Gender and socio-cultural factors in Afghanistan: Barriers and opportunities in promoting equality

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Abstract

Gender discrimination in Afghanistan remains pervasive with wide gender gaps in health, education, access to and control over productive assets, economic opportunities, power and political voices. This report explores the interconnections between social and cultural practices and other factors, which aggravate and perpetuate the vulnerability of girls and women. It shows that gender-based disadvantages continue to be shaped by a confluence of socio-cultural factors, customary practices, religious forces, the impact of a protracted conflict and experience of displacement and exile, the erosion of livelihoods and poverty and the predominance of an illegal economy.

Gender remains one of the most politicised issues. Throughout Afghanistan's recent history political groups have used the image of preserving women's honour to bolster their legitimacy. Advancing women's rights in this context has been challenging and has often been followed by violent backlash and curtailment of rights. The report concludes with an analysis of recent efforts by the Government and the international community to promote women's rights and participation and provides some general suggestions for policy makers.

Key words: Socio-cultural, gender equality, human development, Afghanistan

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Outline

Glossary and Abbreviations

Introduction

Historical Overview – Advancing Women’s Status and Backlash

Between Culture and Religion – The Role of Islam

Women’s Role in Family and Household
   Marriage and Divorce
   Inheritance

The Impact of Conflict and Poverty

Access to Services, Assets and Work – Opportunities and Barriers
   Health and Education
   Access to Productive Assets
   Employment Opportunities

Rights and Voices – Women’s Constitutional Rights and Political Participation
   International Commitments, Constitutional and Legal Rights
   Political Participation – Opportunities and Obstacles
   Women’s Involvement in Civil Society

Evolving Policy and Institutional Framework – Opportunities and Limitations

Advancing Women’s Rights – Challenges and Opportunities

Bibliography

Table 1: Socio-economic Indicators

Text Boxes:
   Box 1: Silent Voices? Women’s Influence on Decision-making in the Family
   Box 2: ‘It is Not Our Culture’ – Inheritance of Land in Rural Villages
   Box 3: Perceptions on Women’s Role and Participation – A Survey of Afghan Public Opinion
   Box 4: Involving Women in Local Decision-Making Bodies – The Experience of Community Development Councils
   Box 5: The ANDS – Ambitious Goals, Commitments and Timelines

Annex 1: Overview of Commitments
## GLOSSARY

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad/baad</td>
<td>trading girls and women among families in reparation for an offence, to prevent revenge killings and resolve a serious dispute</td>
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<td>Badal</td>
<td>marriage conducted by exchanging girls of different families</td>
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<tr>
<td>Burqa</td>
<td>long, all-enveloping veil, covering a woman from head to foot with only a small lace to look through</td>
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<td>Fatwa</td>
<td>legal judgment or view</td>
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<td>Hadd (pl. hudud)</td>
<td>punishments for crimes which are mentioned in the Qur’an (e.g. zina (see below))</td>
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<tr>
<td>Jirga (Pashto) Shura (Dari)</td>
<td>traditional, informal, often ad hoc tribal council consisting mainly of male elders</td>
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<tr>
<td>Mahram</td>
<td>spouse or relative with whom sexual relations are forbidden, i.e. father or brother (a list of who is considered a mahram can be found in Surah 24, Ayah 31 of the Qur’an)</td>
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<tr>
<td>Mahr</td>
<td>bridal gift, bride price</td>
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<td>Mujahideen</td>
<td>a group taking part in jihad, in the context of this report, the anti-communist Afghan resistance fighters active during and after the Soviet occupation</td>
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<td>Namus</td>
<td>reputation, sexual integrity of women, in particular their chastity</td>
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<tr>
<td>Nang</td>
<td>shame, disgrace</td>
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<tr>
<td>Purdah</td>
<td>practice of preventing women from being seen by men (with the exception of the mahram), segregation of the sexes and the requirement of women to cover</td>
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<td>Shari’a</td>
<td>Islamic law</td>
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<td>Talaq</td>
<td>divorce</td>
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<td>Zina</td>
<td>adultery, fornication</td>
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## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>AIHRC</td>
<td>Afghan Independent Human Rights Commission</td>
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<td>ANDS</td>
<td>Afghanistan National Development Strategy</td>
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<td>MDG</td>
<td>Millennium Development Goal</td>
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<td>MoWA</td>
<td>Ministry of Women’s Affairs</td>
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<td>NAPWA</td>
<td>National Action Plan for Women of Afghanistan</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>PDPA</td>
<td>People’s Democratic Party of Afghanistan</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
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INTRODUCTION

Gender has been one of the most politicised issues in Afghanistan. Women symbolise the honour of the family and the nation. Throughout Afghanistan’s history political groups have used the image of preserving women’s honour to bolster their legitimacy. ‘Every time a new group comes to power in Afghanistan, it has to present itself as the protector and arbiter of women’s behavior, as being made up of good Muslims.’\(^1\) Attempts to advance women’s social, economic and political rights have often been followed by violent backlash and curtailment of rights.

Despite constitutional equality and having one of the highest percentages of female parliamentarians in South Asia (27 percent), the extent of gender discrimination in Afghanistan remains pervasive. Wide gender gaps in health, education, access to and control over productive assets, economic opportunities, power and political voice persist. There is significant discrepancy between women’s formal, constitutional rights and their substantive rights.

This paper focuses on how socio-cultural factors influence gender perceptions, identities and relations and cause or perpetuate gender inequalities in the social, economic, legal and political realms. While some commentators link women’s subordination and lack of mobility in Afghanistan ‘as endemic to local culture’ arguing, for instance, that the Taliban policy was merely a ‘continuation of institutionalised structural and personal violence against women’, socio-cultural factors are only one element contributing to the vulnerability of women.\(^2\) Existing social and cultural practices combined with pressures aggravated by the protracted years of conflict and persistent insecurity, poverty and the erosion of local livelihoods, indebtedness, and the criminalisation of the economy, ‘create outcomes that may easily be misidentified as unmediated expressions of local “culture”’.\(^3\) Deniz Kandiyoti therefore argues that it is important to look at the full nexus of influences that aggravate and perpetuate the vulnerability of girls and women in Afghanistan. The paper will therefore seek to explore the interconnections between socio-cultural influences and other historical, economic, and political factors.

It is important to avoid simplifications and generalisations about women in Afghanistan. Cultural norms and practices vary significantly among different communities, ethnic and religious groups, between urban and rural areas, socio-economic status, and educational levels. Even people living in the same village with similar backgrounds can have widely varying opinions on cultural issues and customary practices.\(^4\)

Before proceeding, one should note that the term ‘gender’ in the Afghan context is mostly used in relation to women’s issues rather than in its conventionally accepted sense.\(^5\) There is

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1 Dupree 1998, 12
2 See Kandiyoti 2005, 8
3 Kandiyoti 2005, iv
4 Deborah Smith has documented the range of opinions among several Afghan communities in relation to marriage practices. See Smith 2009.
5 Azarbaijani-Mogaddam 2008, 1
no word in either Dari or Pashto for ‘gender’, and, as Sippi Azarbaijani-Mogaddam points out, many Afghan men and women question the cultural relevance of the concept.  

HISTORICAL OVERVIEW – ADVANCING WOMEN’S STATUS AND BACKLASH

Throughout the history of Afghanistan there have been two opposing trends as far as women’s rights are concerned. Efforts to introduce social reforms and to enhance women’s rights have often met with substantial resistance by more conservative forces and acted as rallying points for the opposition to central government. Many of these measures lacked sufficient popular support, were therefore short-lived and affected primarily the position of urban women.

Amir Abdur Rahman who ascended to the throne in 1880 was the ‘first spokesman for women’s rights’, declaring child and forced marriages illegal, supporting inheritance and divorce rights for women. Women as symbols of the nation’s honour however, were to continue to follow purdah traditions. Like several of his successors he framed his reform initiatives in Islamic terms. Evoking Islamic law allows those in power or those aspiring to power to over-ride ‘sub-national particularisms in the name of a code that carries universal legitimacy’. Islamic law thereby has a unifying power, strengthening the legitimacy of the otherwise weak central government and increasing the acceptability of reforms.

In the 1920s his grandson King Amanullah, as part of a larger modernisation programme, promoted education for girls, launched a public campaign against the veil and introduced one of the most progressive bodies of legislation in the Muslim world. He abolished child marriage and required men to seek judicial permission before taking another wife. His wife, Queen Soraya, opened the first girls’ school in Kabul and education became compulsory for all. These attempts led to revolts, particularly in rural areas, and met strong opposition from the traditional clergy. In 1929, following an uprising, Amanullah was deposed and forced into exile. Girls schools closed again and many of the other advances were halted or reversed.

Thirty years later, in 1959 Prime Minister Mohammad Daoud Khan (1953-1963) declared purdah optional challenging the view that full veiling was a religious obligation for women. The 1964 Constitution gave women the right to vote and in 1965 they participated for the first time in elections whilst several women assumed high public functions. The constitution of 1977 granted women equal rights and obligations under the law, the right to education and employment. Women joined the police force, the army, opened businesses, industry and various government departments.

In the late 1970s, leaders of the People’s Democratic Party of Afghanistan (PDPA) introduced widespread reforms including a radical revision of civil and social rights for women. One of the most controversial measures was Decree no.7 which opposed ‘unjust patriarchal feudalistic relations between husband and wife’ and supported equal rights in civil law. Marriage was to take place only with the full consent of both parties involved, the legal age for marriage was set at 16 for girls and 18 for boys, bride price was abolished and compulsory

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6 Azarbaijani-Mogaddam 2006, 7
7 For further details see International Crisis Group 2003, 2-9, and Kandiyoti 2005, 4
8 Dupree 1998, 1
9 Kandiyoti 2005, 12
10 For further details see Moghadam 2003, 238-239
11 Kubra Nurzai was appointed Minister of Public Health and Shafiqah Ziyai Minister without Portfolio. It is estimated that about 15-20% of urban women voted in the 1965 elections. Kandiyoti 2005, 5
education for women introduced. This in effect ‘decoupled marriage practices from the system of economic and social exchange’ which traditionally had tied sub-tribes and tribes, and thereby represented a ‘direct attack on traditional social fabric’. Women, mostly from the urban middle-class joined government-sponsored organisations and participated in the PDPA’s central committee and in ministries. The limited reach of the central state and fiscal constraints of the state meant that much of these developments bypassed rural women who continued to have little or no access to education, health services or political participation.

These efforts, which continued under the Soviet occupation (1979-1989), particularly forced co-educational adult literacy classes, caused widespread resistance. As one report argues ‘PDPA reforms were implemented with an insensitivity to cultural context that almost guaranteed failure’. The reforms which aimed to fundamentally transform the role of women in society became the target of the PDPA’s opposition which formulated its struggle as a jihad and as protecting the honour of women and Islamic values against the onslaught of ‘infidel’, communist forces.

Najibullah who became president of Afghanistan in 1986 initiated several measures aimed at improving the situation of women such as family courts dealing inter alia with divorce and inheritance cases, a judicial association to mediate in family disputes before referring them to court and a women’s association providing professional and vocational training. Following the collapse of the PDPA regime in 1992 and the failure of the mujahideen groups to agree on power-sharing arrangements, the Afghan civil war entered a new phase.

