

Afghanistan: Struggling Toward Democracy

Overview

Afghanistan is a nation afflicted with deep war wounds. In its recent history, the country has endured more than 25 years of continuous fighting – starting with the Soviet Union’s invasion in 1979, then with various internal factions perpetuating civil war, and finally with the U.S.’s arrival to eradicate the ruling Taliban party. Since U.S. occupation of Afghanistan began in 2001, some stability has returned to Afghan life. Elections have tentatively signaled that the country is on course to achieving democracy. However, major problems remain.

Women’s Issues

Afghan women have been forced to bear the brunt of the burden of living in a war zone. Afghanistan’s ongoing conflicts have left many women in dire poverty, with no means to support themselves and their families. In the words of a UNIFEM report, “Women’s bodies have become a battleground for those who use terror as a tactic of war — they are raped, abducted, humiliated and made to undergo forced pregnancy, sexual abuse and slavery.”

Hardships are nothing new for Afghan women. In this predominately Islamic country, women have faced centuries of human rights violation. When the Taliban had power from 1996 through 2001, women lost all rights and faced unimaginable obstacles. They couldn’t work, go outside without a male escort, get medical treatment from a male doctor, and they had to cover their entire bodies, including their eyes, in public. Some educated and formerly employed women were forced to become beggars after they were expelled from the workplace.

While women’s status has improved since the fall of the Taliban, many obstacles still prevent them from reaching true gender equality. Although the new Afghan constitution says that “the citizens of Afghanistan - whether man or woman- have equal rights and duties before the law,” repression is still a way of life in rural parts of the country. Families continue to keep their mothers, daughters, wives and sisters forcibly shielded from public life. They are denied schooling and cannot choose who they marry. Those girls who do attend school are at risk of being targeted for violence by men who believe women do not have the right to education.

Major problems for Afghan women are myriad. One disturbing trend, self immolation, has been occurring in Afghanistan as a result of forced marriages (according to Afghanistan Independent Human Rights Commission, 60-80 percent of all marriages are forced upon Afghan women). Also, despite guarantees for gender equality in the new Afghan constitution, some regions continue to use Shari ‘a law, under which women can be accused of adultery if raped. Extreme poverty is another huge problem, along with little access to healthcare, especially pre-natal care. Afghanistan has one of the highest

maternal mortality during childbirth rates in the world, and according to the CIA World Factbook, the average life expectancy for women is 43. Finally, a high level of domestic violence plagues Afghan women.

More detailed information about the human rights situation for Afghan women can be found in an Amnesty International report from 2003 on the subject. The following information is gleaned from that document.

Afghanistan is a party to several human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention against Torture (CAT), the Convention on Rights of the Child (CRC), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and the Rome Statute of the International Criminal Court (ICC), the last three of which have been ratified since the fall of the Taliban.. The ratification of these treaties is an agreement to provide the rights entailed without discrimination to men and women. In order to implement these obligations, laws, policies, and commitments by state institutions must be passed and guaranteed.

Internal Obligations to Protect Women's Rights

The ratification of CEDAW requires the Afghan government to take broad measures to combat violence perpetrated against women, including that which is inflicted by family members, state officials, or armed groups. Under CEDAW, the equal right to marriage and divorce is guaranteed, as is the protection against underage marriage. Amnesty International reports frequent contradictions of the CEDAW agreement, however.

Combating Violence against Women and Girls: A Key Challenge for the Criminal Justice System

Women, young and old, encounter violent situations in every aspect of their lives ranging from family members to those in the community. Physical abuse, especially from other family members, and underage marriage are frequently reported. Women and girls are also used as means to settle disputes, and are given as wives to parties in disagreement. Armed militias rape and abuse women. These situations create an uncertain environment for women, causing great injustices to their rights of physical and mental integrity and decency. Many cases were reported to Amnesty International yet very few are reported in the criminal justice system. Those cases that do reach the system are usually not investigated and the women are generally not supported in their claims. In certain focus groups, some women want these acts to be made punishable so that men learn not to attack and abuse women. Research by Amnesty International indicates that in some parts of the country "honor killings" occur, where members of a family will kill a female for reported acts that bring shame to the family. Also in some parts of the country, adultery, running away from home, and unlawful sexual activity are punishable by law and referred to as zina crimes. Some women are also at risk of being killed after their release for committing zina crimes.

Abuses against women by members of armed groups are unclear due to the lack of victims speaking out against their perpetrators, but incidences do occur, according to Amnesty. Many members who do abuse women go unpunished, except in the rare cases where leaders of the armed groups take castigatory action.

