

# THE BACHA POSH PRACTICE AND THE HUMAN RIGHTS INFRINGEMENT OF GENDER SURVIVAL IN AFGHANISTAN

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**Abstract** - The Bacha Posh tradition, a cultural practice mainly seen in Afghanistan, involves families raising daughters as sons to cope with social, economic, and gender restrictions. Bacha Posh comes from a "Dari" word meaning girls dressed and behaving as boys. This paper explores the various aspects of the Bacha Posh phenomenon, focusing on its cultural, psychological, and human rights dimensions. Culturally, Bacha Posh shows deeply rooted patriarchal norms where boys have considerable privileges in family and society. This practice allows families to gain benefits like social mobility and increased safety, which are usually only accessible to boys. From a psychological standpoint, the dual identity experienced by these girls raises difficult questions about their sense of self. On one side, it provides temporary freedom and opportunities; on the other, it can cause long-term identity issues, gender dysphoria, and emotional hardship. Legally, the Bacha Posh practice remains uncertain, with potential human rights violations, but no clear laws regulating it. Using case studies, secondary data, and existing research, this paper thoroughly examines the need for a framework that recognizes the rights of Bacha Posh individuals and tackles the cultural, psychological, and human rights problems they face.

**Keywords:** Cultural Identity; Psychological Duality; Cultural Relativism; Identity Conflict; Human Rights.

## INTRODUCTION

The practice of Bacha Posh in Afghanistan has a long history that is deeply embedded in the cultural, social, and economic structure of Afghan society. Bacha Posh means "dressed up as a boy" in Dari, one of Afghanistan's official languages. This practice is closely linked to gender norms and expectations in a society where boys are often regarded as more valuable than girls due to various cultural, economic, and social reasons. Currently, there is no quantitative data on how many Afghan girls are disguised as Bacha Posh. The origin of Bacha Posh is uncertain, but it is believed to have existed for centuries in Afghanistan. This practice probably developed out of necessity in families without male children. Girls aged five and above have been treated and dressed as boys to gain a male-exclusive freedom to move freely within Afghanistan until they reach adolescence. Once a girl becomes a Bacha Posh, she wears traditional Afghan male clothing and adopts a male name. These girls are seen sporting short hair and masculine attire and are introduced to the outside world under male pseudonyms.<sup>1</sup> While this practice may reinforce patriarchal gender inequalities by upholding the notion of male superiority, some families and communities perceive it as a means of empowering women and advocating for their rights. Her improved position within the family and community often means she no longer performs duties traditionally assigned to Afghan females. The decision for a girl to become a Bacha Posh is made by her parents. This custom is common among women in Afghanistan as a way to survive both personal and institutional persecution.

In Afghanistan, women's autonomy, agency, and ability to act have long been influenced by a complex interplay of gender norms, economic conditions, the roles of the state and international

<sup>1</sup> N Arbabzadah, *Afghan Rumor Bazaar: Secret Subcultures, Hidden Worlds and the Everyday Life of Absurd* (C Hurst and Co 2013).

actors, and the ongoing conflict between modernist and traditionalist forces.<sup>2</sup> The Bacha Posh practice affects gender identity and roles, indicating that individuals may experience gender dysphoria when reverting to their assigned female roles after puberty. Afghan women navigate a challenging landscape that includes competing demands for social change, adherence to traditional practices, and the potential backlash and regression of their rights.<sup>3</sup>

The practice of Bacha Posh not only challenges Afghanistan's strict gender roles but also opens a Pandora's box of human rights violations for future generations. This paper aims to explore the different aspects of the Bacha Posh practice in Afghanistan, where girls usually undergo this process due to societal pressures. It shall also examine the sociocultural motivations behind the practice, its psychological and identity-related effects, and its connection to human rights. It also considers how being raised as a Bacha Posh impacts the mental and emotional development of girls, including issues of identity and possible long-term psychological consequences as they transition back to their female identity. Furthermore, this paper analyses the absence of legal recognition and human rights concerns related to Bacha Posh. Overall, this research provides a comprehensive view of the phenomenon by addressing these key aspects, offering insights into how Bacha Posh influences individuals and society. This research seeks to utilise archival analysis by examining existing literature, reports, and case studies, focusing on the psychological, social, and cultural dimensions of Bacha Posh.

### 1. Systematic Gender Oppression under the Garb of Culture

Culture is defined as a collection of customs and interpretations influenced by institutional environments, which are adaptable and deeply ingrained in systems of authority.<sup>4</sup> It is never a closed system and is considered essential for power structures. Without culturally rooted norms and traditions, dominant interpretations and opposing hegemonic perspectives question imbalanced power dynamics in society.<sup>5</sup> Tradition and cultural practices often justify the power imbalance between men and women in society, disregarding the historical evolution and ongoing transformation of cultures and social norms.

The interface between law and culture becomes more complex in cases of legal transplants, when the law is adopted from one community to another or enforced by one civilization on another through colonialism or conquest.<sup>6</sup> The nature of tradition evolves, and every society encompasses a wide range of often conflicting customs. Significantly, specific traditional values may contradict existing international human rights standards, and these beliefs are often used to rationalize the infringement of human rights. The legal institution is frequently viewed with significant distrust and even hostility due to its perception as a primary instrument employed by colonial powers to replace indigenous cultural, religious, and social customs with the frameworks of contemporary societies.<sup>7</sup> Cultural justifications are employed globally to accept or rationalize unjust treatment and aggression against women. Locally manifested cultural forms and practices are intricately linked to the global systems of women's rights and power dynamics. Most cultures are established on patriarchal principles that grant men powerful positions in society.<sup>8</sup> Historically, in patriarchal countries, women have been

<sup>2</sup> H Ahmed-Ghosh, 'A History of Women in Afghanistan: Lessons Learnt for the Future or Yesterdays and Tomorrow: Women in Afghanistan' (2003) 4(3) *Journal of International Women's Studies* 1.

<sup>3</sup> A E Brodsky, 'Centuries of Threat, Centuries of Resistance: The Lessons of Afghan Women's Resilience' in J Heath and A Zahedi (eds), *Land of the Unconquerable: The Lives of Contemporary Afghan Women* (University of California Press 2011) 96.

