



Women's rights are human rights Afghan women in 2008 – still a long way to go

Women's equal dignity and human rights as full human beings are enshrined in the basic instruments of today's international community. From the Charter of the United Nations' endorsement of the equal rights of men and women, to the Universal Declaration of Human Rights and the subsequent international treaties and declarations, the rights of women are central to our vision of a democratic society. There can be no peace, security or sustainable economic development in societies which deny human rights, including the rights of women.

But the fine words of these documents and of the Vienna Declaration in 1993 and the declaration of Beijing in 1995 stand in sharp contrast to the daily reality of life for millions of women, especially for women in Afghanistan.

The situation of Afghan women continues to be a challenge to human development. Afghan women have a life expectancy of 44 years, 20 years less than the global average. The main reasons being the "unusually harsh realities for women in Afghanistan".¹ Underage marriage², an average 6.6 children per woman, one maternal death every 30 minutes, and lack of access to health facilities are some of the reasons for women's short lifespan. More than half of all brides are under 16, and domestic violence is so common (yet under-reported) that 87 per cent of women admit to experiencing it.³

While progress has been made since the fall of the Taliban, women are still struggling to see their rights fulfilled. Literacy rates among young Afghan women are disturbingly low: only 18% of women between 15 and 24 can read. While the total number of children enrolled in primary schools is increasing tremendously, the percentage of female students is not. Female members of families get less and poorer quality food than male members⁴, they lose out on heritage and are approximately 3 times less economically well off than men.⁵

However, women's rights are accounted for in the **legal framework** of Afghanistan. Women's equal rights are foreseen by the Afghan constitution and Afghanistan is a signatory of CEDAW. In 2004, president Karzai even signed the Declaration of the Essential Rights of Afghan women, which established equality between men and women, equal protection under the law, freedom of movement and right to education, to mention some of the provisions.

Strategic documents, such as the Afghan National Development Strategy (ANDS) has gender as a cross cutting issue and the newly elaborated and the National Action Plan for the Women of Afghanistan (NAPWA) is an important step ahead to ensure that women's conditions actually are improved. However, there is a long way from policy to concrete results. Cultural traditions that negatively impact on women are common in Afghanistan and continue to persist, despite new legislation that attempts to curb harmful practices.

"The elders forced me to marry at 12 to a 66-year-old"

Frozan⁶ (36) is a CARE beneficiary that was forced to marry at the age of 12 to a 66 year old man. The local elders demanded that her father paid for his indiscretions by giving up his 12 year old daughter. "It was the main disaster in my life", says the now 36 year old about her marriage. Underage and forced marriage is common in Afghanistan, despite regulations. Up to 50 percent of Afghan girls get married before they are 15; some are married at the age of eight, the United Nations Population Fund UNFPA has found. Consequently many young mothers, who also have little access to health care, nutrition and other services, die due to pregnancy-related complications. Early marriages also contribute to high infant mortality rates; 165 in every 1,000 infants die before their first birthday, according to UNICEF.⁷ Frozan also blames the government for condoning cultural practices that violates women's rights. "The government usually ignores cruel traditions and accepts them unofficially", she says.

The Afghan justice sector still has a long way to go before women have de facto equal access and protection before the law. Violations of women's human rights are rampant according to the National Action Plan for the Women of Afghanistan (NAPWA). Traditional practices such as the exchange of women like Zohra to settle disputes or as

Facts on the conditions for Afghan women

- ***life expectancy of 44 years***
- ***an average 6.6 children per woman***
- ***one maternal death every half hour***
- ***more than half of all brides are under 16***
- ***87 per cent of women admit to experiencing domestic violence***
- ***only 18% of women between 15 and 24 can read***
- ***female members of families get less and poorer quality food than male members***
- ***87% of Afghans believe women need male permission to vote***

payment to solve economical issues as well as denial of women's heritage are common, and equally disturbingly is the fact that such perpetrations of human rights and Afghan law go largely unpunished.

The incidence of violence against women is alarmingly high and domestic violence has to take the blame for a large number of violent episodes.⁸ Nine out of ten Afghan women admit having experienced domestic violence.⁹ Zohra (38), another of CARE's beneficiaries, describes the period after she married as "the dark period" of her life. She depicts a situation of physical and emotional abuse, perpetrated both by her husband and his family members. "I am deaf on one ear because of the beating", she says. As many other brides in Afghanistan, Zohra suffered the violence both of her husband and her mother in law. As young women are married into the husband's family, the mother in law is a power figure that often is the

responsible for the violence inflicted on women. "Both my mother in law and my husband used to beat me for no reasons, I had to carry out all the chores in the house and they did not always give me food", she continues.