During the factional fighting, girls and women, as well as young boys became targets of widespread gender specific human rights abuses such as sexual assault, forced marriage and prostitution. Particularly between 1992 and 1995 warring factions used the traditional notions of honour and shame ‘as weapons of war, engaging in rape and sexual assault against women as an ultimate means of dishonoring entire communities and reducing people’s capacity to resist military advances’. Ever stricter restrictions were imposed on women with the excuse of wanting to ensure their ‘honour’, safety and security. From 1994 onwards the emergence and military success of the Taliban brought a degree of order and security to the areas under their control which won them support among some of the people. The Taliban’s ‘views on gender denied women any role outside the immediate family and resulted in policies violating the very honor and sanctity of the family which they claimed to defend and relegated gender discourse to the realm of religious interpretations’.

In September 1996 the Taliban captured Kabul, establishing the Islamic Emirate of Afghanistan and enacting a series of repressive decrees and a rigid social code in accordance with their interpretation of the shar‘ia: women were barred from employment outside the home with the exception of the health sector, education for girls was discontinued, a strict code of clothing for women in public made the burqa mandatory for all young girls and women, additionally women were prohibited from leaving their homes unless accompanied

12 Mahr, however, was retained, a monetary guarantee paid to the bride as mandated by Islamic law. See International Crisis Group 2003, 6
14 International Crisis Group 2003, 6
15 International Crisis Group 2003, 7
16 Amnesty International 1999, 1
17 World Bank 2005, 6
by a *mahram*. The religious police of the ‘Department for the Promotion of Virtue and the Prevention of Vice’ enforced these decrees. As Deniz Kandiyoti argues,

‘the brutal gender regime imposed by the Taliban represented a major break with “traditional” forms of social control in various ethnic communities across Afghanistan. Decisions relating to the dress and mobility of women and to relations between the sexes, which had previously been monitored by households, kinship groups, and community elders, could now be mandated by decree and enforced by groups of armed young men, sometimes with little regard for local hierarchies. This not only oppressed women but potentially disempowered non-Taliban men by robbing them of their prerogatives’.20

Moreover, as William Maley has stressed, the Taliban’s policies were not a reflection of women’s position within Afghan society but rather ‘the values of the village as interpreted by refugee camp dwellers or madrassa students who typically had not known normal village life’.

Throughout the reform efforts mentioned above, mobilisation for social change among women remained limited. As Nancy Dupree notes, ‘Afghan women had been given their rights. They had not had to fight for their cause there had been no suffragette movement. They had come out of their homes and taken off their veils because male leaders had, of their own volition, decreed they could do so […]. A male-dominated government and parliament passed this constitution guaranteeing women all these rights. A male dominated society was later to take them away.’22 Similarly Deniz Kandiyoti maintains that

‘attempts at modernization, including the expansion of women’s rights, were instigated by a male state elite whose bids to centralize power were thwarted at various junctures. The issue of women’s rights was used as a bargaining counter in contests between social forces whose geopolitical entanglement produced sharp swings of the pendulum between extremes such as the Soviet-backed socialist experiment under the People’s Democratic Party of Afghanistan (PDPA) and the Islamist policies of the Pakistani-backed Taliban.’23

Most of the above mentioned reform efforts and the backlashes were felt primarily by urban women. The reach of the central state has always been limited in Afghanistan. Core functions of service provision, revenue generation, enforcement and protection of the rule of law have rarely extended beyond the main urban centers. Even today they continue to be undermined by the ongoing conflict and limited influence of the Kabul based government. The difficulties of reaching out to the provinces and villages also limit current development and reform efforts as described later on.

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18 Religious education for girls until the age of nine was allowed. These restrictions on education and employment were, according to the head of the Taliban religious police, Mawlawi Kamaluddin, to remain enforced until proper arrangements had been made for sex-segregated transport, segregated education institutions and offices as well as a revision of the curriculum. See International Crisis Group 2003, 8
19 For further detail see Amnesty International 1999 and International Crisis Group 2003, 8
20 Kandiyoti 2005, 10
22 Dupree 1998, 5
23 Kandiyoti 2005, iv
BETWEEN CULTURE AND RELIGION – THE ROLE OF ISLAM

‘There is a tendency to blame Islam for what is happening to women in Afghanistan today.’24 Gender identities and relations however, have been shaped by ‘numerous, contesting notions of culture’ rather than by religion. The majority of ordinary people have little knowledge of Islamic texts and doctrine, or of their ‘correct’ interpretation in the case of gender roles and relations.25 Many of the patriarchal values and customary practices that play a central role in determining social relations and identities are often not attributable to Islam. Extreme, conservative, male interpretations of what constitutes appropriate behavior for a Muslim woman have been ‘layered on top of patriarchal beliefs’.26 As Sippi Azarbaijani-Mogaddam argues, the ‘discriminatory role of traditional norms and practices in terms of gender is in fact often greater than under many interpretations of Islamic law. Tradition, with its associate tenets around the concept of honor […] therefore, have had a greater impact on women’s position in Afghanistan, particularly at the household and community levels, than either civil or Islamic laws, or government policy, particularly around inheritance, property and marriage.27 Within Afghan society interpretations of the Qur’anic injunctions on women vary from extreme conservative notions hostile towards women and much more egalitarian and emancipatory views. As mentioned above, Islam has been used both by those wanting to introduce reforms as well as by those opposing reforms.

Some women activists have therefore sought to distinguish between tribal customs and Islamic laws focusing their advocacy on the most discriminatory practices based on customary laws that are often disguised as Islamic restrictions. Interestingly, the 2004 Constitution in Article 54 calls for ‘the elimination of related traditions contrary to the principles of the sacred religion of Islam.’28

WOMEN’S ROLE IN FAMILY AND HOUSEHOLD

The patrilineal family with its notions of namus (honour) and nang (shame) defines gender relations in terms of complementarities between male and female roles rather than equality.29 Family life and motherhood is considered a girls’ main goal in life. Women embody the collective honour of the family and extended family. The concept of purdah, which most women must follow to varying degrees, requires the seclusion and veiling of women. Accordingly, women and men are permitted to interact only with those of the opposite sex with whom marriage is forbidden, the mahram. Men are responsible for the well-being of the women in the household. Their role is to protect and provide for the women of the family and to strictly guard their chastity, behavior and relations with the outside world. The differentiation of roles is already felt during the socialisation of children: to be a boy or a man is to take responsibility and to know about the world whereas for girls restrictions on mobility, social interactions and social pressure to behave appropriately, to stay within the home and limit their contacts with men to close relatives, the mahram, increase as they grow older.30

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24 Dupree 1998, 4
25 Azarbaijani-Mogaddam 2008, 3
26 Dupree 1998, 4
27 Azarbaijani-Mogaddam 2008, 3
28 Islamic Republic of Afghanistan (Constitution) 2004
29 World Bank 2005
30 World Bank 2005, 78/79
The family’s influence is felt in all spheres of life, from decisions about education, choice of marriage partners to political loyalties. The husband and men of the extended family control the lives of women, particularly women’s public role, decisions about marriage, inheritance and children’s education. Nevertheless, ‘while social rules apply and provide an overall context in which families operate, the way in which they function is complex and adaptable to different circumstances’. Family dynamics, household structures and how and to what extent different family members participate in the decision-making process vary significantly.

As will be discussed later, the protracted conflict, poverty and exile have affected the long-established hierarchies and inequalities within a household or extended family, rendering the weakest members often more vulnerable and sometimes even subject to abuse and violence.

Marriage and Divorce

Marriage involves not only a contractual relationship between the bride and groom but also their two immediate and often their extended families. Marriage is based on negotiations and an agreement between the two families and in most cases the payment of a bride price. Marriage decisions and practices, as a report argues, ‘are not only the result of desires and ideals but are also dependent on economic and social needs and strategies’.

The institution of marriage is also central to the concept of honour.

A woman’s status improves primarily when she gets married with the ultimate goal of motherhood. The role of motherhood is cherished, with mothers often being revered, as the Quranic verse notes, ‘heaven is at the feet of mothers’. The more children, particularly the more boys a woman gives birth to, and also the older a woman gets the more her standing within the family and community improves, which is likely to increase her influence on decision-making.

The legal age of marriage is 16 years for women and 18 years for men. The Law on Marriage stipulates that marriage must be based on the consent of both parties. Under the 1976 Afghan Criminal Code (chapters 7 and 8) forced marriage is a criminal offence, similarly the shari’a prohibits forced marriage. However, ‘the failure of the judiciary, the police and the wider society to treat forced marriage as a criminal offence, due to deep-seated attitudes towards women, has ensured that there is a consistent failure by the state to initiate criminal proceedings against perpetrators’.

Despite the legal minimum age, the age of marriage varies considerably between different strata of society, different families, economic circumstances, urban and rural areas and ethnic backgrounds. Girls are often married off at a young age to minimize the risk of pre-marital sex. As in many other Muslim countries, virginity before marriage is essential to preserve the honour of the girl and her family. According to a UNICEF report, the idea of a period of adolescence between puberty and adulthood is alien among conservative sections of the Afghan population like in many other traditional societies: ‘A girl who menstruates can bear children, and is therefore ‘a woman’’. According to UNIFEM, 57 percent of girls are married before the legal age of 16. Women also have, as will be discussed later, a very high risk of dying during pregnancy and childbirth, partly attributable to the age of mothers being

31 Smith 2009, 17
32 Smith 2009
33 Dupree 1998, 8
34 Amnesty International 2005, 13
35 Quoted in World Bank 2005, 79
36 UNIFEM Factsheet 2007
commonly very young. In many families it is customary to marry within the extended family, marriage among cousins, even if considered risky for genetic reasons, is frequent.

A report on marriage practices in Afghanistan argues that it is not only the age at which girls and boys get married that matters but also the age at which marriage is agreed to or an engagement is made. Often parents promise their daughter or son at a very early age preventing the child from having any say in the choice of marriage partner.\(^{37}\)

The bride price, widely accepted and practiced, can amount to several year’s of earnings of the prospective groom. This frequently results in a considerable age difference between the bride and groom which, in turn, contributes to the high rate of young widows. Islamic law enjoins that the groom give his bride a gift, the so-called *mahr*, when the marriage contract is instituted. While the Quran explicitly states that the girl should receive the *mahr* and that it is hers to keep thus acting as a sort of insurance in case of death or divorce, the *mahr* is often given to the girl’s family or father. In a survey of attitudes on bride prices among several communities, respondents acknowledged the potentially damaging consequences of this practice. They mentioned that it may lead to economic concerns taking precedence over the interests and well-being of a daughter or a negative reaction of her in-laws to an ‘expensive’ bride.\(^{38}\) A child bride is also likely to have to work in her new family irrespective of her age and her ability to do physical work.