<sup>4</sup> Martyn Barrett, 'Dignity, Respect, Human Rights, Cultural Diversity and Intercultural Relations' (2022) *Intercultura* 19–24.

<sup>5</sup> A Sarat, "'... The Law Is All Over': Power, Resistance and the Legal Consciousness of the Welfare Poor' in *Consciousness and Ideology* (Routledge 2017) 347.

<sup>6</sup> R Cook, 'Women's International Human Rights Law: The Way Forward' in R Cook (ed), *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press 1994).

<sup>7</sup> A Sarat, "'... The Law Is All Over': Power, Resistance and the Legal Consciousness of the Welfare Poor' in *Consciousness and Ideology* (Routledge 2017) 347.

<sup>8</sup> R Bahlieda, 'The Legacy of Patriarchy' in *The Democratic Gulag: Patriarchy in Counterpoints* (2015) 924.

assigned a more significant share of domestic tasks and caregiving responsibilities inside the family, while men have been primarily involved in paid employment. This prevalent system serves to justify gender disparity and sustain patriarchal attitudes that unjustly deny women their basic rights.<sup>9</sup>

Despite the emergence of 'rights' and 'culture' as significant terms in the late twentieth century, their connection, both in the past and now, has been perceived in various ways. Nevertheless, the conflict between the principles of universalism and the need to acknowledge cultural diversity is significant and enduring.<sup>10</sup> Undoubtedly, cultural norms have been imposed to promote the subjugation of women under the guise of nationalism and religious extremism. It has been contended that the cultural practices of Bacha Posh infringe on women's rights to bodily integrity and expression. Interpreting Bacha Posh merely as a clash between culture and rights overlooks the disputed and fluctuating cultural endorsement these behaviours receive within various social groupings. The interpretation of the body and the performance of gender are contingent on the influence of culture.<sup>11</sup> Bacha's posh attire, consisting of trousers, a shirt, and a tie, serves as a cloak that conceals the female body while highlighting her masculine image as culturally acceptable and overlooks the basic human rights of women.<sup>12</sup>

In the name of upholding cultural values, women's mobility is often restricted, with a universal mandate prohibiting women from leaving their homes without a mahram (male relative)<sup>13</sup>, by concerns regarding the regulation of their sexuality and the preservation of family honour, resulting in practices such as purdah, which entails the seclusion and veiling of women.<sup>14</sup> The absence of male relatives or sons restricts women's economic freedom beyond the home and community, constraining their economic opportunities and hindering their capacity to socialize and access public services.<sup>15</sup>

## 2. Cultural Relativism, Universalism, and the Gendered Reality of Bacha Posh

The modern framework of international human rights treaties is built on universalism, which asserts that all individuals, regardless of their cultural or regional backgrounds, are entitled to fundamental rights. However, the growing influence of cultural relativism, multiculturalism, and postmodernism challenges this notion, particularly in the context of gender identity and cultural practices such as the Bacha Posh. Many argue that universal human rights norms fail to accommodate the vast diversity of cultural and gender expressions worldwide, suggesting that these rights should be adapted to align with local traditions and societal structures. Others question the theoretical validity of universalism, especially in cases where cultural practices blur rigid gender binary lines. This debate holds significant implications for individuals who experience gender fluidity within culturally constructed roles, as seen in Bacha Posh, where girls are temporarily raised as boys to navigate socio-economic and patriarchal constraints in Afghanistan. Bacha Posh is often criticized as a practice that reinforces gender inequality rather than dismantling it. While it provides girls with temporary male privilege, it does not challenge the deep-seated patriarchal norms that necessitate such privilege in the first place.

<sup>9</sup> *ibid*

<sup>10</sup> N J Simuziya, 'Universal Human Rights vs Cultural and Religious Variations: An African Perspective' (2021) 8(1) *Cogent Arts and Humanities* 1-15.

<sup>11</sup> Judith Butler, 'Performative Acts and Gender Constitution' in Henry Bial (ed), *The Performance Studies Reader* (Routledge 2004) 154-166.

<sup>12</sup> J Nordberg, *The Underground Girls of Kabul: In Search of a Hidden Resistance in Afghanistan* (Crown Publishers 2014).

<sup>13</sup> T Wimpelmann, *The Pitfalls of Protection: Gender, Violence, and Power in Afghanistan* (University of California Press 2017).

<sup>14</sup> I Boesen, *From Subjects to Citizens: Local Participation in the National Solidarity Programme* (Afghanistan Research and Evaluation Unit, Kabul 2004).

<sup>15</sup> L Ganesh, *Women's Economic Empowerment in Afghanistan, 2003-2012: Information Mapping and Situation Analysis* (Afghanistan Research and Evaluation Unit 2013).

The marginalization of gender-based violence and the reality of systematic power disparities among vulnerable groups are also an issue that needs to be addressed by cultural relativists<sup>16</sup>. Human rights must be interpreted within local cultural and social contexts.<sup>17</sup> Cultural relativism argues that cultural practices should be understood within their own social and historical contexts rather than judged by external standards. Theoretically, the gap between universalism and cultural relativism in human rights has diminished. One primary reason for this development may be that not all anthropologists concur with cultural relativism's anti-explanatory and antiscientific particularism and its variations. Scholars have advocated for an evolutionary interpretation, noting that as societies' economic, technological, and scientific connections grow, they alter their customs by adopting more humane practices.<sup>18</sup> Conceptualizing culture as a malleable and adaptable system fundamentally alters the discussion on human rights and their specific applications.<sup>19</sup>

The Bacha Posh practice in Afghanistan can be analyzed through cultural justifications and moral dilemmas surrounding it. Families who practice Bacha Posh often do so because of socio-economic constraints, patriarchal norms, and the necessity for a male figure in the household. From a universal human rights perspective, this practice can be criticized for reinforcing gender discrimination. However, cultural relativists argue that such practices should be understood in context and not condemned. Thus, cultural relativism views communities practicing Bacha Posh as a survival strategy, rather than an oppressive practice. From the prism of cultural relativism, the Bacha Posh is a response to societal constraints. It exemplifies the intricate balance between universal human rights and cultural relativism in Afghanistan. In reality, Bacha Posh is a survival strategy, not necessarily rejecting female identity, but a pragmatic response to restrictive gender norms.<sup>20</sup>

