

Eight Years After: Is the Driver's Seat Still Empty?

A Glance at the State of Women in Afghanistan



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Introduction

Since the mid-1970s Afghanistan has been dominated by a spiral of violence which could not be reversed until the aftermath of Operation Enduring Freedom in late 2001. Since then Afghanistan has made considerable progress in recovering from three decades of devastation. In accordance with the 2001 Bonn Agreement, necessary steps were taken to establish democratic values and institutions, including the new Constitution of Afghanistan, the presidential elections, and the establishment of the Parliament through elections.

Despite these and many other real changes brought about in the lives of most Afghans, especially women, Afghans continues to suffer from human rights abuses in many areas of life. This is further exacerbated by mounting insecurity, weak governance, and a booming drug economy. Amongst all the challenges Afghanistan continues to face, this paper focuses on progress and shortcomings in the area of women's rights and their participation in society, followed by a number of recommendations on how to further improve the condition of women at this juncture. While Afghan women have succeeded to reframe their role in society and in politics since 2002, there is room for much further progress to be made in improving the state of women's rights and participation in order to fulfill the expectations of Afghans and international actors/partners.

The dominant perspective of this paper is that of an insider and long-term civil society activist. It is based on access to realities on the ground that may not be easily accessible to outside observers. For that reason, its focus is on the long road ahead, while acknowledging the huge strides taken in the restoration of women's rights in Afghanistan beyond the Bonn accord. The paper begins with a brief overview of the history of women's rights in Afghanistan, in an effort to provide a context for the efforts and expectations of women in today's Afghanistan. Widely disseminated data about women is only briefly referred to for two reasons: a/ to avoid repetition of already available data, and b/ the purpose of this paper is to paint a more accurate and realistic picture of what pure data can offer. The paper ends by offering a number of recommendations for action in different areas.

Overview

The lives and status of women in Afghanistan have witnessed many ups and downs in the course of the country's long history. Contrary to popular perceptions, there are historical precedents for active women in leadership roles in Afghanistan. Among the most famous are the well documented achievements of women from the era of the Ghaznavid dynasty (940-1100 AD) and the Timorids (1400s AD). Gawhar Shad Begum's role in the promotion of the arts and culture was instrumental in the establishment of Timorid civilization, one of the peaks of Islamic art and culture.

The role and importance of women diminished thereafter and was lost until King Amanullah Khan (1919-1928) assumed power. His first visits to Europe and impressions from thriving democracies in the west prompted him to introduce change to the life of women in Afghanistan. Women were allowed the freedom to dress as they wished, and given access to education; these two important changes marked a new beginning in the history of Afghanistan. For the first time women's role was highlighted in the law. The first ever decree on removing Chadary (Burqa) was enacted nationwide.

These developments were subsequently followed by further measures to improve the rights of women during the long reign of Zahir Shah (1933-1973). Family law and the civil code replaced traditional and customary law. In fact, Afghanistan was the first country with such progressive and democratic laws in the region¹. Formal elementary education for boys and girls was made compulsory. Many women leaders appeared in the political arena and the government appointed the first ever female Minister (Dr. Kobra Noorzayee) in the cabinet. The first Women Activists Group (Zanaan-e Paishtaaz) was established under the leadership of a dedicated woman, Saleha Farooq Etemaady. More than 100 kindergartens were established to allow women to work and enhance their public participation. The first women police officers obtained degrees from abroad (Turkey and Germany were the first providing such training)². Afghanistan had the highest rate of female graduates in the 60's among all its neighboring countries.

In contrast, the Mujahedeen and the Taliban regimes were the two eras during which Afghan women lost their identity and dignity. It is important to acknowledge that even during these years, Afghan women continued their active social role and the struggle for their rights and social participation. The war made around a million women widows and disabled³. Others were forced to take on the

¹ These were mainly the Afghan Constitution (1964), the Afghan Civil Code (1968) the Afghan family Law (1968). It is also important to note that the tribal and traditional practices were experienced at the same time (informally) in many areas of the country.

² The first ever annual progress report of King Amanullah Khan's government and volumes, Serajull Akhbaar volumes 11-17 and Ghobar's "Afghanistan in the course of history," volume II

³ Women Vulnerability Survey, By Ministry of Women Affairs and MRRD. Annual report of the Ministry of Martyred and Disabled.

responsibilities of their disabled husbands and children. Despite the increased burden of economic responsibility, this era witnessed the extreme dehumanization and impoverishment of women in Afghanistan. It is this legacy that Afghanistan must now redress.