The Afghan Independent Human Rights Commission (AIHRC) estimates that between 60 to 80 percent of all marriages are forced, covering a wide range of marriage practices.\(^{39}\) Deborah Smith argues however, that categorising marriages into ‘forced’ or ‘not forced’ oversimplifies the issue: ‘Instead, the degrees and forms of individuals’ influence over decisions about their own marriages is better understood as operating over a range from choice to force’.\(^{40}\) For instance, obeying parents or elders is the culturally expected behavior for daughters and sons alike, it is therefore difficult for them to object to the wishes and decisions of the parents regarding a marriage partner.\(^{41}\)

According to one study, nearly every woman interviewed in several provinces (Bagdhis, Herat, Kabul, Kandahar, Nangarhar) stated that her husband had been selected by her family; a slightly higher number of men reported being able to select their first wife while nearly all men with several wives had selected their second, third or fourth wife. Most women also do not seem to have influence regarding who their children will marry.\(^{42}\) Another research study showed that boys or men forced into a marriage may take out their frustration by acting violently towards their wives or by taking an additional wife.\(^{43}\)

*Badal*, the practice of exchanging girls in marriage is still one of the most common forms of marriage. The practice keeps the wealth within the extended family or allows impoverished families to avoid paying the bride price. Remaining within the family may also give the girl a better chance of being treated fairly. According to a study on marriage practices in Afghanistan approximately half of the marriages in the communities surveyed were conducted by exchanging daughters. While the communities recognise that this practice tends to

\(^{37}\) Smith 2009. There are no other comprehensive or nationwide studies on marriage practices available.

\(^{38}\) Smith 2009

\(^{39}\) Afghanistan Independent Human Rights Commission 2009

\(^{40}\) Smith 2008, 24

\(^{41}\) Smith 2008, 26

\(^{42}\) Feinstein International Famine Center 2004, 99

\(^{43}\) Smith 2008.
perpetuate violence towards women in families, alternatives were rarely suggested by those families participating in the study.\textsuperscript{44} Bad/Baad can also involve exchanging girls or women among families in order to resolve a serious dispute. Bad is used, albeit rarely, as a settlement by a shura or jirga even though it is prohibited by the shari’a as well as Afghan law. A bad sentence mandates that the family of the perpetrator gives a young girl or women in marriage to the family of the victim.\textsuperscript{45}

The study on marriage practices shows that there is generally a negative attitude towards polygamy. Reasons for men to take a second, third or fourth wife include: the current wife/wives are unable to conceive, or to conceive a son; an already engaged or married man marries the widow of a male relative, a man or his family are disappointed with the first marriage or significant delays between the engagement and marriage whereby the man marries another wife before he marries the one he was engaged to.

Divorce, particularly a divorce initiated by a woman is considered shameful and rare. Calling for equal divorce rights for women can be a controversial and emotive issue as experienced by Latif Pedram, a presidential candidate. Arguing that women have an equal right to divorce, he was denounced by the Supreme Court as an apostate.\textsuperscript{46} According to Islam, a husband can divorce his wife through talaq, or repudiation. A woman can obtain a divorce only through the jurisdiction of a court of law. Such a divorce can be obtained if the husband suffers an incurable disease, if he cannot or fails to maintain his wife, if he is absent for more than three years without reason or imprisoned for ten years or above. In most cases women lose custody over their older children and have to return to their own family, provided her family is willing and able to accept her back.\textsuperscript{47} Domestic violence can be raised as a basis for divorce, yet there are no legal codes criminalising abuse within the home. Often, as will be discussed later, women are sent back to their abusive husbands or families.

Box 1: Silent Voices? Women’s Influence on Decision-making in the Family

Little is known about intra-family power relations and the extent of women’s participation in decision-making. Some authors argue that there is a tendency to underestimate women’s influence within the household and ‘to focus only on the visible, public arena and to neglect those private areas such as the household.’ It is in these fora that Afghan women have most of their influence.\textsuperscript{48} Deniz Kandiyoti, for instance, contends that ‘the politics of alliances and reputation plays a central role in tribal and village societies, and women participate in decision-making through important roles in matchmaking, gift exchange and participation in lifecycle rituals. Advancing age, religious learning and membership in powerful lineages may confer considerable authority to women.’\textsuperscript{49}

Nancy Dupree deplores the simplistic stereotypes of outsiders which ‘present Afghan rural women as ignorant chattels, living lives of drudgery from morning until night. Formulated largely by male anthropologists from information supplied by male informants, these stereotypes have been repeated and repeated over years… then […] I began to see the

\textsuperscript{44} Smith 2009, 41
\textsuperscript{45} Center for Policy and Human Development 2007, 10 and 94
\textsuperscript{46} Amnesty International 2005, 26
\textsuperscript{47} World Bank 2005, 87
\textsuperscript{49} Kandiyoti 2005, 27
strength and confidence of most village women. What I saw and experienced bore no resemblance to the stereotypes I had read about.50

Despite this, another study of rural Afghanistan questions whether women have a powerful voice within the household as is the case in many other Muslim societies. Results from their extensive interviews and other data cannot support such claims. According to this report, the majority of Afghan women in rural areas also do not influence spending decisions regarding household budgets or the sale of productive and non-productive household items even when they contribute to household income.51

An important area of further research would be to look at intra-family dynamics and power relations as well as to gain a better understanding of women’s influence on decision-making at various governance levels via so-called gatekeepers or power-holders.

Adultery and consensual sex outside marriage are considered zina crimes. Under the 1976 Criminal Code adultery carries a maximum prison sentence of 10 years or, when evidentiary requirements are met, the imposition of Hadd/had punishment as prescribed by the Qur’an.52

Today many female prisoners serve sentences related to having engaged in illegal sexual relations, many of them rape victims.53 The law does not clearly define rape, whilst Islamic law requires four adult witnesses to the offence. According to Islamic law a woman’s testimony is worth half of that of a man. If a rape victim cannot provide sufficient evidence and witnesses, victims risk being charged with zina. Women and girls also continue to be detained for the ‘crime’ of ‘running away’ from home with no basis in statutory law. As Amnesty International notes, ‘when adultery cannot be established and women and girls are punished for transgressing custom and tradition, a predominantly male judiciary will construct ‘running away’ as a punishable ‘crime’’.54

Traditional and cultural taboos surround rape and other forms of sexual violence. During the years of civil war, rape, abduction, and other forms of sexual violence were widespread, used by armed factions to dishonour and intimidate families and communities. ‘Culturally it is understood to demonstrate the powerlessness of men to defend their family and communities.’55 Most of the violations have gone unreported and few of the perpetrators have been subject to investigation or prosecution.

‘Evoking honor and offences to custom and tradition is an accepted defense in cases of killing of women and girls. Similarly, the defense of ‘honor’ can be upheld in cases where women and girls are raped and are raped and are found to have dishonored their family name, as well as women who refuse to marry against their wishes.’ Most ‘honour’ killings, however, are subject to community justice mechanisms, local shuras or jirgas and rarely make it to the formal justice system. If they do, judgments are either lenient or no penal sanctions are enforced.56

50 Dupree 1998, 6
51 Feinstein International Famine Center 2004, 96
52 Chapter 8 on ‘Adultery, Pederasty, and Violations of Honor’ Article 426 of the 1976 Penal Code states that ‘If in the crime of adultery the conditions of ‘had’ are not fulfilled or the charge of ‘had’ is dropped, because of doubt or other reasons, the offender shall be punished in accordance with the provisions of this chapter.’ This, according to Amnesty International, implies that once ‘had’ conditions are met, the judge may impose the ‘had’ punishment for adultery, such as stoning. A had punishment is a mandatory punishment mentioned in the Quran which is not subject to change by a judge. Amnesty International 2005, 31
53 See for instance, The Independent of 18 August 2008 Afghan women jailed for being victims of rape
54 Amnesty International 2005, 31
55 Amnesty International 2005, 20
56 Amnesty International 2005, 39
Inheritance

Inheritance is regulated by the 1978 Civil Code and is based on Islamic jurisprudence. Under Islamic law men are entitled greater shares of inheritance than a woman. A daughter inherits half of a son’s share upon the death of their parents, a widow one-eighth of her husband’s property or one-fourth if they have no children. This is often justified because a woman has no financial responsibility towards her husband and children. However, actual inheritance practices in Afghanistan differ between various regions, ethnic and religious groups. In many communities and families customary practices override the Civil Code and the shari’a. Even when women inherit the land, they often have little control over it or do not claim their rights. Sippi Azarbaijani-Mogaddam notes that, ‘women are intimidated when they try to pursue inheritance and property disputes, because of perceptions that they are bringing shame on themselves and their family.’ If a woman’s husband dies, a widow is most likely to remain in her family-in-law. If she is young, she is often encouraged to marry one of her brother-in-laws which would allow her to take care of her children.

Box 2: ‘It is Not Our Culture’ – Inheritance of Land in Rural Villages

According to a study of women’s access to land and livestock in rural villages in three provinces (Badakhshan, Bamyan and Kabul), representing a range of religious, ethnic and cultural backgrounds, the most common answer given by both women and men to the question “do women inherit land?” was “no, it is not our culture”.

In an Ismaili community in Badakshan ‘culture’ does not allow daughters to inherit land if they have brothers. A 200 year old ruling of a council of Ismaili elders had made this decision apparently due to a shortage of land. Instead, women were entitled to inherit livestock and clothes equivalent to the value of land. Today, while the daughters with brothers still do not inherit land, women, according to the study do not receive the equivalent in livestock and clothes.

In other communities, women inherit the land de jure, yet few of them actually claim their rightful share or know about their rights to property. Some transfer their rights to their sons or brothers. As one village shura member in the study mentioned: ‘We are Muslims – we divide our land according to Shari’a and give land to sons and daughters’. It was added however, that while sisters have a right to their father’s land, they do not take their rights from their brothers. The study also notes that sometimes the cultural pressure is too strong to allow people to give land to their daughters. For instance, two widows interviewed in Badakhshan expressed a desire to give land to their daughters. While one said she could not because the rules say that you should give it to your sons, the other mentioned that she told her sons that she would like to give some land to her daughter but they did not agree, arguing that it is not their culture and they will give her a dowry instead.

Source: Grace 2005, 20

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57 See Chapter 4 of the Qur’an (The Women (Surah 4 – Al Nisa)) The Koran Interpreted. Translated by Arthur J.Arberry, Oxford University Press, 73
58 Azarbaijani-Mogaddam 2008, 17
THE IMPACT OF CONFLICT AND POVERTY

Many of the inherent disadvantages in customary practices pertaining to marriage, divorce and inheritance or mobility have been aggravated by the impact of conflict and poverty. The decades of war, ensuing displacement and insecurity transformed the country from a predominantly rural, relatively self-sufficient economy into a fragmented society, large refugee numbers, an economy that even today depends to a large extent and in many parts of the country on the opium economy and criminalized networks. There is a growing disjuncture between the traditional concept of honour with the material realities of the lives of Afghans today. While women ‘continue to be held responsible for upholding norms of segregation and propriety’ some of them, in particular widows, are at the same time deprived of the sustenance and shelter provided by functioning family ties. There have been sharp increases in the numbers of widows and female headed households. According to UNIFEM, there are some 50,000 war widows in Kabul alone, supporting an average of about six dependents. Women head about two percent of Afghan households. In total it is estimated that there are about one million widows in Afghanistan with an average age of 35 years.

The traditionally strong family ties and obligations which provided a safety net for all members of the family and contributed to the survival of many families throughout the years of hardship have suffered as a result of protracted conflict and exile. The loss of such family ‘cushioning’ is particularly felt amongst the most vulnerable and female-headed households. Communities were left to their own devices with little or no service provision or contact with the central government. As a coping strategy, communities have retreated and increasingly relied on conservative values. Concerns about women’s safety and security have led to the imposition of ever stricter mobility constraints for women.

