

Higher Education of Afghanistan under the Taliban Rule

Review and Analysis of Past and Current Impacts

Dr. Mohammad Hadi Ahmadi



HEINRICH
BÖLL
STIFTUNG

YAAR e.V. is one of the major diaspora grass roots NGOs in Europe. It has a strong network in the German capital and represents an Afghan refugee and diaspora voice for human rights and women's rights on national and international levels. YAAR is an elected member of several regional councils. It runs various initiatives in Germany and Afghanistan on the fields of advocacy, lobbying, education, legal advice, support of NGOs projects, civil society and academia in Afghanistan.

Hadi Ahmadi has a PhD in political science and a master's degree in IHL & IHR from Germany. His professional experience spans more than a decade in public and private sectors, both in Afghanistan and Germany. He has diplomatic and academic backgrounds. He worked in the recent years as a dean of faculty in a Kabul-based university.

Disclaimer: This report and its publication were prepared as part of the Yaar Organization project for supporting scholars and higher education during transition in Afghanistan with the funding of the Heinrich Böll Stiftung. The views and analysis contained in the report are those of the author and do not necessarily represent the views of the Heinrich Böll Stiftung.

Higher Education of Afghanistan under the Taliban Rule: review and analysis of past and current impacts, January 2022

By Dr. Mohammad Hadi Ahmadi

© Yaar e.V, Berlin 2022 , www.yaarberlin.de

Table of Contents

Acknowledgements

Executive Summary

1.	Introduction	7
2	Taliban Rule and its Impact on Higher Education	9
2.1.	The Taliban Rule from 1996 to 2001	9
2.1.1.	Policies	9
2.1.1.1.	Academic Freedom and Institutional Autonomy	9
2.1.1.2.	Freedom on Academic Subjects	11
2.1.1.3.	Women’s Access to Higher Education	12
2.1.2.	Laws and Regulations	14
2.1.3.	Practices	15
2.2.	The Taliban Rule from August 15th, 2021	16
2.2.1.	Policies	18
2.2.1.2.	Academic Freedom and Institutional Autonomy	19
2.2.1.3.	Freedom of Academic Subjects	21
2.2.1.4.	Female Access to Higher Education	22
2.2.2.	Laws and Regulations	24
2.2.3.	Practices	26
3	Conclusions and Recommendations	27
3.1.	Conclusions	27
3.2.	Recommendations	28
	Bibliography	31

Author's acknowledgments

I am sincerely thankful to all teachers and lecturers in Afghanistan who made this research possible by answering the interview questions.

I am grateful to Kava Spartak, Zia Moballegh in Berlin and Dr. Bagher Zaki in Kabul for their suggestions and comments.

I would like also to thank Ms. Tanager for editing this research paper.

Executive Summary

Higher education plays a fundamental role in a nation's development or regression. While a dynamic, free, and modern higher education system contributes to progress and wellbeing among the population, a suppressed, and stagnated education system leads to deterioration a nation and impacts all aspects of individual and collective life. First established in the 1930s, Afghanistan's higher education system experienced more than two decades conflict and unrest in the 1980s and 1990s, the Soviet Union's invasion and the civil war. Taliban rule in the 1990s brought the higher education to the brink of a total collapse. During these dark years, both academic freedom and institutional autonomy were destroyed; moreover, female educational and social rights were violated at unprecedented levels.

The present study reviews and analyzes higher education in Afghanistan using a qualitative approach. The focus is on shrinking academic freedom, curriculum, and female's access to higher education under the Taliban regime from 1996 to 2001 and August 2021 onwards. This study aims to provide a clear picture for stakeholders of the higher education system of Afghanistan so that they may best manage their efforts and direct their support more effectively in this critical time. To this end, the author has reviewed and analyzed the policies, laws, and practices of the Taliban from 1996 to 2001 and from August 15th, 2021, onwards. The analysis is the result of literature review and interviews with lecturers and researchers at universities in Kabul and the provinces. This work was conducted in a time of disappointment, exodus, and despair for the lecturers and students at the higher education institutes in Afghanistan.

The Taliban rule from 1996 to 2001 was marked in human history with great violations of fundamental human rights, particularly, of women, ethnic and religious minority groups. In 1996, after decades of fractious conflicts and war with the Soviet Union, Afghanistan entered a period of middle-aged style of rule by the fundamentalist Taliban regime. This led to the annihilation of education facilities across the country with disastrous consequences for both the public and private spheres of life.

In the 1990s, the Taliban had a perverted ideological perception of academic freedom, freedom of academic subjects, and female's access to education. The Taliban's overwhelmingly fundamentalist approach to education, in particular, to higher education left nothing behind but destruction and stagnation. Studies demonstrate that the Taliban regime's actions strongly reduced individual and institutional academic freedoms in 1990s, while supporting censorship and Sharia. On the one hand, the Taliban did not trust international or national laws and norms related to higher education in Afghanistan. On the other, they themselves had no capacity for science-based policymaking or legislation at the local level. Dogmatically implementing Islam and Sharia as a model for governance in higher education for the twenty first century did surely not work. Studies show that the Taliban did not pass or establish any laws or systems for managing higher education during their rule in the 1990s.

The tragic event of 9/11 led to the fall of the Taliban regime in Afghanistan in 2001. The power change from the Taliban to the pro-Western governments brought wide range of changes in

different sectors of life including education. As a result of significant number of foreign investments and local commitments in the post-Taliban era, the Afghan higher education system was revised and transformed.

The unexpected takeover of power by the Taliban in August 2021 inspired waves of fear and concern about the higher education sector. The initial signs indicating that the Taliban will be more moderate and possess the capacity to deal with politics rationally and principally should be met with extreme caution and political patience. Only time will tell if Taliban's statements have any truth to them. However, recent actions by the Taliban in introducing the cabinet and in the personal politics in the higher education sector indicate that there is little hope for a better future. Indeed, the rise of the Taliban has put the nation's higher education system in a great danger. Politics of control and punishment, which the Taliban have begun to implement by establishing controlling units in the Ministry of Higher Education or sending inspection teams to higher education institutes will not be productive.

Statements made by the Taliban authorities and interviews with lecturers of the universities indicate that the regime has decided to limit strongly academic rights and freedoms, control and allow them to be practiced only on the basis of the norms and principles of Islam and Sharia as the sole and legitimate source of science and true knowledge for the Taliban. The Taliban has declared that they will review academic subjects and unify curriculum for the state and private higher education institutions. Any subject deemed to be in contradiction to Islamic norms and values will be removed. In the best-case scenario, compared to the situation in the 1990s, we have a grim picture from the Taliban's politics with regard to higher education as well as female access to higher education in Afghanistan.

Based on the interviews and observations conducted for the present work, the author recommends actions for stakeholders of the higher education sector in Afghanistan to take at the end of this paper. Implementing these recommendations could hopefully preserve, at least, part of the achievements made in the higher education sector in the post-Taliban era and finally prevent the collapse of the higher education system in Afghanistan.

1. Introduction

The higher education sector in Afghanistan is directly and often negatively impacted by political and social turbulences. However, this issue remains relatively under-researched. National and international research institutions have undertaken extremely limited efforts to investigate the impact of the Taliban regime on higher education. The topics of academic freedom generally, freedom of academic subjects and curriculum more specifically, and female access to higher education during the Taliban regimes in Afghanistan remain specially understudied. However, a few publications describe and analyze the higher education system. According to Ebrahimi, Yahya Baiza (2006) and Antonio Giustozzi (2010) have explored the higher education of Afghanistan. Bazia specifically explains the politics and challenges of higher education while Giustozzi focuses on student political activism.¹ At the time of writing, the author² could not find any in-depth analysis of legal, political, and practical consequences of the Taliban's takeover of the power in Kabul on higher education.

Higher education in Afghanistan is relatively new and has been linked to the nation's political fluctuations. The origins can be traced back to the establishment of the Faculty of Medicine in 1932, Faculty of Science in 1935, Faculties of Law and Political Science in 1938, and Faculty of Literature in 1944 in Kabul. The merger of these faculties led to the creation of Kabul University in 1946. Consequently, Nangarhar University was established in 1963 and the Polytechnic University was founded in Kabul in 1969.³ At its height in the 1960s and 1970s, higher education in Afghanistan could form an educated class that faded away during the communist coup and the invasion of the Soviet Union in the late 1970s and the rise of the Taliban in the 1990s.⁴ The entire sector collapsed during the Taliban regime in the 1990s.

Higher education is critical for a nation's growth and development. The rise of the Taliban in the 1990s put higher education in a hopeless situation. Indeed, Taliban rule deprived the population in Afghanistan of hope for a better life. The destruction of and stagnation in the higher education sector led to misery throughout the country. In contrast, a thriving higher education has the potential to bring peace, freedom and progress to society. Accordingly, at SAARC's ninth summit at Malé in 1997, the role of higher education in modernization of the countries was emphasized.⁵

¹ Niamatullah Ebrahimi, *Bureaucratic Policies and Patronage Politics: Prospects and Challenges of Private Higher Education* (2014), p. 3

² The Author has worked in Afghanistan as lecturer and vice-chancellor of university as well as the official of the government in the post-Taliban era

³ *Ibid.*, p. 4.

