Women & Gender in Afghanistan

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The promotion of rights and opportunities for both women and men and the prevention of gender-based discrimination are priorities for the United Nations, which is dedicated to “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”. The Universal Declaration of Human Rights (UDHR) adopted by the United Nations in 1948 ensures equal rights and freedom for all regardless of their gender. According to the United Nations, gender equality refers to “the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female.” The promotion of women’s human rights and access to opportunities and service has been a particular emphasis of the international community and its partners in Afghanistan. This document addresses the current status of women in Afghanistan and addresses both progress made and challenges which remain.

Women in Afghanistan

According to the Canadian government’s Parliamentary Information and Research Service (PIRS), the status of women was undermined during the Soviet era in Afghanistan. Afghan women’s situation worsened during the civil war in the 1990s. PIRS claims that women rights were further undermined after the Taliban came to power in the mid-to-late-1990s. According to an October 2011 paper by Oxfam, under the Taliban regime women were not allowed to work outside the home, were forced to wear the burqa and were not permitted to travel unless they were fully covered and accompanied by a male family member. In addition, girls’ schools were closed down. According to Oxfam, by 2002, only 5% of women were literate, and 54% of girls were married before they were 18 years old. Afghanistan was then ranked as the country with the second-highest rate of maternal mortality, with upwards of 15,000 Afghan women dying in childbirth each year.
According to an article in the UN-affiliated Integrated Regional Information Network (IRIN) in early 2002, the promotion of women’s rights became a major priority for the international community – as well as Afghans themselves – after the Taliban regime was toppled in late 2001 and early 2002. For instance, the European Union included, and still includes, the human rights of women and female participation as a “central aspect” of its foreign policy towards Afghanistan. Dozens of international and non-governmental organisations (NGOs) committed themselves to enhancing women’s position in Afghanistan, as did the then-emerging Afghan state.

As a result of commitment by the international community and Afghan government, women in Afghanistan have had significant achievements, according to a survey conducted in six provinces of Afghanistan by the Asia Foundation in 2011. The survey, which included provinces such as Helmand and Nangarhar, found that Afghan women from different social classes believe that they are experiencing a slow but steady improvement in their lives. However, they also showed fear that the return of the Taliban to power might undo women’s recent gains. A separate survey by the Asia foundation in 2011 found that 82% of Afghan men support principles of equality regardless of gender, ethnicity or religion and that 85% support providing equal opportunity for women. Another 79% supported women’s right to vote or stand as candidates in elections. However, support for women working outside home was somewhat lower, at 62% in 2011, down nine points from 2006.

Despite some tangible achievements, Afghan women continue to face a number of problems according to a range of sources. For instance, The Guardian cited a 2011 survey by the Thomson Reuters Foundation which identified Afghanistan as the most dangerous place for women. The survey found that high mortality rates, limited access to doctors and a lack of economic rights were among the dangers faced by women, in addition to “continuing conflict, NATO air strikes, and cultural practices”. UNIFEM says that 87% of women face abuse and violence in Afghanistan. Human Rights Watch (HRW) reported that, in areas under Taliban control, women are facing constant threats, intimidation and violence. Girls’ schools – and girls themselves – have been targeted along with female political leaders and activists, several of whom have reportedly been murdered.

**Post-2001 Legal Framework for Women’s Rights**

The Afghan constitution, established in 2004, notes gender equality in Article 22, which states the following: “Any kind of discrimination and privilege between the citizens of Afghanistan are prohibited. The citizens of Afghanistan – whether man or woman – have equal rights and duties before the law.” In addition, Articles 43 and 44 of the constitution guarantee women’s right to education, and article 48 codifies their right to work. The Afghan government established the Ministry of Women’s Affairs (MoWA) and the Afghanistan Independent Human Rights Commission (AIHRC) to fulfil the constitution’s commitment to women’s rights. The government has also launched a 10-year National Action Plan for Women (NAPWA), which took effect in 2008.

In addition to the legal documents noted above, the Afghanistan National Development Strategy (ANDS) contains a “Gender Equality Cross Cutting Strategy” (AGE-CCS). AGE-CCS incorporates gender into the 23 sectors addressed in the ANDS and into the ANDS-related strategies adopted by Afghan government ministries. MoWA has also adopted a three-pillar strategy to ensure the government vision is achieved: (i) elimination of all forms of violence against women; (ii) human resource development; and (iii) facilitating women’s participation in social and political affairs.