Poverty in Afghanistan is widespread and affects women and men differently. The Afghanistan National Development Strategy (ANDS) notes ‘discrimination against women, manifested in the imposition of limited social, economic and political roles and entitlements, makes women more susceptible to poverty and exacerbates the way they experience deprivation’. Their poor health, low education and general disempowerment and lack of access and control over productive assets all contribute to a ‘poverty trap’. Hardship is shared unevenly among household members due to the existing power relations within the family. For instance, female household members receive less and lower quality food than male members. Per capita GDP (based on purchasing power parity) for women in 2002 was estimated at US$402 for women and US$1,182 for men.

There are reports that the marriage age for girls has decreased even further. Abject poverty, exacerbated by armed conflict and drought, forces families to reduce the number of dependents in the household and to raise cash through the bride price. Confronted with widespread lawlessness and impunity, marrying off girls at a young age also serves as a protective strategy, because some families consider it safer to have their daughter(s) married before armed men come and take them by force.

To pay off debts an increasing number of farmers are forced to ‘sell’ their daughters, the so-called ‘opium’ or ‘loan brides’. Poor farmers who are compelled to borrow to meet essential household expenses mostly from traffickers in return for a promise to repay the loan with

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59 Kandiyoti 2005, 12  
60 Azarbaijani-Mogaddam 2008  
61 UNIFEM Factsheet 2007  
62 Islamic Republic of Afghanistan (ANDS) 2008, 4
opium upon harvest time, have been hard hit by crop-eradication efforts, poor harvest due to
drought or other reasons. Unable to meet their debts, it is reported that village jirgas have
ruled that the farmer should give one of his daughters to his creditor as payment. Such
marriages not only jeopardize the future of the girl but also taint her and her family’s
honour.63

To escape forced marriages or domestic abuse and violence more and more women resort to
desperate measures. Over the last few years reports of Afghan women and girls attempting
suicide by dousing themselves with petrol and setting themselves alight have increased. In
2007 at least 184 cases of self-immolation were registered by the AIHRC compared to 106 in
2006. Most of the women committing self-immolation die due to the horrific burns.64 No
formal investigations are launched to determine the causes of suicide but the majority seem to
have tried to kill themselves as a result of violence in the family. Men or families who
prove women to commit suicide face no legal repercussions.65

More than a fifth of Afghanistan’s population fled their homes between 1979 and 1992 to
become refugees or internally displaced persons. The impact of the experience of exile has
been mixed. Exile and exposure to other cultures with more opportunities for women, access
to education, employment and information as well as interaction with civil society
organisations have introduced new perspectives and expectations. In exile many families have
become more open towards female education and employment. Often while men were
fighting women had to take over some of the roles of men, giving them more room for
decision-making.

On the other hand, many urban middle-class refugees were confronted with more conservative
conditions in Pakistan’s cramped and crowded refugee camps. As Nancy Dupree notes, the
women often had to adjust by starting to wear the veil, ‘just to prove to people in Pakistan that
Afghans have a keen sense of honor’.66 Jihadi networks often acted as ‘gatekeepers for the
distribution of international aid’, their ideology contributing to a reinforcement of patriarchal
controls over women.67 Mujahideen control in refugee camps was often repressive. In 1990
several mullahs issued fatwas restricting the social and economic mobility of female
refugees.68

ACCESS TO SERVICES, ASSETS AND WORK – OPPORTUNITIES AND
BARRIERS

Cultural norms and practices play a significant role in determining women’s access to
services, to productive assets such as land and to employment opportunities. As in other areas
the degree of access varies between geographical areas, urban and rural, different income
groups and educational background. Access to opportunities and the outside world are
frequently mitigated or brokered by ‘gatekeepers’ such as religious leaders, influential
community members and professionals. These gatekeepers are also important to the success
of development programmes. To access home-based women producers, to increase their

63 Newsweek, 7 April 2008. The Opium Brides of Afghanistan. See also World Bank/ United Nations Office on
Drugs and Crime. 2006. Afghanistan's Drug Industry – Structure, Functioning, Dynamics and Implications for
servitude, marriage resemble modern-day slavery.
64 IRIN news, 9 September 2008 Self-Immolation On the Rise Among Women.
66 Dupree 1998, 11
67 Kandiyoti 2005, 9
68 International Crisis Group 2003,8
access to markets and marketing platforms some organisations, for instance, have used female sales agents to act as ‘bridges’ between retailers and producers.\(^{69}\)

It is difficult to separate the issue of cultural barriers to mobility of women and girls and their opportunities for accessing services and employment opportunities from those caused by insecurity – how much of the constraint on women’s mobility and for girls to walk to school, to health facilities or to work is due to the poor security situation and how much is due to the lack of female teachers, which may be related to a number of factors, including security concerns as well as cultural norms.\(^{70}\)

### Table 1: Socio-economic Indicators

The information below is based on data used in the Afghanistan National Development Strategy (ANDS) of 2008. Data source is indicated in third column.

<table>
<thead>
<tr>
<th>General</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Development Indicator (HDI)</td>
<td>0.345 ANDS from Afghan Human Development Report</td>
</tr>
<tr>
<td>Gender Development Indicator (GDI)</td>
<td>0.310 ANDS from UNFPA, 2005</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Health</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternal Mortality Ratio (deaths per 100,000 live births)</td>
<td>1,600-1,900 ANDS from UNFPA, 2005</td>
</tr>
<tr>
<td>Fertility Rate (children per woman)</td>
<td>6.6 ANDS from Department of Economic and Social Affairs, 2005</td>
</tr>
<tr>
<td>Percentage of births attended by skilled attendants</td>
<td>14% UNIFEM, Fact Sheet 2007</td>
</tr>
<tr>
<td>Percentage of women receiving professional ante-natal care</td>
<td>12%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult literacy rate (women)</td>
<td>11% UNICEF 2005</td>
</tr>
<tr>
<td>Adult literacy (men)</td>
<td>32%</td>
</tr>
<tr>
<td>Girls enrolment in grades 1-6</td>
<td>35.9% Ministry of Education, 2007</td>
</tr>
<tr>
<td>Girls enrolment in secondary and high school</td>
<td>24.1%</td>
</tr>
</tbody>
</table>

### Health and Education

Despite recent improvements and substantial investments into basic health service provision, health indicators, particularly for women and children, are still alarming. The average life expectancy for women is 44 years of age, whilst the maternal mortality ratio is estimated between 1,600 to 1,900 deaths per 100,000 live births, the second highest in the world. The fertility rate of 6.6 children per woman is almost a third higher than the average of 5.02 in least developed countries. Three times as many women as men aged 25 to 34 are recorded as suffering from tuberculosis.\(^{71}\)

Social factors such as a low marriage age, high fertility rates and lack of spacing of child births and the culturally-influenced reluctance to let women seek medical assistance from male health workers are compounded by the general lack of health care facilities and poor access to health facilities as a result of underdeveloped transport systems or insecurity. There

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\(^{69}\) Azarbajani- Mogaddam 2008

\(^{70}\) World Bank 2005, 32

\(^{71}\) Islamic Republic of Afghanistan (ANDS) 2008, 2 and 3
is limited awareness of family planning and maternal health, hygiene and nutrition issues. Widespread poverty, a low prioritisation of women and girls’ health in household expenditures and persistent insecurity restricting mobility further affect women particularly hard. There is a shortage of female healthcare workers, particularly in rural areas. Despite this, as a World Bank report remarks, ‘there does not appear to be any evidence of deliberate gender-based discrimination within the health sector – the exception being the Taliban insisting on separate medical facilities for males and females which increased the de facto differences in service provision to men and women.’

Adult women’s literacy rate of 11 percent is nearly three times lower than the one of men (32 percent); the overall literacy rate for women is 18 percent compared to 36 percent for men. Girls and the rural population are and have been especially disadvantaged. Despite intense efforts of the government and donors to increase girls’ enrollment, girls still represent only 35.9 percent of over 4.2 million students in grades one to six, 24.1 percent of about 627,000 secondary and high school students and only 21.5 percent of about 42,000 college and university students. In 2005 only 1.4 percent of students were female in technical schools and 16.2 percent in vocation schools. Geographically disaggregated data shows large discrepancies between provinces.

There is a lack of school facilities for girls. 29 percent of the 415 educational districts have no designated girls’ school. Even when separate facilities are available distance, lack of transport and water supply and sanitation prevent girls from accessing schools. Another reason for the low enrollment of girls is the lack of female teachers, particularly in rural areas. In 2005 only 28.1 percent of the total number of teachers was women.

A number of other factors influence school enrolment and retention rates for girls, in particular increasing insecurity and poverty. Although education is free, costs for uniforms and supplies and the loss of income or domestic labour act as disincentives for parents to enrol their daughters. The custom of early marriage creates social and legal impediments to girls’ education. After marriage most girls drop out due to increased domestic responsibilities. A law passed in the mid-1970s and upheld in September 2003 prohibited married women from attending high-school classes in order to ‘protect unmarried girls from learning explicit details about sex from their married classmates’. A separate vocational high school was set up in Kabul for married women. This prohibition was lifted through a Presidential Decree in 2004 yet married girls still face difficulties in remaining at school. Many parents consider formal education, particularly higher education for girls as unnecessary or ‘dangerous’ as it may corrupt girls and, as girls are considered the repository of family honour, it may also poison the whole community. Field research in three cities has shown that it may also affect the bride price as ‘nobody wants to marry an educated woman’.

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72 World Bank 2005, 27 has a list of supply side factors as well as social factors.
73 World Bank 2005, 14
74 There are no female students enrolled at the university in Paktia and Khost and only four percent or less at Kandahar University, Kabul Politechnic, Alberoni University and Bamiyan University. Islamic Republic of Afghanistan (ANDS) 2008, 3
75 Islamic Republic of Afghanistan (ANDS) 2008, 3
76 There are great geographical variations: nearly 64 percent of school teachers in Kabul are women, in the provinces of Kunar, Paktika, Khost and Uruzgan less than five percent. Only 15.3 percent of teaching staff at university are women with Paktia, Takhar and Khost having no female teaching staff. The proportion of female teachers at tertiary level is lowest in Kandahar (6.9 percent), Nangarhar (3.0 percent) and in Alberoni (2.2 percent) in Kapisa province. Islamic Republic of Afghanistan (ANDS) 2008, 3
78 World Bank 2005, 45
Schools have often been targets of violence by opponents of the central government. Schools are attacked not only as symbols of government or perceived ‘corrupting’ foreign influence but also because they provide non-religious education to women and girls. In recent years the attacks by Taliban or other anti-government armed groups on schools providing education for girls, teachers, and students have increased. According to UNICEF, until mid-November 2008 there had been 256 violent school incidents resulting in some 58 deaths and 46 injuries up from 236 school incidents the previous year.79

Access to Productive Assets

As mentioned above, women’s legal right to inheritance is often not respected or transferred to male family members. Women therefore often lack access and control over productive assets such as land, livestock, equipment and materials. This renders particularly female headed households vulnerable to poverty. Access to productive assets seems to be directly related to women’s intra-household decision-making power. It may give widows the opportunity to support a family, the choice whether to remarry and therefore to lose custody over their children. Women with assets also have greater opportunities for accessing credit.80