One of the main reasons for women's low life expectancy is Afghanistan's extreme maternity death rate. After Sierra Leone, Afghanistan has the highest maternal mortality rate in the world with at least 1,600 deaths per 100,000 live births, according to UNFPA and the UN Children's Fund (UNICEF). "That is a staggering 24,000 women dying every year, and 87 percent of them [deaths] are preventable," Ramesh Penumaka, Afghanistan Country Representative for the United Nations Population Fund (UNFPA), told reporters in Kabul on 14 July. Lack of access to obstetric and health services, early marriages and multiple short-term pregnancies are the main reasons why about 60 mothers die every day.¹⁰

Halima (40) has given birth to 14 children; 8 of whom died. The infant mortality rate in 2006, though improving, was 135 per 1,000, which is the third worst in the world. "My children died because of poor nutrition and ignorance about danger signs and the importance of going to the doctor", she says. Afghanistan's Public Health Ministry says basic health services reach up to 85 percent of the country, but only 18 percent of deliveries were attended by skilled birth attendants in 2007, UNFPA's statistics show. Most pregnant women do not have access to skilled health care and obstetric services due to a lack of awareness, access problems and/or men's unwillingness to take females to health centres.¹¹ Halima's husband refused to send her to the doctor for check ups during her pregnancies and to have medical assistance at the time of the deliveries. "He even refused to allow a woman from the community to assist my deliveries", she says.

"Eight of my children died because of poor nutrition and ignorance about danger signs and the importance of going to the doctor"

Women have traditionally been largely excluded from **decision-making** in Afghanistan. However, over the last years provisions have been made to ensure that women's involvement is reinforced. According to the Afghanistan compact "female participation in all Afghan sub national governance institutions, including elected and appointed bodies and the civil service, will be strengthened" by 2010. In order to achieve this goal,

legislation assuring women a certain quota in the National Assembly has been passed, and currently women represent 27 percent of the Afghan National Assembly.¹² Furthermore, women have been largely excluded from participating in the peace process; they have been marginalized in processes of transitional justice and their experiences from the conflict are largely undocumented.¹³

At the 2005 **elections**, 44 percent of the electors were women. A survey done the year before the election showed that 87 percent of Afghans believed that women needed male authorization to vote, 37 percent of women believed that they would not have the permission to vote and 18 percent of men admitted that they would not allow their wives to vote.¹⁴

Women are also discriminated in Afghan **civil and criminal law**. Women are being detained for acts that do not constitute crimes under Afghan law: such as elopement. Moreover, women are arrested for crimes committed by male family members, to force the latter to turn themselves in.

Access to justice is also a serious problem. Women often lack awareness of their possibilities and justice institutions also often actively deny women the access to justice they have the right to receive. Likewise, perceived shame related to sexual violence and the challenges in returning to the local community after proceeding justice for a perpetration, prevents women from reporting incidents and seeking justice. Additionally, up to 80 percent of disputes are according to the Human Development Report resolved outside of the formal justice system. Traditional shuras do not follow Afghan official law and are often insensitive to women's rights. Moreover, the under

"After I married, the dark period of my life began"

representation of women in the security services, in the judiciary, and as penitentiary staff contributes to maintain the institutionalized culture of impunity of criminal acts against women and the obstacles to women's access to justice.

CARE is one of the world's largest independent aid organizations providing emergency relief and development projects in nearly 70 countries around the world. CARE has been working in Afghanistan since 1961, operating programs in education, economic development, rural rehabilitation, emergency response, and support for women and vulnerable groups.

¹ National Action Plan for the Women of Afghanistan (NAPWA), 2008, p2. If no other source is given, numbers are taken from the NAPWA.

² 57 per cent of girls are married before the age of 15 according to NGOs cited in 'Afghanistan: Child Marriage rate still high – minister'; July 2004, UN Office for the Coordination of Humanitarian Affairs (OCHA) Integrated Regional Information Network (IRIN).

³ <http://write2ankit.blogspot.com/2008/03/ten-worst-countries-for-women.html>

⁴ Alingar, Laghman: a case study of rural livelihoods; Kerr-Wilson, A. and Pain, A., 2003, Afghanistan Research and Evaluation Unit (AREU)

⁵ National Action Plan for the Women of Afghanistan (NAPWA), 2008, p4.

⁶ All names have been changed to protect the identify of those interviewed.

⁷ What's On in Kabul, Issue 114/2008.

⁸ National Action Plan for the Women of Afghanistan (NAPWA), 2008, p29.

⁹ 87 percent, according to <http://write2ankit.blogspot.com/2008/03/ten-worst-countries-for-women.html>

¹⁰ What's on in Kabul, Issue 114/2008

¹¹ What's On in Kabul, Issue 114/2008.

¹² Progress for Women is Progress for all, UNIFEM Afghanistan, Fact Sheet 2007, May 2007.

¹³ National Action Plan for the Women of Afghanistan (NAPWA), 2008, p29.

¹⁴ Progress for Women is Progress for all, UNIFEM Afghanistan, Fact Sheet 2007, May 2007.