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Education Right of Women in Afghanistan After 2001

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Abstract. Women in Afghanistan face difficult situations, specifically when it comes to their rights. Most of the time, male-dominated Afghan society is not supportive. One important right of Afghan women, which is their right to education, has been significantly violated. This study initially stemmed from my passion for protecting women's rights in Afghan society and analyzing the factors that do not allow them to have access to their education right after 2001. Following that, I utilize qualitative analysis of women's rights in Afghan society to explain the difficulties women face in a war-torn and tradition-based society where men are considered superior to women. After 2001, the U.N and the U.S. started to promote human rights in Afghanistan, and the people of the country started practicing their rights after long years of war and conflict. However, there are still cultural barriers and conflicts that prevent Afghan women from having access to education.

Keywords. Afghan Society, Cultural Barriers, Conflicts, Education Right, Women Rights

Introduction

Human beings have some fundamental rights. It does not matter what a person's geographical location might be or which community a person might belong to; these rights must be respected and protected. Human beings are naturally free, equal, and independent; they have a variety of basic fundamental rights, and access to education is one of them. If education right is guaranteed for all the citizens of a state regardless of gender, that particular state will undoubtedly move towards building an inclusive society where each human being will be treated equally and fairly.

Afghanistan was in more than four decades of war and conflict. It started from the Soviet Union invasion, then the internal conflict of Mujahidin, and finally the Taliban regime, which made Afghanistan a safe haven for Al Qaeda. Overall, women's rights, and particularly their right to have education was never protected. Women in Afghanistan have always been victims of war and male-dominated culture, which do not allow them to practice their rights. Before 1979, the constitution which protected human rights in Afghanistan was mainly overlooked because the society was designed more religiously. All these wrong interpretations from the religion violated the education right of women. Then the Soviet Union invasion happened that took the country into a war, and again Afghan women suffered the most. By the time the Taliban regime took control of the country, they did not allow women to have their rights, such as freedom of expression and access to education. They restricted women from going to school; they burned all female schools and only limited it to male members of the society.

In the past two decades, women's rights have been an essential concept in Afghanistan. Additionally, the world has considered the education right of women as an integral part of Afghanistan's development in the future. The education of women plays a vital role in the development of a society. If women of a society are educated, then the next generations will also be educated. In the past 20 years, with the support of the U.S. and the U.N majority of women in Afghanistan started practicing their fundamental human rights such as the right to education. In metropolitans, women have begun to practice their fundamental rights, schools have been opened for girls, and families have been supportive of women's education right. However, prolonged years of war have created cultural barriers and discriminatory attitudes that still command in remote parts of Afghanistan, where many women are still uneducated. In recent statistics by Human Rights Watch, out of 3.5 million Afghan youths who do not have access to education, 75 percent of them are girls who are not allowed to go to schools and get a proper education.

1. Literature review

Internal conflicts and lousy security can be possible factors that hamper Afghan women from having access to their rights or specifically hinder their education. However, the main challenges are traditions and cultures that obstruct women's education right (Usman Mashwani 2017, 7). On the other hand, a report from Human Rights Watch explained that women's education right was violated through the Taliban group's decrees (a group of students educated from the Islamic Schools of Pakistan and Afghanistan emerged as a military force in 1994) during their reign in Afghanistan. These decrees were generally enforced on women in urban centers where mainly women were educated; that is why they were the primary targets because shutting educated women could help them show their ruthless power over others (Human Rights watch 2001, 7-8).

In UNICEF's article titled *A Human Rights-Based Approach to Education for All*, it is indicated that early marriages hinder women from gaining an education. Therefore, states must eliminate all the laws that allow girls to marry before the compulsory school-leaving age. Also, there should not be discrimination in school-leaving age of boys and girls (UNICEF 2007, 52). Some even have gone further and compared political institutions and culture to determine which factor underlies gender inequality in education. Cooray, in her article, examines that the primary influence on gender inequality is through culture and not through political institutions that some may point out to. In addition, Muslim-dominated countries have high numbers of discriminatory cases against women's education rights (Arusha Cooray, Niklas Potrafke 2011, 3). Furthermore, in his book, Mike Cole expresses that the root of an unfair education system where women are not getting many chances in the education system or cannot reach high ranking positions goes to the state's policies. The more it is male-dominated, the less there is a chance for females. Thus, if laws are modified in a better and fair way, they will tackle inequality and injustice (Mike Cole 2000, 42).

