



Statement by HOVIAT Women's Identity on the Publication of the “Regulations on Marital Separation” by the Taliban

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HOVIAT Women's Identity condemns the publication of the “Regulations on Marital Separation” by the Taliban’s Ministry of Justice and considers it part of a systematic process of restricting women’s rights in Afghanistan. These regulations follow a series of restrictive measures and directly affect women’s rights related to marriage, divorce, access to justice, and legal security. They have been introduced at a time when Afghan women continue to face widespread restrictions on education, employment, and participation in public life.

Key Legal Concerns

- **Child Marriage:** The recognition of certain forms of marriage involving minors and restrictions on independent decision-making conflict with the principle of free and full consent in marriage and with the rights of the child.
- **Freedom to Choose a Spouse:** Granting broad authority to guardians and applying standards based on compatibility (kafa’ah کفو) restrict women’s autonomy in choosing a spouse.
- **Discrimination Between Women and Men:** Certain provisions of these regulations concerning marriage and marital separation challenge the principle of legal equality.
- **Absence or Disappearance of a Husband:** Restrictions on seeking separation in cases of prolonged absence or disappearance of a husband place women in a legally uncertain and vulnerable situation.
- **Domestic Violence and Access to Justice:** Existing limitations within the separation process may hinder women’s access to protection and effective justice.
- **Coercive Punishments:** The inclusion of certain forms of coercion and punishment is inconsistent with the principles of human dignity and the prohibition of cruel or degrading treatment.

Calls by HOVIAT Women's Identity

1. HOVIAT Women's Identity calls upon Islamic countries, the Organization of Islamic Cooperation (OIC), and religious scholars to adopt a clear and responsible position regarding these regulations, drawing upon the Islamic principles of justice, prevention of harm, and protection of the rights of women and children.
2. The United Nations, the UN Special Rapporteur on the situation of human rights in Afghanistan, and other relevant bodies are urged to independently assess the impact of these regulations and prioritize the monitoring of violations of women’s rights.
3. National and international media should accurately and factually report on the consequences of these regulations and avoid contributing to the normalization of gender-based discrimination.
4. The people of Afghanistan, civil society organizations, academics, and human rights advocates are encouraged to demonstrate solidarity in support of justice, equality, and the fundamental rights of women.

Closing Statement :HOVIAT Women's Identity reaffirms its commitment to defending the rights of Afghan women. The continued and systematic violation and restriction of these rights not only affect the lives of millions of citizens but also pose a serious challenge to global commitments to justice, equality, and human dignity.

HOVIAT Women's Identity