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Persons With Disabilities In Afghanistan Under The Taliban Regime (2021–2024): A Legal Inquiry Into International Human Rights Obligations

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Abstract

This study involves a critical analysis of the marginalization of persons with disabilities (PWDs) in Afghanistan within the Taliban regime that lasted between 2021 and 2024, including their exclusion from employment and economic livelihoods. Based on empirical reports and utilizing Conflict Theory and Non-Discrimination Theory as an analytical framework, the research highlights how the Taliban's system of governance strategically dismantled existing disability support systems, including employment schemes and stipends, in the country. The paper has brought to light the intentional disregard of the rights of PWDs, especially PWD women, by the power structure to participate in socio-economic life, which is in contrast to the provisions that Afghanistan made in the Convention on the Rights of Persons with Disabilities (CRPD). The research engages in a joint approach of doctrinal legal analysis and qualitative data to prove that the policies of the Taliban not only sustain structural inequality, but they also constitute instances of outright violation of international law on human rights. The study makes the final recommendations of international monitoring, legal responsibility, and specific humanitarian actions in securing and advancing the economic rights of Afghan PWDs.

Keywords: People with Disability rights (PWD), CRPD, Marginalization, Afghanistan, Taliban.

Introduction

Context and Background

The definition of a person with disabilities is an individual with a long-term physical, mental, intellectual, or sensory impairment, which, in intercourse with other obstacles, can prevent the full and effective inclusion of the person in society on an equal basis with others.[1] In Afghanistan, issues concerning disability rights have been a longstanding challenge because of decades of conflict, poverty, and an unstable political situation. During the previous democratic regime, there were attempts to improve access to education, employment, and health services among people with disabilities (PWDs).[2] Despite the challenges facing people with disabilities throughout history, steps were taken to protect them during the Islamic Republic of Afghanistan, including the prohibition of all forms of discrimination in the Afghan Constitution and accession to the United Nations Convention on the Rights of Persons with Disabilities in 2013.[3]

However, the Taliban policies of male guardianship (mahram) of women to go to places to receive aid or engage in economic activities frequently limit their access.[4] This further denies the women with disabilities a chance to even do informal income-generating activities like tailoring or home-based enterprise. 13.9 percent of Afghan households had at least one individual with a disability.[5] There are more than 2.5 million persons with disabilities in

[1] "Convention on the Rights of Persons with Disabilities (CRPD)," UN Enable, (2006), https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd.

[2] Chioma Ohajunwa, Kudakwashe 'AK' Dube, and Ezra Chitando, eds., *Religion, Disability, and Sustainable Development in Africa*, 1st ed. (London: Routledge, 2025), https://doi.org/10.4324/9781003436683.

[3] Belquis Ahmadi, *"Afghanistan – Disabled Women's Disproportionate Challenges,"* Women UN Report Network (WUNRN), March 2024, https://wunrn.com/2024/05/afghanistan-disabled-womens-disproportionate-challenges/.

[4] Human Rights Watch, *"Afghanistan: Events of 2024,"* (December 19, 2024), https://www.hrw.org/world-report/2025/country-chapters/afghanistan.

[5] Nadia Akseer Shinwari, Tabasum Akseer, "MODEL DISABILITY SURVEY OF AFGHANISTAN" Washington, D.C: *The Asia Foundation,* (2019), https://asiafoundation.org/wp-content/uploads/2020/05/Afghanistan_2019-Model-Disability-Survey.pdf.

Afghanistan.[6] In the case of Afghanistan, common causes of disabilities are landmine injuries, congenital disabilities, inadequate healthcare, or conflict trauma. Intersectional discrimination is especially acute in the situation of women and girls with disabilities.[7] Although the Taliban made official declarations indicating their observance of the Islamic rights of all Afghans, there have been no policies or practices that led to the protection of PWDs. Instead, the institutional structures that enable disability rights have been destroyed or rendered obsolete. The study also critically examines the situation of disability rights in Afghanistan between 2021 and 2024 and discusses whether the current regime in Afghanistan respects the country's international human rights commitments.

