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The State of women in Afghanistan since 2001

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Abstract

Women in Afghanistan have been in a vulnerable position for a long time due to misogynistic ideology, conservative society and religious extremism. The Afghan women's human rights were violated not only in Taliban rule but also in the rule of communists and Mujahideen. This paper traces women status in Afghanistan since 2001. It especially focuses on women human rights violation and their access to health and education. What the Afghan new constitution guarantees the rights to women, and it also analyses the two terms of Karzai government in protecting women rights.

Key Words: Women, Human Rights, Constitution, Women Right, Afghanistan.

Introduction

The condition of women and girls in Afghanistan are remains precarious, despite making efforts to improve their freedoms, rights and quality of life. According to June 2001 Global Survey, Afghanistan was ranked first as the “world's most dangerous country in which to be born a woman.”¹ After the fall of the Taliban in 2001, women have attained important political, economic and educational gains in some parts of the urban areas. In other parts, mainly in rural and Taliban dominated areas, the condition still remains precarious.

Despite being Taliban overthrown by the United States in October 2001, misogynist ideologies, views and attitudes have not improved. For instance, a member of Northern Alliance, named Jaleb Mubin Jarifee, stated on a national public radio (NPR) broadcast as saying, “Democracy is un-Islamic,” and immoral behavior by women causes cancer and AIDS. Now we know that the women are not wearing the hijab (headscarf), and look what's happening- there's cancer and AIDS everywhere in Afghanistan.² From this statement, it appears that not only Taliban have had misogynistic ideology, even some members of Northern Alliance have similar ideology towards women.

Life expectancy, health and literacy rate of Afghan women are less in comparison to other SAARC member countries. Despite being a new constitution and signatory to different sorts of United Nations conventions and Declarations regarding women's protection, Afghan women still suffer widespread discriminatory cultural practices like child marriages and lack of access to public life, namely in exercising their rights to education, participation in the formal labour force and political participation.³ The constitutional commitment to international human rights standards seems to be hallow slogan as the constitution declares Islam as country's religion which clearly conflicts with women's human rights standards in certain areas. The constitution has given the

power to the Supreme Court to review whether human rights instruments are in consonance with Islamic legal norms----- and if conflict happens, precedence will be given to Islamic law.⁴

Life Expectancy and Health

Afghanistan's life expectancy and maternal and infant mortality rates are considered to be below the mark in comparison to other SAARC countries. Only some sub-Saharan African countries are worse than Afghanistan. Health indicators for Afghanistan, mainly for females, are particularly worst within the South Asian Association for Regional cooperation (SAARC).⁵

The average life expectancy of female in Afghanistan is 42 years, approximately 20 years shorter than the world average. Even though, women at the global level mainly live longer than men. In comparison to men, the Afghan women die at a younger age. Despite a large number of men were killed during 25 years of war, men still out-number women by an average of 104 to 100 in all age groups.⁶ In 1998, Afghanistan was ranked as one of the highest maternal mortality rate countries. It was 1600 deaths per 100,000 live births. However, according to World Bank report, between the years 2000 and 2010, maternal mortality rates decreased around 8%, from 1600 to 300 per 100,000 live births. The main reason for the decrease of mortality rate is because of 36% improvement in prenatal health care, and during the same period women again joined as midwives, obstetricians and gynecologists.⁷

Literacy Rates and Access to Education

Afghanistan's literacy rate is one of the lowest in the world. For the ages (15-24 years), the literacy rate for the male and female in 2004 was 50.8% and 18.4% respectively. In 2005, the literacy rate of the same age group was overall 31.3% i.e. the literacy rate of male and female was 39.9% and 19.6% respectively. Moreover, according to 2007 literacy rate, in the same age group (15-24) for males was 50.8%, and for females was 18.4%.⁸ Even though, in the Taliban dominated areas, they regularly burn down girl schools, threaten them and actually murder their teachers. For instance, in Kandhar, a southern province under Taliban control, the overall literacy rate of girls six plus years of age fell from 16% in 2005 to 7% in 2011, and in 2012, the number of girl students was 300 out of over 5,000 students in Kandhar University.⁹ However, according to a Central Intelligence Agency (CIA) 2010 report, women percentage in universities increased and it was estimated at 30% (chiefly in Kabul and surrounding area of Kabul). It was a major improvement because during the Taliban regime it was zero percent.¹⁰

