

Status of Women in Post Taliban Afghanistan

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ABSTRACT

To assess the real situation and status of the Afghan woman today, one needs to study the extent of freedom they have for making their own choices in important matters of their lives_ education, career, marriage etc. Besides, an assessment of the security of environment for women to conduct their affairs, the efficiency of education and health facilities for them as well as their access to a fair justice system are vital indicators of the actual status of women in Afghanistan. A significant improvement in these at par with the original goals and targets set out by the current regime and the international community can help lead towards a genuine conclusive appraisal of the women's rights situation in present-day post-Taliban Afghanistan.

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INTRODUCTION

This paper attempts to study, investigate and analyse the condition and status of womenfolk in Afghanistan after the United States-led invasion of the country in November-December 2001. It includes information and findings to clearly illustrate the actual state of affairs relating to women in the war-ravaged country. On the basis of data collection and findings, the paper aims at drawing conclusions and making recommendations for the improvement of the situation and status of the women in present-day Afghanistan.

As stated in the title, the paper, although it looks at the condition of women in Afghanistan after the fall of the Taliban regime, makes the Taliban era a point of reference against which to measure up the efforts made by the current U.S-installed regime with regard to women's rights. This, however, does not imply a comparative approach with the women's rights situation under the Taliban. What it does imply, however, is an assessment of the stated

objectives regarding the liberation of women, laid out by the NATO and the Allied occupation forces in Afghanistan.

After the Allied victory in Afghanistan in 2001, hopes regarding a new Afghanistan ushering in a liberation and deliverance for womenfolk who had been suffering in the war-torn country were high. After the intense international criticism of the Taliban's treatment of women in the country, it was expected that the international community would help bring about a radical positive change in the lives of women, as per their commitments. A number of reforms were in fact initiated and development projects launched. Ambitious targets regarding women's liberation were set. Nine years since then, an objective assessment of the fulfilment of the original commitment to the cause can be made only through a thorough explanation and understanding of the actual condition of women in Afghanistan. To assess the real situation and status of the Afghan woman today, one needs to study the extent of freedom they have for making their own choices in important matters of their lives_ education, career, marriage etc. It also involves an assessment of the security of environment for women to conduct their affairs, the efficiency of education and health facilities for them as well as their access to a fair justice system. A significant improvement in these at par with the original goals and targets set out can help lead towards a genuine conclusive appraisal of the women's rights situation in present-day post-Taliban Afghanistan.

OBJECTIVES OF STUDY:

- To focus on and highlight the plight of the women in Afghanistan after the Taliban, as this subject has been neglected in the international media since the fall of the Taliban.
- To investigate and assess the change in the lives of Afghan women after the Taliban's ouster, and to measure up this change against the commitment and promises made by the U.S and its allies after their invasion of Afghanistan.
- To identify the merits and flaws in the approach towards addressing women's issues in Afghanistan by the international community and the interim government, through critical assessment in the light of collected data.
- To recommend changes and come up with solutions to the identified problems and areas of concern.

BACKGROUND

When the Taliban took over Afghanistan, an ever-increasing stream of criticism of their orthodox ideology and policies directed itself at the new regime. Among numerous criticisms levelled at the regime was the allegation that the Taliban oppressed and victimized women through their orthodox interpretation of religious law and its ruthless imposition. The traditional Afghan 'burqa' became a symbol of oppression and pictures of women being

beaten by the Taliban in public for offences were telecast all across the globe. On September 22 2001, CNN aired the documentary 'Beneath the Veil', which claimed an audience of five million Americans, building revulsion in their minds against burqa-clad women being beaten up. The documentary was aired several times on numerous channels, discussed in various talk shows and was perhaps the most watched documentary in CNN's history.ⁱ In fact, one of the primary factors leading to the rise of censure and disapproval of the Taliban was their treatment of women. The level of attention this issue managed to get was 'unparalleled.'ⁱⁱ International feminist NGOs were at the forefront of this campaign highlighting the abuse of women's rights under the Taliban and pressed hard the case against the US's recognition of the Taliban regime_ successfully. In 1997, the US State Department criticized the Taliban on the grounds of gender discrimination 'officially' in the annual report. Two years later, the US Senate passed a unanimous resolution condemning the treatment of women by the Taliban. A 1998 Security Council Resolution no. 1214 demanded the Afghans to stop discriminating against women and girls.ⁱⁱⁱ

The media gave great attention to the issue as the number of articles on the theme rose dramatically by more than 30 times from August to November 2001.^{iv} This, therefore, became one of the primary reasons for the US invasion of the country, other than, of course, the foremost 'harbouring terrorists' factor. In fact, Afghanistan became a country where *'for the first time women's rights were used as a justification for international intervention.'*^v First lady Laura Bush claimed in a radio address on November 17, 2001, *"The fight against terrorism is also a fight for the rights and dignity of women."*^{vi}

Following the US-aided fall of the Taliban, international organizations, Human Rights NGOs rallied to the assistance of women, *'bolstered up by media images of women in burqas, the full-body veil.'*^{vii}

According to the Communique of the Revolutionary Association for Women in Afghanistan on December 10, 2007, *"The United States and its allies tried to legitimize their military occupation of Afghanistan under the banner of 'bringing freedom and democracy to the Afghan people.'*" The same organization, in its March 2008 Communique states, *"After the United States and its allies invaded Afghanistan seven years ago, they misleadingly claimed to bring peace and democracy and to liberate Afghan women from the bleeding fetters of the Taliban..."*

THE CHANGE SETTING IN

Women's rights groups working in Afghanistan_ both government sponsored and independent_ do agree that women in Afghanistan today have acquired a variety of rights, at least on paper. Mechanisms employed to empower Afghan women by the new regime after the Taliban's ouster include:

- financial assistance and aid channelized for women's uplift projects and schemes;
- new laws and amendments to previous laws in order to do away with gender bias in the letter of the law;
- fixing quotas for women in government/decision-making institutions;
- the establishment of the Ministry of Women's Affairs which supervises multifarious women's rehabilitation and uplift projects; efforts to politically empower women.

Shortly after the fall of the Taliban to the NATO-Northern Alliance forces, the victors began to manifest their commitment to the objectives originally laid out as a rationale for the invasion. This materialized during the United Nations peace negotiations held in Germany in November and December 2001. According to the settlement, the 1964 constitution of Afghanistan was revived, and was to be reviewed by the elected parliament for amendments. It gave the women of Afghanistan the rights to:

*vote in elections

*serve in the government

*be elected to the parliament

Soon after this, the interim president Hamid Karzai, in a ground-breaking move, appointed two women ministers out of a total of 29 cabinet positions. The Emergency Loya Jirga of June 2002 gave women a 12% representation. President Karzai followed this by appointing four women to key positions in the government, namely: the head of the Afghanistan Independent Human Rights Commission, Health, Women's Affairs and a senior advisory position in the cabinet.^{viii}

Non Governmental Organizations and Human Rights Groups:

From 2003-2005, the international community has channelized financing worth \$72.5 million to Afghanistan through NGOs working for women's rights.^{ix} The Afghan Human Rights Commission began operation by setting up a special women's rights unit. Under the gender unit of the United Nations Assistance Mission in Afghanistan (UNAMA), international donor agencies committed themselves to women's rights projects. These agencies brought together *'excellent expertise on gender and peace building and women's human rights.'*^x After the Taliban, a number of NGOs who had quit the country, returned to Pakistan and began to work actively in order to raise awareness about the situation of Afghan women and refugees. These NGOs helped fill the gap in public services whose capacity had been destroyed after prolonged war. Most of the NGOs in Afghanistan work in the areas of women's education, health and income generation. In comparison with the number of such NGOs, there is a relatively fewer number of NGOs

working for the advocacy of human rights on the legal front and capacity building within the present infrastructure.^{xi}

Some of the NGOs currently working in Afghanistan for women's rights include^{xii}:

- i) Afghan Women's Mission
- ii) Revolutionary Association of Women of Afghanistan (RAWA)
- iii) Afghan Women's Network
- iv) Afghanistan Women's Council
- v) Afghanistan Women's Education Centre
- vi) Canadian Women for Women in Afghanistan
- vii) Feminist Majority Foundation
- viii) Global Fund for Women
- ix) Medica Morale
- x) Refugee Women in Development
- xi) Womankind Worldwide
- xii) FemAid
- xiii) PARWAZ
- xiv) NEGAR
- xv) Voice of Women
- xvi) Women for Women International
- xvii) Humanitarian Assistance for Women and Children of Afghanistan
- xviii) Women's Alliance for Peace and Human Rights in Afghanistan (WAPHA)

Over the years, NGOs for women in Afghanistan have worked consistently for the improvement of women's lives, and have acquired successes on various fronts. So far, almost a 100,000 women have benefited from micro financing loans through international NGOs in the country.^{xiii} Research has been conducted on various sensitive issues regarding women, and the plight of women has been brought into the limelight, and built a strong case for women's rights advocacy and reviewing of government policy and legal stance on specific women-related issues.

