of its citizens, especially women. This country does not grant citizenship to children born to Emirati mothers and foreign fathers. Therefore, stateless people in the UAE are deprived of basic rights and do not have access to public services. And even in this regard, Human Rights Watch intervened and called these cases human rights violations.

There is no domestic violence law against women in the emirate. Women must ask permission from their husbands to work. In addition to the fact that the UAE is trying to protect women, there are problems such as: the existence of traditional classes and clans in society that are not compatible with all these changes, the exclusion of 90% of foreign residents from the right to vote, the existence of gender gaps, confronting human rights defenders, Non-existence of domestic violence law against women are among the challenges faced by the women of that country.

Since the current government of Afghanistan, which is run by the Taliban, is in opposition to the principles of human and religious rights and is not accepted as a system by the people and the world community. Therefore we introduce a model of Islamic

countries for the current government of Afghanistan in which all the rights of women are respected and women and men of that land can live together and achieve to a prosperous life and a progressive society. Among the Islamic countries, our accepted model for Afghanistan is Malaysia. As we briefly described the society of Malaysia above, the women of that land have human, political, economic, social, educational, civil and cultural rights... thus it can be an acceptable model for the people of Afghanistan.

But despite its positive and valuable points, we cannot absolutely recommend it, but with some adjustments and changes, it can be accepted as an alternative model. Since the contribution of Malaysian women in governance, politics and parliament is less, in our proposed model we want the contribution of women to be more, so that they can move together as active members of the society in governance and politics. The law that gives men the power to have authority over their wives' property is not accepted and we will remove it from the above model.

CONCLUSION

In conclusion, it can be said that the Taliban do not respect any of the human rights norms, they arrested and tortured women who protested for the right to work and education, which is against both religion and human rights. They treat the people however they want and without a specific law, this is a gross violation of human rights and none of the principles of human rights allow such behavior.

Although the holy religion of Islam considers women's human rights and gives them the right to appear in society, to study, to participate in politics, and to play their role in society in addition to the responsibility of being a woman and mother. Harassment, humiliation and insulting of women are strictly forbidden. In fact the Taliban's version of Islamic law differs from Shari'a in other predominantly Islamic countries. Countries that have Islamic governments, where we briefly discussed the status of women in Malaysia, Saudi Arabia, and the United Arab Emirates, it became clear that women in those countries can be present in the political, economic, social, and educational fields, etc. and we did not witness the violation of rights that prevail in Afghanistan in any of the above countries. Therefore, as a result of Taliban's misconception of Islamic laws all the performance of the Taliban government is in contradiction with Islamic rules and human rights, and we introduce Malaysia with some changes as a model and suitable alternative for Afghanistan.

Therefore we suggest the following:

- Inserting and emphasizing the observance of all women's rights in the new laws and removing obstacles in the way.

- Opening schools for girls and providing education for girls and implementing effective programs to improve their capacity.
- Returning women to their duties and creating job security in government and non-government offices.
- Eliminating gender conflicts in the workplace and other fields, and giving equal pay to men at work.
- Giving women the right to participate in politics and governance and guaranteeing it in the law and entrusting them with political positions.
- Grounding and creating business opportunities in the labor market for women and supporting them.
- Approving laws prohibiting harassment, torture and humiliation of women and implementing it in the society.

REFERENCES

1. Declaration on the Elimination of Violence against Women. (1993). *Resolution (No. 104/84)*. The United Nations General Assembly.
2. Mehdi, E. Q. (2006). *The Holy Quran* (9th ed.). Jamal Publishing.
3. Ahad, F. A. (2022). Amnesty International: The gradual death of Afghan women under the shadow of Taliban discrimination and violence. *Afghanistan International*. <https://twitter.com/afintlbrk/status/1552230755073417216>
4. Saad, I, Saad, M. I. (1989). *Tabaqat al-Kabari: Muslim women in politics* (3rd ed.). Dar al-Katb al-Islamiyyah.
5. Khujesta, K. (2022). A number of female participants in Kankur: We did not have the right to choose our favorite faculty. BBC. <https://www.facebook.com/bbcdari/photos/a.101802826630992/2882746438536603/?type=3>
6. Palangi, M. (1996). *A brief introduction to Malaysia: Malaysia and the position of women*. Payam Zan journal. <https://hawzah.net/fa/Magazine/View/3992/4004/22335/%D9%85%D8%A7%D9%84%D8%B2%DB%8C-%D9%88-%D9%85%D9%88%D9%82%D8%B9%DB%8C%D8%AA-%D8%B2%D9%86%D8%A7%D9%86>
7. Chulov, M. (2017). *Saudi Arabia to allow women to obtain driving licences*. The Guardian. <https://www.theguardian.com/world/2017/sep/26/saudi-arabias-king-issues-order-allowing-women-to-drive>
8. Shannon, M. A. (2001). Women's rights unveiled: Taliban's treatment. *Of women in Afghanistan* (1st ed, Vol. 11:2). IND. INT'L & COMP. L. REV.
9. Mubarez, M. (2022). Taliban have no common relationship with the suffering people of Afghanistan. Shafaqna. <https://fa.shafaqna.com/?p=1387504>
10. Morteza, M. (2012). *Women and judicial and political issues* (1st ed.). Sadra Publications

11. Samir, N. (2021) *The United Arab Emirates is at the forefront of supporting women's rights globally*. WAM. <https://www.wam.ae/fa/details/1395302907904>
12. Gholami, N. (2021). *Review of women's rights movement in Saudi Arabia*. Aasoo. <https://www.aasoo.org/fa/articles/3333>
13. Neamatollah, N. (2002). *The rise of the Taliban In Afghanistan: Mass mobilization, Civil war And the future of the region* (1st ed.). *Palgrave*. DOI 10.1007/978-0-312-29910-1
14. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999). Resolution (No. 54/4) of the United Nations General Assembly.
15. Aruna, P. (2013). *Malaysia's investment in education without gender discrimination has yielded results*. The Star. <https://www.thestar.com.my/news/nation/2013/05/28/najib-malaysias-investment-in-education-without-gender-discrimination-has-yielded-results/>
16. Shahabi, R. (2022). *The future of Afghan women under the shadow of Taliban rule*. BBC. <https://www.bbc.com/persian/blog-viewpoints-60647721>
17. The Universal Declaration of Human Rights. (1948). *Resolution* (No. 217 (III)). Adopted by UN General Assembly.
18. World economic forum. (2018). *The Global Gender Gap Report 2018* (1st ed.). The World economic forum.