One important initiative that could have ‘considerable potential for transformative gender-related impact’81 has been the establishment of the Microfinance Investment Support Facility (MISFA). Data indicates that 70 percent of the 350,000 clients of recently established microfinance institutions are women, are largely poor and from a peri-urban background. Formal microfinance facilities allow the borrower to bypass the heavily male-dominated informal lending sector and to break away from existing restrictive social norms. As a report from the Afghanistan Research and Evaluation Unit (AREU) notes, the formation of women’s credit groups at the village level with regular meetings at a group member’s house can have an important impact on women. It allows women to leave home and gather in groups, facilitating women to discuss more freely and openly. Part-time community agents, often women, host weekly group meetings and ensure high repayment and social networking. Nevertheless, in many communities male clients regard female officers with suspicion and feel humiliated when reprimanded by a female officer if defaulting on loan repayments. Both urban as well as rural women appreciate the capacity building that formal microfinance institutions offer and the control over resources and autonomy in decision-making.82

Employment Opportunities

At least a third of agricultural workers are women. Women are also engaged in livestock, home-based post-harvesting activities and micro-enterprises. Women’s wages are significantly lower than those of men: 51 percent for planting, 61 percent for harvesting and 50 percent for other farm work. Women engaged in making handicrafts earn only 41 percent compared to men and 53 percent for weaving or gathering firewood.83 Female labour plays a key role in the cultivation of opium poppy including planting, weeding, thinning, lancing, collecting, field clearing and processing.84 Unlike in urban areas, women and men’s roles are

80 Grace 2005
81 Azarbaijani-Mogaddam 2008, 20
82 Kantor and Andersen 2008, and Azarbaijani-Mogaddam 2008. For more details see various Afghanistan Research and Evaluation Unit reports.
83 Islamic Republic of Afghanistan (ANDS) 2008, 4
84 World Bank 2005.
closely interconnected in rural areas particularly in farming activities or weaving carpets. Women also play a key role in managing food supplies, an important task. In most households however, the use of income from agricultural produce is the men’s prerogative. Similarly men are also in charge of marketing products.

Employment opportunities for women, particularly in urban centers expanded during the PDPA government. Women assumed positions in all major government departments, the police force, the army, as well as in business and industry. They taught, studied and acted as judges in family courts. According to a UN report, by the time the Taliban took over Kabul about 40,000 women were in the public service accounting for 70 percent of teachers in Kabul, about 50 percent of civil servants and an estimated 40 percent of medical doctors. No recent data is available on the share of women in wage employment in the non-agricultural sector. In 1990 women represented 17.8 percent.

Female wage labour is still constrained by the traditional role women are supposed to assume and is often viewed as a last resort for poor families. Letting women engage in work outside of the house may even affect the standing of their families within the community. While the rich can afford honour and the luxury of keeping women at home, the poor are often forced ‘to eat shame’.

In the urban context, professions such as medical doctors, teachers and office work are often considered to be more ‘appropriate’ because they are seen almost like an extension of women’s roles in the home. Yet, these positions are largely reserved for the educated upper class. For those with low skill levels, limited employment opportunities, combined with cultural norms and barriers to mobility and the absence of childcare facilities, access to the urban labour market remains constrained. For them domestic work remains the main source of employment in cities.

The generally low-skill level of women is also a major impediment to the increase of their share in civil service positions. Since the implementation of the Priority Reform and Restructuring Program which started in 2005 the percentage of women in the civil service has decreased from 31.2 percent in 2005 to 22.3 percent in 2006. Only two out of 40 ministries and government bodies met the minimum of 30 percent representation of women, 21 had less than 10 percent. More than half of the women with regular positions have reached or finished high school.

85 Dupree 1998
87 Islamic Republic of Afghanistan (ANDS) 2008, 4
90 Data quoted in Islamic Republic of Afghanistan (ANDS) 2008, 6
In 2008 the Asia Foundation conducted its fourth annual nationwide survey of Afghan public opinion. Below are some extracts pertaining to questions related to gender issues:

**The biggest problem facing women in Afghanistan:**
Respondents cited illiteracy (28 percent), lack of rights for women including that women cannot leave their homes, issues of forced marriage and dowry (23 percent), lack of job opportunities (11 percent), general health care including pregnancy related health care (seven percent), domestic violence (six percent) and poverty (six percent). There are rural-urban differences: only 39 percent of urban respondents feel that illiteracy is the biggest problem, compared to 46 percent of rural respondents. A larger number of respondents cited "lack of rights" as major problems in rural areas (25 percent) compared to urban areas (18 percent). This is also true for other rights related issues such as that women cannot leave homes (12 percent in rural areas compared to eight percent in urban areas), forced marriages (12 percent compared to six percent), and domestic violence (13 percent compared to nine percent). The survey also revealed large differences between the regions.

**Education:**
Respondents noted the positive changes in the education sector with 44 percent of respondents citing access to schools as the greatest improvement in the last two years (46 percent of women/42 percent of men). Over two-thirds of respondents, including women, consider the availability of education for children to be good or very good in their local area. The vast majority of respondents are in favour of equal opportunities for women in education (92 percent of women and 85 percent of men; 96 percent in urban and 86 percent in rural areas). The percentage of respondents strongly in favour of equal opportunities progressively increases with the education level of the respondents, from 54 percent amongst those who never went to school to as high as 68 percent amongst respondents who have studied to grade 10 or beyond.

**Health Issues:**
Only a small percentage of respondents (seven percent) cite lack of healthcare facilities amongst the major problems facing women. 53 percent of women rate the availability of clinics and hospitals as good in their local area. Healthcare, including maternity care is considered a bigger problem in rural areas (14 percent) than urban areas (nine percent). 52 percent of respondents in villages say that access to medical facilities is either very bad or quite bad compared to 39 percent of urban respondents.

**Employment Opportunities:**
While only one percent of respondents indicated lack of employment opportunities as a major problem facing women in the 2006 survey, 11 percent cite this in 2008. Overall 27 percent object to women working outside the home (37 percent of men). There are sharp variations in perceptions on this issue: among respondents in the younger age group (18 to 24 years) 72 percent are in favour of women working outside the home compared to 63 percent in the over 55 years age group.

**Decision-Making:**
58 percent of respondents (63 percent women and 52 percent men/62 percent urban and 56 percent rural) think that women should decide for themselves how to vote, 22 percent that they should take advice from men and 18 percent that women should take the decision but in
consultation with men. Agreement that women should make their own decisions rises with the level of education of the respondents, from 56 percent amongst those who never went to school, to 66 percent amongst those who have studied to grade 10 or beyond.

**Political Leadership:**
51 percent of male and 20 percent of female respondents think that political leadership positions should be mostly for men. The majority of men appear to consider politics to be a skill and occupation for men only and would rather limit the entrance of women into politics. 62 percent of women and 40 percent of men agree that men and women should share leadership roles equally.

57 percent of respondents are not opposed to a woman representing them in the National Parliament but 40 percent express opposition. It is interesting to note that there is not much difference between the views of men (44 percent) and women (37 percent) on this issue. Respondents express similar levels of opposition to being represented by women in governance institutions at all levels, including District Development Assemblies (39 percent), Community Development Councils (38 percent), and Provincial Councils (39 percent). Respondents also express the same level of opposition to being represented by a woman in their local *shura* or *jirga* (39 percent). The majority of women (between 59 percent and 62 percent) do not object to being represented by a woman.

**Access to Local Governance and Justice:**
Women have significantly less positive views of *shura* and *jirga* mechanism than men. 70 percent of female respondents feel that local *jirga* and *shura* are accessible to them, compared to 83 percent of men. Moreover, this figure has fallen from 79 percent in 2007. 63 percent of women consider that local *jirga* and *shura* are fair and trusted compared to 76 percent in 2007, and 64 percent agree that they are effective in delivering justice, compared to 73 percent in 2007.

Source: The Asia Foundation 2008

**RIGHTS AND VOICES - WOMEN’S CONSTITUTIONAL RIGHTS AND POLITICAL PARTICIPATION**

The preamble of the Bonn Agreement of 2001 called for the establishment of a ‘broad-based, gender-sensitive, multi-ethnic and fully representative government’. The agreement provided a timetable for state-building and the consolidation of peace. It also outlined basic guidelines for advancing gender equity, calling for the participation of women in the *Loya Jirga* and the interim administration. An annex to the Agreement established a dedicated government mechanism, the Ministry of Women’s Affairs (MoWA). The Bonn Agreement also established the Afghanistan Independent Human Rights Commission (AIHRC), whose status was later confirmed in Article 58 of the constitution. AIHRC deals *inter alia* with women rights issues.

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91 A separate paper will address the issue of customary law. This section will therefore only mention the main issues in brief.

92 UN 2001

93 In December 2001 under the auspices of the United Nations, prominent Afghans met in Bonn and agreed upon a roadmap for the development of a new government in Afghanistan. The Bonn Agreement called for a *Loya Jirga* (grand council) to be convened within 18 months of the establishment of the Transitional Authority. The new constitution of Afghanistan was adopted by the *Loya Jirga* on 4 January 2004.
The interim and transitional governments of Afghanistan have given women an important place. Three female ministers were appointed, the Minister of Public Health, the Minister of Women’s Affairs and the State Minister for Women. Approximately one-seventh of representatives to the Loya Jirga which drafted the constitution and chose the transitional government were women.

**International Commitments, Constitutional and Legal Rights**

Since the Bonn conference in 2001, the Government of Afghanistan and the international community have expressed their commitment to gender equality in several other agreements and documents: in 2003 Afghanistan acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) without reservations. Afghanistan also signed a number of other international conventions related to gender. Afghanistan constitution with a commitment to equality and non-discrimination in 2004, the Afghanistan Millennium Development Goals (MDGs) endorsed in 2004, the Afghan Compact of 2006, a joint commitment of the Afghan government and the international community, and the Afghanistan National Development Strategy (ANDS) endorsed in 2008.

While women enjoy constitutional equality, they face legal inequality. Gender equality has been enshrined in the constitution since 1964, yet the legal framework guiding Afghan women’s lives is a mixture of civil law, customary and Islamic (Hanafi and Shi’a) law, as well as traditions. Rather than emphasising equality, most of them grant differential rights to men and women. Article 22 of the 2004 Constitution confirms the principle of equality: ‘the citizens of Afghanistan – man and woman – have equal rights and duties before the law.’ Article 3 stipulates that ‘no law shall contravene the tenets and provisions of the sacred religion of Islam’ and Article 7 calls for the state to observe the UN Charter, international agreements and treaties as well as the Universal Declaration of Human Rights. Deniz Kandiyoti argues that ‘the compatibility in the constitution between Art.22 on equality and non-discrimination, Art.7 on compliance with international human rights law and Art.3 on Islamic ‘beliefs and provisions’ is assumed rather than demonstrated’. Much depends on the ability of the judicial system and the Supreme Court, the final arbiter, to find ways of harmonising the various systems. The international standards that Afghanistan has committed to have yet to be translated into domestic law. Considering the huge capacity constraints, the complexity of the task, competing interests and resistance of some political constituencies, this will remain a major challenge.