2002 and Beyond

The fall of the Taliban and the new democratic developments ensued Afghanistan have marked a new beginning in the lives of women. The women needed to regain the status that they had some years back. The repositioning of women was a real demand of the Afghans (women in particular). This opportunity was provided with the assistance of the international community, and the Afghan government through a series of decrees, laws and international conventions, issues, adopted and signed by the Afghan government⁴.

This era is marked by a new and strong commitment to democratic principles and human rights values, including the reintegration of women and elimination of all violence against them. Among the positive steps undertaken are:

- The establishment of the Ministry of Women's Affairs,
- Compulsory and specific quotas for women's participation in different political levels and in social activities enshrined in the law,
- Allocated quotas to ensure the participation of women in parliament (more than 25%),
- Visible presence of women in government and non-governmental organizations and the social sphere.

However, after eight years of generous support by donors and committed activism by Afghans themselves, there is still much left to be done to improve the lives of women in Afghanistan to and internationally accepted standards.

This might have been due to the safety factor for women mobility and participation under a real political will by the government and international community. Effective and efficient steps to actually highlight presence of women in public, to change the mentality of exclusion and to reduce the violence against women have not been measured and addressed properly.

Eight years planning and achievement to institutionalize values

⁴ There are three Presidential Decrees on women re-employment who had lost their employments during the Taliban, the female students can restart their studies right away, and intensive skill and capacity development programs for women. The Afghan Constitution is providing an equal opportunity for men and women, (article 22). The Afghan government is a signatory for 8 international conventions now including the Universal Human Right Declaration, CEDAW, CRC, and others).

A number of major steps have been taken since 2002 to instill the rights of women in the laws of Afghanistan. These steps have gone through a proper men and women involvement and based on the needs and demands of Afghan society. First, the Afghan constitution, article 22, Chapter 2, declares “any kind of discrimination and privilege between the citizens of Afghanistan are prohibited; the citizens of Afghanistan – whether woman or man – have equal rights and duties before the law”, thereby ensuring equal rights for both Afghan men and women.

Many other small step such as the marriage registration, the female police and prosecutors employments, push for female judges in the courts and mainly in family courts have also been considerable.

The second step towards ensuring the rights of women is the recent Elimination of Violence against Women (EVAW) law, containing four chapters and 44 articles, ensuring and protecting women’s basic and advanced rights⁵. Today, Afghanistan is a signatory to the majority of international treaties and conventions on women and gender equity, equality, anti-discrimination and violence.

Government planning and political will

In addition, the Afghanistan National Development Strategy (ANDS)⁶ and the National Action Plan for Women of Afghanistan (NAPWA)⁷ are intended to be the central framework for Afghan women with a comprehensive plan for development, aiming to promote and support the development of democratic processes and institutions in support of women. NAPWA reduces poverty and vulnerability of women by offering skills and capacity building alternatives towards economic and political participation for empowerment. Currently, Afghan women are among the poorest and most vulnerable in the world, as highlighted in almost every international survey and human index report conducted in the past seven years on women⁸.

The NAPWA has also undertaken high level consultations with ministries, agencies and civil society, resulting in the establishment of gender working groups in 12 ministries and the signing of Memorandum of Understandings (MOUs) with many organizations, as well as government and non-governmental institutions for gender specific and gender sensitive project development and implementation. Two major requirements identified by NAPWA are:

⁵ This law was a joint efforts of the Afghan women activists, the lawyers, the civil society and human right groups and activists. The was passed through a strong national and international lobby and advocacy in fall 2009.

⁶ The Kabul Compact donor document (London Conference in 2006) become the base for the ANDS draft in the same conference.

⁷ NAPWA is the roadmap for the Ministry of Women Affairs national plan for women’s participation and empowerment.

⁸ UNDP Human Index report 2009.

- the establishment of a database on the status of women and men across the country and sectors
- and gender budgeting (this will ensure and facilitate funds in government institutions and special women empowerment programs)

Some progress of significance for moving the gender equality agenda forward to date have been achieved in the following two areas:

- Strengthening women's participation and leadership in the civil service; and
- Development of administrative capacity based upon statistics and gender equality.

Civil society support and advocacy

Advocacy has been a successful tool for influencing policies and events as well as pertinent issues in the improvement of the rights of women. Civil society and human rights organizations have been able to jointly push the requirement for establishing Human Rights Offices (HROs) within line ministries. This endeavor has been successful in law enforcement institutions such as police stations, prisons, prosecutors' offices and some courts. This fruitful advocacy has been highlighted as one of the best achievements of Afghan civil society groups.