### 3. Bacha Posh: At the Crossroads of Gender Identity and Human Rights

Judith Butler in *Gender Trouble*<sup>21</sup> states, "A bacha posh is someone whose identity is chosen for her! She is a female dressed in male clothing. She is sanctioned by society to repeatedly act like a boy. The simple act of dressing up as a boy acquires a new political and sociological significance in the context of Afghanistan." In Afghan society, a Bacha Posh is a significant entity for both men and women, fulfilling various desires and needs of the community. For parents, a Bacha Posh helps mitigate the social stigma of not having a male heir. The girl also steps into the role of a boy, particularly if the father is incapacitated or absent. By dressing in male clothing, the girl helps her mother gain social validation as a 'true woman' who can bear a son. Thus, a Bacha Posh gives her parents a sense of identity and dignity, often linked to their ability to have highly valued male offspring.

The Bacha Posh practice involves raising young girls as boys to bypass societal gender restrictions. While this practice temporarily empowers these children, its psychological and identity-related implications remain complex.<sup>22</sup> Bacha Posh tradition often raises concerns of gender identity, gender dysphoria, and gender crisis among those practicing it. Gender dysphoria refers to distress arising

<sup>16</sup> Trudy Govier, 'Self-Trust, Autonomy, and Self-Esteem' (1993) 8(1) *Hypatia: A Journal of Feminist Philosophy* 99.

<sup>17</sup> Hannah Austin, VAW: Priorities for the Violence Against Women (Wales) Bill (Wales Violence Against Women Action Group 2013, Cardiff).

<sup>18</sup> A An-Na'im, 'Religious Minorities under Islamic Law and the Limits of Cultural Relativism' (1987) 9(1) *Human Rights Quarterly* 1-18.

<sup>19</sup> *ibid*

<sup>20</sup> Mackenzie C, 'Three Dimensions of Autonomy: A Relational Analysis' in Andrea Veltman and Mark Piper (eds), *Autonomy, Oppression, and Gender* (Oxford University Press 2014) 14

<sup>21</sup> J Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990) 33.

<sup>22</sup> S Choudhury, 'The Impact of Gender Socialization on Former Bacha Posh Women' (2020) 18(1) *International Journal of Feminist Studies* 67.

from a disconnect between an individual's experienced gender and their assigned sex.<sup>23</sup> While not all former Bacha Posh experience gender dysphoria, many report psychological distress when forced to abandon their male identity at puberty.<sup>24</sup> This abrupt transition can lead to emotional turmoil, depression, and anxiety.<sup>25</sup> In some cases, individuals develop a lasting gender-nonconforming identity, indicating that the practice may contribute to broader gender identity challenges beyond the cultural framework.

Gender identity, which refers to an individual's internal understanding of gender, can be profoundly influenced by these practices. Bacha Posh disrupts traditional gender roles by assigning a male identity to biologically female children, often without their consent.<sup>26</sup> While some former Bacha Posh individuals embrace their reversion to womanhood, others struggle with identity confusion, suggesting that gender socialization significantly impacts the formation of personal gender identity.<sup>27</sup> For some Bacha Posh girls, returning to a female identity may lead to a profound sense of loss and disconnection from their true selves, while others may struggle with feeling alienated from both gender roles. The lack of social support, awareness, and legal recognition for Bacha Posh individuals exacerbates the psychological impact, making it difficult for them to seek help or fully express their gender identities. This also leads to an association with the LGBTQ community. There is limited information on whether Bacha Posh in Afghanistan represents a genuine category of transgender identity or is primarily a cultural practice rooted in the patriarchal context. It seems that some girls raised as boys continue to identify as male and may even seek romantic relationships with girls. As rightly stated, the practice of Bacha Posh can also stem from a girl's expression of masculine traits.<sup>28</sup>

Another aspect of human rights violation, if the communities follow this practice, is the issue of gender fluidity.<sup>29</sup> While gender fluidity refers to an identity that shifts between genders, Bacha Posh is typically not a voluntary identity choice but rather a temporary adaptation to rigid gender norms. Some individuals raised as Bacha Posh have reported feeling comfortable with their male identity even after puberty, suggesting a connection to gender fluidity or non-binary identities.

In the context of severe poverty and limited economic opportunities for women, Bacha Posh can be vital in supporting the household economy and navigating social networks. However, this situation creates a dilemma for girls who, having experienced greater freedom and mobility while living as boys, face significant restrictions once they transition to a female identity. Freedom, even in the smallest terms of clothing, is a powerful cultural symbol, reflecting aspects such as gender, religion, and social status. It allows individuals to experiment with their identity, whether it be temporarily or permanently.<sup>30</sup> This transition often involves adapting to traditional female roles and, in some cases, preparing for marriage after role reversal. This reversal can be especially challenging for Bacha Posh who identify as male and wish to continue living as boys. While Bacha Posh is essentially a social necessity rather than a personal identity choice, there are cases in which individuals raised in this system experience gender fluidity or discomfort in reverting to a female role. This practice raises

<sup>23</sup> American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (5th edn, text rev, APA Publishing 2022).

<sup>24</sup> D Azami, 'Psychological Implications of Gender Transition in Bacha Posh Individuals' (2021) 30(2) *Journal of Gender Studies* 215.

<sup>25</sup> A Najmabadi, 'The Emotional Burden of Gender Transition in Bacha Posh' (2019) 25(2) *Journal of Psychological Studies* 98.

<sup>26</sup> E Davis, *The Bacha Posh Phenomenon: Gender, Culture, and Identity Formation* (Oxford University Press 2017).

<sup>27</sup> R Hashimi, 'Social Identity Challenges among Former Bacha Posh in Afghanistan' (2018) 12(3) *Asian Journal of Social Research* 121.