Sippi Azarbaijani-Mogaddam points out, ‘the evolving institutional framework defined by these [international] documents, conventions and commitments is mediated by the state,
donors, United Nations (UN) agencies and NGOs, with insufficient apparent understanding of the informal forces’ perspectives and agendas. Such informal forces include political and religious leaders and their support platforms, which open up a new field of contestation between the agenda of international donor agencies, an aid dependent government and diverse political factions, some with conservative Islamist platforms.98

Women approach courts primarily for cases related to family law, divorce, child custody or inheritance cases. Most cases involving family issues or cases involving any perceived transgressions of women tend to be handled within the family or extended family. There is also still a heavy reliance on informal justice mechanisms such as the shura or the jirga. This is partly a reflection of the limited outreach of the state, the lack of formal governance structures at the local level, a lack of courts and qualified judges and a general distrust of the formal justice mechanism, which is perceived to be plagued by corruption. These bodies are exclusively male and consist of elders from all lineages or extended families of a village or tribal group. Women have access to these bodies only through a male family member, if at all.

In dispensing justice, the shura and jirga draw upon different sources of law, customary law, tribal law or their interpretation of shari’ia law. The heavy reliance on customary law often acts to the disadvantage of women as it tends to grant even less rights to women than to men in matters such as inheritance, property issues, marriage or divorce cases. It also exacerbates the widespread culture of impunity in relation to rights violation of women or violence against women inside or outside the household.

Even in the formal justice system, women’s access remains constrained due to their mobility constraints and a general lack of family courts, particularly outside the main urban centres. The situation is exacerbated by the low representation of women in the judiciary system. According to the ANDS, women represent only 4.7 percent of the judges, 6.1 percent of attorneys and 6.4 percent of prosecutors.99 Also the number of females choosing law at university is low, at the Universities of Balkh and Kabul, universities with some of the highest rates of women in Afghanistan, only about a quarter of the law students in 2003 were women.100

Political Participation – Opportunities and Obstacles

The most visible progress in terms of advancing women’s rights since the Bonn agreement has been women’s constitutional rights, political participation and representation. Afghanistan ranks among the world’s top 20 countries for female representatives in parliament, higher than any other Muslim country and much higher than the regional average of 16.4 percent.101 Afghanistan’s constitution allocates a minimum of two seats per province to women in the lower house, the Wolesi Jirga, guaranteeing women 68 (27 percent) of the 249 seats. A further sixth of seats in the upper house, the Meshrano Jirga (half of the one-third selected by the President) are reserved for women. The Afghan election law also contains a provision that at least a quarter of seats in the provincial councils must be reserved for women. In 2005, 121 out of 420 provincial council seats were held by women.102

98 Azarbajani-Mogaddam 2008, 26
100 Amnesty International 2003
101 Wordsworth 2007, 1
102 UNIFEM Factsheet 2007. According to UNIFEM, there were not enough women to meet the 124 seat quota and three seats had to be given to men.
Women candidates have particular difficulties campaigning. According to a report by Human Rights Watch, candidates are ‘defying conservative gender roles deeply entrenched in many parts of the country. Even basic elements of campaign strategies – distributing photographs or themselves on flyers and campaign posters, delivering speeches in public places and traveling through their provinces’ puts women at risk. 103 Despite these obstacles, women showed a strong performance in the parliamentary elections. A surprising number of women won their seats in their own right (19 in the Wolesi Jirga and 29 in the provincial councils in 18 provinces), without needing the quota allocated to them. In Balkh, Ghazni and Kunduz female candidates were the highest vote winners, in the Kabul provincial council elections women won six of the top 11 seats and ended up winning 10 seats, two more than allocated by the quota. 104

A detailed analysis of the Wolesi Jirga’s first 18 months has shown that despite the large share of women among the members of parliament, the representation of women’s gender interests has remained minimal. ‘The discrepancy between women’s political presence, and their ability (or indeed willingness) to represent or prioritise their collective “gender interests” has become evident.’ 105

As women’s gender interests are collective interests, they are most successfully represented by issue-based parliamentary blocks or political platforms, neither of which have been strongly consolidated in Afghanistan. As Anna Wordsworth argues, ‘there is often the assumption that all members of a minority group share identical interests. This argument is particularly applicable to the women of the Wolesi Jirga, who, contrary to the often romanticized portrayals in the Western media of the solidarity of a persecuted group, are far from united as an homogenous block, but are instead divided across ethnic, class, linguistic, political and regional lines.’ 106 The tendency for women to mobilise as representatives of ethnic, religious or political constituencies has already been evident during the discussions at the Loya Jirga. 107 Anna Wordsworth also alludes to the often unrealistic expectations ‘whilst international assistance is in many ways encouraging women and men [parliamentarians] in their promotion of a gender equality agenda, it is often designed and implemented according to international stipulations and thus promotes a culture of unrealistic expectations’. 108

Women’s involvement in local governance structures, dispute resolution, and arbitration mechanisms, remains very limited. Jirgas or shuras, as mentioned above, are exclusively male. Lack of access, however, does not necessarily mean that they have no influence or that their voices are not heard. Local gatekeepers, as already mentioned above, can mediate the access of women. In the absence of detailed research, however, the extent of influence and mechanisms of women’s influence are poorly understood.

103 Human Rights Watch 2005
104 Wilder Andrew 2005, 13
105 Wordsworth 2007
106 Wordsworth 2007, 3
107 See Kandiyoti 2005, 22
108 Wordsworth 2007, 39
Box 4: Involving Women in Local Decision-Making Bodies – The Experience of Community Development Councils

The National Solidarity Program (NSP), a community-driven initiative funded by various bilateral and multilateral donors, is regarded as one of the most successful development programmes in Afghanistan. NSP established a national network of Community Development Councils (CDCs) to strengthen community level governance and to empower communities to decide, plan and monitor small-scale development and reconstruction activities. The CDCs combine international development experience with customary and Islamic concepts of consultation and participation. However, in contrast to the local shura or jirga, members of the CDCs, averaging 10 to 15 members, are elected and encourage the equal participation of women. NSP is implemented by facilitating partners, international and national NGOs, which facilitate the election process, the participation of women as well as the identification of community development priorities.

The CDCs are an important mechanism for the inclusion and representation of marginalised groups, such as women and constitute the first opportunity for Afghan women to participate in community level governance. In many communities however, there is reluctance to let women participate, partly due to concerns related to notions of purdah and family honour. While most communities tend to accept women’s participation in the elections to the CDCs there is more reluctance to accept elected women to fully participate in a CDC meeting. There are several types of CDCs formed in respect to their organisation of gender representation: the most common being either a mixed CDC, comprised of both male and female elected members, or segregated elected male and female CDCs or sub-committees.

According to an Asia Foundation survey in 2008, the actual participation of women in CDCs varies greatly between provinces: 45 percent in Herat, 39 percent in Kabul and 25 percent in Nangarhar and Paktia, but less than one percent in Kandahar, Helmand and Uruzgan. On average, about one-third of respondents indicated that women are members of their local CDC. In regions where respondents express the highest levels of objection to being represented by a woman on the CDC, female membership of CDCs is generally lower than in those regions where there is less opposition, although other factors influence the participation of women in CDCs.

A study of the NSP has identified a few factors that can facilitate women’s participation in the CDCs:

- Facilitation of women’s participation through power holders/ gatekeepers;
- Using religious justifications to convince communities of the value and appropriateness of women’s participation and the importance of their decisions;
- Creating structured communication and authorization channels between male and female CDCs; and,
- The facilitating partner NGOs’ ability to mobilise members of the community. Often a shortage of female staff exacerbates the problem of access to and mobilization of female members of the community.

In many communities, illiteracy and a general lack of leadership experience cause women to feel less confident, thereby affecting their participation.

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109 Nixon 2008
110 Nixon 2008
111 Asia Foundation 2008.
112 Kakar 2005
In terms of women voting, 41 percent of the total voters in the presidential elections and 43 percent in the parliamentary elections were women, an impressive figure considering that 87 percent of women need permission from their husbands to vote according to a public opinion poll; 18 percent of the husbands polled indicated that they would not give such permission. \(^{113}\)

**Women’s Involvement in Civil Society**\(^ {114}\)

The Democratic Organization of Afghan Women linked to the PDPA was one of the first women’s movements.\(^ {115}\) Yet, as mentioned above, mobilisation among women was limited during the period of state-led modernisation. The experience of exile and displacement gave women a new impetus to mobilise.\(^ {116}\) Organisations emerged engaging in relief, charity, education and vocational training. Women solidarity networks and organisations operated clandestinely under the Taliban, later giving rise to many NGOs. As one report notes, the Taliban’s restrictive policies ‘paradoxically galvanized Afghan women activists’.\(^ {117}\)

Most of the activities of civil society addressing gender issues are funded by international donors. Activities are therefore often supply driven rather than emerging from actual priorities.\(^ {118}\) The often rather small grants are channelled through international NGOs, which tends to restrict the capacity of the organisations and limit their activities to the provision of vocational training and literacy programmes or to focus their activities on vulnerable groups such as female-headed households. These organisations thus have only limited influence on the empowerment of women.\(^ {119}\)

Women’s involvement in civil society should not only take into account women’s participation and mobilisation in organisations specifically targeting gender issues but more broadly their engagement in NGOs, civic forums, the media and other associations. Yet, as one report notes, women remain marginalised in both.\(^ {120}\)

Women activists operate in a difficult environment. As Amnesty International highlights, female human rights defenders tend to arouse more hostility than their male counterparts, not ‘only do they face human rights violations for their work as human rights defenders but even more so because of their sex and the fact that their work may run counter to societal stereotypes about women’s submissive nature.’\(^ {121}\) Many women have courageously entered the public sphere despite social taboos, security threats, intimidation and violence. A 2005 Human Rights Watch report mentions wide-spread intimidation of women activists. Such intimidation can include so-called night letters (shabname), intimidating phone calls, death threats, acid attacks or other physical attacks. One should also not forget that many women,

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\(^{113}\) Wilder 2005. According to Andrew Wilder, there have been many reports about men voting on behalf of women or through stuffing ballot boxes using female voter registration cards, so-called ‘proxy-voting’. For the public opinion poll see Asia Foundation.

\(^{114}\) A detailed study of women’s involvement in civil society organisations is beyond the scope of the study. A more comprehensive discussion of women’s involvement in civil society can be found in Azerbajani-Mogaddam 2006

\(^{115}\) The organisation later was re-named the ‘All-Afghan Women’s Council’ focusing on social and legal assistance to poor women, literacy and vocational training and some income generating activities. International Crisis Group 2003.

\(^{116}\) Kandiyoti 2005, 9

\(^{117}\) International Crisis Group 2003, ii

\(^{118}\) Azerbajani-Mogaddam 2008, 30 and 35

\(^{119}\) International Crisis Group 2003

\(^{120}\) International Crisis Group 2003, 15

\(^{121}\) Amnesty International 2005, 27
particularly poorer women, are also heavily involved with their reproductive tasks, juggling multiple tasks, limiting their time to engage in social and political mobilisation activities.

Evolving Institutional and Policy Framework – Opportunities and Limitations

The state is normally the central instrument to protect the rights of its citizens. Despite this, protecting and promoting women’s rights in a post-conflict environment, in the context of a severely weakened state, with depleted human capacities and resource constraints poses particular challenges. ‘An important caveat must be the recognition that focusing on government programmes and policies suffers from self-evident limitations in a context where the transition from war to peace is still incomplete and where the illicit economy, and those who profit from it, continue to command substantial resources and to fuel continuing instability.’ Thus unless there is an overall improvement of the rule of law situation and the government’s reach and service delivery extend further to the communities, strategies, programmes and projects promoting women’s rights will only have a limited impact.