Specific awareness raising programs, seminars, conferences, workshops, roundtables, dialogues, debates and discourses on topics such as gender, human rights, child rights, rights of freedom of mobility, international treaties and conventions (such as CEDAW, CRC, etc.) have been conducted at different places and levels. The design of these programs has been in a way to be as inclusive as possible in terms of their coverage, target and outreach.

The progress in the education sector has also been great. Among the achievements at the intermediate outcome level is:

- 35.8% increase in female students enrolment in the year 2009;
- 25% increase in the number of girls schools in the year 2009;
- 14% increase in hiring female teachers in 2009;
- 36% female coverage in the literacy courses around the country in 2009.

Ministry of Education's statistics also show that the number of girl students for the year 2009 was 2,220,989; adult female who follow literacy courses were 186,000 and the whole number of female teachers were 44,718.

According to statistics from the Ministry of Higher Education, the number of girl students who are enrolled in higher education institutions is 11,477. Meanwhile, there are 476 female lecturers currently teaching at universities. This is a

remarkable and admirable number despite the many obstacles and threats women, personally and socially, face in the country.

Political participation

In the recent presidential elections, women candidates succeeded to attract more votes than a number of their male counterparts. According to the final certified results declared, the two female candidates ranked 7th and 8th. In addition, they ranked higher than two well-known fellow Taliban and Mujahideen candidates, suggesting that there is space for women even at the highest levels of Afghan politics. This clearly indicates the choice of Afghans to vote for women rather than voting for men who have been involved in violence⁹.

In the areas of political participation and social engagement, women in Afghanistan have progressed remarkably. Today, women are free to walk down the streets of Kabul without the need for a male companion; they can go alone or with other women to shop, or to go to work. Women practically work in every profession, both within the public and private sectors, in the police force and in the army. The recent Presidential election had 58% women participation, signaling a real commitment by women to their empowerment.

Women's presence in law making and the law enforcement apparatus is also impressive. Despite enormous difficulties and threats, many are the best advocates of women's rights in Afghanistan today. Women's presence and leadership in the media is highly visible. Women in media have provided a network of connections among all women activists, who are able to voice their common concerns and advocate for change. The current data on the violence against women is mainly a victory of access to information through media by women and human rights activists.

Reality on the ground

Despite the vast array of achievements highlighted above, the real lives of most women in Afghanistan remain one of poverty and violence. Among the worst assaults on women to highlight are: the throwing of nitric acid on the face of school girls in Kandahar and Herat in 2008, the murder of three female journalists, the assassination and harassment of female activists and police officers, and continued immolation by women in a number of provinces. In addition, surveys show women continue to suffer on a regular basis from sexual abuse and domestic violence; in most provinces they have little access to justice, or even society's readiness to recognize and prosecute crimes against women. A

⁹ For details on election results, please refer to the IEC certified results for the presidential elections 2009 at www.iec.org.af

considerable number of Afghan women are still denied their identity as citizens, as they are forbidden by their families to register for the national identity card.

These are, of course, the worst cases of abuse of women's rights and are not commonplace, but serve to demonstrate clearly the nature and extent of obstacles to be overcome in the struggle to improve the lives of women. The root of these violations can be attributed to a broad variety of factors:

- Traditional, historical, social, cultural, and economic poverty and vulnerability,
- Paternalist cultural norms,
- Lack of education and information on human rights and freedoms,
- Coupled currently with insecurity and administrative corruption.

On the other hand, the lack of law enforcement by the police and the courts, and lack of supporting institutions for women subject to violence and discrimination.

Based on the Afghanistan Independent Human Rights Commission (AIHRC)'s reports, the level of violations against women are on the increase. These include practices such as immolations, suicide (by drug), honor killing, beating, "bad" (exchange of a woman as compensation for the killing of a male relative of another family), "badal" (exchanging a woman for another woman for two families/inter marriage) forced marriage, huge marriage expenses, expulsions from home, prevention from social participation, extortion, request for separation, rape and death threats. A rough statistics show the number of cases of violence against women was 1,434 in 2007, 2081 in 2008 and 2,315 for the year 2009¹⁰. However, Ministry of Women Affairs' statistics shows 3,126 cases of violence against women in the provinces and 1,902 in the capital during January-June 2009¹¹.