⁴ David J. Roof, "Day-By-Day: Higher Education in Afghanistan," *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 64–65, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

⁵ C.P.S. Chauhan, "Higher Education: Current Status and Future Possibilities in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka," *Analytical Reports in International Education* 2, no. 1 (March 2008): 44.

Starting in 2001, post-Taliban investments in the country rejuvenated the higher education sector. This is seen as one of the important achievements of the international community in Afghanistan. The renewal of the rule of law, the realization of relative academic justice for Afghan women, access to education for poor and less privileged people in Afghanistan, the gradual regulation and standardization of teaching and learning methods and processes, and the introduction of new academic subjects all were signs that the country was heading toward a better future. In particular, many investments were made to advance gender equality. Women play a critical role in education, and their participation as both lecturers and students is extremely valuable. Moreover, private higher education institutions have also become increasingly crucial for the country.

The new rise of the Taliban in Afghanistan has once again highlighted the fundamentality of the higher education and exacerbated the challenges ahead. Education opportunities among countries in the South Asian Association for Regional Cooperation (SAARC) are already limited, spending on education does not exceed 2 to 4 percent of the gross national product, education is qualitatively poor, and the private education system is a new phenomenon.⁶ Thus, more investments in and an increase of access to higher education, for women in particular, in nations where the higher education system has gross enrollment ratio of five or less⁷, are of high importance for the nation's growth and development. The Taliban rule in Afghanistan is expected to exponentially reduce the enrollment ratio across genders. For women, the fear is that it will return to the enrollment ratio of the 1990s. Furthermore, another expectation is that the quality of higher education that does survive under the Taliban rule will be of poor academic quality with over half of instructors teaching with just a bachelor degree.^{8,9}

The present study reviews and analyzes the higher education sector in Afghanistan using a qualitative approach. This study focuses on academic freedom, freedom of academic subjects, and female access to higher education under the Taliban regime in two different time periods. It aims to provide a clear picture for stakeholders of the higher education in Afghanistan to continue their efforts and supports in this critical and challenging time. The study draws on a review and analysis of Taliban policies, laws, regulations and practices in their two rules from 1996 to 2001 and from August 15th, 2021, to the present. This study also draws on interviews conducted via email with eight lecturers, researchers, and administrative personal from education institutions in Afghanistan. Two of the interviewees were women while six were men. As a result of the recent takeover by the Taliban, one respondent was forced to leave her job for Afghanistan's Ministry of Higher Education and stay at home. While only one lecturer expressly requested anonymity, information about all interviewees will be anonymized due to the unpredictable consequences. Geographically, the research covers the

⁶ Ibid., p. 29.

⁷ Niamatullah Ebrahimi, *Bureaucratic Policies and Patronage Politics: Prospects and Challenges of Private Higher Education* (2014), p. 7

⁸ Ibid., p. 8.

⁹ David J. Roof, "Day-By-Day: Higher Education in Afghanistan," *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 65, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

most important provinces though not the majority of the countries' administrative divisions. The research was conducted from Berlin over a relatively short period with a limited financial support. These challenges are compounded by the extraordinarily tough and volatile conditions for higher education in general and the interviewees in particular in Afghanistan. This study should be understood as taking place amidst an exodus from the country against the backdrop experienced by the lecturers and students at higher education institutions in Afghanistan.

The research is presented in three main chapters. The first section has provided a general overview of the vitality and the challenges of the higher education sector, a short literature review and the methodology used in the research. The second section reviews and analyzes the two periods of the Taliban rule in Afghanistan. In this subsequent section, the focus is on the changes and the consequences of Taliban policies, laws, and practices for the country's higher education sector. The third and final section present presents some conclusions and recommendations for the relevant stakeholders of Afghanistan's higher education sector with the hope to inspire timely and effective action to protect the sector from political turmoil and the Taliban's revenge on education and science.

2 Taliban Rule and its Impact on Higher Education

2.1. The Taliban Rule from 1996 to 2001

This section discusses the political, legal, and practical elements of the Taliban regime in the 1990s as they relate to the higher education sector.

2.1.1. Policies

The Taliban policies in the 1990s were rooted in their rigid and narrow interpretation of Islam. Desk research, personal observations and interviews confirm the fundamentalist perception of the Taliban regime of Islam. Religion was the foundation of their politics. The consequences of such a theocratic politics were destructive for Afghanistan in general and the higher education sector more specifically. Below, three important areas of higher education, namely academic freedom, freedom of academic subjects, and female access to higher education, are discussed.

2.1.1.1. Academic Freedom and Institutional Autonomy

It is impossible to conceive of a prosperous and successful higher education without academic freedom and institutional Autonomy. Indeed, these two elements are the basis of creativity, knowledge production and advancement of science and human development. Academic

freedom and institutional autonomy are hard to achieve. For instance, powerful governments can influence higher education negatively.¹⁰ The Office of the High Commissioner for Human Rights (OHCHR) at the United Nations, for example, has urged states and governments in democratic countries to protect and promote academic freedom in order to assure academic and scientific progress.¹¹ Fact is that academic freedom and institutional autonomy are not secure in many parts of the world.¹²

Academic freedom and institutional autonomy are concepts that can be interpreted in myriad ways. In this context, academic freedom refers to the ability for educational institutions to determine their curriculum, and for the people to have access to higher education institutions. It also refers to freedom from internal and external obstacles in doing scientific work.¹³ Teaching and learning for truth is only possible if there is academic freedom and institutional autonomy. Without self-government, self-determination, and self-regulation, an academic institution is unable to set its own academic goals, curriculum, rules and principles, didactics, and pedagogy.¹⁴ In other words, academic freedom impacts both students and lecturers, individually or collectively, to pursue academic and scientific activities and goals in all possible forms and substances.¹⁵ Edmore Kori, in his 2016 article “Challenges to Academic Freedom and Institutional Autonomy in South African Universities” in the *International Journal of Teaching and Education* describes academic freedom as a precondition for critical, experimental and creative thought, which leads to the advancement of knowledge and ideas.¹⁶

Institutional autonomy is a multi-faceted concept that allows for an educational institution to perform its academic functions and goals free from unjustified and irresponsible interferences. The relationship between academic freedom and institutional autonomy is complex. They are closely linked but not necessarily identical concepts so that their relation can be positive or negative for science and academic activities.¹⁷ However, institutional autonomy can lead to the promotion of science only if it is responsible to society as a whole

¹⁰ Edmore Kori, “Challenges to academic freedom and institutional autonomy in South African universities,” *International Journal of Teaching and Education* IV, no. 1 (2016): 8, <https://www.eurrec.org/ijote-article-315>, accessed November 2021.

¹¹ European University Association, “Academic freedom and institutional autonomy: developments in Europe and beyond,” 2020, <https://eua.eu/news/598:academic-freedom-and-institutional-autonomy-developments-in-europe-and-beyond.html>.

¹² Edmore Kori, “Challenges to academic freedom and institutional autonomy in South African universities,” *International Journal of Teaching and Education* IV, no. 1 (2016): 3, <https://www.eurrec.org/ijote-article-315>, accessed November 2021.

¹³ *Ibid.*, p. 1.

¹⁴ *Ibid.*, p. 3.

¹⁵ *Ibid.*, p. 2.

¹⁶ *Ibid.*, p. 2.

¹⁷ *Ibid.*, p. 2.

rather than just to political power and structure.¹⁸ Responsible autonomy can produce excellence in individual and collective life.¹⁹

Academic freedom and institutional autonomy were strongly limited by the Taliban's despotic and fundamentalist ruling style in the 1990s. Islam and Sharia as the sole source of political inspiration and action determined the quality and quantity of academic freedom and institutional autonomy. All interviewees indicated that, during the 1990s, there was either extremely limited academic freedom and institutional autonomy or these elements of the education system were completely nonexistent. A lecturer from Herat said that academic freedom and institutional autonomy were limited to the Taliban's interpretation of Islam.²⁰ Similarly, a lecturer and researcher from Kabul said that there was neither academic freedom, nor any other sort of freedom, and that everything was under the control of the Taliban.²¹ According to a lecturer and faculty director of a university in Kabul academic freedom existed in the context of Islam and Sharia.²² In addition, a lecturer from Kandahar University said that the Taliban did not believe in academic standards, modern norms and methods, and that Islam was the dominant factor.²³ Conclusions drawn from the literature and from data collected first hand demonstrate that higher education in Afghanistan was forcibly transformed into a traditionalist religious school system wherein scientific innovation and critical thought were censored.

2.1.1.2. Freedom on Academic Subjects

Culture and education were key elements of the Taliban's politics in the 1990s. They had a unique understanding of science and research. Their declared viewpoints on education, arts, music, and photography were extreme. They asserted that music, for example, was a violation of God's will on earth expressed in the Sharia. Or for example, the subject of sculpturing was banned in the 1990s. As a consequence, statues of the Buddha in Bamiyan were destroyed because they were considered to be against the rules and principles of pure Islam. Within this one-sided policy, even music and dancing during the wedding ceremonies were declared illegal and anti-Sharia.²⁴

All the interviewees unanimously expressed that there was no freedom to study diverse academic subjects in the 1990s. Indeed, the Taliban policy on academic subjects was extremely influenced by religion.²⁵ Throughout all subjects, the Taliban's interpretation of

¹⁸ Ibid., p. 4.