The commitment of the government to the advancement of women’s issues and to include more women in the executive has been lacking in substance, as Anna Wordsworth aptly states. Women’s presence in the executive is not only limited, but limited to ‘stereotypically “women’s” spaces’ which may ‘act instead as a boundary to encase women’s gender concerns in entities unable to penetrate other areas of executive authority’. The current Cabinet (25 ministers) has only one female minister, the Minister of Women’s Affairs, ‘The ministry is considered merely symbolic by many, a kind of internationally-instigated dumping ground for any kind of “women’s issues”’, the ministry also gets a very small share of the Government’s core budget. Women comprised only nine percent of those appointed to decision making bodies between September 2005 and September 2006. Further, there are no female representatives in the Supreme Court. Women represent less than one percent in the police force and are not represented in the auxiliary police force. By February 2007 only 233 out of 62,407 police officers were women. Similarly, women make up only 0.6 percent in the Afghan National Army.

MoWA, as mentioned above established at the Bonn conference, is meant to be the central government institution addressing and coordinating women’s issues in the country. The Ministry also has branches in the provinces, the Departments of Women’s Affairs. As many commentators have mentioned however, MoWA suffers from a severe lack of capacity at all levels limiting its ability to influence policy making throughout government. The Ministry relies heavily on technical and financial support from the international community which, as one report suggests, contributes to a tendency to emphasize project implementation of often high-visibility projects.

MoWA also lacks the requisite political power and influence to champion women’s rights across government. While many ministries have appointed gender advisors, often lower-level officials, these sections tend to work in isolation and lack capacity to meaningfully shape

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122 Kandiyoti 2005, 15
123 Wordsworth 2007, 40
124 Wordsworth 2007, 29 and 40
125 Wordsworth 2007, 30
126 Data quoted in Islamic Republic of Afghanistan (ANDS) 2008, 6
127 UNIFEM Factsheet 2007
128 See also International Crisis Group 2003 for further information.
Gender mainstreaming has been the core strategy of the government to promote women’s advancement. \(^{130}\) It has been an integral part of the National Development Framework of 2002, the Interim-Afghanistan National Development Strategy of 2006 and the ANDS of 2008. The MoWA in a two-year consultative process with technical assistance from UNIFEM developed the National Action Plan for Women of Afghanistan (NAPWA). NAPWA, a 10-year plan of action, outlines how to mainstream gender in Afghanistan’s government institution and has been integrated into the ANDS. NAPWA and the ANDS state as an ultimate goal of its gender cross-cutting strategy ‘gender equality’. This is to be pursued through ‘women’s empowerment’ and ‘gender equity’. It identifies six areas of priority concern: (1) security; (2) legal protection and human rights; (3) leadership and political participation; (4) economy, work and poverty; (5) health; and, (6) education. Annex 1 provides a summary of the ambitious gender equity commitments as outlined in Afghanistan’s MDGs, NAPWA and the ANDS.

Box 5: The ANDS – Ambitious Goals, Commitments and Timelines

The ANDS’s cross-cutting strategy section introduces the rationale for ‘the imperative of gender equity as a cross-cutting agenda’ with a rather stark, stereotypical description of the plight of Afghan women: ‘… the representative face of women in the country is that of an unhealthy, illiterate, unskilled, impoverished, subordinated, and battered human being who is unable to access support or help herself, constantly threatened by violence, and excluded from the mainstream of national life’. \(^{131}\)

The strategy seeks to provide a coherent framework for gender mainstreaming across all sectors of national development. Achieving gender equity is understood as a shared responsibility across sectors and institutions and at all levels of governance. The ANDS states that the strategy ‘will enable the government to actively address gender equity in state institutions to promote women’s status. The government policies, strategies, budgets and programmes will be designed from the perspective of gender equity. Adequate allocation of resources will be ensured by all ministries and organisations to support gender equity measures. Opportunities will be created to help enhance the technical understanding and capacities of civil servants – female and male - to ensure that programmes and activities are implemented in a gender-responsive manner.’

NAPWA and the ANDS list the following goals in the cross-cutting strategy:

As a **long-term goal** ‘gender equality, a condition where women and men fully enjoy their rights, equally contribute to and enjoy the benefits of development and neither is prevented

\(^{129}\) Azarbaijani-Mogaddam 2008, 33

\(^{130}\) The ANDS defines gender mainstreaming as ‘a process of assessing and addressing the implications for women and men of any planned action, including legislation, policies, budgeting and programming in any area and all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension in the design, budgeting, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, such that inequality between men and women are addressed and not perpetuated.’ Islamic Republic of Afghanistan (ANDS) 2008, p.13

\(^{131}\) Islamic Republic of Afghanistan (ANDS) 2008, p.10
from pursuing what is fair, good and necessary to live a full and satisfying life’. The intermediate goal – to eliminate all forms of discrimination against women, build women’s human capital, and strengthen their leadership and participation in all spheres of life. As the full realisation of this goal will take longer than the timeframe of the ANDS, the strategy seeks to inform subsequent development policies and strategies. The immediate goal is to reach the 13 gender-specific benchmarks of the Afghanistan Compact/Interim ANDS, including the five-year priorities of NAPWA; to realise the gender commitments that are mainstreamed in each of the ANDS sectors; and to develop basic institutional capacities of ministries and government agencies for gender mainstreaming (see Annex 1 for a detailed list).

Source: Islamic Republic of Afghanistan (ANDS) 2008

One report argues, however, that the gender cross-cutting strategy provides little detail on how to achieve the goals and outcomes. It also does not prioritise the goals and outcomes in light of the resource constraints, both in terms of financial and human resources, which ‘makes the document more of a vision statement than a strategy and very difficult to implement’.132

‘Opportunities for change are’ therefore ‘more likely to arise when gender mainstreaming is presented in terms of practical activities and tangible outcomes, rather than via conveying abstract conceptualizations’.133 NAPWA’s and the ANDS’s gender goals are ambitious, reflecting a disjuncture between the often unrealistic timeframes and outputs expected and the realities on the ground. The ANDS, as another commentator notes – albeit following extensive consultations – was ‘written by foreign experts and manifests the vision of international funding organisations rather than representing a purely indigenous development and poverty reduction plan for Afghanistan’.134

So far, few of the aspirations and ambitious hopes and expectations have translated into concrete action. For the gap between objectives and practice to gradually be closed some of the following issues will have to be resolved:135

- Creation or strengthening of effective governmental structure, effective tools and mechanisms with sufficient capacity, human and financial resources to implement programmes and to achieve the government’s mainstreaming objectives.
- Address the institutional weakness of MoWA. This would require intensive efforts to build and strengthen the capacity of staff to coordinate and monitor the government’s gender efforts. Also MoWA’s mandate will need to be clarified. Currently there is a tension between its policy role, promoting gender awareness and political support across government, and its implementation role.
- Address the issue of ownership to counter the prevailing perception that the gender mainstreaming agenda reflects the priorities of the international donors rather than local priorities.

132 Kantor and Pain 2009, 12
133 Azarbaijani-Mogaddam 2008, 46
134 Shah 2009, 27
135 The following section is based primarily on Sippi Azarbaijani-Mogaddam 2008, 27, and International Crisis Group 2003
ADVANCING WOMEN’S RIGHTS – CHALLENGES AND OPPORTUNITIES

Since the Bonn process, bilateral and multilateral organisations, as well as NGOs have promoted gender issues through a variety of different mechanisms – policy support, pilot projects and programmes, technical assistance as well as awareness raising programmes. The implementation record of many of these projects has been disappointing. ‘Conflicting pull and push factors at local, provincial and national levels, tensions between international best practice on gender and prevailing local realities around policy ‘ownership’ and the lack of a consistent donor platform on gender-related change, mean that much still remains to be done to address gender equality issues.’

As one report notes, the ‘international community’s approach to gender has been guided not so much by Afghan history and its own accumulated experience in community development, but by a desire for immediate, visible signs of progress in woman’s education and economic development’. Previous reform efforts contain important lessons. For instance, they demonstrate the importance of including and dealing with traditional social structures and to find culturally appropriate justifications for reform that can mobilise supportive constituencies and ‘champions of reform’.

Among development partners as well as women rights advocates differences remain on how to best advance women’s social, economic and political rights. The following section proposes some issues for consideration for developing projects, programmes and strategies promoting gender equality in Afghanistan. This is not meant as an exhaustive list or detailed prescription but seeks to highlight some of the key issues. A more detailed list of possible interventions, which also constitute the Government’s strategic commitments, can be found in Annex 1.

Generating Ownership

Lack of ownership across large sections of government, the executive, legislative and judiciary at the national, sub-national and community level, and the perception that gender reform is largely driven by international agendas has been a constant challenge. Generating greater national ownership across the main stakeholders – government at both national and sub-national levels, civil society organisations, women’s associations, local community and religious leaders – and addressing their concerns will be essential for further progress. One way to increase the ownership of reforms and garner public support is to draw upon Islamic language and examples from other Muslim countries with progressive social policies, family laws, and women’s involvement in public life.

The issue of ownership is also linked to high-level political commitment which has often been lacking in substance. Sippi Azarbaijani-Mogaddam speaks of a ‘double-faced status quo’ whereby the state shows a ‘gender-friendly face’ in its formal dealings with the international community and a ‘conservative face’ in its informal dealings with domestic constituencies.

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136 Azarbaijani-Mogaddam 2008, 1
137 International Crisis Group 2003, 23
138 The following suggestions are based on various reports listed in the bibliography.
139 Azarbaijani-Mogaddam 2008, 47
Gradual Change

Many Afghan members of civil society organisations as well as international experts stress that the best and only way to further women’s rights is to work within the framework of Islam and to proceed gradually. They advise caution in order not to provoke a backlash from conservative forces. ‘Past experience indicates that efforts towards a rapid pace of high goal gender-related change do not sit easily with the entrenched traditional socio-political power blocks, and conflicting push and pull factors at local, provincial and national levels, that broker and mediate gender-related change.’ Strategic, incremental change, therefore, is likely to yield more sustainable outcomes and lead to, albeit slow, transformative change in gender perceptions and relations.

Involving Men and Families

As the report has shown, women depend on men in all spheres of life, particularly in accessing opportunities outside. Nancy Dupree emphasizes that it ‘is useless to start a women’s project without getting the cooperation of the men first. This is ignored so many times, and then there are problems’. Involving men and families in project activities increases the acceptability and impact of interventions.

Improving Access to Services, Opportunities and Access to Justice

The widespread poverty and vulnerability of women indicate that improvements in basic services, access to education, health and justice, and employment opportunities will yield possibly the most tangible outcomes and sustainable change in the lives of Afghan women. Education in particular enables women as well as men to demand their rights and to engage in social and political mobilisation. Improving women’s economic opportunities would require investing in income generating opportunities, education and vocational training, as well as extending access to credit through microfinance.

Addressing Security Concerns

Persistent insecurity in large parts of the country and the absence of rule of law represent the greatest obstacles to the expansion of opportunities and rights for women and indeed all Afghans. The deteriorating security situation prevents many women from accessing basic health services and education as well as from seeking employment opportunities outside of the household.