Basically, education right of Afghan women has been limited, or in other words, it was obstructed due to so many different factors. Distinct sources have explained one or two elements that why women's education right was violated in the first place. However, one thing is for sure that all these mentioned factors can only work when one factor influences the other. For instance, in its article, UNICEF explained that child marriage is the main obstacle in women's education. However, if we examine it deeply, child marriages have become part of the culture along with other cultural barriers that work together and impede women from their education right. In addition, Cooray mentioned in her article that women's education right has been primarily violated in Muslim-dominated countries because of the wrong interpretations of

religion. Mashwani explained that culture is the main factor of violation of Afghan women's education rights. Moreover, the Human Rights Watch report examines that war and the Taliban regime inhibited women's right to education. I aim to explain all these factors that collectively impede Afghan women from access to their education.

Although researchers who have researched women's education rights in Afghanistan have always agreed to the factors such as war, cultural obstacles, and misinterpretations of religion that hindered women from their education right, some may argue differently. For example, in an article by International Community Jurists, it is mentioned that for the people of Afghanistan, security tops the list of their priorities compare to the economic development and human rights or education right of women in that capacity. That is why there has never been a strict rule of law and a legal system capable of ensuring basic fundamental rights. Furthermore, people have also not tried that hard to build an acceptable human rights culture, let alone women's rights and education rights (Martin Lau 2003, 4). However, in her article *Winning Minds: The Role of Education in Securing Afghanistan*, Elizabeth Royall explains that after 2001 both Coalition forces and the Taliban used education to control the war. Also, in this article, it is explained that due to the lack of a link between education and security, they have to be separated, and there is no need to correlate them (Elizabeth Royal 2014, 3).

Humaira Haqmal, in her article *The State of Women's Education in Afghanistan*, briefly explains factors such as War, Culture, and male chauvinism that hamper the education right of women. This paper agrees with Humaira Haqmal's article to a large extent and tries to discuss different factors that inhibit women from their education rights.

2. Methodology

This paper discusses the factors that impede Afghan women from having access to their education right after 2001. The central hypothesis is that the prolonged war and cultural barriers, including misinterpretations of religion alongside a stereotypical male-dominated society, are correlated elements that hamper the education right of Afghan women.

Education right of Afghan women is the dependent variable of this study. For the purpose of this research study, education is defined based on Article 1(2) of the UNESCO Convention against Discrimination in Education as: "all levels and types of education containing having access to education by all, quality and the standard of education, and under the conditions which it is given."

This study explores three independent variables: (1) War; (2) Cultural Barriers; and (3) Religion.

War is an obstacle for Afghan citizens to live in a peaceful atmosphere, where they can practice their fundamental human rights. Four decades of war have created chaos in this country. When the Soviet Union invaded Afghanistan in 1979, Afghanistan people could not accept it and stood up against this invasion. Although there are no exact statistics, millions were killed, and millions immigrated to other countries. The education system was shuttered because people wanted to save their lives, which was more important. In urban centers, male members of the society could attend schools if there were any. However, many incidents of raping women, and smuggling them, made it difficult for women to go out of their homes and attend a school or a university.

Moreover, during the internal conflicts among Mujahidin, the education system of Afghanistan deteriorated. The ruling government of Mujahidin spent most of the government's budget to fight its rival Mujahidin groups. When the Taliban took control of Afghanistan, the situation of the country was in total mayhem. They bombarded girls' schools; they burned girls' schools and created a male-centric education system, where only males had access to education.

The Taliban's apparent strategy to sideline women's rights and, more importantly, to take away their education rights is still dominating Afghanistan's remote parts. Women are mistreated in rural areas of this country, and most of them do not consider themselves as equals to men because of the apparent reason of being uneducated.