These organizations have also sought a return of women into public life. Today several job openings for women in fields such as education, medicine, the media and journalism exist. Radio and television broadcasts in Kabul have once again featured women commentators. Units have been established by these for providing emergency obstetric care and family planning services. Women have been trained as midwives to provide domestic reproductive health services. Roughly 10,000 women have received training for several skills helping them set up small scale cottage industrial units. The training has been provided by the All Afghan Women's Union as well as Women for Women International and the Self Employed Women's Association (SEWA).^{xiv}

The plight of widows in Afghanistan has always been an area of concern. Under the World Food Programme, flour is supplied to women in refugee camps, in particular to

destitute war widows or independent mothers, which allows them to bake the traditional bread and sell it for small profit. This has helped generate nominal income for families.

Greater Participation in Political Activity and Role of the Media:

Important measures by the government include the allotment of 25% seats for women in the lower house of the parliament (Wolesi Jirga), and 17% women's seats in the upper house (Meshrano Jirga). Furthermore, the October 2004 elections showed a massive turnout of women voters. Interestingly, although women comprise 40% of the electorate, the number of women voters outnumbered that of men.^{xv}

An important step forward has been the establishment of the Ministry of Women's Affairs by the government in early 2002. The Ministry comprises of several resource Centres for women spread over many provinces. These centres are actively imparting vocational training to a number of women. The MOWA has a staff numbering 1,200 working in Kabul and it runs Departments of Women's Affairs in 28 provinces of the country. It has an annual fiscal budget of \$ 1.25 million. The mandate of the MOWA as stated in their official documents is *"to support the government in its response to the needs and issues affecting women in all sectors of life in order to attain gender equality and full enjoyment of women's human rights; to ensure Afghan women's legal, economic, social, political and civic rights_ including their rights to be free from all forms of violence and discrimination_ are respected, promoted and fulfilled."* The MOWA aims to work in the following priority areas: health, education, legal protection and economic empowerment. It monitors women's development programmes throughout the country and helps create employment and business opportunities for women. Due to lack of state funds, the MOWA is being financed by the United Nations Development Programme. According to the U S State Department, the United States is spending \$2.5 million for the functioning of Women's Resource Centres in 14 provinces. Other international organizations and agencies like the Japanese International Co operation Agency and the German Technical Co operation have also funded some centres. The Microsoft company, Gateway and America On Line Time Warner donate computer equipment and impart technical assistance and training to the Ministry. Hence the MOWA is less of a state institution and is described as 'a large NGO.'^{xvi}

Afghan women have benefited from a variety of training sessions, including United Nations Assistance Mission in Afghanistan (UNAMA)'s induction course for the female delegates of the Loya Jirga and other women in public offices.

The Afghan media has developed considerably, and has helped highlight women's rights issues. Radio transmission reaches 65% of an overwhelmingly illiterate populace. Radio programmes help educate women, and a number of NGOs use radio to get their message across and educate women on important gender issues. The US based NGO Internews is funding 18 radio stations in Afghanistan. Most radio stations broadcast women's programmes on a daily basis. With funds from the United Nations Educational, Scientific

and Cultural Organisation (UNESCO), the country's first women-operated FM station 'Voice of Afghan Women' is currently operating. According to Jane Mc Elhone, project director of an NGO IMPACS states *"For many Afghan women who still live very isolated lives, radio can serve as a bridge to the outside world. It can help them develop skills to survive in their daily lives. It can make them feel less alone."*^{xvii}

Role of the International Community:

In early 2006, leaders of the Afghan government and the international community met in London to decide goals to be achieved by the country by 2010. One of the goals was to increase the enrolment of women in universities from the current 10,000 to 40,000. The Ministry of Education also decided to make more girls' schools and high schools. In March 2005, the UNICEF and the Ministry of Education began a national campaign to boost girls' education. It has been decided that 75,000 religious workers will be recruited in the campaign to inform the people that educating sons and daughters alike was a duty laid down by Islam.^{xviii}

The Bonn Agreement of 2001 proved to be instrumental in setting the agenda for women's rights in Afghanistan under the interim government. Agence France Press reports a UN representative in the conference states: *"Afghan women have been silenced more than any other group, and the United Nations believes it is important to give them a chance to express their views about what they want the future of Afghanistan to be."*

Reform through State and International Law:

On January 12 2002 Afghanistan signed the Declaration of the Essential Rights of the Afghan Women in Dushanbe, Tajikistan, which had been prepared by 300 Afghan women under the auspices of the NEGAR-Support of Women of Afghanistan, a French NGO. The document calls for *'equality between men and women, equal protection under the law, institutional education in all disciplines, freedom of movement, freedom of speech and political participation, and the right to wear or no to wear the burqa or the scarf.'*^{xix} In 2003, Afghanistan signed and ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Afghanistan government has entered into numerous treaties and ratified various conventions internationally which pertain to women's human rights. Afghanistan is a member of:

- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Convention on the Elimination of all forms of Discrimination Against Women
- Universal Declaration of Human Right

From these it follows that the Afghanistan government has an international obligation to protect the women of Afghanistan. This commitment is reiterated clearly in the Afghan Constitution which was revised and brought into effect by the interim government. The Afghan Constitution mentions the government's duty to observe and respect the rights of women:

Article 7 of the Constitution states, *“The State must abide by the United Nations Charter, international treaties and international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.”*

Article 22 of the Constitution further elaborates: *“Any kind of discrimination and privilege between the citizens of Afghanistan is prohibited. The citizens of Afghanistan, whether men or women, have equal rights and equal duties before the law.”*^{xx}

According to articles 43 and 44 of the Constitution the government is tasked with taking necessary measures to eliminate illiteracy and develop women's education. Article 52 lays down that the state must provide free health care and medical assistance to women.^{xxi}

In March 2005, the Afghan Supreme Court approved a new marriage contract (nikah nama) in order to check forced marriages and child marriages, and to empower women's legal status after marriage. This new marriage document stipulates that if a man wants to marry, he must first make sure that the prospective wife is at least sixteen years of age. This is a legal requirement now. No marriage certificates can be issued for underage brides. This step has been termed as ‘courageous reform’ by international observers.^{xxii}

According to the Afghan National Development Strategy of 2007 that the government laid out, the government has committed itself to eliminate poverty among women by at least 20%, and ensure that women make up 20% of all public bodies by the year 2010.^{xxiii} The Ministry of Women's Affairs has declared the year 2020 as the ‘target year’ to eliminate gender discrimination in the society at all levels.

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) that Afghanistan is signatory to, states in its article 10 that the government is obligated to make efforts in providing for equal rights of men and women in terms of education. In its article 12 the Convention goes on to say that signatory states must take necessary steps for the complete eradication of discrimination in all its forms and manifestations against women, and to prepare grounds for women's access to health services as well as suitable food during pregnancy and lactation. The Convention in its article 14 makes clear that all citizens of a state will be equal before courts and tribunals, and that everyone will have the same rights to a fair and public hearing by an independent and impartial tribunal in accordance with the law. Article 16 of the same reads: *“States shall take all appropriate measures to eliminate discrimination against all matters related to marriage and family relations, and in particular, shall ensure, on the basis of the equality of men and women, the same right to freely choose a spouse.”*

According to the International Covenant on Civil and Political Rights that Afghanistan has ratified, no marriage can be entered into without the free and full consent of the intending spouses (article 23, part 3).^{xxiv}

The Judicial Reform Commission (JRC) was established in November 2002 and has been mandated, as set out in the Bonn Agreement, to rebuild the domestic legal *system "in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions"*.^{xxv} The JRC is responsible for preparing drafts of new Criminal, Criminal Procedure and Family Codes, and for surveying the existing judicial system in Afghanistan. It has also been involved in the training for judges.

Other than that, the Afghan government, recognizing the important role that religious leaders and tribal elders can play in bringing about a positive improvement in the lives of Afghan women, has tried and continues to use religious experts to change attitudes and legitimize rights that the government is under obligation to grant to the women. Fatwas (religious rulings) have been issued in favour of girls' education, as well as for the political participation of women through voting in elections and being part of the democratic process.^{xxvi}

It is important to note that Afghanistan's international commitments with regard to improving the status of women at home entail an important responsibility and in fact a legal obligation on the part of the interim government. According to Amnesty International, *"the international standards provide the essential framework for developing national legislation and measures to uphold women's human rights. The government of Afghanistan has the responsibility under international human rights law, and must take every possible step to ensure that women's human rights are protected throughout all stages of the reconstruction process."*^{xxvii}

While the government and the international partners of the new regime have made considerable effort in this regard, a true assessment of the sincerity, efficiency and success of these efforts and measures can only be made by looking at the current state of affairs with regard to Afghan women. The next section focuses on the 'other side' of the picture, the effects and results of the new policies and efforts, and the lives of women in Afghanistan today.

ON THE FLIP SIDE...

Women's rights groups claim that women in Afghanistan at present have a variety of rights they did not enjoy earlier. In practice, however, one finds that the changes initiated by the topmost echelons of the administration have not quite filtered through to the grassroots as of yet. For one, the work of NGOs in Afghanistan is severely hampered by the atmosphere of insecurity. The government is as yet unable to restore an atmosphere of security and stability. In fact, human rights activists complain of being subjected to

intimidation and threat. The former head of the Ministry of Women's Affairs Safia Amajan was shot dead, and security threats keep numerous others indoors. A worker at the MOWA Headquarters says, *"Women in Afghanistan today no more want to step out of their homes due to the atmosphere of insecurity."*^{xxxviii} Though women in Afghanistan have managed to hold 25% of seats in the parliament, female politicians and activists face intimidation and violence. Brita Fernandes Schmidt of Womankind Worldwide says, *"My message to the international community is that you need to address specific security issues for women. Activists are being killed and it is not going to be changed unless drastic action is taken."*^{xxxix}

Independent organizations and activists working in Afghanistan criticize the government for failing to provide security and materializing commitments made, by not seeing them through to implementation.