As this report has shown, gender-based disadvantages in contemporary Afghanistan continue to be shaped by a confluence of socio-cultural factors, customary practices, religious forces, the impact of a protracted conflict, the experience of displacement and exile, the erosion of livelihoods and poverty and the predominance of an illegal economy. To what extent women’s rights and actual living conditions will improve will ultimately depend on how the security situation, the overall rule of law situation and state-building agenda will evolve. The risk that women’s advancement will be held hostage to factional politics remains high, particularly in light of the attempts to negotiate with ‘moderate’ Taliban or Hezb-i-Islami forces. These negotiations are likely to slow down or reverse the government’s incentive and commitment to pursue the ambitious gender goals and to honour its commitment to the Afghan women and Afghan people.

140 Azarbaijani-Mogaddam 2008, 44
141 Dupree 1998, 13
Bibliography


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<tr>
<th>Annex 1: OVERVIEW OF COMMITMENTS</th>
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<tr>
<td><strong>Source:</strong> Islamic Republic of Afghanistan (ANDS) 2008,15-22</td>
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<tr>
<td>Increase female participation in elected and appointed bodies at all levels of governance to 30 percent by 2020</td>
<td>• Adopt and implement a comprehensive leadership and capacity building strategy for women with the following components: (a) creation of a body responsible for promoting women’s leadership and participation in government; (b) affirmative action policy; (c) career planning and capacity building programme for women; (d) organising of and solidarity building among women in government; gender awareness of government officials and staff; (e) family care systems; (f) accountability; (g) monitoring; and (h) civic education</td>
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<tr>
<td>Reduce gender disparity in access to justice</td>
<td>• Reform and amend legal frameworks to protect the rights of women and girls. • Improve women’s access to justice through</td>
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by 50 percent by 2015 and completed by 2020

| Training of justice officials, legal aid clinics, paralegal training, national network of lawyers, referral services, and strengthening of family courts. |
| Reform law enforcement through training on correct application of laws, training schools and universities to refer VAW cases, database development, and compensation to women and men wrongly imprisoned. |
| Promote legal awareness of women through dissemination of awareness materials, literacy courses and public information campaign, partnership with organisations engaged in public information and advocacy, inclusion of women’s rights in curricula and others. |

Ensure that by 2020, boys and girls will be able to complete a full course of primary schooling

| Enforce national policy on compulsory education. |
| Adopt affirmative action and an incentive structure for female education. |

Eliminate gender inequality in all levels of education no later than 2020

| Improve women and girls’ access to education and educational infrastructures. |
| Address issues of safety and security as well as social factors impeding women’s access to education. |
| Provide incentives to reduce school drop-outs among girls. |

| Address constraints to girls’ education, including security, social resistance to female education and insufficient female teachers and school facilities. |
| Launch widespread multi-media campaign directed toward parents and designed to associate prestige and honour with educating/educated daughters. |
| Consider remunerating parents for costs associated with girls’ education, such as transport, uniforms, textbooks, withdrawal of work at home and others. |
| Gender gap will be reduced through food for education. |

Gender gap will be reduced through food for education.

Adopt affirmative action to encourage

Recruit and train additional teachers, especially female teachers.
<table>
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<th>Reduce gender disparity in economic areas by 2020</th>
<th>Reduce by 50 percent between 2002 and 2015 the maternal mortality ratio (MMR) and</th>
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| women to pursue careers as teachers, particularly in remote areas.  
- Provide temporary incentives like salary increases and opportunities for training of women to become and remain as teachers. |  
- Determine the factors that contribute to the high MMR in Afghanistan.  
- Promote education, family planning, communication and changes in cultural practices. |
| - Expand recruitment and training of new female teachers.  
- Construct female-friendly facilities in schools and buildings to attract more women.  
- Define minimum standards for teacher accreditation and give support to female teachers to meet such minimum standards.  
- Launch widespread multi-media campaign, extolling virtues of teaching for women as well as men, use Islamic respect for learning.  
- Consider retraining and reintegrating former women civil servants who were laid off due to the public administration reform efforts. |  
- Expand and improve the main components of reproductive health such as maternal and neonatal health, birth spacing, gender and reproductive rights.  
- Employ at least one female health staff in every health facility.  
- Sex-disaggregate all human related data.  
- Address gender equity concern in national health policies and guidelines through the Gender and Reproductive Rights Unit. |
| Establish a mechanism to collect accurate, up-to-date and sex-disaggregated labour market information that can be translated into the design of technical course that will enable graduates to more easily find employment.  
- Identify market opportunities for women and implement courses that will enable them to take advantage of such market opportunities.  
- Increase wage and self-employment opportunities for women through the provision of market-oriented skills and business training, and linkages to microcredit and business development support services.  
Facilitate opportunities for women in the job market through apprenticeships, co-op programmes, on-the-job vocational training opportunities and others.  
- Add courses on “entrepreneurship” to schools with practical training in how to establish a business.  
- Employ a “mobile career counselor” to travel to schools, shuras, and other gatherings of women and girls to provide practical advice on market needs, skill-building opportunities and to identify ways to foster female participation. |  
- Determine the factors that contribute to the high MMR in Afghanistan.  
- Promote education, family planning, communication and changes in cultural practices. |
| Conduct a labour market study to assist in developing an effective skills development strategy that is responsive to market needs.  
- Adopt affirmative action policies, including trade policies, to make them responsive to women’s particular needs as economic agents.  
- Provide women with vocational skills that will meet the demands of infrastructure, agriculture and livestock production.  
- Assess training to ensure that vocational training and job placement services are cognizant of potential growth sectors and able to identify market opportunities that will bring women to more lucrative sectors of the economy.  
- Establish a database to monitor the attainment of the government’s quantitative targets for women in education, vocational training, and employment. |  
- Establish a mechanism to collect accurate, up-to-date and sex-disaggregated labour market information that can be translated into the design of technical course that will enable graduates to more easily find employment.  
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- Employ a “mobile career counselor” to travel to schools, shuras, and other gatherings of women and girls to provide practical advice on market needs, skill-building opportunities and to identify ways to foster female participation. |
| Reduce by 50 percent between 2002 and 2015 the maternal mortality ratio (MMR) and |  
- Determine the factors that contribute to the high MMR in Afghanistan.  
- Promote education, family planning, communication and changes in cultural practices. |
| · Reduce gender disparity in economic areas by 2020 | · Reduce by 50 percent between 2002 and 2015 the maternal mortality ratio (MMR) and |

Reduce gender disparity in economic areas by 2020

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- Consider retraining and reintegrating former women civil servants who were laid off due to the public administration reform efforts.
- Establish a mechanism to collect accurate, up-to-date and sex-disaggregated labour market information that can be translated into the design of technical course that will enable graduates to more easily find employment.
- Identify market opportunities for women and implement courses that will enable them to take advantage of such market opportunities.
- Increase wage and self-employment opportunities for women through the provision of market-oriented skills and business training, and linkages to microcredit and business development support services. Facilitate opportunities for women in the job market through apprenticeships, co-op programmes, on-the-job vocational training opportunities and others.
- Add courses on “entrepreneurship” to schools with practical training in how to establish a business.
- Employ a “mobile career counselor” to travel to schools, shuras, and other gatherings of women and girls to provide practical advice on market needs, skill-building opportunities and to identify ways to foster female participation.
### Further reduce the MMR to 25 percent of the 2003 level by 2020

- Increase women’s participation in the health sector.
- Improve and expand health services and infrastructure, particularly for rural women.
- Increase the number of facilities that provide reproductive health services, especially CHCs and BHCs.
- Increase the number of midwives and female community health workers to expand services throughout the country.
- Mobilise the community to address reproductive health issues.
- Encourage women and families to improve and maintain their own reproductive health.

### Engage Islamic scholars and religious leaders, media, academia, NGOs and other sectors in promoting people’s understanding of women’s rights, reproductive health, the importance of girls’ education, social and economic impacts of violence against women, gender issues in poverty and the adverse consequences of underage marriages.

- Promote women’s perspectives and participation in Islamic activities, particularly those related to improving understanding of women’s rights in Islam.

### Establish and equip centres of excellence in Islamic education with access for girls in each province

- Identify moderate religious leaders and scholars and promote Friday sermons on the need and importance of women’s participation in Islamic activities.

### Strengthen government’s partnership with media in implementing gender equity measures.

- Access media for distance learning, public awareness campaign, and education of the public.

### Promote an independent, pluralistic and gender-sensitive media.

- Develop and adopt a long-term, gender-sensitive and comprehensive strategic framework for Afghanistan’s cultural and media development.

| Increase general awareness on gender, reproductive health and rights. | Increase women’s access to quality reproductive health services, including antenatal care, intrapartum care, counseling, modern family planning service and others. | Increase the deployment of female health workers and staff in rural areas and provide incentives. | Strengthen men’s involvement in reproductive health and rights activities. | Include female doctors, nurses, midwives and laboratory and pharmacy technicians in Comprehensive Health Centres. | Increase the supply of qualified female health-workers and strengthen their human resource development. | Adopt and implement a national population policy. | Establish and equip centres of excellence in Islamic education with access for girls in each province. | Identify moderate religious leaders and scholars and promote Friday sermons on the need and importance of women’s participation in Islamic activities. | Strengthen the Women’s Department of the Ministry of Haj and Islamic Affairs. | Promote an independent, pluralistic and gender-sensitive media. | Develop and adopt a long-term, gender-sensitive and comprehensive strategic framework for Afghanistan’s cultural and media development. | Develop a standard, gender-sensitive media and communication framework. |
| on women’s rights. | curriculum for universities.  
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<td>• Provide sex-disaggregated data and discuss in state-owned media the issues of gender, health, education, women’s rights, and other concerns that are of interest to women.</td>
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<td>• Develop and institutionalize an affirmative action plan for women and media and ensure that women are properly represented in various levels and professions within the sector.</td>
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<td>• Develop a package of gender briefings for media consisting of guide notes on gender-sensitive reporting, non-sexist language, and ‘women-friendly’.</td>
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<th>• Educate the public on the right of women to participate in cultural activities, including theatre, media and sports.</th>
<th>• Develop and implement strategies to increase girls’ and women’s access to sports from playgrounds at schools to opportunities for women to enter professional athletics.</th>
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<td>• Conduct training for female coaches, trainers, media reporters and others.</td>
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<td>• Ensure proportional representation of female athletes in international competitions.</td>
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<p>| • Provide incentives and recognition to private firms that promote the employment of women. |
|• Increase women’s productivity by facilitating access to capital, marketing and skills development. |
|• Promote public understanding on the importance of women’s contributions to economic development, women’s right to work, and the enormous, albeit largely unrecognised contribution of women in the economy. |</p>
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<th>• Support the creation of organisations that involve, represent, or work with women in the informal economy to ensure that their voices are heard in government policy and decision-making.</th>
<th>• 35 percent of the National Skills Development Program (NSDP) target for training will be women, with annual increase of five percent (NSDP will also prioritize vulnerable/chronically poor women in the implementation of skills training).</th>
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<td>• Employ 20 percent of vulnerable women within government, in the national and local levels.</td>
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<td>• Start cash transfers from 2009 through Afghanistan Family and Social Protection Fund where poor female-headed households are among the vulnerable groups to be covered.</td>
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<td>• Have equal treatment and quality service for women with disabilities in line with the National Policy Action on Disability.</td>
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<td>• Introduce a special project to distribute livestock and farming tools to the poorest households by the Ministry of Agriculture, support the rural poor, especially women.</td>
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<td>• Improve legislation to enforce women’s rights to inheritance.</td>
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