The second element that hinders Afghan women from having access to their education rights is a male-dominated culture. This male-dominated culture was ruling the whole world, but it was modified by passing the time. In the 70s, women of the world were able to practice so many of their fundamental rights; in Afghanistan, such a thing did not happen, and cultural barriers survived. There are two main reasons for the survival of this male-dominated culture: war and religious ideologies. The Soviet Union invasion, the Internal Conflict, and the Taliban regime never let Afghanistan build an acceptable women rights culture where women could be treated as equals to men.

In this male-dominated culture, unjust actions like child marriages, forced marriages, and education restrictions exist. In metropolitans, discrimination against women's education is less, but it is enormous in the cities' outskirts and other remote parts. The majority of men in rural areas think that they are superior to women. They are the ones who decide either to let women study or not.

The third factor here is misinterpretations from the religion. Afghanistan is a religious country, and for the people of this country, religion has always been their top priority, but some people have misused it for their own benefit. Education has been the fundamental ingredient of Islam religion, and it has not created any boundary for it, and it has not been specified for a particular gender. When the Taliban regime came into power, they started to discriminate between male and female Afghan society members. Their wrong ideologies strongly affected all parts of the country and specifically people who were illiterate and uneducated.

3. Factors Impede Education Right of Afghan Women

Three factors basically influenced each other and collectively impede women's path towards having access to one of their fundamental rights, which is their education right. These factors are War, Cultural Barriers, and Misinterpretations of Religion.

3.1. War

Wars and military conflicts can deter the function of the education system. Wars can also prevent millions of children from attending schools (Klaus Seitz 2004, 9). War and conflict at any scale can affect the lives of families, students (either boys or girls), and teachers. Using violence to advance sociopolitical agendas, whether in short skirmishes or decades-long conflicts, damage school structures and creates a financially weak education system (Elizabeth Blair, Rebecca Miller, Mara Casey 2009, 4).

In internal and regional conflict situations, civilians, mostly women and children are victims of bias and abuse. Such abuses include "brutal violence including rape and murder, denials of social and cultural rights including education right, disappearances, and torture" (Julie A. Mertus 2000, 20). Despite increased global attempts to fight gender-based violence in conflict and post-conflict settings, women continue to be victims of this gender-based violence. In addition, violence against women during the conflict is not new; however, it is a continuum of discrimination against women during peacetime (United Nations 2014, 98). One of the most vulnerable groups of women in the world is Afghan women who have endured war and trauma for so many years (Mercy Tembon and Lucia Fort 2008, 183).

Although before the Soviet invasion, Afghanistan's population was reached approximately 17 million people, some 90 percent of whom were illiterate (Gregory Feifer

2009, 11). By the time the Soviet Union invaded Afghanistan, based on reports on Afghanistan by the U.N special rapporteur on violence against women, educated women had accounted for 70 percent of all teachers, about 50 percent of civil servants, and 40 percent of medical doctors in the country (Human Rights Watch 2001, 8).

In 1979, when the Soviet Union backed the People Democratic Party of Afghanistan (PDPA), they started their organized activities to gain the support of school students. As a result, many girls left schools, and boys joined formations against the Soviet Union. Aka Yasin, a plucky Tajik student from the Northeastern Badakhshan of Afghanistan, was expelled from the secondary school after rejecting the offer of PDPA to join the party. He ran away to join a group of fighters in mountains who had few modern weapons, and he also witnessed the arrest of 200 school students with their hands tied behind their backs. They were herded by trucks into a dug pit, where bulldozers buried them alive (Gregory Feifer 2009, 103).

In the new form of warfare, civilians are targeted because, in these kinds of wars, it is not countries against each other, but it is contemporary conflicts within the specific country. At present, civilians make up 90 percent of casualties of war (UNHCR 2012, 1). After the Soviet invasion, Afghan women's education right was disrupted once again, and this time it was during the civil war. Additionally, the civil war in Afghanistan had a negative impact on the education system as a whole. Mujahidin government, which took control of Afghanistan after the Soviet Union left the country, started a civil war among their branches. The government could not provide educational services. Due to the economic crisis or, in other words, because of spending money on military costs, the government could not work on maintaining school facilities (Lai Brian and Clayton Thyne 2007, 6).