The gaping loophole is that the current interim setup includes numerous elements of the anti-Taliban and pro-US/NATO Northern Alliance with a criminal past record. Warlords of yore rule the roost and enjoy power which is used to maintain the status quo for women. Besides, the unlimited powers these warlords enjoy at the behest of their foreign backers give them a free hand in managing international funds and aid, most of which is embezzled and is hence not spent on development and humanitarian assistance work. Corruption is a major impediment in the task of raising the status of women in Afghanistan. Mariam Rawi of the Revolutionary Association of the Women of Afghanistan believes the government has fallen into the hands of criminals and looting and destruction is being carried out without check. The Northern Alliance warlords who spread chaos from 1992-1996 before the Taliban takeover left behind a legacy of tens of thousands of deaths and destruction as well as homelessness. They are ruling again with guns and money and the real power behind them, the United States of America, is letting it be. She said: *"You might expect me to talk about Afghanistan as a free, peaceful and liberated country, but painfully and unfortunately the reality is not what you might be aware of through the media. After 9/11, subsequent military intervention in Afghanistan in the name of the War on Terror and liberating Afghan women _ despite the tall claims of the United States and its allies _ Afghanistan is still burning in a two-fold fire. On one hand the Northern Alliance warlords supported by the US and on the other hand the Taliban and Al Qaeda terrorists supported by clandestine groups internationally; and moreover, an administration, legislature and judiciary under the domination of criminals and traitors will never do any good for our bereaved people. Treacherousness and corruption has meshed around the roots of the government very deeply."*^{xxx}

The Revolutionary Association of the Women of Afghanistan (RAWA) also reports that of the \$10 to 12 billion received in aid from its international donors, not even a billion has been spent on the people of Afghanistan.^{xxxi} Dr. Ramzan Bashar Dost, Afghan Member of Parliament says, *"Even if just one billion of aid money had been spent honestly, Afghanistan would have changed."*^{xxxii} The Washington Post acknowledges that there exist *'serious flaws in American efforts to rebuild Afghanistan.'*^{xxxiii} Corruption and inefficiency are rife and millions of dollars have been wasted on *'useless projects.'*^{xxxiv}

In a still more scathing critique in its 2007 Communique, the RAWA reports that “*after seven years there is no peace in Afghanistan. Destitution and suffering has doubled. Our people, especially women and children fall victim to fighting, non-stop US-NATO bombardments and terror attacks. The Northern Alliance bloodsuckers (sic) who are part of Karzai’s team with key government posts continue to be the most serious obstacle towards the establishment of peace and democracy in Afghanistan. Human rights violations, crime and corruption have reached their peak, so much so that the president is now forced to request his MPs to ‘keep some limits.’*”^{xxxv}

In its report on human rights situation in Afghanistan pertaining to women, the Human Rights Watch maintains that women in the country today are still extremely vulnerable to reprisal at the behest of the different factions in the ongoing infighting. The prevalent insecurity restricts severely the activity and opportunities for women.

The worst hit among Afghanistan’s suffering womankind are the women in the refugee camps who live in miserable conditions, as well as the numerous war widows struggling to survive. Kabul alone has around 40-50,000 war widows in dire need of rehabilitation.^{xxxvi} Extreme poverty, lack of means of earning or a male relative to depend on alongwith children and dependents to support compels these despondent women to take to begging, petty crime or prostitution. As a result, the number of criminal women is increasing and this naturally has a disastrous effect on families. This devastation is the consequence of the decades of war and oppression in the country. Besides, interviews conducted by the Human Rights Watch with refugees along the Pakistan-Afghanistan border reveal that women in the refugee camps are invariably victims of widespread abuse.^{xxxvii}

Violence Against Women:

Women and girls in Afghanistan are threatened with violence in every aspect of their lives, both in public and private, in the community and the family. Violence against women in the family including physical abuse and underage marriage is widely reported. Forced and underage marriage also occurs when women and girls are given in marriage as a means of dispute resolution by informal justice mechanisms. Rape of women and girls by armed groups continues to occur. The prevalence of violence against women and girls constitutes a grave threat to their right to physical and mental integrity.

Abuse and violence suffered by Afghan women takes various forms. Some of them are discussed below:

- Domestic (family) violence
- Underage marriages
- Forced marriages
- Temporary marriages
- Exchange marriages and trading and exchange of women as chattels

- Sexual abuse
- Rape
- Honour killings

Domestic (family) violence:

Violence against women in the home by husbands, male family members and, on rarer occasions, female family members is widely reported. Majority of women in both rural and urban areas are faced with family violence. The Afghan Independent Human Rights Commission's report shows 50% of women undergo daily beatings at home. Few cases of abuse, however, are reported either to the authorities or NGOs. Severely injured women seek treatment at hospitals all over the country. According to one woman doctor interviewed by Amnesty International, *"domestic and physical violence are normal practice – we have a lot of cases of broken arms, broken legs and other injuries. It is common practice in Afghanistan – it is not something we should say is not in our region because most Afghan men are using violence."* A foreign doctor working in a hospital spoke of women victims of severe domestic violence undergoing hospital treatment at a rate of about one each week. No monitoring of domestic violence issues is undertaken and the doctor stated that she believed domestic violence often went unrecognized.

Physical violence against women in the family is an abuse of their human rights. The Committee on the Elimination of Violence against Women has stated, *"Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality."*^{xxxviii}

The BBC reports a young mother of three who suffered systematic daily violence at home. She narrated, *"My man beats me whenever he feels like. He broke my arms, then legs, and now again he has broken my arm. I try not to make a fuss about it for the sake of my children."* Such women, according to the local police, keep turning up in ever-increasing numbers. The police themselves are helpless against this. Another beaten woman says, *"The police have been to see my husband several times, and they made him sign a written undertaking not to beat me any more. But it just does not make any difference. I've asked my brother and my parents to help, but they say we are a very poor family and cannot afford to take you back."*^{xxxix}

Subjection to continual physical violence is extremely traumatizing and results in chronic depression which at times is so severe that it can drive the victim to suicide and violent death through self-immolation. Suicide and self-immolation rates in Afghanistan remain high and the single most important reason for this is domestic violence and abuse which

goes on unabated. It also leads to drug abuse by women seeking escape, rising prostitution and escape from home due to violence and severe restrictions. AIHRC reports that in Kandahar alone, there are over 300 women seeking shelter at rehabilitation centres who have escaped domestic violence at home. Tragically, however, on discovery of having 'run away' by the family, the victimizers get the woman back and subject her to even more violent punishment than she had sought escape from.

Underage marriages:

The legal age for marriage in Afghanistan for men is 18 and for women is 16 years of age. However, a clear pattern of widespread underage marriage of girls emerges, particularly in rural areas. It appears relatively rare for girls to remain unmarried by the age of 16. Amnesty International asked focus groups of women about the typical age of marriage in their communities. All groups gave the age at which girls married as typically between 12 to 16 years. A women's *shura* (traditional Afghan decision making body) in Nangarhar Province in eastern Afghanistan reported marriage age for girls to be between 10 and 12 years in the region. On occasion, girls are forced into marriage below the age of puberty, sometimes at extremely young ages.^{xi}

Such cases include that of Fariba, aged eight, who was given in marriage to a 48-year-old man. The father of the girl reportedly received 600,000 Afghani for his daughter. Fariba was reported to have suffered sexual abuse by the husband. There exist countless such stories, and few girls have the opportunity to express their distress.^{xii}

Underage marriage is a breach of Afghan law and Afghanistan's international obligations. In Afghan civil law, the legal age of marriage is given in the article 71 of the constitution:

"Marriage or the consummation of marriage is not allowed before the age of 16."^{xlii}

However, early marriages are part of Afghanistan's traditions and continue to take place despite the law. There exists no punishment for violators and the percentage of child brides remains shockingly high. The UNICEF reports that over 57% of girls in Afghanistan get married before the age of 16.^{xliii} Humaira Daqiq, a policewoman in Kabul is reported by the BBC saying *"Due to poverty many parents marry their daughters off to wealthy old men when the girls are still very young and often when they are underage."*^{xliv}

Humaira, an 18 year old student at Mazar e Sharif was promised in marriage to a much older man when she was just a few months old. He has now returned to claim her and she is distraught. *"I went to the police but they could not help me. His family says if I do not go through with the marriage then my father should kill me."*^{xlv} The trend of underage marriages has dampened down the chances of women acquiring education or pursuing careers.

Forced Marriages:

Forced marriages are those that do not include the consent of the intending spouses, and are contracted under pressure or through the use of force by a third party within or without the

family. According to law and international conventions Afghanistan is signatory to, clear and explicit consent by both partners is required before a marriage can be contracted. However, the law is routinely violated in Afghanistan and is almost never punished by authorities. The roots of this practice again reach deep into the traditions of Afghan society.