This study paper aims to address the following questions: To what extent has the Taliban regime (2021–2024) violated the rights of persons with disabilities under international human rights law, and what legal mechanisms exist to support persons with disabilities?

The purpose of this research study is to analyse people with disabilities under the Taliban regime. The four main sections of this paper are: first, the introduction provides the context and background of the issue of people with disabilities during the Taliban government by bringing a real case, research questions, and structure of the paper. Secondly, the research method shows the type of methodology used to gather all the information and data, as well as the type of theoretical framework that has been used in this paper. The discussion addresses and describes the two questions and analyses the individuals with disabilities with details. Lastly, the conclusion synthesizes the findings of this research, the improvement, and offers insights.

[6] *"UNDAF Evaluation Report,"* United Nations in Afghanistan, (2021), https://afghanistan.un.org/en/160678-undaf-evaluation-report.

[7] Valentina Della Fina, Rachele Cera, and Giuseppe Palmisano, eds., *The United Nations Convention on the Rights of Persons with Disabilities* (Cham: Springer International Publishing, 2017), https://doi.org/10.1007/978-3-319-43790-3.

Research Method

The research method utilizes qualitative socio-legal research to examine the issues of persons with disabilities by Taliban leadership from 2021 through 2024. The research method combines doctrinal analysis with secondary evidence from people with disabilities reports as well as international legal documents, books, academic journals, and verified news articles.

Theoretical Method

This research uses the international conventions to support the arguments of gender equality such as Convention on the Rights of Persons with Disabilities (CRPD) provides the basis of the research since Afghanistan ratified it in 2012.[8] Also, relevant guarantees are given by the International Covenant on Civil and Political Rights (ICCPR)[9] and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which Afghanistan has ratified. The Taliban regime is not recognized by the international community, nevertheless, the commitments of the international law continue to apply to the Afghan state as such.

The study uses Conflict Theory and the Non-Discrimination Theory to examine how marginalization of persons with disabilities (PWDs) is happening in Afghanistan amid the Taliban regime (2021- 2024). Conflict Theory, based on the theory of Karl Marx,[10] argues that power struggles and inequality influence the structure of a given society, even though those who enjoy power over others remain in control. Structural power at play, concerning the Afghan setting, is the Taliban, which is a part of a firm, ideological ruling class; their control suppresses minority and vulnerable groups, of which PWDs belong. Disabled people being deprived of disability rights frameworks, as well as employment, can be viewed as part of a wider process of monopolizing social, economic, and political capital to reinforce hierarchies.

[8] *"Division for Inclusive Social Development (DISD)."*

[9] United Nations, International Covenant on Civil and Political Rights, (1966).

[10] Arditya Prayogi, "Social Change in Conflict Theory: A Descriptive Study," *ARRUS Journal of Social Sciences and Humanities* 3, no. 1 (April 11, 2023): 37–42, https://doi.org/10.35877/soshum1652.

Strengthening this, a different approach to disability equality, the Non-Discrimination Theory in international human rights law focuses on the legal and moral duty of states to guarantee equality and exclude any discrimination against people because of disability, gender, or any status.[11] The Convention on the Rights of Persons with Disabilities (CRPD), especially articles 5, 27, and 28, is based on it. The theory highlights the need to ensure that everyone accesses employment, resources, and participates regardless of their ability, because all human beings are equal. Collectively, these theories raise a critical lens through which the reproduction of inequality as well as the infringement of PWDs against Taliban policies can be looked into both in institutions and in law.

Result and Discussion

Discrimination and Stigmatization in Society

Afghanistan has the highest population of PWD in the world, with one in five people being disabled. These people are discriminated against and stigmatized by society in various areas, which not only deprives them of their most basic rights but also challenges their empowerment and advancement, just like other members of society.[12] In Afghan society, disabled people, in addition to being discriminated against, also face a phenomenon called stigma. False beliefs and traditional views have caused people in society to be insulted, humiliated, and socially excluded. Some even consider the existence of disabled people to be a source of shame and disgrace.[13] Similarly, stigma is much greater for women and those who are born with disabilities because those individuals born with disabilities are considered the

[11] Endah Rantau Itasari, "EQUALITY AND NON DISCRIMINATION PRINCIPLES IN PROVIDING RIGHTS WITH DISABILITIES," *Jurnal Komunikasi Hukum (JKH) Universitas Pendidikan Ganesha* 6, no. 2 (2020): 534–41, https://doi.org/2407-4276.