Empirical evidence shows that conflict subverts educational opportunity for some more than others. Inequality will rise when war consequences are carried disproportionately by already disadvantaged groups (Carina Omoeva, Wael Moussa, and Rachel Hatch 2018, 7). Afghan women suffered more than men during internal conflicts, buttressed preexisting gender gaps in education in Afghanistan.

In four decades of continuous conflict, the education system of Afghanistan paid the most. After the civil war, Afghanistan entered into a different phase; then, the Taliban regime took control of the country. From 1996 to 2001, they devastated the education system. Under the Taliban regime, education in Afghanistan degenerated even further. The Taliban banned women from teaching. Also, they systematically closed all girl's school in 2000 (UNESCO 2011, 44).

While in power in Afghanistan in the 1990s, the Taliban's record in the human rights field is devastating. From systematic violence against women and girls; physical punishments, which include executions, high-level suppression of freedom of expression, and right to education; their record in human rights; and women's rights field is worse (Human Rights Watch 2001, 2).

War has also resulted in a damaged and weak economic situation. A high percentage of families in Afghanistan are living in a very critical economic situation. Thirty-six percent of the population that is almost 9 million people are unable to provide their basic needs. Poverty is one of the single biggest impediments to girls' education. Families struggle to make ends meet, much less to send their children to school (Ashley Jackson 2011, 12).

After 2001, in urban areas of Afghanistan, with the U.N. and the U.S.'s support, thousands of girls have started to go to school, and many Afghan women started to work in governmental offices (Human Rights Watch 2001, 14). These achievements are still partial and fragile even in big cities due to the longer-term impact of attacks on education and the education system. Afghanistan is one of the worst affected countries because of many incidents and

violations of education rights. After 2001, attacks on girls' schools persisted in Afghanistan resulted in disruption of attendance of female teachers and students, permanent drop out of the same gender, low enrollment of students, and falling recruitment of teachers (Brendan O'Malley 2010, 6-7).

A report from the Afghan Independent Human Rights Commission (AIHRC) shows that in 2007-2008 there was a decrease in attendance of 10.5 percent for girls; this is definitely due to the threats and attacks on girl's schools, which forced their families to stop sending their girls to have access to education (AIHRC 2008, 1).

In article 43 of Afghanistan's Constitution, it is clearly illustrated that all the citizens of the state have the right to education, and the government provides free public education up to bachelor's level. In article 44 of the constitution, it is stated that women in Afghanistan have their education right, and the government is responsible for promoting and protecting women's education rights. After 2001, there are still many obstacles such as poverty, the weak economy, security, and continuous attacks on girls' schools that impede women from their education.

Although the Taliban officially stated that they no longer oppose girls' education, some recent incidents reject it. A while ago, the Taliban did not allow girls of a Badakhshan district to participate in the entrance examination. Girls from that district recorded a video and sent it to the president of Afghanistan and the Media to share their problems. Recently, a girl's school was burned in Kunduz province by the Taliban. In addition, in some Taliban-controlled districts in Helmand province, there are no functioning primary schools for girls even under government-controlled areas (Human Rights Watch 2020, 1).

As Khabarnama.Net expressed, Afghanistan has 3.5 million uneducated boys and girls. Of this 3.5 million, 75 percent of them are girls who mainly live in remote districts and rural areas. Years of war have engendered cultural barriers and discriminatory attitudes that still rule in many families in remote parts of Afghan society. These wrong customs resulted in an unfair and unequal society and now prohibit girls from accessing education (Khabarnama.Net 2018, 1-2).

3.2. Cultural Barriers

As per the doctrine of human rights, from the four main categories of rights, one of them is Economic, Social, and Cultural Rights that includes compulsory elementary education (Jackson 2005, 99). In addition, as per article 13 of the International Covenant on Economic, Social, and Cultural Rights, "everyone has the right to education. Primary education should be compulsory and free to all."