**Progress & Challenges**

This section of the report now turns to the status of Afghan women in the following areas or sectors: (i) government, public and economic life, (ii) justice, (iii) education, and (iv) health. The reader should note that the issues addressed in the following sub-sections are complex and nuanced according to a range of factors, including the specific region of Afghanistan in question.
Government, Public Life & Economic Development

Progress. Women have been very active in post-2011 Afghanistan. In 2002, 12% of the participants in the Loya Jirga, which began charting a post-Taliban political system, were women. Female representation rose to 20% in 2003’s Loya Jirga, which centred around the proposed constitution. Approximately 40% of voters were women. According to the PIRS report, Afghanistan grants 25% of seats to women in its lower house of parliament, the Wolesi Jirga, and 17% of seat to women in the upper house, the Meshrano Jirga. These quotas are specified in Articles 83 and 84 of the Afghan constitution. The quota system enforced guarantees 25% of seats for women in district and provincial councils, as well. According to the Oxfam report discussed earlier, 28% of the seats in the Afghan parliament – 69 in all – were occupied by women in 2011. Afghanistan has committed itself to improving women’s representation in the legislature to 30% by 2020. The government has also pledged to ensure that 30% of all civil servants are female by 2013.

Table I. Female vs Male Participation in the Public Sector, 2010

<table>
<thead>
<tr>
<th>Position/Role</th>
<th>Men (% of Total)</th>
<th>Women (% of Total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>51.2</td>
<td>48.8</td>
</tr>
<tr>
<td>Judges</td>
<td>95.3</td>
<td>4.7</td>
</tr>
<tr>
<td>Prosecutors</td>
<td>93.6</td>
<td>6.4</td>
</tr>
<tr>
<td>Attorneys</td>
<td>93.9</td>
<td>6.1</td>
</tr>
<tr>
<td>Police</td>
<td>99.5</td>
<td>0.5</td>
</tr>
<tr>
<td>Army</td>
<td>99.4</td>
<td>0.6</td>
</tr>
<tr>
<td>Parliamentarians</td>
<td>72.7</td>
<td>27.3</td>
</tr>
<tr>
<td>School Teachers</td>
<td>71.5</td>
<td>28.5</td>
</tr>
<tr>
<td>University Teachers</td>
<td>84.8</td>
<td>15.2</td>
</tr>
<tr>
<td>Civil Servants</td>
<td>81.5</td>
<td>18.5</td>
</tr>
<tr>
<td>Agricultural Workers</td>
<td>56.0</td>
<td>44.0</td>
</tr>
</tbody>
</table>

Source: UNIFEM Factsheet 2010

Challenges. Experts also note that problems exist. For example, according to Oxfam, women have gained access to a number of positions of power, though their involvement in decision-making may still be wanting. In addition, the Afghan cabinet included three female ministers in 2004 but only one in 2011. Due to threats and attacks against women, the number of women in the civil services has dropped from 31% in 2006 to 18.5% in 2010. Relatively less is known about the position of women in rural areas, where progress is perceived as being slower. PIRS finds that Afghan women’s actual influence in parliament was lower than their numbers might suggest due to the following reasons: (i) a “lack of issue-based groups”; (ii) “weak connection between parliamentarians and their constituents”; (iii) “patronage networks and class-based divisions”; (iv) limited female representation in [President] Karzai’s cabinet”; (v)and “the confinement of women issues to ministry of women affairs”. Additionally, women’s participation varied from one region to another. For instance, in Helmand and Uruzgan provinces, women’s participation in elections was 2% and 7%, respectively. As such, overall trends across Afghanistan may not reflect the on-the-ground reality in specific locations given the uneven nature of progress towards women’s rights in public life and the economy.
On the economic front, the National Risk and Vulnerability Assessment (NRVA), which was conducted by the Afghan government and the European Union, found that women’s labour force participation rate (47%) was significantly lower than men’s (86%). In addition, according to PIRS, women face barriers to earning a livelihood, have limited economic opportunities and are primarily restricted to working at home. Accordingly, women are primarily involved in economic activities such as agriculture and animal husbandry. Other reports also suggest that women may also have little control over income they generate for their household.

Justice Sector and Judicial Institutions

Progress. Afghanistan adopted legislation protecting women’s rights and has signed on to international treaties pertaining to women’s rights. Adopted in 2009, the Elimination of Violence against Women (EVAW) law criminalised practices which are harmful to women such as physical abuse and sexual assault. According to Oxfam, the number of female police officers, attorneys and judges has also increased, thus enabling women greater access to protection and justice. Women’s shelters have been established, and judicial officials have received assistance in reflecting women’s rights in the delivery of justice.

Challenges. According to PIRS, the legal code does allow for a degree of contestation over the position of women. Although Article 22 of the constitution sanctions gender equality, Article 3 states “no law can be contrary to the beliefs and provisions of the sacred religion of Islam”. This makes women’s rights open to interpretation in a situation where only 3% of judges are women. Similarly, The Guardian reported that there seems to be three legal systems in Afghanistan: (i) the state system, (ii) Sharia law and (iii) customary and tribal codes such as Pashtunwali. The Guardian reports that a woman running away from her family due to abuse is not a crime under Afghan penal code but is considered crime under Sharia. In addition, according to Oxfam, the EVAW law is only implemented in 10 out of 34 provinces. Few women reportedly work in the Afghan justice system in non-urban areas. Oxfam also says that women’s shelters are too few in number and that justice officials are unaware or unwilling to implement laws related to women’s rights. In addition, justice institutions are difficult for many Afghans to access. The report notes that 87% of Afghan women have reportedly experienced some kind of physical, psychological or sexual abuse, including forced marriage.