¹⁹ Ibid., p. 8.

²⁰ Interview with a lecturer of the Herat University, Herat, October 2021

²¹ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

²² Interview with a lecturer and faculty director of AVECINNA University, Kabul, October 2021

²³ Interview with a lecturer of Qandahar University, Qandahar, October 2021

²⁴ Dorothee Lohr, *Mädchen- und Frauenbildung in Afghanistan: Eine Situationsanalyse mit Vorschlägen für die Aufarbeitung im Unterricht* (Erste Staatsprüfung für das Lehramt an Grund- und Hauptschulen, Pädagogische Hochschule Freiburg, 2014), p. 48

²⁵ Interview with a lecturer of the Qandahar University, Qandahar, October 2021

Islam was used as the benchmark on which course curriculum were evaluated. This impacted some subjects more severely than others. For example, the hard sciences like engineering and mathematics continued to be taught, though course content stagnated and become outdated. Meanwhile, departments of humanities were impacted more severely and subjects such as the fine arts were eliminated from institutions completely.^{26,27} Courses on religion, in contrast, were made readily available, fundamentalism was strengthened, and female access to education was limited, so that all these increased greatly illiteracy in the country.²⁸

The freedom for lecturers to determine what they teach, the autonomy for institutions to direct their own departments, and empowerment for students to study diverse and innovative subjects are all a direct result of academic freedom and institutional autonomy in the higher education sector. Without these liberties, neither public universities nor private universities are able to offer a proper curriculum to students. Educational institutions operate best when they are held responsible by society in general and are free of heavy-handed governmental interferences. Interviews with university lecturers from Afghanistan confirm that there was no academic freedom in the 1990s, religious subjects dominated, and the regime was against natural sciences such as physics and mathematics. The Taliban's interpretation of Islam in this period determined what academic or educational subjects would be taught. A lecturer from Qandahar University stated that there was no freedom, but only dominance of Sharia.²⁹ Another lecturer from Kabul stated that the Taliban regime made efforts to replace natural sciences with religious subjects.³⁰ The Taliban regime's disapproval of the natural sciences was also confirmed by another lecturer from Kabul, who said that the Taliban found natural sciences to be against Islamic values and principles.³¹ Further interviews showed that fine arts and music were expressly banned and removed from the educational curriculum of the universities.^{32,33}

2.1.1.3. Women's Access to Higher Education

Before the Taliban presence in Kabul in the 1990s, Afghanistan had a gender-mixed and inclusive educational system. The number of students increased from 1,700 in the 1960s to 12,260 in the 1975.³⁴ The number of women in higher education rose during the 1980s, and by the early 1990s, roughly 40 percent of the students were females. Before the Taliban rose

²⁶ Interview with a lecturer of the Herat University, Herat, October 2021

²⁷ Interview with lecturer and faculty director of Avecinna University, Kabul, October 2021

²⁸ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

²⁹ Interview with a lecturer of the Qandahar University, Qandahar, October 2021

³⁰ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

³¹ Interview with a lecturer and faculty director of the Avecinna University, Kabul, October 2021

³² *ibid*

³³ David J. Roof, "Day-By-Day: Higher Education in Afghanistan," *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 75, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

³⁴ Niamatullah Ebrahimi, *Bureaucratic Policies and Patronage Politics: Prospects and Challenges of Private Higher Education* (2014), p. 4

to power, schools were coeducational, and women accounted for 70 percent of teachers, 50 percent of civil servants, and 40 percent of medical doctors.³⁵

The rise of the Taliban regime in the 1990s was disastrous for Afghan women. Life for women in Afghanistan under Taliban rule has been rightly described as having “come to a virtual halt”.³⁶ Similarly, Amnesty International described the Afghan women as “prisoners in their own house”.³⁷ Women were deprived of most of their human rights. Studies show that women were objectified and deprived of their basic rights, including the right to work and the right to education.³⁸ The Taliban approach towards women was “an affront to the dignity and worth not only of Afghan women, but humanity as a whole”.³⁹

In fact, the Taliban carried out an unprecedented discriminatory and catastrophic policy towards Afghan women. “Under the Taliban, the majority of girls’ schools were closed and gross enrollment fell from 32% to just 6.4%.¹”⁴⁰ By the final years of the Taliban regime, “only about 32 percent of school-aged children were enrolled in school, and an overwhelming 97 percent of the country’s girls did not attend school at all. By the end of Taliban’s rule in December 2001, over 80 percent of the country’s schools were either destroyed or severely damaged. Higher education had been forbidden for girls in the Taliban-controlled areas.”⁴¹ Two categories of women were particularly impacted by the Taliban regime, first, educated and western-oriented women, and second, urban and middle-class women who were forced to leave their jobs.⁴² As a consequence of the Taliban’s repressive policies, women of all ages suffered physically, psychologically, and socially.⁴³

All interviewees in this study reported that the Taliban had a systematic discriminatory policy against women in the 1990s. As a result, women’s rights were violated in many ways, including by being prevented from accessing to education. One respondent described it as an anti-women policy.⁴⁴ One lecturer from Nangarhar said that women played no role in determining

³⁵ David J. Roof, “Day-By-Day: Higher Education in Afghanistan,” *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 66, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

³⁶ Rahil Majeed Lone, Samreen Naz, and Sona Shukla, “Women under the Taliban regime: A theoretical perspective,” 5, no. 4 (2018): 797, www.ijrar.org.

³⁷ Dorothee Lohr, *Mädchen- und Frauenbildung in Afghanistan: Eine Situationsanalyse mit Vorschlägen für die Aufarbeitung im Unterricht* (Erste Staatsprüfung für das Lehramt an Grund- und Hauptschulen, Pädagogische Hochschule Freiburg, 2014), p. 46

³⁸ Rahil Majeed Lone, Samreen Naz, and Sona Shukla, “Women under the Taliban regime: A theoretical perspective,” 5, no. 4 (2018): 796, www.ijrar.org.

³⁹ *Ibid.*, p. 796.

⁴⁰ Joint NGO Briefing Paper, *High Stakes: Girls' Education in Afghanistan* (Oxfam GB for Oxfam International, 2011), p. 5

⁴¹ C.P.S. Chauhan, “Higher Education: Current Status and Future Possibilities in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka,” *Analytical Reports in International Education* 2, no. 1 (March 2008): 43.

⁴² Dorothee Lohr, *Mädchen- und Frauenbildung in Afghanistan: Eine Situationsanalyse mit Vorschlägen für die Aufarbeitung im Unterricht* (Erste Staatsprüfung für das Lehramt an Grund- und Hauptschulen, Pädagogische Hochschule Freiburg, 2014), p. 49

⁴³ David J. Roof, “Day-By-Day: Higher Education in Afghanistan,” *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 66, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

⁴⁴ Interview with a lecturer of the Qandahar University, Qandahar, October 2021

the policies of the Taliban in the 1990s.⁴⁵ Another interviewee mentioned that girls and women were deprived from participation in educational life.⁴⁶ Further interviews discovered that Taliban followed a destructive policy with regard to women's access to education, which led to the prevention of half of the population from participating in education.⁴⁷

2.1.2. Laws and Regulations

The Taliban regime did not believe in international law and, therefore, did not care about Human Rights standards established by the international community. From their perspective, the international legal order was a product of western civilization used to promote and preserve their dominance and anti-Islam interests. The rules declared by the Taliban were based on Islam and made with full discard for international treaties to which Afghanistan had been previously a party.⁴⁸ In this approach, Islam and Sharia were not only important than international law, universal human rights and freedoms, but also to the domestic constitution, parliamentary laws, and executive regulations.

Islam and tribal norms are the basis of the Taliban legal norms and behaviors. It should be taken into account that in 1990s, the Taliban's understanding of Islam and Sharia was strongly influenced by their process of culturalization and socialization in the Pashtun community where Sharia and Pashtunwali, codes of behavior for the Pashtuns, are closely intertwined. For the Taliban, Islam and the Quran are the sole legitimate source of laws and legal norms.⁴⁹ The exclusive reliance on Sharia and Islamic jurisprudence led to extremist and fundamentalist policies, seen most starkly in the Taliban's limitations on women's rights and individual freedoms in the 1990s. In this era, women were forbidden from having significant social presence and from participating in the public sphere. As a result, women were deprived from most of their basic human rights including their right to education and work.^{50/51} However, the role of Pashtunwali, codes of behaviors for Pashtuns, should not be ignored. It has been suggested that "for Pashtuns, it is often the case that Pashtunwali is as important as Islam."⁵² The Taliban which mostly consisted of Pashtuns respect Pashtunwali.⁵³

⁴⁵ Interview with a lecturer of the Nangarhar University, Nangarhar, October 2021

⁴⁶ Interview with lecturer and faculty director of AVECINNA University, Kabul, October 2021

⁴⁷ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

⁴⁸ Rahil Majeed Lone, Samreen Naz, and Sona Shukla, "Women under the Taliban regime: A theoretical perspective," 5, no. 4 (2018): 797, www.ijrar.org.

⁴⁹ *Ibid.*, p. 797.