Many countries are making progress in gender parity in education, but not all of them. Millions of girls attending schools are the first of their families; therefore, schools must be safe and positive changes should be made. In a cultural country, people would only trust a safer, more welcoming environment (Sheila Aikman and Elaine Unterhalter 2007, 19-20). However, there are deep-seated barriers, customs, and practices that disrupt women's access to education (Sheila Aikman and Elaine Unterhalter 2007, 23). In a country like Afghanistan, where people are very religious, and besides that, a society that is mostly influenced by different cultures can easily become a target of people who seek their own benefit. Exploiting religion and cultures, and taking advantage of it for their own sake, is something happening in this country for a while. Education right of women has been violated because of these exploitations. Some are using religion to avoid women's education rights, and others are protecting this male-dominated society for their own interests.

In various human rights instruments, the right to equality between men and women in marriage and family life is stated. It includes the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and many others (United Nations 2014, 42). In Afghanistan, the situation is totally different. People in this country follow certain traditions even though some of those traditions and customs are wrong. In the 1920s, Afghanistan's government outlawed child marriage, but it still exists even after a century has gone (Gillian Wylie 2003, 2). Based on some people's culture, females are considered the carriers of family 'honor', which comes with a heavy burden of forced marriages. They think that since they will be married off, there is no sense in educating them. Especially girls from low-income families are married off at a very young age to avoid the risk of making their families dishonored before their marriage (Sari Kouvo and Corey Levine 2016, 8). Furthermore, there is a patriarchal culture in Afghanistan that limited the responsibilities of women. In this patriarchal system, responsibilities are divided within the families between genders. All the responsibilities of women will be shortened to get married, work hard at home, and raise children (Naila Kabeer and Ayesha Khan 2014, 8).

While it is essential to know that forced marriage is an action that is specified by a complex mix of social and cultural factors, economics often plays a role as well. In order to alleviate economic pressure, girls from low-income families are forced to get married when they are young. Therefore, this early or forced marriage is a significant barrier to girls' education in Afghanistan (Ashley Jackson 2011, 13). Therefore, this lack of an alternative, which is economic opportunities, makes families pull their girls out of schools (International Center for Research on Women 2006, 1). Furthermore, this early-marriage may serve as an obstacle to post-marriage school attendance because of the childbirth and child-care responsibilities (Anita Raj, Marissa Salazar, Emma Jackson, and Natalie Wyss 2019, 18-19). According to a report from the Afghanistan Human Rights Commission, in 2016, more than 150 cases of early marriages were recorded from all over the country, and it is one of the biggest challenges of Afghan girls (Radio Azadi 2018, 2).

3.3. Religion

The official religion of Afghanistan based on the constitution is Islam. In Islam, like all other religions, the concept of equality between men and women was not relevant until the twentieth century. Equality acquired an international mandate, which happened with the adoption of the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). From the time it came into force, except three Muslim countries (Iran, Sudan, and Somalia), all other Muslim countries ratified it (Ziba Mir-Hosseini, Kari Vogt, Lena Larsen, and Christian Moe 2013, 1).

Islam has never ordered families to prevent their children from their right to education. Instead, in Islam, parents and educators are responsible for the proper upbringing of the young, culturally as well as mentally. It is also mentioned that educators are responsible for the modern scientific knowledge of the young besides intellectual enlightenment (Abdullah Nasih 2004, 103). However, Afghanistan, among other Islamic societies, is a nation of strict gender dogmatist customs. Women and men have their own separate places. This sexual division is justified because of some parochial interests (Lynne Manganaro and Nicholas Alozie 2011, 3-4).

There were two types of education in Afghanistan in the twentieth century: Islamic Education and Western Education. However, after the Soviet Union invaded Afghanistan, they introduced a different system inspired by the Soviet education system. There was both a

community education system for Islamic education and the Soviet system (Pia Karlsson and Amir Mansory 2017, 4-5).