Doctors and NGOs in certain areas of the country report that sustained violence at home leads to patterns of suicides by females. The most common method is self-immolation, or death by fire. A doctor in Jalalabad reported an average of one suicide by fire per month. The exact rates of suicides are unknown, but their mere occurrence indicates the very few options available to abused women.

Women have no protection from sexual abuse while in official state custody or detention. There are unconfirmed reports of sexual abuse of women prisoners. Sometimes women face the risk of repeated sexual abuse when arrested for adultery.

Underage and Forced Marriage

An unmarried woman above the age of 16 is very rare. The legal age of marriage for men is 18 and 16 for women. Many marriages are imposed upon women by their families, and they are given no say in the choice of their spouse. Women are seen as economic benefits because families receive a price from the family of the husband. Some examples include an 8 year old girl being given to a 48 year old man by her father, as a wife in exchange for 600,000 Afghani. No criminal charges were brought against either man nor was a divorce granted by a judge who heard the case. Forced marriage at the community level can also occur from decisions of informal bodies of justice. The giving of girls is used as a means to placate families involved in unintentional killings or to replace a female family member that has eloped.

Seeking Assistance

The potential consequences of seeking assistance are a major deterrent, causing women to live with insufferable violence and limited rights. One woman claimed that to seek assistance would mean death, as it is the Pashtun Wali (tribal law) to kill women who seek help and bring their problems outside of the home. Other obstructions to women seeking help include their restricted rights of movement. Male family members typically decide which areas are safe for women to travel alone in or to. Many communities also limit the interaction between unrelated men and women.

Lack of Access

Women lack access to equal rights of divorce. Men are guaranteed the right to divorce whereas women only have the right to seek divorce on fixed stipulations. The economic situations of women also serve as an obstruction to access. Women usually do not have the skills to make themselves economically self-sufficient outside the home. The dependence on the family increases their consequences for seeking assistance and serves to reinforce their subjugation. Women also lack access to the awareness of their rights under international and to some extent under shari'a and Afghan laws. There is also very little support or legal service to accompany women seeking assistance.

Afghan Economic Issues

While women experience the most acute poverty levels, Afghan society as a whole is in economic crisis. War and drought have left about half of the rural population in extreme poverty. On whole, 70 percent of the Afghan population is estimated to be living on less than \$2 per day. Many Afghan people in the countryside are still living without basic amenities, and without a basic infrastructure, there is little prospect for employment. International aid has included grants for micro enterprise, but much more funding for these kinds of initiatives is needed to have a lasting impact on the economy.

LCHR's Campaigns for Afghan Women

LCHR's campaign in Afghanistan is two-fold – first, LCHR aims to provide job training and micro-loans to Afghan women, particularly widows or mothers who have no source of income; second, LCHR seeks to incorporate women into the political process through democracy training initiatives. Both aspects of the campaign will be conducted in cooperation with Refugee Women in Development (RefWID) and other pre-selected NGOs on the ground in Afghanistan.

Other Advocacy Groups Working with Afghan Women

Afghanistan Independent Human Rights Commission: www.aihrc.org/af

Afghanistan Relief: www.afghanrelief.org

The Afghan Coalition: www.afghancoalition.org

Afghan Women and Kids Education & Necessities, Inc.: No website

Afghan Women's Association International: No website

Afghan Women's Network: www.afghanwomensnetwork.org

Afghan Women's Council: www.afghanistanwomenscouncil.org

Afghan Women's Mission: www.afghanwomensmission.org

Afghan Women Welfare Department: awwd@brain.net.pk

Afghan Women's Educational Centre: www.awec.info/

Afghans for Civil Society: www.afghanforcivilsociety.org

Amnesty International: www.amnesty.org

Canadian Women for Women in Afghanistan: www.w4wafghan.ca/

Feminist Majority Foundation: www.feminist.org/afghan

FemAid: www.femaid.org

Foundation for Self-Reliance: www.e-fsr.org

Global Equal Access Incorporated: www.equalaccess.org

Living Shadows: A Solidarity Campaign for the Women of Afghanistan:
www.womenaid.org

Organization for the Advancement of Afghan Women: No website

Refugee Women in Development: www.refwid.org

Revolutionary Association of the Women of Afghanistan: www.rawa.org

United Nations Development Fund for Women (UNIFEM): www.unifem.undp.org/

USAID: www.usaid.org

Vital Voices Global Partnership Inc.: www.vitalvoices.com

Women's Alliance for Peace and Human Rights in Afghanistan: www.wapha.org

Women's Commission for Refugee Women and Children: www.womenscommission.org

Women for Afghan Women: www.womenforafghanwomen.org

Women's International League for Peace and Freedom: www.peacewomen.org

Women Living Under Muslim Laws: www.wluml.org