Women in focus groups in a survey conducted by Amnesty International described marriage practices that denied them the right to choose a spouse. A husband would be chosen by the father or another close male relative, and the marriage imposed upon girls and women, if necessary in the face of protest and against their will. This oppressive process reflects in part the fact that girls and women are treated as an economic asset, with families receiving a price from the family of the groom on marriage in all communities where Amnesty International conducted research. They are also reflective of the pervasive control exerted by husbands and male relatives on women's lives.^{xlvi}

The prime reason for forced marriages is the use of women to settle family or tribal feuds. In such cases huge dowries are demanded and women are subjected to entering into engagement without their consent. In Afghanistan today, 50% of women get married not merely without their consent, but positively against their will and are hence not happy with their spouses, leading to disturbed family life and worse still, domestic violence.^{xlvii} The Minister of Women's Affairs stated that at present two in every five marriages that take place in Afghanistan are forced.^{xlviii} Another survey conducted by Womankind Worldwide shows that 60-80% of marriages in Afghanistan are forced.^{xlix} According to a survey conducted by the United Nations News Centre, most people in Afghanistan believe the primary reason for violence against women was forced and child marriages. Forced marriages can lead to drastic consequences, and often the husbands who are generally much older to their young wives, subject them to sexual abuse and violence. An even more heinous practice is marrying daughters by force to families who later use them as prostitutes to bring income for the family. The law seems to be helpless against this as *'in only a very small fraction of cases will any sanction be imposed on perpetrators of domestic violence.'*¹

Temporary Marriages:

There is another terrible aspect of Afghanistan's women's life, and that is temporary marriage. Temporary marriages have made some women fate-less. According to this practice which is common among the Afghan Shiite community, the wife and the husband can be separated after the fixed period or change the temporary marriage to a permanent one. The husband and wife can marry and live together for a day or till whenever they want, but after the end of the fixed period the legal relationship ends and the wife is illegal to the husband. This leaves women hanging in the balance, shelterless and undecided about the future. The stigma of having been in a marital relationship makes seeking a new relationship almost impossible for the woman. She has no legal rights to demand anything from the husband in case of a temporary marriage.

Exchange marriages or trading of women as chattel:

In Afghanistan, marriages take place with intimidation by powerful people in order to repay debts. Poor families who cannot afford to pay off debts in cash, sell off their daughters as chattel under pressure from creditors. Other than that, families also resolve disputes with other families or tribes by handing over daughters in marriage, or exchanging girls through marriage. Blood feuds are settled through the same practice. Women are exchanged instead of blood money to avenge murders. Naturally, the woman is later subjected to extreme violence, abuse and punishment as the second family 'sees the killer in her.'

Forced marriage of girls and women also occurs as a result of decisions of *jirgas*. People report the giving of girls, usually below the legal age of marriage, as the preferred means of resolving cases of unintentional killing. Typically, the family of the perpetrator will be ordered to provide a girl, or girls, to the family of the deceased, in order to compensate for the alleged crime. Girls "exchanged" are then forcibly married to male members of the victim's family.

Girls exchanged in marriage or given as chattel are treated very badly after marriage.^{li} Amnesty International reports, "*Women speak of the particularly harsh treatment of girls given in dispute resolution and subsequently married. Their own families might sever contact with them, and the family of the groom regards them as tainted by the circumstances of the marriage.*"^{lii}

Girls are used as currency in Afghanistan and this trend has intensified due to poverty and infighting in which blood feuds and disputes are settled through this practice. Many Afghan poor families sell their daughters as brides. Nazir Ahmad who lived in Jalalabad was forced to pay a debt of less than \$200 by selling his 16 years old daughter to marry the lender's son. RAWA investigated about 500 cases of girls given in marriage to settle blood feuds and found only four or five that ended happily. Such girls are often beaten and sometimes killed because when the family looks at her, they see the killer.^{liii}

Sexual Abuse and Rape:

Girls and women married by force below the legal age or used as chattel are the worst victims of sexual abuse by the male members of the family. Other than that, sexual harassment of women, sexual sadism and marital rape are also common all over the country. Due to the notion of 'honour' involved, such cases are almost never reported. Amnesty International reports, "*The exact extent and prevalence of such abuses remains unclear owing to the reluctance of most victims to speak out and the limited capacity for monitoring.*"^{liv}

Abuses perpetrated by armed groups against women and girls since the fall of the Taliban government in November 2001 include rape, abduction, and forced and underage marriage. The failure to establish security and legitimate government in many parts of Afghanistan has left women and girls at continuing risk of rape, sexual violence and intimidation. They are extremely vulnerable today to rampant sexual abuse and assault by the different factions in

the ongoing infighting, in the face of which the interim government seems to be utterly powerless to exert control. In its October 2008 official statement, the Revolutionary Association of the Women of Afghanistan (RAWA) states: *“The country has been turned into a mafia state and rape and abduction of women and children has no parallel in the history of Afghanistan. Rapists are not only protected from prosecution due to their influence, but have even been forgiven as Karzai announced a general amnesty.”*^{lv}

RAWA reports that eleven year old Rahima, 14 year old Fatima and her mother were raped by warlords and gunmen. In another case 9 year old Saima was tortured and raped by warlords as punishment for her father’s crime. Human rights are in crises as criminal warlords hold high office and child abuse and gang rapes are on the increase.^{lvi}

Amnesty International's research indicates a systematic pattern of abuse against women and girls in Mazar-e Sharif, and incidence of abuse in both Nangarhar and Bamiyan provinces. Human Rights Watch has reported on the occurrence of rape of women, girls and boys in southeast Afghanistan, including in Laghman, Ghazni, Gardez and Nangarhar provinces, and in Paghman district of Kabul province. Incidents reported to Amnesty International included the rape of four girls by members of an armed group. The youngest, aged 12, was unconscious as a result of her injuries when brought to hospital by her parents. UNAMA has investigated a number of incidents of abuse of women and girls by members of armed groups, including incidence of forced marriage of girls as young as 12.^{lvii}

In its report on human rights violation in Afghanistan Amnesty International states: *“Amnesty International is deeply concerned by reports that in certain cases, members of the police or the Afghan National Army (ANA) may be involved or colluding in such abuses. In one incident, said to be indicative of a pattern of abuse, a woman was reported to have been detained at an ANA checkpoint and handed over to the commander of an armed group. Her fate remained unknown, but it was understood that she would be transferred as a “gift” to different commanders. Amnesty International was informed of incidents of police colluding in such abuses. There are also reports of women's reluctance to report such abuse because they fear government involvement. One individual told Amnesty International, “These cases remain secret because if a government official becomes aware they will start abusing the woman”.*^{lviii}

Due to the weakness of the criminal justice system, and the fact that it is dominated by the influence of misogynistic and criminal elements, seeking justice for victimized women is almost impossible. Women reporting rape run the risk of being imprisoned for having committed adultery outside marriage, especially if the rapist happens to be a person of influence.^{lix} There also is evidence that cases relating to women have been judged unfairly. Investigation of crimes against women is poorly carried out both due to lack of will and lack of resources. Warlords continue to intimidate women’s rights activists. Courts pay little attention to such issues and decisions are often made in the absence of the woman involved, because the family’s sense of honour does not allow the woman to be presented in public.^{lx} There is increased vulnerability of women to abuse owing to the involvement in some cases of commanders or members of armed factions in the criminal justice system.

Testimony on such abuses is extremely difficult to collect owing to the shame and secrecy surrounding rape and the fear inspired by perpetrators. In Afghanistan, where the criminal justice system is perceived as ineffective and prosecution for rape is extremely rare, few

incidents of rape and sexual violence are reported to the authorities. The possibility of any investigation by the criminal justice system may be entirely ruled out when powerful members of armed factions exert control over the police and the judiciary. Amnesty International reports, *"In parts of Afghanistan, women have stated that the insecurity and the risk of sexual violence they face make their lives worse than during the Taleban era. Women expressed a greater sense of fear and intimidation arising from the behaviour of illegally and heavily armed groups in parts of Mazar-e Sharif and Jalalabad."*^{lxi}

An increasing incidence of sexual abuse has been reported among women in prisons. No safeguards are in place to protect women from sexual abuse while in police custody. Amnesty International has received reports of sexual abuse of women prisoners in official detention centres in Herat, Mazar-e Sharif and Kabul. In Herat in early 2003, a riot by women prisoners was alleged to have been a response to sexual abuse by staff. Assaults by staff and incidents of members of armed factions being allowed to abuse women prisoners were reported in Mazar-e Sharif. When women are arrested for adultery, they face the risk of sexual abuse and transfer to different police stations where they are repeatedly abused. One woman told Amnesty International: *"If the commanders arrest a girl in a case of adultery when her case is going to the first district police station, they are sexually abusing her saying you had relations with a man so you should with us also. Then they transfer the woman from station to station."*^{lxii}

Honour Killings:

Ms. Hannah Irfan, a Human Rights lawyer defines 'honour killing' as an act of murder of a person assumed or alleged to be guilty of what is seen as sexual transgression by the victim's family tarnishing the family's sense of honour.^{lxiii} The 'sense of honour', the violation of which leads to violence on the victim leading to death, is a part of Afghan tribal tradition. The incidence of honour killings in the country is on the rise and often involves influential families. Women are judged to have committed sexual transgression through primitive tribal jirgas, which decree punishment on the woman by the family which considers itself to have been shamed by the act. The punishment almost invariably, is death. No due legal process is required in such cases.