During the Taliban, their draconian regime have the wrong interpretations from Islam that girls cannot have an education. In the 1990s, a generation of girls was prohibited from their right to have access to education, and the Taliban regime burned their schools. Taliban did not realize that for an inclusive society, it is significant to provide education for girls. For instance, there were hardly female doctors in the regime of the Taliban. A lot of pregnant women lost their children before delivering them. Several other cases in different fields show the Taliban's wrong ideologies towards women's rights and their education rights (Afghan German Online 2014, 2-3). Today in almost all remote parts of Afghanistan, religious leaders still follow assumptions created by the Taliban and other similar groups in the past that men are created superior to women; hence, women have no right to go to school and have a proper education. On the contrary, there is ample textual and rational evidence in Islam that proves men and women are created essentially equal. Furthermore, one of the verses in the Holy Qur'an clearly says, 'we have created you (human beings) from the same soul' (Ziba Mir-Hosseini, Kari Vogt, Lena Larsen, and Christian Moe 2013, 193-194).

The Taliban group is a conservative and religious group active in Afghanistan that targets girls as part of their military campaigns. After 2001, members of Taliban groups, except for one occasion, have always stated their opposition to girls' education and have violently attacked girls' schools, teachers, and families to take control of local communities (OHCHR 2015, 14). Still, this so-called religious group forgot an important Hadith of Prophet Mohammad, the messenger of Islam. He said: "Seeking knowledge is upon all the Muslims (male and female)" (Jawad Taheri 2017, 5).

The hatred shown by the Taliban towards girls' education has continued even after their defeat in 2001. Some of the problems engendered by the Taliban regime after 2001 are:

- The closing of girls' schools in areas controlled by them and transforming other schools into madrasas where only Islamic books are taught to males
- Killing female teachers
- Burning girls' schools (Mehtar khan Khawaja Mir 2016, 2)

Moreover, in 2006, the Taliban released the Layeha, or code of conduct with only 30 rules, explaining much of their policies and philosophies. Three of those thirty rules address the education system. One illustrates that it is forbidden for women to work as teachers under the puppet regime because this will make the infidel system stronger (Elizabeth Royall 2014, 4).

Conclusion and Recommendations

In the past 20 years, the international community led by the U.S. promoted women's education rights in Afghanistan. Afghanistan, being a war-torn country, could not fully utilize all the investments and funded programs. The country failed to develop an acceptable women's rights culture. In most remote areas, there is still a conflict going on between the Taliban group and Afghanistan's government. In these areas, the Taliban has burnt schools and killed so many teachers and students. Secondly, there is still a male-dominated culture where people follow stereotypical male-superiority customs. Furthermore, schools are far away from their homes in some parts, and families do not feel secure sending their girls that far. Third, religious leaders of rural communities do not allow girls' education in their communities. Thus, families do not let their girls attend schools.

As mentioned earlier in this study, there are 3.5 million Afghans who do not have access to education, and 75 percent are girls. In order to tackle all of the obstacles mentioned above, here are some recommendations to consider.

First of all, the government must invest in security more than before. Although, peace-talk is in its process between the government of Afghanistan and the Taliban group. Scattered conflicts are still going on. The Taliban group is still attacking villages, cities, burning schools, and targeting Afghanistan's young generation. Accelerating peace-talk and making a strong military can give people of the country hope for a better future.

Secondly, there is no uniform legal system in Afghanistan; however, in a way, women's rights have been regarded in this broken legal system. Afghanistan Civil Law is the second strongest reference after the Constitution of Islamic Republic of Afghanistan that can protect women's rights. However, it was prepared without fully considering women's rights. In order to create a powerful position for Afghan women, these laws have to be revised, and all the rights of Afghan women, including their education rights, have to be fostered and protected. In remote parts, in order to tackle this male-driven culture and a mindset that women are inferior to men, we have to organize awareness programs. We should let them know the importance of girls' education for an inclusive and developed society. This inclusive society is only possible when everyone practices their rights. Through various information dissemination programs and campaigns, we can aware families from the Constitution and Legal System of Afghanistan, till people know what laws they are bound with and how vital education right of women is for their societies.

A recommended next step is to establish more schools for girls and make it safer by involving more women in governmental sectors, specifically in Education and Higher Education Ministries. In addition, women must make up a high proportion of the school governing body in order to encourage girls to attend and enroll in schools.

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