Human Rights Violation and Discrimination against Women

Despite making new constitution which gives some rights to women, and Afghanistan being a signatory to CEDAW, and other women regarding conventions and Declaration since 2001. The Afghan women are still facing different kinds of Human Rights Violations and discrimination. There are a number of different sorts of human rights violations and discrimination against women. In a recent incident, a 27 year old woman named Farkhunda, in march 2015, was lynched by a mob in the centre of the Afghan capital Kabul. Her body was burnt and thrown in a river frenziedly. She was accused that she had burned a copy of the Qur'an.¹¹ In another incident, in 2012, a young woman named Lal Bibi was tortured and raped by Afghan local police (ALP) and another young woman Najiba was publically executed.¹²

In 2012, a survey was conducted by Samuel Hall in consultation with Afghan Internally Displaced Persons (IDP) camp, the survey reflected that 26.9% of IDP households had minimum

one child who was forced to marry, and this was mainly true among female-headed households. Often displaced underage girls were targeted by outsiders for cheap marriages. The actual condition of IDPs can be understood by the statement of a 35 years old IDP from Herat Province. She revealed that, “we do it out of hunger, for our children. In Ghoryian, it was not needed as often as it is needed here. I gave her away. I gave her away because I needed to. Her husband found us (...) they came because they knew refugees were here and they know our daughters are cheap.”¹³

In accordance with the Afghan Independent Human Rights Commission (20012) report, it is eye opener for us that women are still facing misogynistic behavior in Afghanistan. In this regard, a 15 years old rape victim girl from Ghazni Province revealed her ordeal that, “one day in the month of Ramadan, I went to a tailor’s shop where both the tailor and his assistant were present. After a while, the tailor asked his assistant to go out and bring something from the bazaar for him. When the assistant left the shop, the tailor took my hands and brought me to the closet. He asked me to have sex with him while I denied and tried to shout, but his plan was faster. He put it on my mouth and forcibly raped me. He then threatened me not to disclose the case.

Days later, around 4 p.m., I went with my younger sister to our lands to collect some almonds, where suddenly a villager beat me with a long stick and took me to my paternal uncle’s house. I saw around 50 men from my village gathered in the house. They beat me as well and asked me with whom I have had relation. After continued beating and under the pain, I finally admitted that a tailor raped me. Thereafter, the district governor and other district officials heard about my case, but only for one night. Then, the villagers selected a representative and sent him to the district governor to ask not to put the case forward and to avoid an official process. They urged the governor to release the perpetrator and to send the case back to the villagers for resolving and taking the final decision. The decision makers were elders and clergies who finally convinced the governor to release the perpetrator. Consequently, after the perpetrator was released, the clergies and elders decided to have a large meeting in order to make a decision and to finalise my case. For days later, four clergy asked me to answer their questions, which lasted about 15 minutes. I told them that the tailor raped me, but they did not accept my answer and said that my claim was not reliable. They finally decided to lash me a 100 times, while the perpetrator was released because of his denying. I rejected their decision and said that I would appeal for an official due process. But they did not let me go. Hours later they took me to “Bidak” desert in order to lash me. Many men and women were watching the scene from their roof and peaks of surrounding hills. They forced me to rest on the ground, then one of the famous commanders ordered to lash me 100 times, but he lashed me one more.¹⁴

The Afghanistan New Constitution and Women Rights

The Afghanistan new constitution came into force on 4 January 2004. The new constitution of Islamic Republic of Afghanistan sets out the legal framework for the protection and advancement of human rights, including women rights. While giving a central role to Islam, it recognizes the need to eliminate traditions that are contrary to Islam.¹⁵ There are some constitutional provisions in Afghan constitution which deal with women’s rights. These are as follows:

Article 6

According to which the state undertakes, “to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights.”

Article 23

Guarantees the right to life.

Article 24

Guarantees the right to liberty and human dignity.

Article 29

It provides immunity from torture.