⁵⁰ Dorothee Lohr, *Mädchen- und Frauenbildung in Afghanistan: Eine Situationsanalyse mit Vorschlägen für die Aufarbeitung im Unterricht* (Erste Staatsprüfung für das Lehramt an Grund- und Hauptschulen, Pädagogische Hochschule Freiburg, 2014), p. 47

⁵¹ Rahil Majeed Lone, Samreen Naz, and Sona Shukla, "Women under the Taliban regime: A theoretical perspective," 5, no. 4 (2018): 796, www.ijrar.org.

⁵² Farooq Yousaf and Moheb Jabarkhail, "Afghanistan's future under the Taliban regime: Engagement or isolation?," *Journal of Policing, Intelligence and Counter Terrorism* 12, no. 4 (2021): 7, <https://www.tandfonline.com/loi/rpic20>.

⁵³ *Ibid.*, p. 8.

Interviewees reported that in the 1990s the Taliban did not pass any laws or regulations for supporting human rights. In fact, it was the political will of the Taliban dedicated to Sharia and superiority that dominated. A lecturer from Kabul said that in this period Qannun-e Molkie Tahsilat-e `Aali (the Civil Law of Higher Education)⁵⁴ was in power.⁵⁵ It has been mentioned that in the 1990s, Islam was the sole non-written powerful law with an interpretation of 1500 years ago that was the deciding factor in the higher education⁵⁶. In the education system outlined by the Taliban's policies, Sharia determined all standards and norms.⁵⁷ The Taliban's legal system was extremely destructive for the higher education system in the country. In the 1990s, the educational and legal system in modern sense was strongly damaged. According to a university lecturer, the most significant law was the complete forbiddance of female education.⁵⁸ Regarding women, there were no explicit laws or regulations passed other than Amir's decree that Afghan women be banned from teaching and learning.⁵⁹ As result of Taliban's legislation, many scientific subjects were omitted from educational system and replaced with the religious subjects like the Quran and Hadith.⁶⁰

2.1.3. Practices

Literatures and interviews with lecturers in Afghanistan reaffirm that, in many cases, the Taliban did not create legal framework or declare any formal policy that could explain their behaviors or would allow people to predict their action. Nevertheless, in practice, the Taliban totally forbade scientific activities and defended Islam and Sharia dogmatically in a manner that eliminated academic freedom and critical thinking, and barred women completely from educational opportunities.⁶¹ A lecturer relayed that there was no written policy on the acceptability of academic subjects, but that in practice, all subjects and matters deemed to be in contradiction with Islam were deleted from curriculum and destroyed.⁶² Observation of the Taliban's media rhetoric and activities makes clear that while the regime had no formal policy or law as the basis of their measures, they pointed to Islam and Sharia as the basis of their decision and actions. Such an approach in a multiethnic and multicultural society like Afghanistan is highly dangerous and destabilizing. In the words of a lecturer from Kabul, the Taliban did not pass any laws or design any policies; rather, they conducted themselves purely and dogmatically as religious controllers and guardians.⁶³ They imposed disproportionate limitations on the higher education of Afghanistan. One interviewee has mentioned that the

⁵⁴ Qanune Molkie Tahsilat Ali [The Civil Law of Higher Education], Gazzete 703, 1368

⁵⁵ Interview with lecturer and faculty director of the AVECINNA University, Kabul, October 2021

⁵⁶ Interview with a lecturer of the Herat University, Herat, October 2021

⁵⁷ Interview with a lecturer of the Qandahar University, Qandahar, October 2021

⁵⁸ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

⁵⁹ Interview with lecturer and faculty director of the AVECINNA University, Kabul, October 2021

⁶⁰ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

⁶¹ Interviews with a lecturer of the Herat University, Herat, October 2021, and a lecturer of Qandahar University, Qandahar, 2021

⁶² Interview with a lecturer of the Heart University, Heart, October 2021

⁶³ Interview with lecturer and researcher of the Kateb University, Kabul, October 2021

Taliban's practices led to serious limitations of academic freedom in the field of natural sciences.⁶⁴

The real-life impact of the practices of the Taliban are the most apparent when it comes to women's rights. In a regime where the rule of law was extremely weak, women were, in practice, prevented from going to school and work. The Taliban saw the presence of women in higher education as being in contradiction to Islam.⁶⁵ A lecturer from Herat explained that, with regard to women, there was no written policy. Nevertheless, in practice, women had no right to education. This lecturer went on to describe this as being rooted in the Taliban's backward rural relations and extremist Islamic beliefs in a hierarchical and patriarchal system.⁶⁶ From the perspective of a lecturer from Kabul, women and girls were deprived from their rights not through formal policy but through the practices of the regime.⁶⁷ The Taliban's practices led to a sharp reduction in numbers of students and faculty members participating in the higher education sector. Numbers of students and teachers dwindled to a few thousands in the beginning of 21 century before, finally, leading to the destruction of educational sector in Afghanistan.⁶⁸

It should also be mentioned that the Taliban's armed opposition to the Afghan government and the foreign military forces from 2001 to 2021 imposed enormous damages on the Afghan people, including higher education sector. As a result of the Taliban's violent attacks and suicide bombs, targeting educational institutes and staff, several higher education's buildings were destroyed and a high number of teachers and students lost their life.

2.2. The Taliban Rule from August 15th, 2021

The 9/11 attacks in 2001 opened a new page in the political history of the world and in Afghanistan in particular. It led to a unique chance to put an end to a despotic and extremist style of government which was overwhelmingly destructive to education and human rights. More two decades, investments and efforts were made to establish and strengthen human rights and democratic principles, which in turn helped the higher education sector to develop and flourish in a promising way for a better future. On August 15th, 2021, the Taliban returned to power. Their reemergence as the governing force has put all achievements related to education, democracy, and human rights in serious risk.

The post-Taliban era, from 2001 to 2021, changed the higher education and the status of human rights in Afghanistan significantly. As of June 2020, there are 172 higher education institutes in Afghanistan, of which 39 are public and 128 are private universities or higher

⁶⁴ Interview with lecturer and faculty director of the AVECINNA University, Kabul, October 2021

⁶⁵ Interview with a lecturer of the Nangarhar University, Nangarhar, October 2021

⁶⁶ Interview with a lecturer of the Heart University, Heart, October 2021

⁶⁷ Interview with a lecturer and faculty director of the AVECINNA University, Kabul, October 2021

⁶⁸ Niamatullah Ebrahimi, *Bureaucratic Policies and Patronage Politics: Prospects and Challenges of Private Higher Education* (2014), p. 5

education institutions.⁶⁹ In 2020, 53.3% of the total student population of 422, 869 students were enrolled in private universities and institutes, while 46.7% were enrolled in n public institutions.⁷⁰ figure 1 shows the gender distribution of lecturers in public and private institutions of higher education, as well as the average size of the educational institutions.⁷¹

Summary: Key Data on Afghanistan’s Higher Education Sector

Average number of students (in 38 public and 131 private)	
▪ Public:	5,191
▪ Private:	1,722
Average number of lecturers	
▪ Public:	160
▪ Private:	97
Average number of admin. & management staff	
▪ Public:	83
▪ Private:	27
Student/lecturer ratio	
▪ public:	33
▪ private:	18
Qualifications of lecturers	
▪ public:	4.7% PhD; 50.5% master’s; 44.8% bachelor’s
▪ private:	6.7% PhD; 52.5% master’s; 40.8% bachelor’s
Gender	
▪ Public:	14% of teachers, and 22.7% of students are female
▪ Private:	13.7% of teachers, and 26.5% of students are female

Figure 1: Key Data on Afghanistan's higher education ⁷²

The unpredicted reemergence of the Taliban as governing group in Afghanistan has created great concerns among the people, and in particular among the lecturers and students. Women in public universities fear that they will never be able to attend their classes.⁷³ Estimates show that the half of professors and teachers have left or are leaving the country.⁷⁴ The country’s universities in Kabul and beyond, such as Kabul University, Herat University, and Balkh University are badly affected by brain drain.⁷⁵ The educated class is leaving the country into fear of the likely tough policies and regulations related to higher education by the Taliban. In addition, foreign aid from the international community, including the United States and NATO countries and the International monetary Fund stopped coming in.⁷⁶ This subsequent section examines the political, legal, and practical landscape of the country in related to higher education in the months since the recent Taliban takeover.

⁶⁹ Herald Fuhr, Mustafa Nassery, and Abdul H. Jalali, “Strengthening Higher Education Management in Afghanistan,” 2020, p. 19

⁷⁰ Ibid., p. 20.

⁷¹ Ibid., p. 25.

⁷² Ibid., p. 27.

⁷³ Cora Engelbrecht and Sharif Hasan, “At Afghan Universities, Increasing Fear That Women Will Never Be Allowed Back: Setbacks at public universities have posed another major blow to women’s rights under Taliban rule, and to a two- decade effort to build up higher education,” *New Your Times*, October 04, 2021, p. 2, <https://www.nytimes.com/2021/09/27/world/asia/taliban-women-kabul-university.html>, accessed November 2021.

⁷⁴ Ibid., p. 2.

⁷⁵ Ibid., p. 2.

⁷⁶ Ibid., p. 5.