[12] Ashley Inkumsah, "Afghan Women with Disabilities Face Abuse and Discrimination," *World Institute on Disability*, (November 17, 2021), https://wid.org/author/ashleywid/.

[13] Sayed Qudrat Hashimy, "Mapping the Paradigm of Disabilities in Afghanistan from the Lens of Law and Policy," *Asian Journal of Arts, Humanities and Social Studies* 6, no. 1 (March 6, 2023): 51–67, https://doi.org/10.56557/ajahss/2023/v6i150.

result of a bad marriage.[14] Also, People born with disabilities are more likely to be ostracized in society than people who are disabled due to insecurities, and food is considered their only need for survival; they are completely deprived of dignity, respect, love, and kindness, which are basic needs of every human being.[15] Due to the severity of the discrimination that these people experience in society, their families often describe their disabilities as a result of insecurity and conflict.[16] According to Article 2, and 5 of this (CRPD),[17] States Parties are obliged to recognize the equality of all persons and to protect PWD on an equal basis with others, and refusing to provide facilities to PWD is also considered discrimination.[18] According to a report, disabled people, especially females are considered a disgrace in society and even in their families. They are no longer able to participate in public gatherings, and even their families prevent them from being present in public places.[19]

In contrast, with the Taliban coming to power in 2021, all legal and support gains for PWD were lost. As many institutions that were involved in humanitarian activities in Afghanistan and provided services to people in need stopped their activities, which also affected the disabled segment of Afghan society, who were disabled due to armed conflicts and insecurity. While most disabled people are unable to do any kind of work due to their physical

[14] Reliefweb Report, *"Model Disability Survey of Afghanistan 2019 - Afghanistan,"* (May 14, 2020), https://reliefweb.int/report/afghanistan/model-disability-survey-afghanistan-2019.

[15] Jean F Trani et al., "Lack of a Will or of a Way? Taking a Capability Approach for Analysing Disability Policy Shortcomings and Ensuring Programme Impact in Afghanistan," *The European Journal of Development Research* 21, no. 2 (April 2009): 297–319, https://doi.org/10.1057/ejdr.2009.8.

[16] Suhas Kellampalli, "Disability Rights under the Taliban," **UAB Institute for Human Rights,** October 2021, https://sites.uab.edu/humanrights/2021/10/27/disability-rights-under-the-taliban/.

[17] Della Fina, Cera, and Palmisano, *The United Nations Convention on the Rights of Persons with Disabilities*.

[18] Marianne Schulze, *Understanding the UN Convention on the Rights of Persons with Disabilities: A Handbook on the Human Rights of Persons with Disabilities: Marianne Schulze*, 3. ed (Lyon: Handicap International, 2010), https://www.internationaldisabilityalliance.org/sites/default/files/documents/hi_crpd_manual2010.pdf.

[19] *"Disability Is Not Weakness,"* Human Rights Watch, April 28, 2020, https://www.hrw.org/report/2020/04/28/disability-not-weakness/discrimination-and-barriers-facing-women-and-girls.

and mental disabilities, their children are also deprived of educational and training opportunities. These families face dire economic conditions and the lack of basic heating and cooling facilities.[20] Besides, CRPD individuals in Afghanistan lost their jobs, girls were deprived of education, and most of the programs for the disabled were also reduced and their activities were stopped, including the suspension of the Olympics, which is a program specifically for the disabled. Previously, this program taught practical skills to people with mental disabilities, and disabled people were isolated from society and deprived of any type of program. In short, this not only shows the lack of support programs by the Taliban government, but also the removal of facilities.[21]