Article 43

Under this article, the state is obliged to provide free education up to secondary level to all citizens.¹⁶ Similarly some other important articles also protect women rights. They are as follow:

Article 22

It states that, “Any kind of discrimination and privilege the citizens of Afghanistan are prohibited. The citizens of Afghanistan- whether man or women- have equal rights and duties sbefore the law.”

Article 54

“The state adopts necessary measures to ensure physical and psychological well being of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam.”¹⁷

The Afghan Parliament and Women Resevration

The Afghan Parliament has two houses: the Wolesi Jirga (the lower house), the Meshrano Jirga (upper house or house of elders). Afghan constitution also guarantees the political participation of women. In this regard, article 83 of the constitution assures 25% of seats in the lower house for women.¹⁸ Notwithstanding, it was a kind of a setback that in 2013, the parliamentary seats which were reserved for women, were reduced from 25% to 20%.¹⁹

Despite reservation for women in parliament, they do not have enough power as parliamentarians. One example can be seen in this regard, one was the youngest parliamentarian of Afghan Parliament named Malalai and got support from both men and women. In 2007, Malalai was ousted from the government for her criticism against incumbent corrupt warlords. She also spoke out against the Karzai government, the Taliban and the foreign intervention. She has received many death threats and already survived seven assassination attempts.²⁰

Afghanistan International Commitments

Afghanistan is party of most of the United Nations Conventions and Declaration. Afghanistan is party to the Universal Declaration on Human Rights, the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Elimination of all forms of Discrimination Against Women, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child.²¹

The Convention on the Elimination of All forms of Discrimination against Women (CEDAW)

It is one of the most important U.N. Conventions, which protects the women rights. It was ratified by Afghanistan in 2003 without any reservation.

CEDAW not only gives equality to women, but also discusses a wide range of topics such as nationality, freedom of religion, movement, opinion and association, sexual and reproductive rights, right to education, health care and access to political and public rights. According to article 2 of the Afghan constitution, it places an affirmative obligation on countries to advance equality of the sexes through national constitutions or through legislation and “requires states to establish equal protection for women by modifying or abolishing existing laws, practices and customs which constitute discrimination against women.”²²

The Role of the two Terms of Karzai Government in protecting women

It can be said that the two terms of Karzai government totally failed to protecting women rights in Afghanistan. There were some government agencies and ministries made for the protection of women rights. For instance, Ministry of Women’s affairs (MOWA) and Ministry of Education and the Afghan Independent Human Rights Commission (AIHRC)

However, if analysis is made at a large level, it is found that Karzai government could not properly protect women’s rights. For examples, in May 2008, president Karzai pardoned two gang rapists, who are still free today. Several women members of parliament, who continue to receive threats, do not receive any kind of protection and security in comparison to male parliamentarians.²³ In 2013, a woman parliamentarian named Roh Gul was near to be killed after a frenzied attack during journey with her family members. Fortunately, she survived, but her driver and her 8 year old daughter were killed during their travelling through Ghazni province. Meanwhile, world renowned author Sushmita Banerjee was also killed in September. In another incident, a ranking women police officer Lt. Nigar was killed in Helmand province.²⁴

What Karzai promised with international community for the betterment of the women, ironically he made a speech in June 2010 in favour of Taliban. He stated, “dear Taliban” to be “welcome in their own soil” and “come to us, “as “they [Taliban] are normal people. They are just like you. But they are afraid they don’t have a place here. Personally, I know these kinds of people. ... During Jihad, some were my friends.”²⁵

Conclusion

Finally, it can be said that no country in the world can make progress without the contribution of its women. In this regard, the statement of President Barack Obama (2008) is revealing: “The best judge of whether or not a country is going to develop is how it treats its women. If a country educates its girls and women, and they are given equal rights, the country will surely move forward. But if women are oppressed and abused, and remain illiterate, they will fall behind.”²⁶ Those who opposed women education in Afghanistan must change their misogynistic mindset because Islam gives equal opportunity of education to both male and female.

The new government should take prompt action in case of women’s human rights violations. The prompt decision of court is welcome regarding the recent Farkhunda brutal murder case. Government should implement existing laws which protect women’s rights. Moreover, government

should make new laws which can protect properly women. Furthermore, especially in rural areas, the government should encourage the rural people to educate themselves and their children (both male and female).

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