According to a late 2011 BBC article, a 15-year-old Afghan girl, Sahar Gul, was married off at the age of 14 to a 30-year-old man who then severely beat her and confined her to a windowless basement with limited food and water for five months after she refused to become a prostitute. Similarly, BBC reported in 2010 that a husband cut off the nose and ears of Aisha, an 18-year-old Afghan girl, with the approval of local Taliban commander because she had run away from her abusive husband. Such cases gain media attention and hence draw some action on the part of justice officials, but media reports indicate that many similar cases go un-reported and un-addressed by the Afghan legal system.

Education

Progress. Education is one of the success stories of post-2011 Afghanistan, according to the Afghan government’s Ministry of Education (MoE). While the Taliban had banned girls’ schools when it was in power, the Afghan government made female education a high priority. Article 43 of the constitution sanctioned girls’ and women’s right to education. According to Oxfam, girls comprise 38% of Afghanistan’s student population. There were 2.7 million girls going to school in Afghanistan as of 2011. The literacy rate for girls aged 12 to 16 is now 37%. As many as 9,000 new schools have been built, some of them specifically for girls. In addition, 36% of the teachers hired since 2002 have been female.

Challenges. A 2007 assessment report by Afghan MoE said that 40% of Afghan girls complete primary school but that only 5% complete secondary school. According to PIRS, Afghanistan’s adult literacy rate is one of the lowest in the world. Only 12.6% females above the age of 14 – and 23.5% of men – can read and write, thus putting the female-to-male literacy ratio 0.4. Despite the achievements noted above, Oxfam reports that girls still
face challenges which prevent them from gaining an education, including poverty, early marriages, insecurity, a lack of trained female teachers and a lack of all-girls schools (which are important since some families refuse to allow girls to attend schools where boys are also present). In addition, there is a concern that, with growing insecurity and Taliban control, girls may lose the educational gains attained during the past decade.

Health

Progress. US National Public Radio (NPR) reported that a 2004 survey had found life expectancy in Afghanistan to be 42 years; 25% of children died before the age of five. Approximately 1,600 women died for every 100,000 live births. However, a 2011 survey of five million Afghans from all 34 provinces revealed improved circumstances. The new survey, which has received scrutiny from some experts, shows life expectancy at birth is now 62 years and that only 10% of children die before the age of five. The maternal mortality rate has reportedly dropped by 80%, to 327 in 100,000 live births. The results of the survey, known as the Afghanistan Mortality Survey, are so positive that health agencies have started re-evaluating the data from both 2004 and 2011. Some experts told NPR that cultural factors may lead to under-reporting regarding women’s and children’s health. However, according to NPR, there is undeniable progress in the provision of health services in Afghanistan. For example, Afghanistan had 400 midwives a decade ago as opposed to 3,000 today. Thousands of miles of new roads facilitate access to thousands of clinics and hospitals which have been constructed with international support. Additionally, with the spread of mobile phones, women (as well as men) can now ask for medical help or advice without leaving the home. The Afghan Ministry of Public Health (MoPH) says that it has made women’s access to health services one of its top priorities. According to the UK Department for International Development (DFID), in 2002 only 10% of Afghan population had access to health. However, now 85% of Afghans have access to a basic health facility.

Challenges. Despite the progress noted above, challenges remain. According to CWS, an NGO working in Afghanistan, “often women lack folic acid and iron, and fruits and vegetables remain missing from their daily intake of food […] because of poverty”. As such, CWS notes that Afghan women often face health problems such as hypertension, iron deficiency and anaemia. Women are expected to have an average of six or seven children, a fact which also carries added health risks. In addition, there are also reportedly geographical differences. Some Afghans, including women, who reside in mountainous areas are unable to access health facilities all or part of the year due to heavy snowfall. In some parts of Afghanistan it is considered culturally inappropriate for women to visit a male doctor for certain illnesses, thus putting women’s health at risk.

Conclusion

As noted above, significant steps have been taken in ensuring women’s rights, political participation, health and education. A report from the Institute for War and Peace Reporting (IWPR) includes a number of points which experts have made about the future for women’s rights in Afghanistan. These include a fear that, with the drawdown of international forces and a potential decrease in foreign aid for Afghanistan, gains achieved over the past decade may be lost. In addition some believe that negotiations with the Taliban may create challenges for women if the Taliban are given a strong role in state institutions. The future position of women in Afghanistan thus continues to be open to question and discussion as the security, political and socio-economic situations there continue to evolve.