Exclusion from Education for Persons with Disabilities

Disability-focused inclusive education has an advanced concept that emphasizes all students, regardless of the severity and type of their disability, have access to public schools like other students. The goal of inclusive education is to enable people with disabilities to be educated alongside other students in regular classes, to benefit from equal opportunities, and to grow with ordinary people. This type of education has two aspects. Firstly, it promotes social justice and secondly, it is a human rights requirement and is in accordance with the (CRPD). This type of education is different from segregated education, in which disabled people are educated in separate institutions.[22] In Afghanistan, inclusive education is a social need to take

[20] Mohammad, "Disabled Individuals in Takhar Province Complain of Discriminatory Treatment by the Taliban," *Hasht-e Subh* (blog), December 11, 2024, https://8am.media/eng/disabled-individuals-in-takhar-province-complain-of-discriminatory-treatment-by-the-taliban/.

[21] Kellampalli, *"Disability Rights under the Taliban."*

[22] Qlin, *"Module on Inclusive Education,"* UNICEF DATA, January 15, 2025, https://data.unicef.org/resources/module-on-inclusive-education/.

serious action in the field of inclusive education and strive to empower all segments of society, especially PWD, and save them from marginalization.[23]

In Afghanistan, despite the progress made over the past two decades, there are still many barriers to education for ordinary people. From post 2021, there is no formal system for diagnosing and identifying people with learning disabilities or other types of disabilities.[24] Teachers usually identify students with disabilities through observation in class activities, not through psychometric testing. Unfortunately, teachers and school administrators in most remote areas do not have a broad understanding of the types of disabilities, and poverty and negative beliefs about disabilities also keep people with disabilities away from public schools.[25] There are four main models of education for PWD in the specialized literature. The first model is exclusion, in which the person does not go to school at all because of their disability. The second is segregation, in which there are special institutions for the education of ordinary people. The third model is integration, in which the disabled person is in a general school. The fourth main model of inclusion is that PWD are educated with other students in ordinary classes, with the provision of appropriate educational methods and sufficient support.[26]

On the other hand, the level of knowledge of school administrators such as principals and teachers about different types of disabilities is low, but people with a high level of general literacy have a positive attitude and can be helpful for the development of inclusive education. Some international organizations, in cooperation with domestic institutions, have taken steps

[23] "*Incheon Declaration: Education 2030: Towards Inclusive and Equitable Quality Education and Lifelong Learning for All,"* UNESCO Digital Library, (2015), https://unesdoc.unesco.org/ark:/48223/pf0000233137.

[24] Lani Florian and Kristine Black-Hawkins, "Exploring Inclusive Pedagogy," *British Educational Research Journal* 37, no. 5 (October 2011): 813–28, https://doi.org/10.1080/01411926.2010.501096.

[25] *"Disability Is Not Weakness."*

[26] Frank Balch Wood and Richard K Olson, "Rethinking Learning Disabilities," *Progressive Policy Institute*, (January 2021): 259–86, https://ldaamerica.org/wp-content/uploads/2020/05/career-devel-youth-disabilities-2010.pdf.

to provide education to PWD.[27] These organizations prepared teaching materials and held awareness campaigns about the rights of PWD.[28] These initiatives are promising, but as its regional, cross-sectional, and short-term projects, it does not have a lasting impact on the country's educational systems. Inclusive education for people with disabilities is a fundamental right and a tool for their empowerment and social participation. To achieve an inclusive education system, teachers must be aware of the content of inclusive education and recognition of disabilities, assessment tools must be developed, and school buildings must be adapted to the situation of people with disabilities so that they have full access.

Marginalization from Employment and Economic Livelihoods

In Afghanistan, PWDs have been experiencing systematic discrimination, poverty, and lack of socioeconomic inclusion. PWDs have the right to work on an equal basis with others in open, inclusive, and accessible work environments.[29] CRPD Articles 27 and 28 emphasize the right of PWD to work on an equal basis with others, and in open, inclusive, accessible work environments.[30] During the republic government, the policy environment in Afghanistan, albeit weakly, was gradually changing in favour of accommodating persons with disabilities. In 2013, the rights to employment in the public sector and modest monthly payments to war victims and civilians with disabilities were acknowledged in the Law on the Rights and Privileges of PWD.[31]

[27] "Disability-Inclusive Education Practices in Afghanistan," Country Profile: Afghanistan (Kathmandu, Nepal: UNICEF Regional Office for South Asia (ROSA), (2021), https://disabilityin.org/country/afghanistan/.