2.2.1. Policies

2.2.1.1. Sign of Change and the Reality of the Taliban's Politics

The Taliban of the 21st century have clearly demonstrated that they are well experienced in dealing with the media and the court of public opinion. They are participating actively in the press conferences and media interviews. The Taliban in the 1990s opposed and did not want to be seen in public. In contrast to the 1990s, the Taliban in 2021 are active in public affairs :“This, in short, was what the Taliban of 2021 was all about: a tech-savvy, PR-heavy multi-lingual militant group that, in the past two decades, learnt the nuances of media messaging, propaganda, political maneuvering and narrative manipulation.”⁷⁷

The Taliban, at least through the media, have tried to show a new face and to convey a new message. Despite the Taliban's new messaging, they have remained loyal to their ideologies from 1990s. Part of this difference comes from the diplomatic experiences that the Taliban have collected through their activities at their political office in Doha, Qatar, since 2013.⁷⁸ The Taliban's change in rhetoric and media presence should be met with caution and political patience. Only time can reveal the truth of the Taliban's recent statements. However, recent measures of the Taliban in state-building and personnel changes in the government leadership indicate that there is little hope that the Taliban have truly changed or that their rule will lead to a better future. The words of the new minister of Higher Education, “We have no problems in ending the mixed-education system,”⁷⁹ are less than promising. In other words, “recent reports coming out of Afghanistan suggest that the ‘positive vibes’ from the Taliban's spokespersons were only limited to media statements and the Taliban's public relations and propaganda campaign”.⁸⁰ It can be said that at best the Taliban's statements and actions present a grim picture.⁸¹ In particular, when it comes to the fundamental issue of human rights and women rights, the Taliban have made vague remarks and taken unclear positions, raising significant concerns inside and outside the country.⁸² Similarly, the Taliban's statements on the prohibition of music and cultural activities in Islam are cause for serious concern.⁸³

⁷⁷ Farooq Yousaf and Moheb Jabarkhail, “Afghanistan's future under the Taliban regime: Engagement or isolation?,” *Journal of Policing, Intelligence and Counter Terrorism* 12, no. 4 (2021): 4, <https://www.tandfonline.com/loi/rpic20>.

⁷⁸ *Ibid.*, p. 5.

⁷⁹ “Afghanistan: Taliban announce new rules for female students,” *BBC*, September 12, 2021, p. 2, <https://www.bbc.com/news/world-asia-58537081>, accessed November 2021.

⁸⁰ Farooq Yousaf and Moheb Jabarkhail, “Afghanistan's future under the Taliban regime: Engagement or isolation?,” *Journal of Policing, Intelligence and Counter Terrorism* 12, no. 4 (2021): 3, <https://www.tandfonline.com/loi/rpic20>.

⁸¹ *Ibid.*, p. 3.

⁸² *Ibid.*, p. 4.

⁸³ *Ibid.*, p. 6.

2.2.1.2. Academic Freedom and Institutional Autonomy

Academic freedom and institutional autonomy are relatively new phenomena in the higher education of Afghanistan, historically ruled by absolute monarchies or constant periods of external or internal conflicts. However, before and after the Taliban rule, the higher education sector in Afghanistan experienced at least for a short time a significant degree of academic freedom, flexibility and freedom in curriculum development, and the participation of women. Particularly, in the post-Taliban era, significant efforts were made to promote academic freedom and institutional autonomy. Afghanistan's higher education institutions require academic, administrative, and financial freedom.⁸⁴ The sector suffered significantly from a lack of academic freedom and institutional autonomy under the Taliban rule and due to volatile political situation. In addition to political instability, widespread corruption and nepotism has also functioned to prevent the advancement of academic freedom and institutional autonomy.⁸⁵ Berger and Thomas explains: "Institutions must improve their professionalism by overcoming nepotism and corruption in order to become autonomous."⁸⁶ Another reason for the lack of freedom and autonomy in Afghanistan is the highly centralized political and educational system.⁸⁷ Indeed, higher education institutions are not in a position to make freely strategic and operational decisions in academic, administrative and financial fields.⁸⁸ In order for Afghanistan to have a quality educational system a balance should be established between two opposing desires, the wish for governmental oversight of higher education institutions and autonomy to make decisions directly within the institutions.⁸⁹

Progress and development in Afghanistan require a responsible and autonomous higher education system. Private institutions of higher education have flourished in the post-Taliban era due to a lack of regulation. As a result of the weakness of the Afghan government, these institutions have a high degree of freedom and autonomy while the quality of education remain low.⁹⁰ A functioning Afghan government is key to academic freedom and institutional autonomy. However, efforts have been undertaken in recent years to empower the public higher education institutions as well.⁹¹ The Afghan Constitution⁹² authorized the government to take all necessary measures to create an independent, effective and qualitative educational

⁸⁴ Joseph B. Berger and Hannis S. Thoma, "The Challenges of Developing an Autonomous Higher Education System in Afghanistan," *International Higher Education* 81 (2015): 21.

⁸⁵ David J. Roof, "Day-By-Day: Higher Education in Afghanistan," *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 74, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

⁸⁶ *Ibid.*, p. 73.

⁸⁷ Joseph B. Berger and Hannis S. Thoma, "The Challenges of Developing an Autonomous Higher Education System in Afghanistan," *International Higher Education* 81 (2015): 20.

⁸⁸ *Ibid.*, p. 21.

⁸⁹ David J. Roof, "Day-By-Day: Higher Education in Afghanistan," *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 73, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

⁹⁰ Joseph B. Berger and Hannis S. Thoma, "The Challenges of Developing an Autonomous Higher Education System in Afghanistan," *International Higher Education* 81 (2015): 21.

⁹¹ *Ibid.*, p. 21.

⁹² Constitution of Afghanistan, 2004, Articles 43-47

system.⁹³ High quality higher education institutions should have a free and autonomous public and private education institutions.⁹⁴ In the post-Taliban era the government took measures to increase the autonomy of the higher education institutes through planning, regulations, decentralization, and by providing alternative sources of funds.⁹⁵

The recent rise of the Taliban to power has put the country's successes in the education sector in danger. The literature review and data from the interviews conducted for this study portray a grey picture of the Taliban's politics in 2021 on academic freedom and institutional autonomy. It has been reported that the Taliban have requested all private universities to coordinate their hiring of professors with a special unit in the Ministry of Higher Education, and that professors working in public universities are banned from working elsewhere during occupation hours.⁹⁶ Following the Taliban's policy on women in higher education, men and women will be separated and female students must follow a dress code.⁹⁷

University lecturers in Afghanistan have indicated that they are already experiencing a roll back of academic freedom and institutional autonomy as the result of the Taliban's policies for higher education. A female lecturer and official at the Ministry of Higher Education stated that the academic freedom and women's rights have been definitely reduced.⁹⁸ Similar opinions has also been repeated by a female lecturer at the Bamyán University located in central part of Afghanistan.⁹⁹ Reduction of academic freedom has been also confirmed by a lecturer from the Nangarhar University.¹⁰⁰ A researcher and lecturer from Kateb University believes that we see no change in the politics of the Taliban, we don't see any sort of academic freedom, or any kind of freedom and that everything should be controlled by the Taliban and I think that reduction of academic freedom will be surely intensified in the future.¹⁰¹ Lecturer from Herat University, in western Afghanistan, mentioned that Taliban have already reduced academic, research, and teaching freedoms by imposing censorship on academic resources in libraries and through their gender segregation policy.¹⁰² A lecturer from Qandahar University

⁹³ David J. Roof, "Day-By-Day: Higher Education in Afghanistan," *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 71, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

⁹⁴ Joseph B. Berger and Hannis S. Thoma, "The Challenges of Developing an Autonomous Higher Education System in Afghanistan," *International Higher Education* 81 (2015): 20.

⁹⁵ David J. Roof, "Day-By-Day: Higher Education in Afghanistan," *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 74, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

⁹⁶ Sakhi Khalid, "Taliban Prohibits Private Universities from Hiring Instructors Without Their Approval: The Taliban government's Ministry of Higher Education has ordered private universities to refrain from hiring new professors.," *Hashtesab*, October 29, 2021, <https://8am.af/eng/taliban-prohibit-private-universities-from-hiring-instructors-without-their-approval/>, accessed November 2021.

⁹⁷ "Afghanistan: Taliban announce new rules for female students," *BBC*, September 12, 2021, p. 1, <https://www.bbc.com/news/world-asia-58537081>, accessed November 2021.

⁹⁸ Interview with a lecturer and official from the MoHE, Kabul, October 2021

⁹⁹ Interview with a lecturer from the Bamyán University, Bamyán, October 2021

¹⁰⁰ Interview with a lecturer from the Nangarhar University, Nangarhar, October 2021

¹⁰¹ Interview with a lecturer and researcher from the Kateb University, Kabul, October 2021

¹⁰² Interview with a lecturer from the Herat University, Herat, October 2021

expressed his disappointments and concerns with the Taliban's law-breaking actions and appointments in the higher education sector.¹⁰³

Several of the lecturers interviewed in this study compared the Taliban's approach to academic freedom to their policies and actions from the 1990s. For instance, a lecturer and faculty director at the AVECINNA University in Kabul commented that, so far, it seems that there is more academic freedom presently than there was in the 1990s and that there are currently less limitations on academic freedom in private universities. Nevertheless, this lecturer still expressed concerns that the future of academic freedom in Afghanistan remains unclear.¹⁰⁴ From the perspective of a lecturer from Qandahar University, taking into account the changes of the past two decades in the Afghan society, the Taliban have changed in comparison to the past, and now they are demonstrating a modicum of flexibility and the possibility of some academic freedom for higher education institutions.¹⁰⁵ All lecturers interviewed for this study expressed that they have no doubt that the Taliban reduce or strongly limit the academic freedom and institutional autonomy in higher education system.