A review of women rights from a human rights perspective

Civil rights:

While major legal and social steps have been taken by and for women since 2002, many challenges remain before women in Afghanistan can enjoy the level of rights and freedoms enjoyed by women in most other societies. Women's active participation is limited primarily to cities and urban centers. The right to freedom of expression and access to information is very limited in comparison to that of men. Rural women remain socially marginalized and subject to much discrimination, with limited information, awareness, and access to media, news, and other freedoms. The huge number of family violence cases in the courts, as well as those that take place outside the courts, are regularly reported by media and human rights organizations and the Ministry of Women Affairs. Due to the dominance of customary, tribal and traditional mentalities in rural communities

¹⁰ This data has been copied from AIHRC reports and the Kabul family court

¹¹ This date was quoted from the MoWA. Unfortunately, an updated one was not available.

and even most cities, the vulnerability of women remains high, despite awareness raising campaigns.

Political rights:

While women enjoy a level of political participation and presence, they have little real power or say in Afghan politics. The space for women to gain real empowerment and skills for leadership is still lacking. This derives from lack of capacity within women's movements (activists), and lack of political will by the government. The government talks of democratic values but often supports traditional religious values when it comes to taking action, such as in the case of the recently passed Shi'a Personal Law. Women have no political lobby against the many conservative groups and individuals calling for the confinement of women to the home and their traditional role.

Social, cultural and economic rights:

Lack of access to the delivery of proper social services, especially basic health and education services leaves women in a vulnerable condition. Maternal and infant mortality rates in Afghanistan are the highest in the world¹². Poverty among women is also among the highest in the world. Many women are still forced into marriage at a very young age¹³.

The drop-off rate in secondary education for women is very high (50-70% dependent on locations)¹⁴. This rate is even higher in tertiary and higher education. Poor education levels disempower women in their fight for their rights. Despite a visible presence in the media, they remain culturally marginalized.

Despite improved access to financial resources and income generating projects, the majority of women remain economically very poor, as their incomes are low and they're often the sole breadwinner.

Conclusions:

Vast improvements made during the past eight years in Afghanistan are testament to the desire and willingness of Afghan women to choose democratic values over traditional ones. But women continue to suffer from abusive traditional values dominant in their families and communities. Throughout Afghanistan, families continue to sell their daughters due to poverty, bad practices and unsound traditions. Tribal culture and traditions limit and constrain women's basic rights and freedoms and extend the scope and jurisdiction of violence against women.

¹² UNIFEM/UNDP, 30 minutes one maternal death, 1 out of six child mortality

¹³ AIHRC reported 200 cases only in Parwan province in 2009

¹⁴ Ministry of Education and UNICEF reports 2009

This is further compounded by illiteracy and poor education, lack of access to basic and primary facilities, entrenched poverty, lack of awareness on human rights, and poor law enforcement. Disempowered as they are, they remain dependent and vulnerable. More needs to be done to empower and support women to take over the ownership of their lives.

There is concern that current focus on awareness-raising for women, without institutional and legal support, may prove to be counterproductive. Raised awareness among women can lead to hostility toward them by their families and communities. It may be time to begin addressing men in awareness raising campaigns, as their support is vital if women are to make real headway in obtaining their rights.

How to improve the situation of women in Afghanistan?

The challenges the Afghan population and the Afghan government are facing are huge and require a systematic long-term approach. As in other aspects of the joint efforts made in Afghanistan, the improvement of the condition of women and implementation of their rights needs to simultaneously cover multiple areas of their lives: the political, social, legal, and economic, as well as cultural and personal. That is to say, action needs to be taken to tackle socio-cultural issues by raising awareness of alternatives to the present situation, while at the same time implementing measures – economic, legal, and political – that provide opportunities for women to exercise their rights, and provide support for them in the face of obstacles they encounter.

The following recommendations represent the most urgent set of actions for the coming years:

Recommendations:

- A real political will by the government and international community for effective and efficient steps to highlight presence of women in public, to change the mentality of exclusion and to reduce the violence against women;
- Coordinate with all women's organizations and individuals to produce a workable strategy, in order to address the nation-wide challenges women face, and outline priorities;
- Work with the parliament to develop suitable and understandable laws that every man and woman can get access and comprehend;
- Improve the involvement of civil society as advocate, lobbyist, and monitor for women's programs and problems;
- Increase the working capacity of police, prosecutors, judges and other executive and judicial departments to appropriately apply and enforce the law;

- Educate men on behavior change rather than working only with women;
and
- Poverty eradication plans that should put the women at main focus.