[28] Mohammad Idrees Naeemy, Hiroki Yoneda, "Advancing Inclusive Education: A Comparative Analysis of Special Schools and Inclusive Practices in Afghanistan," *Educational Process International Journal* 14, no. 1 (2025): 21, https://doi.org/10.22521/edupij.2025.14.43.

[29] Michael Ashley Stein and Penelope J S Stein, "Disability, Development, and Human Rights: A Mandate and Framework for International Financial Institutions," *Cambridge University* 47, no. 1231 (2014): 48, https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/47-4_Stein.pdf.

[30] "Division for Inclusive Social Development (DISD)."

[31] Shinwari and Akseer, "MODEL DISABILITY SURVEY OF AFGHANISTAN."

Nevertheless, with the re-emergence of the Taliban, their situation has deteriorated massively. The Taliban rule resulted in the systematic removal of inclusive policies where a weak lifeline was provided by limited legal protections and welfare programs. The inability of the de facto regime to fulfil these responsibilities has resulted in the sharp marginalization of the disabled that denies them the means of living as well as dignity. The Taliban has a regime that is not based on recognizing international obligations on human rights and there is no effective legal system that incorporates the rights of disability. Public services have been eviscerated and work programs to protect the vulnerable groups in society- particularly the disabled- have been eliminated. In 2023, over 70 percent of PWDs in cities had lost their jobs because of the breakdown of state programs, discrimination by Taliban governors, and the unavailability of accessible transport or workplace infrastructures.[32] These modifications constitute a significant diversion and departure of the CRPD which requires states to guarantee equal access to the world of work and encourages vocational training and employment retention of PWD.[33]

Furthermore, the marginalization is both gender and intersectional. Women with disabilities in Afghanistan experience a different level of discrimination. First, being women, they are forced to live under Taliban-driven limitations that prohibit the majority of female work, especially in the civil society, educational, and humanitarian fields.[34] Secondly, being disabled, they are the victims of a social stigma and a complete lack of special employment programs. These two factors make them practically invisible within the socio-economic environment. Employment is a critical factor of identity, social inclusion, and psychological

[32] *"Country Card Afghanistan,"* Handicap International (Afghanistan, 2021), https://www.hi.org/en/country/afghanistan.

[33] "Division for Inclusive Social Development (DISD)."

[34] *"Afghanistan: Death in Slow Motion: Women and Girls under Taliban Rule,"* Amnesty International Ltd, July 27, (2022), https://www.amnesty.org/en/documents/asa11/5685/2022/en/.

well-being, as well as a source of income. In short, thousands of PWDs have been rendered helpless by the policies of the Taliban, and this is a violation of their rights as well as their agency. The disenfranchisement economically of such a huge and vulnerable population has far-reaching consequences for the long-term recovery of Afghanistan, its social fabric as well as its international reputation.

Theoretical Analysis through Conflict and Non-Discrimination Theories

Social-economic marginalization of persons with disabilities (PWDs) in Afghanistan under the Taliban regime (2021-2024) lies in the structural disadvantages that can be critically examined in the light of Conflict and Non-Discrimination Theory. Not only do these frameworks bring into the spotlight the processes of oppression, but they also assist in situating the law and social abuses concerning PWDs in a post-conflict, authoritarian environment.