2.2.1.3. Freedom of Academic Subjects

As pointed out in the previous sections, the freedom for universities to determine what subjects are offered and the specific curriculum covered is a crucial component of a healthy academic environment. This was strongly limited in the 1990s during the Taliban rule. The Taliban authorities indicate that the regime is decided to limit the academic offerings by saying that Islam and Sharia is the sole legitimate source and the benchmark to allow subjects to be taught in schools and universities. With regard to academic subjects, the Taliban's Minister of the Higher Education called for a review of the subjects being taught in the universities; he stated that the Taliban want to "create a reasonable and Islamic curriculum that is in line with our Islamic, national and historical values and, on the other hand, be able to compete with other countries".¹⁰⁶ He also stated that any subjects found to be in contradiction to Sharia will be removed from the course offerings and curriculum. According to the minister, higher education in Afghanistan should offer an Islamic curriculum.¹⁰⁷

Despite the fact that between 2001 and 2021 a significant number of new academic subjects were taught in Afghanistan at the tertiary level. For instance, "private institutes have taken the lead in introducing new technologies, disciplines and teaching methodologies. Beside traditional disciplines like the social and natural sciences that have a relatively long history in the country, many private institutes offer a wide range of undergraduate programs in new

¹⁰³ Interview with a lecturer of the Qandahar University, Qandahar, October 2021

¹⁰⁴ Interview with a lecturer and faculty director of the AVECINNA University, Kabul, October 2021

¹⁰⁵ Interview with a lecturer of the Qandahar University, Qandahar, October 2021

¹⁰⁶ Ibid., p. 2.

¹⁰⁷ "Taliban declared Afghanistan's education policy; Subjects in contradiction to Sharia will be removed," *Persian Euronews*, September 13, 2021, <https://per.euronews.com/2021/09/13/education-girls-classrooms-and-gender-segregated-universities-under-taliban>.

fields such as computer science, information technology, business and accounting.”¹⁰⁸The reemergence of the Taliban regime will likely soon will close that chapter of the country’s educational history. It seems that the Taliban will not differentiate between the public and private institutions. They want to install a unified Islamic curriculum throughout the country for both private and public higher education sector.

Interviews with lecturers at several different universities also indicate that the Taliban has already demonstrated that they will not allow subjects they perceive to be in contradiction with Islam and Sharia to be taught. A lecturer from Kabul said that comments have been made by the Taliban about removing or changing some of the academic subjects and education fields that are not in line with the Sharia; specially, action is being taken to cancel courses perceived to promote westernization and democratization.¹⁰⁹ A female lecturer from Bamyan University has said that the Taliban have already made clear that fine arts and Jafari (Shia)-relevant subjects are no longer allowed to be taught.¹¹⁰ In addition, an interviewee from Herat University discovered that music classes will certainly be removed from the Faculty of Arts.¹¹¹ Another interviewee believes that, despite the fact that still Taliban has not imposed drastic to the academic subjects taught in universities, their policy in their ideology will impose limitations on the ability of universities to freely offer academic subjects and the contents such as law.¹¹²

Interviewees have also observation that still the Taliban’s policies related to education generally and higher education more specifically are unclear. A significant number of the topics and subjects are likely to be banned due to the dominance of the religious ideology in the Taliban regime. A lecturer from Kabul said that the Taliban have not yet reviewed the academic subjects but expects them to remove all scientific subjects which consider to be in opposition to Islam.¹¹³ Furthermore, according to a female lecturer from Kabul University the Taliban are interested only in religious subjects and that academic subjects, which are important for the society, would be given a chance to be taught in the institutions of higher education.¹¹⁴

2.2.1.4. Female Access to Higher Education

The post-Taliban era improved women’s access to higher education significantly. Afghanistan’s higher education sector was rebuilt in the decade following 2001, so that millions of students were attending schools and the universities across the country. According to Ebrahimi 8.92 million students, 3.38 million of whom were females, were enrolled in 15,572

¹⁰⁸ Niamatullah Ebrahimi, *Bureaucratic Policies and Patronage Politics: Prospects and Challenges of Private Higher Education* (2014), p. 10

¹⁰⁹ Interview with a lecturer of the Ghaleb University, Kabul, October 2021

¹¹⁰ Interview with a lecturer of the Bamyan University, Bamyan, October 2021

¹¹¹ Interview with a lecturer of the Herat University, Herat, October 2021

¹¹² Interview with a lecturer and faculty director of the AVECINNA University, Kabul, October 2021

¹¹³ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

¹¹⁴ Interview with a lecturer and official of the Kabul University, Kabul, October 2021

schools in the 2012-2013 academic year.¹¹⁵The revival of the Taliban on the political scene and the following talks sparked great concerns among Afghan girls and women; they assert that their hard-gained rights and freedoms, and specifically the increased access to education, should not be sacrificed. “The Afghan government, the UN and donors must be vigilant to ensure that girls’ access to education is not traded away. Indeed, the future of Afghanistan depends on it.”¹¹⁶ Despite great achievements in recent years, women’s participation in higher education remained low in the country. Indeed, Afghanistan, due to a wide range of reasons such as geography, politics, insecurity, culture, religion and conservatism, is a very challenging place for women to access higher education. According to a joint NGO briefing paper, enrollment in higher education in Afghanistan achieved 19 percent before the Taliban regained power in Kabul in August 2021.¹¹⁷

Drawing on the experiences from the 1990s, we have, a grim picture of the Taliban’s politics with regard to female access to higher education in Afghanistan. However, studies and interviews explain that the Taliban have already begun to ban women from participation in educational and cultural life. The dominant idea often repeated by the regime’s spokespersons is that they will “support women’s rights under the Sharia law”.¹¹⁸ What this means exactly and how it will be interpreted in practice cannot be determined at this time. Taking the regime’s degrading gender politics of the 1990s and their actions in Kabul since August 2021 into account, it appears as though the Taliban has not significantly changed their approach towards women and girls in Afghanistan. The newly declared personnel structure of the Taliban’s cabinet conveys clearly the political message that the Taliban have carried their masculine, Sharia-based, unequal, and inhumane view of females into new millennium. “Even though the Taliban proclaims Sharia-compliant rights for women in Afghanistan, there is no guarantee they will not use the Sharia compliance, as an excuse, to restrict women’s rights. There remains a strong possibility that Afghan women will suffer the sort of harsh treatment they did under the Taliban in the 1990s.”¹¹⁹ It should be noted that the Taliban’s approach towards women’s rights is rooted in a “hyper-masculine patriarchal worldview” which is too entrenched to be changed anytime soon.¹²⁰

Interviews with lecturers demonstrate that there has not been any significant change in the Taliban’s viewpoint on the women’s right to education and right to work. From their perspective even a gender-mixed education is at odds with the “Islamic principles” and “national values” of Afghanistan”. The Taliban’s new Minister of Higher Education declared

¹¹⁵ Ibid., p. 6.

¹¹⁶ Joint NGO Briefing Paper, *High Stakes: Girls' Education in Afghanistan* (Oxfam GB for Oxfam International, 2011), p. 7

¹¹⁷ David J. Roof, “Day-By-Day: Higher Education in Afghanistan,” *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 76, <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

¹¹⁸ Farooq Yousaf and Moheb Jabarkhail, “Afghanistan’s future under the Taliban regime: Engagement or isolation?,” *Journal of Policing, Intelligence and Counter Terrorism* 12, no. 4 (2021): 10, <https://www.tandfonline.com/loi/rpic20>.

¹¹⁹ Ibid., p. 10.

¹²⁰ Ibid., p. 10.

the end of a “mixed-gender education in Afghanistan.”¹²¹ In addition, none of the Taliban’s statements about allowing women to go back to school and work have been realized.¹²² A female lecturer from Kabul confirmed that, for now, universities are closed and women have been prohibited from going to work or attending the classes.¹²³ Some lecturers believe that women in Kabul still, or at least formally, have some limited access to education, but are certain that this will not continue as the political power of the Taliban stabilizes.^{124/125}

In addition, lecturers from provinces have reported that the Taliban regime has banned female teachers and students from attending the classes and going to workplace.¹²⁶ Deprivation of women and girls from education has also been reported from Herat University.¹²⁷ A lecturer at Qandahar University expects that the Taliban will impose more limitations on women and try to prevent their presence in faculties such as computer science and public management while increasing their presence in other faculties like medicine and Shariat.¹²⁸ From Bamyan University, the interviewee reflected on the Taliban’s opinion on women, describing it as dangerous and unfair, in particular, with regards to educated women; then for the Taliban the best women and girls are those who remain illiterate and stay at home.¹²⁹ From the views of all lecturers, who participated in this study, the Taliban will continue to decrease or even ban women’s access to higher education because according to their ideology public sphere is not appropriate for women and girls.