Due to this strong notion of 'honour', no woman is to be seen in public unaccompanied by a man. Women seen 'unaccompanied' are usually suspected of sexual offences. Moreover, women who seek escape from domestic violence or forced marriage are also alleged with illicit sexual activity. The United Nations News Centre reports, *"Once a woman has spent even a single night away from family control, it becomes a dead end in her life. The stigma attached with this makes her be refused by her family, or accepted only to face punishment, often death."*^{lxiv}

Amnesty International received reports of women and girls killed by family members. These included the shooting of a woman by her father for refusing his choice of husband. The district governor of the woman's village attempted to bring the alleged killer to justice, but was frustrated in his efforts when the alleged killer was given sanctuary by members of an armed group to whom he is reportedly affiliated. Amnesty International also received reports of two 12-year-old girls killed by their husbands. Amnesty International's research indicated that in some parts of the country custom or tradition is used to legitimize the violent deaths of

women. In eastern Afghanistan, wherever women and girls are alleged to have committed adultery or eloped, the family deals with the situation by killing the woman involved. In some parts of Afghanistan, adultery, "running away from home" and unlawful sexual activity are invariably, and with or without circumstantial evidence and due legal procedure, punishable by death. Some women in such circumstances are also at risk of being killed if released.^{lxv}

The Afghan state has a duty under international treaties to which it is a party to exercise due diligence to ensure that all cases of rape or other serious sexual assault are effectively investigated and the perpetrators brought to justice.

.....

The effects of systematic abuse and violence which women in Afghanistan routinely suffer are devastating on the victims. Due to lack of security and fear of violence, many Afghan women and girls no more want to travel alone or even get out of the house. They do not want to work outside their homes and women alone in public are often threatened and harassed. The psychological impact of it can be assessed by the rising incidence of suicide attempts and self-immolation by victimized women. Afghan women are resorting to desperate means to try to escape violence and victimization. A woman seeking refuge at a women's shelter says, "*I want to die. I come here to the shelter to ease my pain. When I am at home I feel as though someone is choking me.*"^{lxvi} Doctors, NGOs and focus group participants in certain regions reported to Amnesty International a pattern of suicide by women made desperate by sustained violence in the family. A common form of suicide is self-immolation.

Several individual cases of suicide arising from violence against women have been reported. An international organization working with community groups in Afghanistan reported the case of a young girl whose father beat her so much that she killed herself by self-immolation. In another case a woman fell in love with someone that her family did not approve of. Her brother became aware of this, and was reported to have beaten her so severely that she committed suicide by taking an overdose of tablets. Amnesty International states, "*Although the exact rate of such suicides remains unknown, their apparent frequency reflects the very few options and forms of assistance available to women experiencing physical violence in the home.*"^{lxvii} Shaimi Amini who works at Heart Hospital tells of at least 53 cases of self-immolation the hospital received in merely six months. She says, "*If someone sees what is happening and acts fast enough then there is a chance to save such women, but in most cases they die. The girls who survive such an attempt are disfigured for the rest of their lives. This brings them even more suffering.*"^{lxviii}

The Afghanistan Independent Human Rights Commission is worried by the rising numbers of forced marriages and self-immolation cases involving women. 154 cases of self-immolation have been reported from Western Afghanistan alone, 144 reports of forced marriages, 25 marriages of exchange in Helmand alone and 230 attempted suicides.^{lxix} Afghanistan Online reports Soraya Subhrang of AIHRC on the rising rates of women committing suicide through self-immolation, slashing of veins and taking lethal drug doses. Rape and violence are dramatically increasing with 1545 reported cases in 2006 and 2374 cases in 2008.^{lxx} While the Taliban were condemned for their treatment of women, the AIHRC has reported more cases of violence against women since then, and in Kabul and Herat where there is almost no Taliban influence. "There are so many more unregistered cases," adds Dr. Sobhrang.^{lxxi} Afghanistan Online reports 1000 cases of violence against women in Kunduz and 77 cases of

rape in the same district in 2007.^{lxxii} The same source also reports an increase by 40% in registered cases of rape and violence since March 2007.

According to Yakin Erturk, the Special Rapporteur of the United Nations Human Rights Violations against Women, forced and child marriages, physical and sexual abuse and honour killings on the orders of local warlords alongwith rising self-immolation cases have become a ‘dramatic problem’ in Afghanistan. He further states, *“The violence has to come to an end. There is no reason under the sun that can legitimize any of these acts, and if the government is going to gain legitimacy and credibility, it has to find ways of dealing with these issues... Girls burn themselves to death because they have no other way to escape violence, not only from husbands, fathers and fathers-in-law, but even mothers-in-law.”*^{lxxiii}

The international NGO Womankind Worldwide reports, *“Seven years after the US invasion, gender violence has reached shocking and worrying levels in Afghanistan and efforts must be redoubled to tackle it. Our findings clearly indicate that that despite over 6 years of international rhetoric about Afghan women’s emancipation and development, a real tangible change has not touched the lives of millions of women in the country. Guarantees given to Afghan women after the Taliban have not translated into real change.”*^{lxxiv}

According to Amnesty International, women in Afghanistan continue to suffer widespread abuse that goes unpunished. Few Afghan women are safe from violence and there is a daily risk of abduction, rape, forced marriage and trading as chattel to settle disputes and debts: *“such violence is widely accepted by local communities and inadequately addressed at the highest levels of government and judiciary.”*^{lxxv}

In its official Communique in 2008, the Revolutionary Association of the Women of Afghanistan (RAWA) states: *“After the United States and its allies invaded Afghanistan seven years ago, they misleadingly claimed to bring peace and democracy to liberate Afghan women from the bleeding fetters of the Taliban. However, in reality Afghan women are still burning in the inferno of violence. Women are exchanged with dogs, girls are gang-raped, men kill their wives viciously and violently...”*^{lxxvi}

Institutionalized Discrimination:

Other than the spate of violence victimizing women, there are also numerous other forms of injustice and discrimination that the women of Afghanistan routinely suffer, and most of these relate to the weaknesses and flaws in the legal system of Afghanistan and its feeble implementation. In its report ‘Justice Denied’, Amnesty International identifies these problems faced by women as^{lxxvii}:

- a) Restrictions on mobility and public life due to insecurity
- b) Lack of access to the right of divorce
- c) Lack of information and awareness of women’s rights
- d) Inefficiency of the Criminal Justice System
- e) Lack of adequate provisions for women in the legal system
- f) Failure of police and courts to investigate crimes against women
- g) Failure to investigate rape and forced marriage
- h) Pressure by influential people on the Judiciary
- i) Women’s inability to reach courts of law
- j) Confusion and lack of clarity about laws

- k) Lack of adequate training and capacity in state institutions
- l) Under-representation of women in the criminal justice system
- m) Inadequate provision for shelter and legal aid for women

The Effects of Poverty:

Widespread poverty in Afghanistan has had a debilitating effect on the lives of women. The 2005 report of the Millennium Development Goals reports that the average per capita income in Afghanistan is less than 200\$. Only 13% of Afghan families have access to a sustainable source of income.^{lxxviii} The worst hit, of course, are the women in refugee camps and the war widows who often have no means of sustained income at all. Women are considered dependents in Afghan society, hence the idea of a woman earning for the family is not accepted at large. This makes the dilemma worse for widows, most of whom have to raise an average of four children without any male relative to support them. As a result, these women take up begging or petty crimes. The number of female beggars and criminals in Kabul alone has reached record high levels. Zuleika is such a woman in Kabul who has three children to support. The family begs in Kabul from 7 a.m in the morning to 6 p.m in the evening and collects up to 100 Afghanis a day (U.S \$ 2) which is barely enough for bread and tea. Zuleika's husband was killed in the factional infighting in 1999, and now she has nobody to help her. Hers is just one of numberless stories of shelterless widows and orphans.^{lxxix} Afghanistan today has the highest number of widows in the world due to armed conflicts that have bedeviled the country for over 20 years. There exist almost 2 million widows in the country today, 50,000 of whom are in Kabul alone. The average age of these war widows is 35, yet remarriage is not an option for them any more. It is like being 'second hand property.' Seeking employment is impossible too as 94% of these women are illiterate, with an average of four children. They battle for survival begging on roadsides, taking to prostitution or weaving carpets as under-paid daily wage workers in small industrial units. Widows are socially excluded, have no educational or employment opportunities and as a result have severe psychological and emotional problems. In a survey it was revealed that 65% of Kabul's widows 'want to commit suicide.'^{lxxx}

Soraya Subhrang of the AIHRC criticizes the government for not doing enough to alleviate the plight of Afghanistan's widows. They have no voice to represent their problems and no representation in public institutions. They live in indescribably wretched conditions.^{lxxxi}

Another trend that has directly resulted from the extreme poverty in the country is prostitution which is dramatically on the rise since the US invasion. Roughly 25,000 women in the country work as prostitutes. Out of these, 5,000 are in Kabul alone.^{lxxxii} Due to extreme poverty and no means of earning, women are forced to sell themselves into the trade. In some cases, families force women to indulge in the practice to bring income for the family. Widows looking after large families having no opportunities amidst high inflation in the country to deal with are the prime recruits for the expanding illicit trade.