<sup>28</sup> J Nordberg, *The Underground Girls of Kabul: The Hidden Lives of Afghan Girls* (Virago Press 2014).

<sup>29</sup> Catriona Mackenzie, 'Three Dimensions of Autonomy: A Relational Analysis' in Andrea Veltman and Mark Piper (eds), *Autonomy, Oppression, and Gender* (Oxford University Press 2014) 14.

<sup>30</sup> A Sarat, "'... The Law Is All Over'": Power, Resistance and the Legal Consciousness of the Welfare Poor' in *Consciousness and Ideology* (Routledge 2017) 347.



questions about whether gender identity is purely cultural or whether some individuals experience an innate sense of gender beyond social roles.

A popular life experience by Bakhtawara<sup>31</sup> highlights the psychological impact of Bacha Posh in Afghanistan. The paradox of freedom that girls attain psychologically by becoming Bacha Posh in a community where they are deprived of their rights to live as women is a huge achievement. The concept of honor is deeply rooted in Pashtun ideals of masculinity and must be upheld at all costs. By relinquishing their identity as Bacha Posh, they are expected to fulfill their father's wish for a male child. The honor of male figures is considered paramount and non-negotiable in this culture. It often overlooks the potential emotional and psychological impact on Bacha Posh children.

Bacha Posh highlights a broader gender crisis in societies with rigid gender roles and systemic gender inequality.<sup>32</sup> This practice emerges as a coping mechanism for families seeking economic and social advantages within patriarchal systems. However, this reinforces the notion that only male-presenting individuals can access full societal participation.<sup>33</sup> Former Bacha Posh individuals often struggle to reintegrate into female roles, exacerbating gender crises at the personal and societal levels.<sup>34</sup> The abrupt shift from male privilege to female subjugation, along with the internalized male identity developed during childhood, can lead to confusion, anxiety, and identity conflicts.

#### 4. International Legal Frameworks addressing the Bacha Posh Phenomenon

The systemic oppression of Afghan women and girls is so severe and extensive that it appears to be a widespread and systematic attack that could amount to crimes against humanity.<sup>35</sup> Eradicating practices such as Bacha Posh is the need of the hour. This is only possible if it necessitates more substantial partnerships among governments, the international community, and civil society, including non-governmental and community-based groups, and requires significant shifts in societal attitudes. In 2023, the Security Council underscored the deleterious impact of punitive limitations on women's rights in Afghanistan.<sup>36</sup> Najia Nasim, the Afghanistan country director for U.S.-based Women for Afghan Women, asserts that when practices of Bacha Posh thrive because one gender has significant importance and the other is deemed undesirable, there will always be individuals who attempt to transition to the opposite side.<sup>37</sup>

The practice of Bacha Posh raises several human rights concerns, including gender discrimination, the right to identity, and children's psychological well-being. Although no explicit international laws target Bacha Posh, the practice violates core principles of many human rights frameworks. The Human Rights Council has expressed concern about the impact of deep-rooted gender inequalities, norms and stereotypes, harmful practices, perceptions, and customs that are among the drivers of this harmful practice, which remains common in rural areas and among the poorest communities.<sup>38</sup>

<sup>31</sup> Z Kargar, *Dear Zari: The Secret Lives of the Women of Afghanistan* (N Goldsmith ed, Chatto & Windus 2011).

<sup>32</sup> E Davis and N Khan, 'Gender Fluidity and Crisis: The Case of Bacha Posh in Afghanistan' (2016) 30(4) *Gender & Society* 559.

<sup>33</sup> J Nordberg, *The Underground Girls of Kabul: The Hidden Lives of Afghan Girls* (Virago Press 2014).

<sup>34</sup> S Choudhury, 'The Impact of Gender Socialization on Former Bacha Posh Women' (2020) 18(1) *International Journal of Feminist Studies* 67.

<sup>35</sup> Bennett, R. (2024, June 18). United Nations. Retrieved from <https://news.un.org/en/story/2024/06/1151146> accessed on January 02, 2025

<sup>36</sup> UNSC, 'Security Council Emphasizes That Punitive Restrictions on Women's Rights, Escalating Hunger, Insecurity Taking Devastating Toll in Afghanistan: Members Stress Urgent Need for Reversal of Taliban Decrees, Ramped Up Response to Humanitarian Crisis, Extension of United Nations Mission in Country' (9277th Meeting, 8 March 2023) UN Doc SC/15222 <https://press.un.org/en/2023/sc15222.doc.htm> accessed 4 June 2025

<sup>37</sup> Manoori U and Lebron S, *I Am Bacha Posh: My Life as a Woman Living as a Man in Afghanistan* (Peter Chanchiano tr, Skyhorse Publishing 2013)

<sup>38</sup> OHCHR, *Harmful Practices* (United Nations Human Rights Office, Pub 2008) [https://www.ohchr.org/sites/default/files/INFO\\_Harm\\_Pract\\_WEB.pdf](https://www.ohchr.org/sites/default/files/INFO_Harm_Pract_WEB.pdf) accessed 4 June 2025.

Human rights frameworks prohibit discrimination based on gender, ensuring that men and women are treated equally in all aspects of life. Bacha Posh emerges as a result of systemic gender discrimination, which restricts girls' freedoms and opportunities. Articles 1 and 2 of the Universal Declaration of Human Rights, 1948, state that all human beings are born free and equal in dignity and rights, and that no one should face discrimination on the grounds of sex or gender. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, is the central treaty on gender equality. It calls on states to eliminate discrimination against women and girls in all forms, including harmful cultural practices such as Bacha Posh. This treaty obliges states to eliminate practices and stereotypes that lead to gender discrimination.<sup>39</sup> International Covenant on Civil and Political Rights (ICCPR), 1966, also guarantees equal protection under the law for all, regardless of gender.<sup>40</sup>