2.2.2. Laws and Regulations

Despite significant progresses made following the fall of the Taliban in 2001, the legal framework related to higher education has remained weak and controversial. New developments, such as rapid rise and expansion of higher education private institutions, were not supported by the country’s 1989 Law on Civil Higher Education Institutions and the new draft of higher education law failed due to controversies in the parliament since 2008.¹³⁰ As a result, lack of legal order related to private institutions has opened the ground for interventions by government officials and other powerful political and economic players in

¹²¹ Hashte Subh, “A Mixed-Gender Education System Violates Islamic Principles, the Taliban’s Minister says,” *HashteSubh*, October 12, 2021, <https://8am.af/eng/a-mixed-gender-education-system-violates-islamic-principles-the-talibans-minister-says/>.

¹²² Cora Engelbrecht and Sharif Hasan, “At Afghan Universities, Increasing Fear That Women Will Never Be Allowed Back: Setbacks at public universities have posed another major blow to women’s rights under Taliban rule, and to a two-decade effort to build up higher education,” *New York Times*, October 04, 2021, p. 3, <https://www.nytimes.com/2021/09/27/world/asia/taliban-women-kabul-university.html>, accessed November 2021.

¹²³ Interview with a lecturer and official of the MoHE, Kabul, October 2021

¹²⁴ Interview with a lecturer and researcher of the Kateb University, Kabul, October 2021

¹²⁵ Interview with a lecturer of the AVECINNA University, Kabul, October 2021

¹²⁶ Interview with a lecturer of the Nangarhar University, Nangarhar, October 2021

¹²⁷ Interview with a lecturer of the Herat University, Herat, October 2021

¹²⁸ Interview with a lecturer of the Qandahar University, Qandahar, October 2021

¹²⁹ Interview with a lecturer of the Bamyan University, Bamyan, October 2021

¹³⁰ Niamatullah Ebrahimi, *Bureaucratic Policies and Patronage Politics: Prospects and Challenges of Private Higher Education* (2014), p. 11

the sector.¹³¹¹³² In 2013, efforts were made to reform and adjust the legal framework so that it would support more effectively the private sector and reduce the gap between the public and private institutions in Afghanistan.¹³³

The Taliban want to establish a legal system based on Islam and Sharia. Statements made by the Taliban officials have reported that the regime seeks to create an autocratic state with Islam as the sole legitimate source of legislation. For instance, Taliban senior commander, Waheedullah Hashimi, said that “a council of Islamic scholars will determine the legal system and that an Islamic government will be guided by Islamic law, not the principles of democracy... There will be no democratic system at all because it does not have any base in our country,” he said. He further clarified the primacy of Sharia: “We will not discuss what type of political system should we apply in Afghanistan because it is clear. It is Sharia law and that is it.”¹³⁴ It is critical, however, that the Taliban has thus far not taken any steps to transform these general statements into concrete plans or actions. In other words, “how Islamic law will be implemented” still remains to be seen.¹³⁵

Some predications can be made based on the schools of thought from which the Taliban derive their specific form of Islam. It is clear that “The Taliban’s interpretation of Islamic law comes from ‘the Deobandi strand of Hanafi jurisprudence’, a branch found across several parts of southeast Asia, including Pakistan and India, and the group’s own ‘lived experience as a predominantly rural and tribal society’....”¹³⁶ In countries like Afghanistan, where the population includes diverse ethnicities and religions, narrow religious legislation approach cannot be inclusive and responsive to the society’s needs.

Interviews and observations indicate that despite legislative inactivity, the Taliban act on the basis of executive orders issued by the Taliban authorities. Lecturers from Kabul have reported that the Taliban have issued orders segregated girls and boys as well as a requirement that women wear Hijab in the institutions of higher education. In addition, a regulation has been passed by the cabinet of the Taliban which grants graduates from religious schools scientific qualifications. From the view point of a lecturer from Kabul the aim of these new regulations is to employ the graduates of religious schools as university teachers.¹³⁷ The lecturers from the provincial universities have reported that as result of such executive orders, private universities are obliged to teach girls and boys separately, the female lecturers and students

¹³¹ Ibid., p. 3.

¹³² Ibid., p. 10.

¹³³ Ibid., p. 11.

¹³⁴ Arwa Ibrahim, “Explainer: The Taliban and Islamic law in Afghanistan: The Taliban has assured women of their rights ‘within Islamic law’, but what it means remains ambiguous.” *Aljazeera*, August 23, 2021, p. 1, <https://www.aljazeera.com/news/2021/8/23/hold-the-taliban-and-sharia-law-in-afghanistan>, accessed November 2021.

¹³⁵ Ibid., p. 1.

¹³⁶ Ibid., p. 2.

¹³⁷ Lecturer and researcher from the Kateb University, Kabul, October 2021, also Interview with a lecturer of the Avecinna Univesity, Kabul, October 2021

are required to wear Hijab, and they are prevented to go to work.¹³⁸ Furthermore, the Ministry of Higher Education issued an executive letter on November 17th, 2021, addressed to all private universities in Afghanistan. The letter begins by clearly pointing out that the Ministry is committed to obeying and executing the current laws and regulations. In the second paragraph, it states that prevention of a mixed-education and creating an Islamic atmosphere are serious and high priorities. The letter goes on to assert that public and private universities should have a united curriculum.¹³⁹ In addition, the Ministry issued a plan for opening public universities on September 18th, 2021, in which it has strongly insisted on segregation of men and women in classrooms and lecture halls.¹⁴⁰

2.2.3. Practices

Despite soft political statements made by the Taliban, interviews with lecturers from universities in Kabul and provinces present a grim and disappointing picture of the situation. Interviewees in Kabul have stated that the Taliban's practices and measures are doubtlessly in violation of the existing laws and regulations of the higher education. The lecturers have reported that, so far, the Taliban have not changed any academic subjects. However, they appointed non-academic persons in academic positions. They have sent enforcers to universities, and prevented women from participating in leadership roles and academic positions.¹⁴¹ In addition, interviews with university lecturers in the provinces have reported that women and girls have been prevented from going to work, their access to education has been limited, and that faculty members are greatly concerned that the regime begin to ban subjects from being taught, and that pressures and censorship will increase.¹⁴² Interviews demonstrate that despite the Taliban's declaration that they will respect the current laws relating to higher education, the regime's practices already violate those laws and rules. For instance, the previous regulations required that specific positions could only be held by someone with relevant academic experiences, but non-academic cadre are being appointed by the Taliban to those positions.¹⁴³

¹³⁸ Interviews with lecturers from Nangarhar, Heart, Bamyan and Qandahar Universities, October 2021

¹³⁹ Executive Letter of the Ministry of Higher Education, Kabul, 17.11.2021

¹⁴⁰ Plan of the MoHE for Opening the Public Universities, Kabul, October 2021

¹⁴¹ Interviews with lecturers from Kabul University, AVECINNA University, Kateb University, and Ghaleb University, Kabul, October 2021

¹⁴² Interviews with lecturers from Nangarhar, Heart, Bamyan and Qandahar Universities, October 2021

¹⁴³ Lecturer from the Kabul University, Kabul, October 2021

3 Conclusions and Recommendations

3.1. Conclusions

Despite the fact that higher education is of strategic importance for Afghanistan's growth and development, studies show that the higher education system in Afghanistan is facing serious challenges and shortages. The higher education is vulnerable to political fluctuations as well as weak and corrupt governments. Widespread poverty, a dysfunctional economy, and poor governance in Afghanistan have exposed the sector to diverse problems. The relative but promising growth of the sector before the 1990s and after 2001 has been one of the Afghanistan's great achievements. The unexpected rise of the Taliban to power in 1990s and in 2021 put the higher education at great risk. In particular, academic freedom, institutional autonomy and women's access to higher education are all in serious danger. With the return of the Taliban to power, the hope for an educated middle class as well as growth and development in the country is fading away.

Studies, observations, and interviews demonstrate that the Taliban's rule from 1996 to 2001 brought a tragedy to Afghan men and women, as well as for the country's fate. It was a power-driven and dark regime based on Islamic fundamentalism and tribal norms with a dogmatic understanding and narrow interpretation of religious and local principles and values. Human rights including women's rights were violated on unprecedented scales and quantities. The style of teaching and the content taught in this era harks back to the middle-ages. This had destructive consequences for Afghanistan.

In the 1990s, Afghanistan's higher education sector suffered from the dominance of the Taliban's Islam and Sharia. Under the Taliban regime, Sharia and Islam did function as the sole source and reference point for determining, measuring, and controlling the quantity and quality of education in Afghanistan. Particularly, women and girls were objectified and degraded by the Taliban in all aspects of private and public life. Systematically, female Afghans were deprived of participation in educational, cultural, and social spheres of life. The Taliban showed no trust for international law and universal human rights but also for national parliamentary laws and regulations. The regime's political and legal decision-making system was based on their perverted interpretation of Islam and Sharia. Without making new laws or regulations for the higher education sector, the Taliban imposed their political will on the sector in a manner that caused lasting damages.