One of the many effects of rising poverty is an increasing trend of exchange marriages and women as chattel. This is because due to crushing poverty families often run into huge debts impossible to pay off. This leads to exploitation by the lenders and creditors, forcing families to bring into use the ancient custom of paying debts through women and girls. Poverty also forces extremely poor families to sell their children due to destitution and starvation. Opium farmers in the country often sell off their daughters to cover debts to drug traffickers. The Independent reports, "*Afghanistan is becoming a narco-state right under the nose of the*

NATO authorities. 60% of the country's income today is through drug trade. When the government tries to intervene or restrict poppy growth, the loss of the crop leaves farmers unable to pay off piling debt to drug traffickers who lent money to buy the seeds. In desperation, they turn to the traditional practice of paying off debts by handing over a daughter to the creditor. Usually there is a marriage ceremony for the sake of propriety, but the woman will always be treated as property.^{lxxxvii}

Health Conditions:

Health facilities for women are abysmal, and, as reported by AIHRC, most women have no access to basic health services due to long distance to the nearest health centre. This makes it harder for women to seek medical help, and only 5 to 7% of women in the country can get that access.^{lxxxiv} In many districts throughout the country, there is no female doctor or even health worker available. As custom and tradition does not allow women to be checked up by male physicians, absence of female health personnel means women cannot get medical services at all.

Afghanistan today faces a health disaster 'worse than the Tsunami.' 700 children and around 70 women perish every single day due to lack of health services, from illnesses 87% of which are preventable.^{lxxxv} Even the healthcare facilities that are present are inadequate for the rapidly growing population. The few hospitals in the bigger cities are overwhelmed with patients and have very little medical staff available to tackle with them. Due to lack of communication facilities, often patients cannot reach medical aid and die before the nearest hospital arrives. Although some health centres and maternity clinics have opened up lately, yet still a lot more needs to be done. Every 30 minutes a woman in Afghanistan dies in childbirth because of lack of proper medical facilities.^{lxxxvi} Afghanistan Online reports 3,900 die while delivering a child annually in Kabul alone, and these rates become higher in rural areas of Urozgan and Zabul provinces in the south. The annual maternity death rate in the country is 15,000 to 24,000, which is the second highest in the world.^{lxxxvii} The Ministry of Women's Affairs (MOWA) reports that 2,000 out of every 10,000 women die in childbirth. 50% of all pregnant women are iron deficient. Importantly, the number of women dying in Afghanistan due to lack of health facilities is 25 times higher than the number of people dying due to security-related problems.^{lxxxviii}

Poverty and economic hardship directly affects women's access to health facilities, as do chauvinistic and conservative attitudes. Malnutrition among women, low age of marriage, high fertility rates and lack of family planning leading to no spacing out of childbirth put women and children's health at high risk. Malnutrition among women and expectant mothers is caused not only by food shortage due to drought and prolonged conflict in the country, but also due to the traditional preference of the male in Afghan households. Women's fertility rates at an average of 6.6 are the highest in the world.^{lxxxix} Frequent pregnancies put the health of women in danger and prevent them from gainful economic opportunities. Small numbers of women doctors, nurses and health staff prevent women from seeking medical aid. Living standards are extremely low and potable water is not available. Only 23% of the population has access to safe water and at least 15,000 Afghans die of tuberculosis yearly, 64% of whom are women. Only 15% of births are attended by trained health workers, while more than 90% of births take place at home. Due to all of these causes, the average woman in Afghanistan has a lifespan of 42-45 years, around 20 years short of the global average.^{xc}

Education:

Education for women is another area directly influenced by poverty and chauvinistic attitudes among families. The statistics as they stand are depressing indeed and show clear discrimination between boys and girls in Afghanistan. The number of girls going to schools is less than half the number of boys. In the Zabul province the ratio is 3:97. The number of girls schools in the country has dramatically declined over the years, especially high school due to few enrollments.^{xcii}

UNICEF reports that 60% of girls under the age of 11 are not going to school. In Urozgan and Zabul provinces of the south, 90% of girls do not go to schools. UNIFEM reports more than 90% of women in the country are illiterate.^{xciii}

The reasons for girls not going to schools are both the unwillingness and inability of girls to continue their education owing to a variety of factors some of which are:

- * widespread gender discrimination
- * poverty
- * security challenges
- * shortage of female schools
- * early marriages

Insecurity which keeps most girls home results from a number of reasons, and is not quite without basis. According to a UN survey, 300 schools in south Afghanistan were set on fire and a number of teachers were killed. In Zowjan province, owing to these conditions, presently not a single school for girls exists.^{xciii} Radio Liberty reports 600 more schools in the country have closed down due to insecurity. Afghan authorities say they are facing a tough task forcing parents to send their daughters to school because attacks on female students have increased throughout the country. Three girls sustained severe burns in Kandahar as unknown men sprayed acid on a group of 15 school-going girls. One of them permanently lost her eyesight as a result of this. After this incident, only 35 out of the total 1300 students of the school turned up the next day. Numerous such incidents have occurred and although no one has claimed responsibility for such attacks, Taliban are usually blamed. Anonymous leaflets have been distributed in some villages warning parents against sending their daughters to school. According to the Ministry of Education, 120 schools have been burnt down. In 2007, two girl students were shot dead by unknown armed men as they were walking to school. A resident of Kandahar whose two daughters have been victims of acid-throwing says, *"I always wanted my daughters to get an education and not to be left illiterate like their parents. But now I am having second thoughts. I will not send my girls to school again. Would you?"*^{xciv} The government has utterly failed to provide security and reassure parents to continue their children's education.

This, however, is of course not the only reason. OXFAM reports that out of 110,000 girls who began school in 2006, only one third are still continuing their education. According to a local school principal, most girls drop out of school in grades 7 to 9 (ages 13 to 15). The reason is that people stop sending their daughters to school because 'they become adults during this age.' Girls' education is generally undervalued. Nader, father of a girl student in Kabul informs, *"Girls are only allowed to go to mosques between 5 to 8 years, to learn to read the Quran. After age 9 they stop going as they are not allowed to go out or be seen by other men, meaning they cannot go to school either."* 18 year old Diba's father from Kunduz forced her to discontinue her education. She says, *"I love the white scarf and the black uniform of school, but my father hates it. Now I wash the dishes at home. And when I hear the sound of the school bell going, I become very sad."* Her father tells his side of the story:

“I do not let my daughter go to school because we have a conservative society. Nobody allows their daughters to continue going to school after class 4 or 5. If I let her go to school my relatives will say bad things about me. Girls should work inside the home, not study or work outside the home.”^{xcv}

ATTITUDES AND MINDSETS

Afghanistan has a traditionally patriarchal tribal society that dates back to thousands of years of its history, most of which has been overshadowed by conflict. The society is introverted and conservative, and is based on the patriarchal values of male dominance. Other than that, a strong sense of ‘honour’ which strictly defines ‘modesty’ of women is integral to the Afghan mindset.

It is important to realize here that this mindset pre-dates the Taliban regime, and that women of Afghanistan have been subjected to male dominance_ and still are_ with or without the Taliban, contrary to what has been portrayed in the media. In as early as 1978, the Communist Party of Afghanistan attempted to introduce radical reforms for gender equality by prohibiting and banning ancient traditions and customs. The reaction to this from the population was strong and family after family began to leave Afghanistan as a form of resistance to this attempt. During the jihad against the Soviets, the Islamic fighters revived the traditional role of the Afghan woman in the family as the daughter, sister, mother or wife.

The chaotic years of infighting after that offset widespread poverty and destruction which revived the cycle of victimization of women amidst rising insecurity. Women began to be treated as spoils of war and the traditional notions of honour and shame in Afghan culture re-emerged in a perverted form, often brutally subjecting women to patriarchal authority and leading to crimes against women. Armed warlords today use these cultural norms as weapons of war, engaging in rape and assault against women as the ultimate means of dishonouring families, tribes or entire communities. Due to rising insecurity in the country, restrictions on women’s freedom have become severe, on the excuse of ‘protecting the security of women.’ This automatically implies enforcement of policies regarding women, and severer punishments for violations. This was just what the Taliban regime had come under fire for, but the trend continues today all the same, minus the scrupulous criminal justice system of the Taliban. Maryam Aslan, the Program Director of UNIFEM says *“With or without the Taliban, Afghanistan was and still is in a miserable situation.”^{xcvi}*

Religion forms an important part of life and society in Afghanistan. However, due to the country’s preoccupation with war and conflict, and no opportunities to develop intellectually both in religious and secular studies, custom and tradition is mixed with religion, and sometimes seeks justification through it. Religious values and laws are interpreted narrowly and even incorrectly. The justice system is still primitive, giving the final word to traditional tribal jirgas headed by tribal elders. These jirgas have outdated means of investigation and prosecution which do not require circumstantial evidence and do not give the right of appeal. Jirgas are headed by patriarchal heads believing in the inferiority and subjection of women to masculine authority. Hence the sentences handed down by jirgas are often unfair to women, even brutal.