Bacha Posh forces girls to adopt a male identity, which can interfere with their right to personal autonomy and their right to identity, which are protected by several human rights treaties.<sup>41</sup> Convention on the Rights of the Child (CRC), 1989 protects the child's right to preserve their identity, including gender identity<sup>42</sup>; ensures that children's views are respected in decisions that affect them, including decisions about gender roles<sup>43</sup>; and requires states to protect children from physical or emotional harm, which can result from being forced into a different gender role<sup>44</sup>. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, protects the family as the fundamental unit of society, emphasizing the development of children in an environment where they can realize their potential without forced gender roles.<sup>45</sup>

The psychological impact of living as a Bacha Posh, which includes identity confusion, stress, and anxiety, affects the mental health and well-being of children.<sup>46</sup> The right to health, including mental health, is a fundamental principle under international law. Convention on the Rights of the Child (CRC), 1989, recognizes a child's right to the highest attainable standard of health, including mental health.<sup>47</sup> The distress caused by living under false gender pretences can harm psychological development. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, recognizes the right to the highest attainable standard of physical and mental health, emphasizing the mental health of children forced into non-conforming gender roles.<sup>48</sup> International Labour Organization Conventions 182 and 138 prohibit child labour and exploitative practices that may apply in cases where girls (disguised as boys) may be forced into.

Practices such as Bacha Posh are embedded in cultural and social norms that harm children's development and well-being. International law, particularly regarding children's rights, seeks to eliminate harmful practices that perpetuate inequality or cause harm to children.<sup>49</sup> CEDAW and CRC Joint General Recommendation/Comment No. 31/18 on Harmful Practices addresses the elimination

<sup>39</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art 5

<sup>40</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976), art 26.

<sup>41</sup> J Rajasree Menon, *Identity Crisis among Afghan Girls as a Result of Bacha Posh Practice* (MA thesis, Amrita School of Arts and Sciences 2018).

<sup>42</sup> Convention on the Rights of the Child (CRC), 1989, art 8

<sup>43</sup> Convention on the Rights of the Child (CRC), 1989, art 12

<sup>44</sup> Convention on the Rights of the Child (CRC), 1989, art 19

<sup>45</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, art 10

<sup>46</sup> *Ibid*

<sup>47</sup> Convention on the Rights of the Child (CRC), 1989, art 24

<sup>48</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, **art 12**

<sup>49</sup> Wimpelmann T, *The Price of Protection: Gender, Violence and Power in Afghanistan* (PhD thesis, University of London 2013)

of harmful practices such as forced gender roles, which reinforce discrimination against girls.<sup>50</sup> This underscores the importance of eliminating practices that perpetuate gender stereotypes or undermine the dignity of women and girls. Although not directly relevant to Afghanistan or Pakistan, the African Charter on the Rights and Welfare of the Child can serve as a regional reference and requires states to eliminate harmful social and cultural practices that affect children's welfare, dignity, and equality.

Bacha Posh exists because girls are often denied access to education and opportunities reserved for boys. The human rights framework recognizes the right to education and opportunity for all, regardless of gender or any other characteristic. Convention on the Rights of the Child (CRC) (1989) protects the right of all children to education without discrimination.<sup>51</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, states that women and girls should have equal rights to education.<sup>52</sup> The need for Bacha Posh arises from the failure of this principle, as girls are restricted from enjoying their educational rights. Bacha Posh often involves decisions being made about a child's life and identity without their informed consent or active participation. International human rights standards emphasize the importance of allowing children and women the right to make decisions about their lives.<sup>53</sup>

In Afghanistan, where Bacha Posh exists, inadequate legal frameworks create a gap in addressing the underlying discrimination against women and girls in Afghanistan. This fosters conditions in which families must engage in practices such as Bacha Posh to access opportunities for their daughters. International law often relies on soft power or voluntary adoption of treaties and conventions, limiting enforcement. Countries may sign international agreements promoting gender equality or children's rights, but fail to implement them. The lack of accountability mechanisms or consistent international pressure allows practices such as Bacha Posh to persist without legal challenge or reform. Even with international conventions in countries where Bacha Posh is practiced, these conventions are often not fully implemented or enforced in practice. Without strong legal mechanisms to protect children from being forced into roles that distort their identities, such practices can flourish unchecked.

## **5. Quest for Gender Freedom: Steering the Dynamics of Social Mobility in a Patriarchal Society**

Despite challenges, Afghan women and girls have made steady advances towards fulfilling their human rights since the 1990s. However, presently, the situation has significantly regressed to the pre-2002 period, and women are denied their fundamental rights and freedoms, including the right to education, to work, to the highest attainable standard of physical and mental health, freedom of movement, freedom from fear and want, and freedom from discrimination. Presently, girls in Afghanistan have been banned from secondary school and women from tertiary education. For months, women and girls have been banned from entering amusement parks, public baths, gyms, and sports clubs. Women have been banned from working in NGO offices. Since the Taliban's takeover of Afghanistan in August 2021, women have been wholly excluded from public office and the judiciary. Today, Afghanistan's women and girls are required to adhere to a strict dress code and are not permitted to travel more than 75 km without a mahram. They are compelled to stay at home.

Ironically, the statistics show a different scenario in Afghanistan. Figure 1 shows strong support for gender equality throughout Afghanistan's rural and urban areas. The graph mentions gender equality, specifically in the education sector. However, the statistics shown are from 2019 data, when the

<sup>50</sup> CEDAW and CRC, Joint General Recommendation No 31 of the Committee on the Elimination of Discrimination against Women / General Comment No 18 of the Committee on the Rights of the Child on Harmful Practices (2019) UN Doc CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1.

<sup>51</sup> Convention on the Rights of the Child, 1989, art 28

<sup>52</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, art 10

<sup>53</sup> Convention on the Rights of the Child (CRC), 1989, art 12



Taliban's influence on economic and social policies was curtailed. Post-2021, the reality of girls receiving even primary education is a distant dream for many.