The power takeover by the Taliban starting on August 15th, 2021, has brought the country and its higher education system to the brink of collapse. The hope that the Taliban has transformed into a more moderate force over the past two decades, a hope that originates from the group's professional appearance and polished public relations, are gradually dissolving. Personal observations and the interviews with university lecturers and staff from Kabul and provinces, show that fears and concerns currently dominate the sector. In recent months,

many schools and facilities have been closed, faculty members have left or are leaving the country. Academic freedom, institutional autonomy, and female's access to higher education have been strongly reduced or completely removed, echoing the 1990s. The higher education sector is once again ruled by a theocratic system based on Islamic fundamentalism and tribalism mixed with a flawed and narrow perception of religious principles and social relations.

The great concern is that the Taliban do not have the capacity to govern and lead the higher education sector. In addition, that they do not believe in democracy, pluralism, human rights and individual freedoms, or progress and modernity. These are the foundation of a flourishing education system. These tragic facts leave little hope for a better higher education under the Taliban in the 21st century. Even the base-case scenario with the Taliban in power appears to be grim and rife with uncertainty.

3.2. Recommendations

Based on the analysis of first-hand information presented in this study, the following are recommendations for national and international decision-makers and stakeholders who are interested in the political and educational developments of Afghanistan. In the interviewees conducted, respondents were asked to express their views on the role of Afghan lecturers and academia in Afghanistan in promoting higher education, the role of the Afghan academic diaspora in supporting the higher education in Afghanistan, the role of Germany in providing assistance to the higher education of Afghanistan, and finally the responsibility of Germany and international community more broadly for supporting the higher education and female teachers and girls in Afghanistan. The subsequent recommendations are the result of the synthesis of responses from expert interviews combined with an analysis of the impacts of the previous Taliban rule.

Germany and the international community should not turn their backs on Afghanistan.

The political situation in Afghanistan is currently tense and fragile. The education sector, including Afghan academics and teachers, are in an incredibly challenging situation. Interviewees from both genders are greatly concerned about the power transition to the Taliban, whose previous reign left deep scars on the moribund body of the Afghanistan's education sector. To date, Taliban have not demonstrated that they have truly changed.

Germany and International community should stay in solidarity with Afghan academic cadre and protect their rights and freedoms

Observations and accounts relayed through interviews show that the Taliban have already prevented female lecturers and officials of the Ministry of Higher Education from teaching and working. Many teachers and officials have not received their salaries in months. The Taliban

have shown that they have a tendency to dismiss or put pressure on the current teachers in order to replace them with their own staff, who have graduated from religious schools. The Taliban have begun not only to interfere in the universities' process of recruiting, but also to send their people to watch and enforce their rules in institutions of higher education. Germany and the International community should increase their diplomatic pressure on the Taliban regime for protecting the rights of teachers and lecturers of the higher education institutions.

Germany and the International community should put the higher education system on the negotiation agenda with the Taliban and work to keep the education sector apolitical.

The Taliban should not be allowed to annul, reduce, or disrespect higher education in Afghanistan. The norms and principles which are fundamental for the progress of the higher education should be maintained. The Taliban regime is an extremist, fundamentalist, and theocratic group that aims at creating a God's state with Islam and Sharia dominating the society and education in a manner reminiscent of the Middle Ages. In this way, they will eliminate rights and freedoms that are essential for a dynamic and effective higher education.

Support for the creation of an advocacy organization led by the Afghan academic diaspora.

An advocacy organization can help amplify the voice of Afghanistan's teachers in the international community, conduct advocacy works for Afghan teachers and researchers, work to prevent gender segregation policies at the Afghan universities, help establish an online university, do research projects in partnership with Afghanistan, keep pressure on the Taliban to respect the education and Afghan academics, cooperate with the academic cadre in Afghanistan to provide new ideas and plans for the current situation, direct international aid and assistance towards higher education, provide help for teachers at risk as and create more educational opportunities for research and education abroad.

Germany should continue and increase its support and assistance for the higher education in Afghanistan.

Interviewees have indicated that they have a positive picture of Germany's involvement in promoting the higher education of Afghanistan. The lecturers made it clear that the support provided by Germany have been concentrated in Kabul. However, they also said that Germany has paid less attention to the higher education in the past decades and they were not well aware of quantity or quality of German-originating aid or support. They urged Germany to continue and diversify its assistance to the higher education sector.

Germany should continue its support for the professional capacity building of the Afghan lecturers and professors.

Afghanistan's higher education sector is currently suffering. Both public and private institutions lack sufficient skilled and experienced faculty members. Providing more

scholarship programs for education and research as well as strengthening partnerships between Afghan and German academic institutions will help to achieve this goal.

Germany should support the education of the Taliban.

Investments should be made in the process of education and urbanization of the Taliban, who are mostly illiterate with rural culture and values. Without change from within the Taliban, the country as a whole and the higher education specifically will recede and stagnate. There should be new opportunities created for members of the Taliban forces to learn in the countries' academic institutions.

Germany should initiate an online platform or academy for sustaining the female education in Afghanistan.

Online education offers a unique and essential opportunity to provide learning opportunities for women and girls who might otherwise be prevented from both teaching and attending the university classes. The international community including the German government should take urgent and sufficient measures to guarantee respect for human rights and women's rights. The female lecturers and students are faced yet again with the significant violation of their basic human rights including their right to an education and to work. Therefore, the diplomatic pressure on the Taliban regime should be kept alive and exercised in an effective way.

Bibliography

- BBC, "Afghanistan: Taliban announce new rules for female students," September 12, 2021. <https://www.bbc.com/news/world-asia-58537081>, accessed November 2021.
- Berger, Joseph B., and Thoma, Hannis S. "The Challenges of Developing an Autonomous Higher Education System in Afghanistan." *International Higher Education* 81 (2015): 20–21.
- Chauhan, C.P.S. "Higher Education: Current Status and Future Possibilities in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka." *Analytical Reports in International Education* 2, no. 1 (March 2008): 29–48.
- Ebrahimi, Niamatullah. *Bureaucratic Policies and Patronage Politics: Prospects and Challenges of Private Higher Education*, 2014.
- Engelbrecht, Cora, and Hasan, Sharif. "At Afghan Universities, Increasing Fear That Women Will Never Be Allowed Back: Setbacks at public universities have posed another major blow to women's rights under Taliban rule, and to a two-decade effort to build up higher education." *New York Times*, October 04, 2021. <https://www.nytimes.com/2021/09/27/world/asia/taliban-women-kabul-university.html>, accessed November 2021.
- European University Association. "Academic freedom and institutional autonomy: developments in Europe and beyond." 2020. <https://eua.eu/news/598:academic-freedom-and-institutional-autonomy-developments-in-europe-and-beyond.html>.
- Fuhr, Herald, Nassery, Mustafa, and Jalali, Abdul Hadi. "Strengthening Higher Education Management in Afghanistan." 2020.
- Hashte Subh. "A Mixed-Gender Education System Violates Islamic Principles, the Taliban's Minister says." *HashteSubh*, October 12, 2021. <https://8am.af/eng/a-mixed-gender-education-system-violates-islamic-principles-the-talibans-minister-says/>.
- Ibrahim, Arwa. "Explainer: The Taliban and Islamic law in Afghanistan: The Taliban has assured women of their rights 'within Islamic law', but what it means remains ambiguous." *Aljazeera*, August 23, 2021. <https://www.aljazeera.com/news/2021/8/23/hold-the-taliban-and-sharia-law-in-afghanistan>, accessed November 2021.
- Joint NGO Briefing Paper. *High Stakes: Girls' Education in Afghanistan*: Oxfam GB for Oxfam International, 2011.
- Khalid, Sakhi. "Taliban Prohibits Private Universities from Hiring Instructors Without Their Approval: The Taliban government's Ministry of Higher Education has ordered private universities to refrain from hiring new professors." *HashteSubh*, October 29, 2021. <https://8am.af/eng/taliban-prohibit-private-universities-from-hiring-instructors-without-their-approval/>, accessed November 2021.
- Kori, Edmore. "Challenges to academic freedom and institutional autonomy in South African universities." *International Journal of Teaching and Education* IV, no. 1 (2016). <https://www.eurrec.org/ijote-article-315>, accessed November 2021.
- Lohr, Dorothee. "Mädchen- und Frauenbildung in Afghanistan: Eine Situationsanalyse mit Vorschlägen für die Aufarbeitung im Unterricht." Erste Staatsprüfung für das Lehramt an Grund- und Hauptschulen, Freiburg, 2014.
- Lone, Rahil Majeed, Naz, Samreen, and Shukla, Sona. "Women under the Taliban regime: A theoretical perspective." 5, no. 4 (2018). www.ijrar.org.

Roof, David J. "Day-By-Day: Higher Education in Afghanistan." *FIRE: Forum for International Research in Education* 1, no. 3 (2014): 64–80. <http://preserve.lehigh.edu/fire/vol1/iss3/6>.

persian euronews, "Taliban declared Afghanistan's education policy; Subjects in contradiction to Sharia will be removed," September 13, 2021. <https://per.euronews.com/2021/09/13/education-girls-classrooms-and-gender-segregated-universities-under-taliban>.

Yousaf, Farooq, and Jabarkhail, Moheb. "Afghanistan's future under the Taliban regime: Engagement or isolation?" *Journal of Policing, Intelligence and Counter Terrorism* 12, no. 4 (2021): 1–18. <https://www.tandfonline.com/loi/rpic20>.