Widows are viewed as social outcasts owing to the attitude of considering the woman as a dependant. Hussain Ali Moin of the Ministry of Women's Affairs states, *"In Afghanistan, the death of a husband diminishes a woman's economic independence and damages her sense of social protection."*^{xcvii}

The same attitude creates immense difficulties for women victimized by sexual violence and rape: *"In highly conservative Afghanistan, only a fraction of women dare to breach social taboos and publicly speak out against the violence they suffer. They face a social stigma if they appear at police stations and courts to reclaim their rights."*^{xcviii} Rape crimes are not discussed and court proceedings are carried out entirely by males in the absence of the even the female victim herself. Moreover, the notions of 'honour' stigmatize women who attempt to escape domestic violence or forced marriage. 'Running away' is seen as evidence of illicit sexual relations, and there is no sympathy for such women. 17 year old Fatima who refused to be forced into marriage narrates her story: *"I was put into chains for a whole month by my father. I ran away twice but was returned home by the police. Everyone says I am guilty and that my father has the right to beat me."*^{xcix}

Discriminatory attitudes towards women run deep and have affected all sections of the society, even the topmost state institutions, in spite of the fact that women are now part of the political administration. Hawa Alam, an Afghan MP says, *"Women in the parliament get very few opportunities to express themselves as the speaker and administrative staff of the house think women do not have the capacity to engage in high politics."*^c Owing to this, the Bill of Rights of the Afghan women tabled by women parliamentarians calling for mandatory female education, equal representation in the assembly, criminalization of sexual harassment and domestic violence and the right to marry and divorce has still not been made part of the constitution. The Chairman of the Afghan Loya Jirga is reported to have said, *"God has not given you equal rights because under His decision, two women are equal to one man."*^{ci}

A similar situation exists even in the judiciary where women are under-represented and some of the highest judges have prejudices against women. In two divorce proceedings observed by Amnesty International delegates, women claimed that they had been physically abused by their husbands. However, in both of the cases, the judges failed to view the physical abuse allegations as giving rise to any form of criminal liability on the part of the husband. In one divorce case, it was reported that a woman was beaten in the street by her husband, and that witnesses supporting her claim appeared in court. However, the judges reportedly stated that as her arm was only lightly injured and not broken, there were no proper grounds for a divorce.^{cii} Some of the statements below give a fuller picture of discriminatory attitudes against women:^{ciii}

"A man killed his wife when he found her with a cousin. No one did anything about the case because he had strong reasons."

"When a woman is killed [in a case of alleged adultery] it is the family of the woman who carries out the killing... These things are secret, they are happening inside homes."

"They [family members] will kill man and woman [in certain cases of rape]. If married she should go back to her father, because her husband will not keep her... If unmarried she will be killed."

"Where a father kills his daughter, he will never go to court, no one will be aware because it is a big shame and no one can bear it."

"If a woman or girl doesn't want to respect what her family is saying, of course she will commit suicide or her family will do this to her [kill her and make it appear as suicide]."

Both women's education and health have remained resistant to positive change for the same reasons. Despite efforts at making laws, establishing rehabilitation centres and financing NGOs, real change will not materialize except with a gradual change of attitudes in the society. This, of course, requires an insightful approach which the actors involved have not demonstrated so far.

On the other extreme of the spectrum is the mindset and attitude of some of the women's human rights NGOs and the international community that has shown a rather condescending and condemnatory approach towards indigenous Afghan customs, traditions, values and religious beliefs. This mindset has led to an approach that calls for an eradication of these from the body-politic of Afghanistan, and their replacement with modern Western secular values. Well-intentioned as it may be, it quite misses the point. A noteworthy instance is when a representative from an international NGO approached an Afghan judge requesting him to legalize consensual sexual relations. The elderly judge responded, *"We welcome your programme of reform, but let me tell you, you can never change our values. If you attempt to change our values, the whole nation will rise up against you."*^{civ} According to 'Women Waging Peace', *"Attempts by aid workers to assist women in conservative areas may backfire if Afghans feel they are trying to change hundreds of years of culture rather than simply fulfilling basic human needs."*^{cv}

Another related matter is that of the attitude towards the Muslim 'veil' and its traditional Afghan form, the full body covering called 'burqa.' It is a fact that Western organizations rushed for aid to Afghanistan bolstered up by the media images of women in 'burqas.'^{cvi} The 'burqa' became a symbol of oppression and subjugation, a sort of punishment on the suffering women of Afghanistan. Hence it became an obsession with the Western NGOs, who equated liberation of the Afghan woman with the taking off of the oppressive veil. What came as a surprise, however, was that long after the departure of the Taliban, the women of the country still invariably carry on with it, and in fact, *'do not want to stop wearing the burqa.'*^{cvi} The implication is clear: the veil in fact is a deep-rooted Afghan tradition and cannot be shed off. In fact, most women find it secure and comfortable to be seen with the 'burqa' in public. The Policy Paper of 'Women Waging Peace' includes an interesting article titled 'Why the Burqa Misses the Point': *"For men and women around the world, the 'burqa' is the simplest and the most profound symbol of Afghan women's repression. The media, and women's organizations in the West, have used it to successfully attract the attention of mainstream Western audiences. Therefore, it may seem paradoxical that Afghan women are appealing to the public to end their fixation with the 'burqa.'* In an interview with female teachers in Kandahar in December 2001, a respondent said, *"The burqa is not our problem. We need education, we need to be able to see a doctor, we need to feed our families. We don't mind the burqa at all."* She urged Western women to go beyond the 'burqa.' *Afghan women worry that the international community's obsession with the burqa distracts attention from their more pressing issues.*^{cvi}

The international community needs to disassociate religion and traditional values from oppressive cultural practices and to not make the mistake of painting all with the same brush.

A common perception is that discrimination and oppression is rooted in religion, and that to do away with this, religion must be abandoned altogether. Honour killings, for instance, are considered to be a result of religious condemnation of sexual liberty. According to Human Rights lawyer Hannah Irfan, *“Honour killings have nothing to do with religion, and it is important to see that. Islam clearly forbids such a practice and in fact, has liberated women from the fetters of this and such oppression thousands of years before any other system or law could. The Quran itself mentions the enormity of the sin of burying girls alive or alleging them with sexual misconduct without a stringent legal procedure and absolutely foolproof evidence.”*^{cix}

Similarly, the potential to liberate women in Afghan religion and values must be recognized and utilized, as some NGOs are beginning to do so by seeking help from traditional tribal elders and religious elders to push forth the agenda for progress and development. The UNICEF representative in Afghanistan said, *“We must tell the people how Islam makes education compulsory for both girls and boys, so that they start going to school.”*^{cx} Instead of condemning traditional laws and values, some of the international workers and government officials acknowledge that *“No law (neither civil nor the Shariah) accepts child marriages, that a 6 year old, for example, is marriageable. The awareness of such law must be made available, as it belongs to Afghan traditional values and is not a foreign imposition.”*^{cx}

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ASSESSMENT OF THE ACHIEVEMENT OF OBJECTIVES

Nishat Kazmi, a young law student from Pakistan toured Afghanistan recently and shares his observations that life in Kabul looks and feels different from what it must have been at the time of the Taliban. There are beauty salons for women, nightclubs, music shops and entertainment venues in abundance. However, side by side, the quiet life of impoverished women begging on the streets goes on. Things are not nearly as good in the rural areas. The ‘burqa’ is still very much around as integral to Afghan culture. While many women visit the parlours and clubs, most simply cannot afford to, or are not interested, while they worry about their daily battle to survive. These hallmarks of liberation are largely cosmetic and there are few women who actually relish the fruits of liberation. For most others, it is still an elusive dream.^{cxii}

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Years ago after the fall of the Taliban, Afghanistan’s new government pledged swift action to improve the lives of women. According to Womankind Worldwide, *“Millions of Afghan women and girls continue to face criminal violence everyday.”*^{cxiii} Despite the drafting of new laws and granting of rights, women do not enjoy these rights. Some independent analysts are bitterly critical of the failure to achieve the promised objectives: *“Seven years back the United States government and its allies were successfully able to legitimize their military invasion of Afghanistan and deceive the people of the US and the world under the banner of ‘liberating Afghan women’, ‘democracy’ and the ‘War on Terror’. Our people were filled with hope, but soon their dream of the establishment of security, democracy and freedom was shattered in the most painful manner.”*^{cxiv} According to the Human Rights Watch report of 2005, *“Women face more peril with the intensification of the conflict after 9/11. Today there is impunity characterizing Afghanistan’s civil war.”*^{cxv}

The reason for this has been attributed to several factors. According to RAWA spokeswoman Mariam Rawi, *“The compromising government of Karzai has proven itself to be unable to solve the smallest of issues. The US has never truly been concerned about the roots of terrorism in our country, and has made a grave mistake by replacing the Taliban with the Northern Alliance criminal warlords, bringing them back in power. It is clear to us that the international community does not desire peace and democracy here at all.”*^{cxvi} Moreover, *“The mafia government of Karzai is tirelessly trying to conciliate with the criminals and award medals to those who should be prosecuted for their crimes and looting. Unaware of the realities, some people considered the presence of women in the parliament as a symbol of democracy, development, freedom and women’s rights. But it is clear now that these women are related to intelligence agencies or fundamentalist bands and are like dolls in the hands of the warlords who are calmly watching the adversity of our unfortunate women and instead of revealing and protesting against the horrible condition of women, are busy in corruption and collaboration with the sworn enemies of women’s rights and keeping their positions in the parliament. If these women were truly the representatives of the Afghan women, they should have stood firmly beside victimized women to fulfill their obligation towards our people and country with honesty and sincerity.”*^{cxvii}