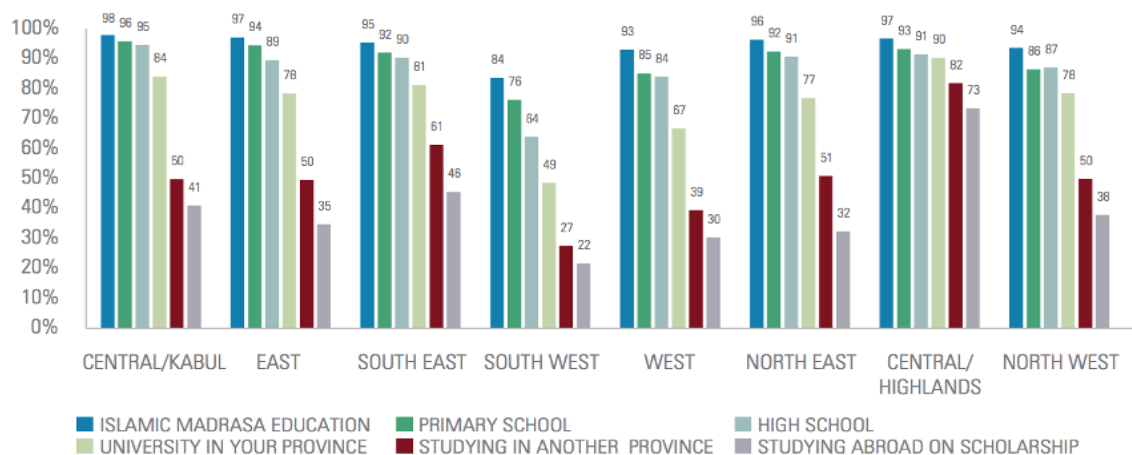


FIGURE 1: SUPPORT FOR GENDER EQUALITY IN EDUCATION BY REGION

Source: Asia Foundation, 2019

The Figure 1 chart presents data on different educational categories across various regions, including Islamic madrasa education, primary school, high school, university in the province, studying in another province, and studying abroad on scholarship. The charts show that in regions where female education is restricted, families may resort to the Bacha Posh to grant them access to madrasa education, high school, or university. The presence of high percentages in madrasa and primary school education may indicate that formal education access for girls is limited, making Bacha Posh a possible necessity. Some regions, such as Central/Kabul and East, show relatively higher participation in various forms of education, while others, like the Southwest, have lower percentages in high school and university attendance. If female education is constrained in certain areas, families in those regions might adopt Bacha Posh more frequently to ensure their daughters receive higher education. The relatively lower percentages in these categories suggest that mobility for education is limited, potentially more so for girls. The Bacha Posh practice could allow some girls to study outside their home provinces by presenting themselves as boys. Islamic madrasas have high participation across regions. If these institutions give more preference to boys than girls, families might disguise their daughters as boys to provide them with religious education.

Ironically, Figure 1 suggests that in regions with restrictive gender norms, the Bacha Posh practice may be a survival strategy to help girls access education beyond primary school. However, further qualitative insights are needed to confirm the correlation.

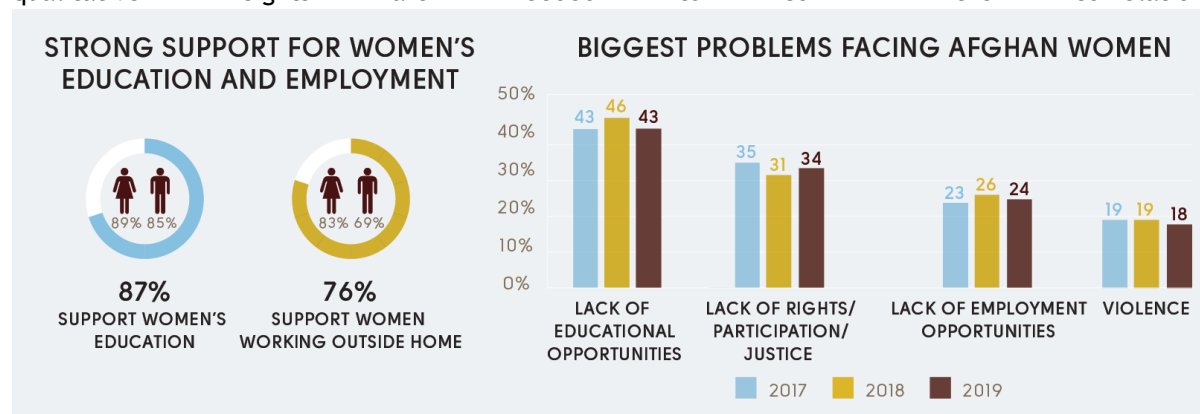


FIGURE 2: SUPPORT FOR GENDER EQUALITY IN EDUCATION BY REGION

Source: Asia Foundation, 2019

The problems faced by Afghan women even before 2021 are listed in Figure 2. It is evident in the graph that, between 2017 and 2019, the support for gender equality and education is just visible on paper. Even though more than 70% believe in girls' education and employment, problems like lack of educational opportunities, rights, employment opportunities, and gender-based violence are being faced by women in their daily lives, making it difficult for them to access their basic human rights. This image presents statistics on support for women's education and employment, and the biggest problems facing Afghan women over the years. When analyzing the Bacha Posh practice, it can be stated that 87% support women's education, and 76% support women working outside the home, but there is a gender gap. Despite strong public support, cultural and structural barriers still limit women's actual access to education and employment.

The discrepancy between support and reality suggests that systemic restrictions persist while society increasingly acknowledges women's rights. In many conservative Afghan communities, families resort to the Bacha Posh practice to allow their daughters access to education and employment opportunities that they would otherwise be denied as girls. Some of the biggest problems faced by Afghan women have been the lack of educational opportunities (43-46%), which remains the most significant challenge. Lack of rights, participation, and justice (31-35%) further highlights gender inequality, lack of employment opportunities (23-26%), and violence (18-19%), indicating that even if women have access to education, they struggle with employment and safety.