In Afghanistan, the regaining of power by the Taliban led to a top-down arrangement of governance in which only some identities: able-bodied, male, ideologically compliant, obtain legitimacy and have access to resources. The introspective action undertaken by the Taliban in terminating welfare initiatives, stipends given to disabled persons, and the inclusive employment ones is an indication of power centralization that disenfranchises PWDs in terms of a lack of economic sustainability. The state of being employed changes not only the way of surviving but also the method of social control; those who are not compliant are left outside. Disabled women are disproportionately disadvantaged as they are affected by both gender and disability discrimination. According to Conflict Theory, all these overlapping weaknesses are not casual but rather part of a wider network that still wishes to perpetuate social inequality.[35]

[35] Shaun Grech, *Disability and Poverty in the Global South* (London: Palgrave Macmillan UK, 2015), https://doi.org/10.1057/9781137307989.

To complete this sociological perspective, there is Non-Discrimination Theory; this is based on the platforms of International Legal instruments like the Convention on the Rights of Persons with Disabilities (CRPD). Article 27 of CRPD is a guarantee of an accessible and inclusive environment where work is the right, and Article 28 introduces an adequate standard of living due to social protection.[36] The fact that the Taliban has not observed these duties forms a clear case of violation of international law. Non-discrimination in employment is not just a policy choice, but a legal obligation under CRPD and customary international law on human rights.[37] Additionally, the Non-Discrimination Theory emphasizes that equality does not need only equal treatment, but also affirmative action to destroy the existing barriers. The fact that the Taliban failed to act or even to destroy the offices of disability run by the state is a form of direct and indirect discrimination. The PWDs lack not only opportunities but also the legal frameworks to oppose their exclusion. This lack of redress is another breach in itself because Article 5 of the CRPD states that states are obligated to provide effective redress against discrimination.

Summarily, the alliance of political strength and legal negligence in strengthening systemic exclusion is demonstrated by the application of these two theories. Conflict Theory reveals that the Taliban is employing employment as a tool of power over the individuals by exploiting them socially, and Non-Discrimination Theory establishes the Taliban policies as confined to human rights violations under some law. Collectively, they present an effective theoretical tool to see why and how Afghan PWDs have been economically marginalized during the reign of the Taliban regime.

[36] "Division for Inclusive Social Development (DISD)."

[37] Michael Ashley Stein, Janet Lord, "The Domestic Incorporation of Human Rights Law and the United Nations Convention on the Rights of Persons with Disabilities," *SSRN Electronic Journal* 83, no. 449 (2008): 450–79, https://doi.org/10.2139/ssrn.1551945.

Conclusion

The result of the situation of disability rights in the conservative Taliban regime amounts to a systematic breach of international human rights law by Afghanistan.[38] Starting with the eradication of services to the refusal of education, healthcare, and the right of civic engagement, PWDs in Afghanistan are victims of multiple levels of marginalization and invisibility. Nevertheless, despite its de facto rule, Afghanistan, as a legal entity, is bound by treaties ratified by it. Its inability to fulfil such promises not only contravenes international law, but is also a factor that contributes to the humanitarian crisis in the country. The exclusion of people with disabilities by Afghanistan under the Taliban on employment and economic life is a complete disaffirmation of the international human rights law, especially the CRPD. There should be an international response to this crisis in terms of advocacy efforts, selective funding of disability-inclusive aid, and international pressure on the Taliban to restore the social protection infrastructure. The economic rights of Afghan PWDs can be returned and assured only with the help of inclusive policy change and long-term international involvement.

In solving the issue of marginalization of PWD in Afghanistan, the human rights bodies of the United Nations, especially the CRPD Committee, ought to increase their monitoring and reporting endeavours. Aid providers and humanitarian organizations are supposed to make concessions in their conditions of aid in favour of embracing inclusive practices that involve the inclusion of PWDs. The exiled Afghan disability activists must be assisted in reporting the violation and use international legal platforms to present amicus briefs and testimonies. Also, the international community must seek legal accountability through universal jurisdiction and advocate decisions at the UNHRC that denounce the Taliban abuses that strengthen accountability under international law and it rests the burden to maintain international pressure.

[38] Ivan K. Mugabi, "An Analysis of the Adequacy of Protection Afforded by the Convention on the Rights of Persons with Disabilities (CRPD) in Situations of Armed Conflict," *Societies* 8, no. 2 (May 8, 2018): 28, https://doi.org/10.3390/soc8020028.