Corruption in the ranks of the government is also a major reason for this general disappointment with the regime and its failure to fulfill commitments: *“The reality is that till now a big part of international aid has fattened the wallets and waists of the Northern Alliance mafia, national and international NGOs and the corrupt government authorities... the U.S disguised the dead rats of yesterday in suits and ties and released them like wild wolves on our people, and are doing nothing about the current crimes, violation of human rights, looting of millions of dollars of aid by warlords and corrupt NGOs. If the billions of dollars of aid had been directed in the name of reconstruction were not poured in the pockets of criminals in the parliament and the cabinet, so many lives would not have been taken. Even if a small portion of that wealth was used for the relief of people, the living conditions of our people, especially women, would not have been so tragic.”*^{cxviii}

Independent analysts heavily criticize the lack of sincerity and in fact expediency and hypocrisy of the United States and its allies towards Afghanistan. Mariam Rawi continues: *“The U.S remained silent from 1992 to 1996 when Northern Alliance warlords were getting power and were committing shocking crimes against our people, especially women. The Northern Alliance, in fact, was made an ally to oust the Taliban and was never made accountable. These criminals were imposed on us with US support, left free to make the lives of our women more miserable. If the US believed in freedom, it would have condemned and punished the Northern Alliance military groups who are the main violators of values.”*^{cxix} In its December 2007 Communique, the Revolutionary Association of the Women of Afghanistan states: *“The United States and its allies tried to legitimize their military occupation of Afghanistan under the banner of ‘bringing peace and democracy for Afghan people.’ But as we have experienced in the past from the fate of our own people, the US considers her own political and economic interests and has empowered and equipped the most traitorous, anti-democratic, misogynistic and corrupt gangs in Afghanistan. The US created a government out of those responsible for massacres. For the US, defeating Terrorism so that our people can be happy has no significance, because they will have no excuse to stay in Afghanistan and realize its economic, political and strategic interests in the region.”*^{cxx} Furthermore, *“The War on Terror is merely a showcase to justify the long military presence of the US in Afghanistan and in the region. Troops of the US and its allies bomb wedding parties and shower bullets on oppressed people, especially women and children.”*

This, in fact, has reached such high levels that *'it is believed that the Taliban are in fact the rescuing forces.'*^{cxxi} *"During the Taleban era if a woman went to market and showed her flesh she would have been punished; now, she's raped."*^{cxxii}

Since the number of women dying of violence is several times greater than those dying of terror attacks, it becomes clear that improving the lives of the oppressed needs to be the topmost government priority, hence the fixation with 'terrorism' is uncalled for. Adrian Edwards of UNAMA says *"Women's development should not be compromised by security imperatives."*^{cxxiii} RAWA reports, *"Women's rights have fallen down the agenda behind countering a growing insurgency, tackling opium production and confronting endemic corruption."*^{cxxiv} Hangama Anwari of AIHRC notices the lowering of the priority of dealing with women's issues. She opines, *"Day by day the government's support for women's development fades."*^{cxxv} The Human Rights Watch brings to attention the fact that *'discussion on the protection of women's rights during the US led attack on Afghanistan has been absent.'*^{cxxvi}

State institutions have systematically failed to protect women from abuse and violence within and outside families. A spokeswoman from the Afghan Women Affairs Ministry, Nooria Haqnagar acknowledged the abuse, and that the number of such cases is rising.^{cxxvii}

Brita Fernandes Schmidt of Womankind Worldwide says, *"The international community must fulfill the promises made after the Taliban to protect the women. Give women a greater voice in setting the agenda. Until basic rights are granted to Afghan women in practice as well as on paper, it cannot be said that the status of women in Afghanistan has changed significantly in the past few years."*^{cxxviii}

CONCLUSION

Findings:

- i) The liberation of women in Afghanistan from oppression by the Taliban was one of the primary reasons for the Allied invasion of Afghanistan in November 2001, and the allies declared their commitment to improving the lives of women.
- ii) Efforts have been made to improve the situation of women in Afghanistan through ratification of international conventions, revival of and amendments to the Constitution, establishment and work of international human rights NGOs, international assistance, establishment of the Ministry of Women's Affairs, inclusion of women at all levels of public administration and increased role of the free media.
- iii) Despite efforts, women's empowerment at the grassroots level has not yet materialized.
- iv) Lack of security severely hampers women's return to active social and political life.
- v) Poverty continues to make the lives of women refugees and war widows miserable.
- vi) Violence and crimes against women remain high.

- vii) Seeking justice is still tedious for a number of women due to weaknesses in the criminal justice system.
- viii) Biases and prejudices still exist against women even within the judiciary and the parliament.
- ix) Health and education of women remains abysmally low both due to lack of will and lack of ability to seek both.
- x) Warlords and misogynistic criminals enjoy vast powers threatening the security situation and interfering in the fair execution of the justice system.
- xi) The government has failed to provide even minimal security to the Afghan woman. Crime often goes unpunished.
- xii) The lack of commitment to improve women's lives on the part of the government and the international community is clear, and proves that the invasion seven years ago was more about strategic interests than about liberating the oppressed women of Afghanistan. Hence the massive propaganda campaign against the Taliban too was politically motivated.
- xiii) Patriarchal attitudes against women lie at the root of the discrimination faced by women.
- xiv) Understanding of and respect for Afghan religion and culture is required in order to initiate enduring, meaningful reform within the system. Reform cannot be imposed from without.
- xv) The government and its international partners put dealing with terrorism and security issues as their prime priority and preoccupation, which has eclipsed the pertinence of women's issues and has led to slackening of effort on this front.
- xvi) The lives of Afghan women today are no better than under the Taliban after over seven years since the occupation. The plight of the woman in Afghanistan today, in fact, is perhaps worse than it has ever been before. Only, this time the international attention to her plight is not there, because it is not politically useful.

Recommendations:

- i) Policy needs to be matched with implementation. Constitutional reform will only be effective if the criminal justice system and state institutions to administer it are reformed.
- ii) Corruption of funds for women's development programmes by state officials and NGOs must be checked and effectively stemmed.
- iii) Criminal elements in the administration must be flushed out. An independent inquiry of criminal past record of influential warlords and functionaries must be carried out and legal punishments accorded. Crime against women will not stop unless its influential sponsors are taken to task.
- iv) All parties to the conflict in Afghanistan must abide by the commitment to observe international human rights and humanitarian law guaranteeing the protection of civilians, and to investigate and hold accountable military personnel responsible for violations. In particular, the U.S.-led alliance must ensure that human rights and humanitarian law is not violated in any circumstances.

- v) It must be ensured that development and reconstruction programs are structured to ensure that girls and women have full access to programs for education, health care, job training and housing.
- vi) The international community must ensure that any government established in Afghanistan is committed to fully respect the human rights of all the people of Afghanistan and to repealing laws and ending practices that discriminate against women.
- vii) Police reforms and training must be carried out. More women need to be recruited in the police service.
- viii) Women's access to justice through smaller courts in rural areas must be facilitated. More women must be recruited into the judiciary.
- ix) Registration of marriage and divorce, as well as accurate entry of birth records must be made compulsory and any breach should be punishable.
- x) Laws regarding the legal age of marriage must be strictly implemented.
- xi) Awareness of family laws, marriage and divorce laws must be created among women through education and the media.
- xii) Rehabilitation centres for women must be increased and made approachable.
- xiii) Widows and orphans as well as despondent women must receive monthly stipends in aid from international donors and NGOs through the Ministry of Women's Affairs.
- xiv) More health centres providing reproductive health services for women should be established, especially in far-flung rural areas.
- xv) Female staff must be recruited into the health system.
- xvi) Training must be imparted to women for basic and emergency health services.
- xvii) Training to develop skills must be given to women to encourage them to work from home.
- xviii) Entrepreneurial skills should be taught to women to help them acquire independent means of earning.
- xix) Domestic violence must be made legally punishable.
- xx) More girls schools need to be established, especially in rural areas.
- xxi) Security must be provided in schools and strict action taken against those who threaten girl students.
- xxii) Religious leaders should be recruited to promote women's education and rights in the light of religion. Arrangements should be made to impart such education through religion to the public_ men and women alike.
- xxiii) International NGOs must not advocate imposition of secular Western law, but help reform the system from within. They must build trust among the people through respect of ancient values and traditions.
- xxiv) Misunderstanding regarding religious law should be dispelled, and awareness of its correct and progressive interpretation must be spread through the media. Religion must be delinked from false notions of 'honour and shame' and gender apartheid.
- xxv) The media must not present the liberation of women cosmetically through the ornamentalization and exposure of women, but should play a proactive role in public education about women's rights.
- xxvi) Edicts handed down by local jirgas must be licensed and approved by the Afghanistan Supreme Court.
- xxvii) Discriminatory laws must be amended or repealed altogether.
- xxviii) Gender issues must be accorded priority by the government and the international community.

- xxix) Psychotherapy and counseling must be provided to women subjected to violence and abuse.
- xxx) Active NGOs must be provided with an atmosphere of security to conduct their work.
- xxxii) The international community and international media must bring attention to the current situation of women in Afghanistan and shed off the fixation with human rights violations committed in the Taliban era. Celebrating a cosmetic liberation of women in comparison with their status under the Taliban is misleading and deceptive. A forward-looking approach and a true commitment to improve the lives of Afghan women is the need of the day.

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