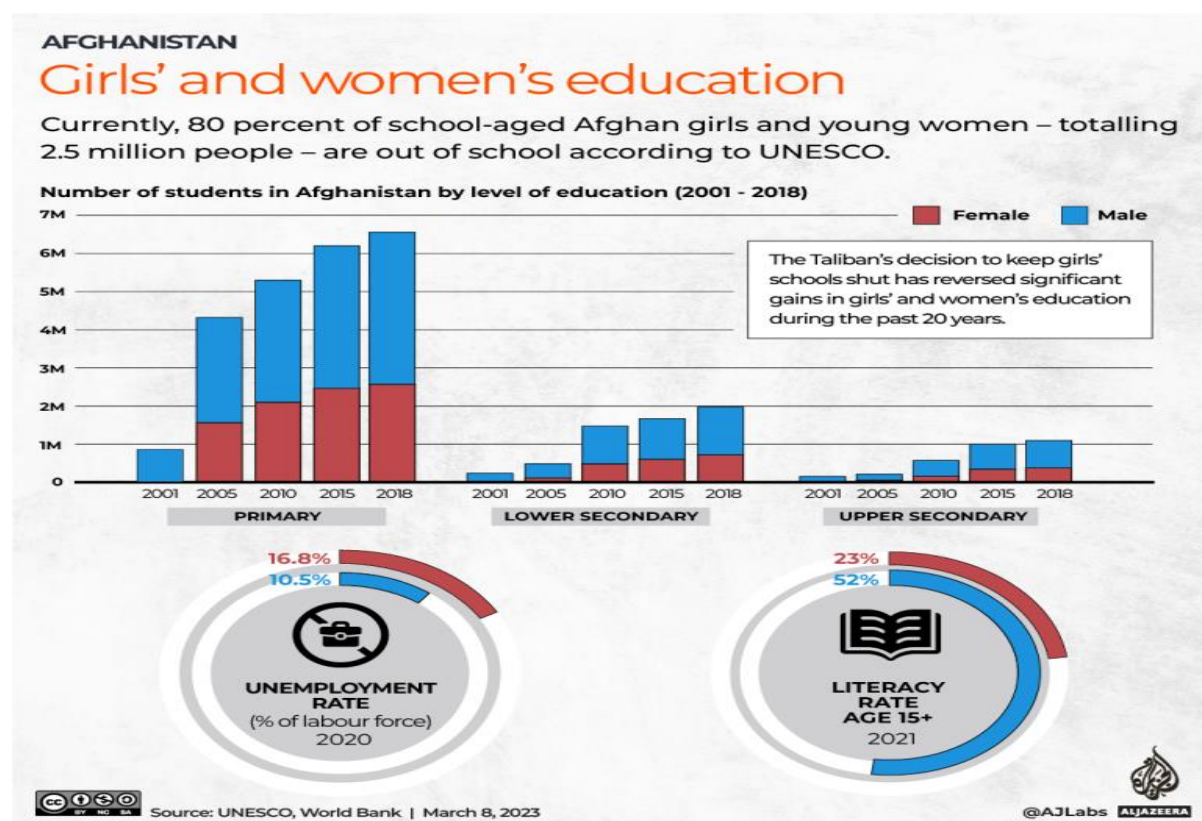


FIGURE 3: AFGHANISTAN GIRLS' AND WOMEN'S EDUCATION

Source: UNESCO, World Bank Report—2023

As evident in Figure 3, lack of education is the prime issue; some families may disguise their daughters as Bacha Posh to access schools, madrasas, or higher education institutions that restrict female enrolment. Women face difficulty in securing jobs. Bacha Posh allows girls to work and financially support their families, taking advantage of male privilege. Lack of rights and violence against women mean that Bacha Posh could be a survival mechanism to protect girls from harassment or forced

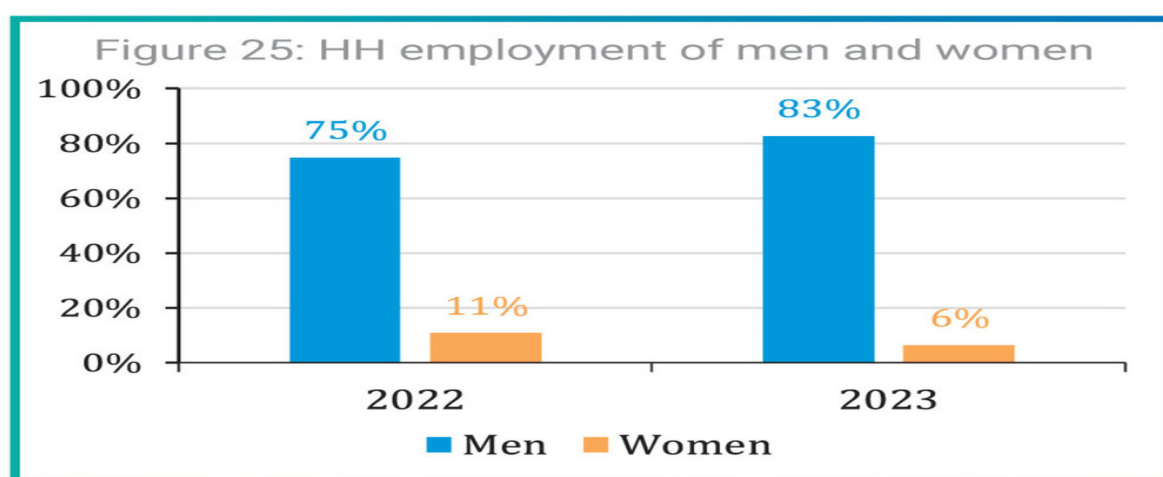
marriages. While societal support for women's education and employment is increasing, real challenges persist. The Bacha Posh practice can be seen as a symptom of these systemic barriers, used by families to bypass restrictions on girls' education and employment. If true gender equality were achieved, the need for Bacha Posh would likely diminish.

Afghan society is characterized by patriarchy and adheres to a system of repressive gender segregation, where girls are considered to have little worth. From the moment the girl is born into the household, she is consistently protected and accompanied, with limited educational rights. This phenomenon has become more prominent, as per the World Bank Report in 2023, which shows that 80% of the population is school-aged. Afghan girls have dropped out of school. (Figure 3)

Figure 3 also highlights the severe gender disparity in education for Afghan girls and women, particularly after the Taliban's restrictions. It shows that 80% of school-aged Afghan girls (2.5 million) are out of school, and there has been a decline in girls' education due to school closures. Other indicators, such as higher female unemployment (16.8%) and lower literacy rates (23% for women vs. 52% for men), further emphasize systemic gender inequality.

The drastic gender gap in education (Figure 3 bar graphs) suggests that many Afghan families may resort to the Bacha Posh practice to bypass these restrictions. Since boys face fewer barriers in accessing education, dressing a girl as a boy allows her to attend school, particularly at the primary and lower secondary levels, where disparities are evident. The higher unemployment rate for women (16.8%) compared to men (10.5%) shows that women face barriers to employment, pushing some families to disguise their daughters as boys to enable them to work. In conservative Afghan society, women's employment outside the home is stigmatized, but as Bacha Posh, they can work freely, contribute to household income, and gain financial independence. With a literacy rate of only 23% among Afghan women compared to 52% for men, the Bacha Posh strategy may help girls gain literacy and education informally. Since many families value education but face restrictions on girls' schooling, disguising a daughter as a boy can be a temporary strategy to provide basic education until puberty.

Figure 3 strongly suggests that educational and economic restrictions on Afghan girls create conditions that perpetuate the Bacha Posh tradition. Families view it as a way to secure education and employment for their daughters in an environment where gender norms severely limit female participation in public life. If Afghan women's access to education and employment improves, the need for Bacha Posh would likely diminish.



**FIGURE 4: WOMEN'S EMPLOYMENT IN AFGHANISTAN DECREASED NEARLY BY HALF**

Sources: MSNA 2022-2023

This World Bank Report 2023 correlates with data depicted in Figure 4, as the employment ratio of women is abysmal compared to men. With no opportunity to feed themselves or their family, wearing

the crown of honour that needs to be protected, and enduring the stigma of being born as girls, Bacha Posh, for most of them, is a gateway to cherish the basic human right to live with dignity and freedom.

Figure 4 highlights the household (HH) employment rates for men and women in 2022 and 2023, showing a sharp decline in women's employment from 11% in 2022 to 6% in 2023, while men's employment increased from 75% to 83%. The data suggests that women's participation in the workforce is shrinking, likely due to increased restrictions, societal norms, or policies that limit their access to employment. With women's employment opportunities diminishing, families that rely on female earnings may turn to Bacha Posh to circumvent restrictions. Dressing a daughter as a boy allows her to work outside the home without facing social or legal consequences, providing economic relief for struggling households.

The data suggests that men overwhelmingly dominate employment. In societies where women face employment bans or social stigmas, families may disguise girls as boys so they can work in male-dominated sectors like retail, transportation, or manual labour. Bacha Posh can provide a temporary solution for families needing an additional income source when their daughters cannot legally or socially work as girls.

Further analysis shows that the increase in male employment (from 75% to 83%) and decline in female employment (from 11% to 6%) indicate that women's roles in the workforce are being further restricted. This shift may reinforce traditional gender norms, making Bacha Posh even more necessary for families who need their daughters to access economic opportunities.

The declining employment rates for women and growing restrictions could contribute to the continuation or even an increase in the Bacha Posh tradition as families struggle to balance economic survival with societal limitations on women's workforce participation. If restrictions persist, more families may feel compelled to use Bacha Posh to allow their daughters access to work and financial independence.

Research indicates that women can effectively negotiate and oppose repressive authority within the confines of patriarchal gender structures, even in profoundly patriarchal environments. Therefore, Afghan society's girls readily embrace the Bacha Posh charade due to a shared belief that a family requires honour, and a new son, in addition to the current one, is expected to be the primary earner. It shall also fulfill the superstition that the practice of Bacha Posh will bring a son to the family. Hence, the practice of Bacha Posh has concurrently facilitated women's attainment of freedom from segregation, which was otherwise suppressed based on their biological sex at birth. This has provided Afghan girls with a new realm of freedom of movement, access to education, the ability to manage everyday tasks, and the capacity to earn for their families. In social mobility, families, especially those of lower socioeconomic groups, may employ the Bacha Posh practice to achieve upward mobility.<sup>54</sup> By presenting a daughter as a son, the family's social standing may be elevated, and they may gain improved access to resources.

## CONCLUSION

The story of women in Afghanistan is more complex than the simplistic portrait often painted by Western media: passive victims forced to wear burqas and subjugated to the will of Islamic fundamentalists. When adopted by the international donor community, such a one-dimensional narrative can have its consequences. To effectively support Afghan women and girls and advance gender equality, one must understand the diverse experiences of Afghan women and girls in the context of the culture and history that shape gender roles and relations in the country. For Afghan girls, Bacha Posh has been a way out to resist the values of patriarchy. By becoming Bacha Posh, girls dare to pursue their dreams. It is a fact that inequality and a lack of opportunity for women still exist

<sup>54</sup> M Sawitri, 'Cultural and International Dissonance on Girls' Empowerment: The Case of Afghanistan's Female Son' (2017) 11 AEGIS Journal of International Relations 11-25

in Afghanistan. By placing the equation of power in a patriarchal society, they are given a leading position in enforcing the norms they desire.

Addressing the Bacha Posh tradition, families are urged to accept their daughters as biological. For a girl, external appearance and social roles may be altered, but an individual's feelings and emotions remain unchanged. Let a girl embrace the identity she was born with, just as God intended it. From an outsider's perspective, the tradition of Bacha Posh can be viewed as a submissive and reckless struggle to resist the patriarchy. On the contrary, from a Bacha Posh perspective, it presents her with an opportunity to live life on her terms, even if it comes with its consequences. Tackling social evil like this tradition is a mammoth task. Addressing social evils requires a significant change in societal mindsets, which can be achieved through education, awareness, policy changes, and cultural shifts. Many social evils are rooted in deeply entrenched stereotypes and traditional cultural norms. To counter this, societies need to promote narratives that challenge harmful beliefs and practices and dismantle rigid patriarchal norms. If these preventive measures are undertaken, society can ensure that the girls of Afghanistan can dream of a future where they will not be treated as second-class humans by their own families.

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