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WOMEN'S RIGHTS IN AFGHANISTAN

A LONG STRUGGLE AHEAD

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Women's Rights in Afghanistan: A Long Struggle Ahead

“There is no tool for development more effective than the empowerment of women. No other policy is as likely to raise economic productivity or to reduce child and maternal mortality... No other policy is as powerful in increasing the chances of education for the next generation. And I would also venture that no policy is more important in preventing conflict, or in achieving reconciliation after a conflict has ended.”

- Former UN Secretary-General Kofi Annan¹

Introduction

As the US is trying to negotiate a peace deal with the Taliban, the women in Afghanistan fear that the Afghan government and the international community will end up compromising women rights and gender equality in order to achieve a hasty peace deal with the Taliban.² In the past 18 years, the women in Afghanistan have achieved modest progress in terms of social, economic and political inclusion. However, the paper argues that when confronted with the twin forces of religious conservatism and nationalism, the rulers in Afghanistan have always conceded the women rights in order to maintain peace and stability. At present also, in order to end the ongoing conflict with the Taliban, the political elites in Afghanistan and the international community are overlooking the concerns raised by women in the country.

This paper is divided into five sections. In the first section, the paper will provide a contextual understanding of the women's rights in Afghanistan, their struggle to protect the gains made in past 18 years, and what they might lose if the Taliban comes back to power in Kabul. The next section will give a brief description of the socio-cultural and historical context in which women in Afghanistan have fought for their rights. In the third section, the paper describes the life lived by women under

1 As quoted in “A Place at the Table: Safeguarding women's rights in Afghanistan”, *Oxfam Briefing Paper*, 3 October 2011, URL: https://www-cdn.oxfam.org/s3fs-public/file_attachments/bp153-womens-rights-afghanistan-03102011-en_4.pdf, P. 20

2 Fatima Faizi and David Zucchino, “700 Afghan Women Have a Message: Don't Sell Us Out to the Taliban”, *The New York Times*, 28 February 2019, URL: <https://www.nytimes.com/2019/02/28/world/asia/afghanistan-women-taliban.html> ; Also see, *Women Worried About Their Rights In Peace Talks: Study*, *TOLO News*, 27 April 2019, URL: <https://www.tolonews.com/afghanistan/women-worried-about-their-rights-peace-talks-study>

the Taliban rule. The fourth part of the paper deals with the struggle for gender equality in the post-Taliban era and the gains made in the past 18 years. This section is further subdivided into the following section: political rights, social rights, economic rights, and political participation. The final section explains the concerns raised by women in Afghanistan with regard to the peace deal and their role in the ongoing negotiations. The conclusion will summarize the findings of the study.

I. Understanding the Issue of Women's Rights in Afghanistan

In May 2019, three young Afghan women, Tamana Asey, Shabana Basij-Rasikh, and Freshta Karim featured in Forbes magazine's prestigious '30 under 30' list for their work in the field of social entrepreneurship and their resolve to protect the freedom gained by women in Afghanistan since 2001.³ At the same time, in Farah province in western Afghanistan, the local Taliban leaders threatened the Deputy Education Director to sack all the male teachers at girls' school and replace them with females. The Afghan government complied and yet the schools were burned down to ashes. Not only this, in recent months approximately 400 schools for both boys and girls were shut down in the recent past because of fragile security due to Taliban threats and attacks.⁴ The modest but substantial gains achieved by the women in Afghanistan since 2001 are once again in danger. The complete absence of women representatives from the negotiating table and the Taliban's continuous refusal to talk to the Afghan government puts the gains made by women in Afghanistan in jeopardy. It is an international obligation under the UN Security Council (UNSC) resolution 1325 to include women in all peace processes in order to achieve sustainable peace.⁵

Moreover, the attack on girls' schools in Farah province came after the Taliban leaders proclaimed during the intra-Afghan talks held in February 2019 in Moscow that "we are committed to all rights given to women by Islam. Islam has given women all fundamental rights - such as trade, ownership, inheritance, education, work, the choice of partner, security, education, and a good life."⁶ At the same time, the Taliban delegation declared that "under the name of women's rights there has been work for immorality, indecency, and promotion of non-Islamic cultures and we are committed to eliminating all those evil customs and traditions that violate women's rights and do not comply with Islamic principles."⁷ Now, it is crucial to note that this emphasis on Islam by the Taliban is open to wide and varied interpretations and can be used in the future to curtail the women's rights.

3 Ruchi Kumar, "The women who are making a difference", *The Hindu*, 4 May 2019, URL: <https://www.thehindu.com/news/international/the-women-who-are-making-a-difference/article27034641.ece>

4 Najim Rahim and David Zucchino, "Attacks on girls' schools on the rise as Taliban make gains", *The New York Times*, 21 May 2019, URL: <https://www.nytimes.com/2019/05/21/world/asia/taliban-girls-schools.html>

5 Susan Willett (2010), "Introduction: Security Council Resolution 1325: Assessing the impact on women, peace and security", *International Peacekeeping*, Vol. 17, No. 2, pp: 142-158

6 Frud Bezhan, "Afghan Taliban Open To Women's Rights- But Only On Its Terms", *Radio Free Europe/Radio Liberty*, 6 February 2019, URL: <https://www.rferl.org/a/taliban-afghanistan-open-women-s-rights-only-terms/29755102.html>

7 Taliban say women's rights to be protected under Islam, but must not threaten Afghan values, *The Telegraph*, 5 February 2019, URL: <https://www.telegraph.co.uk/news/2019/02/05/taliban-say-womens-rights-protected-islam-must-not-threaten/>

It is significant to recall that the previous Taliban regime (1996-2001) also justified their rule on the basis of propagating a truer version of Islam. Despite that, it was under the Taliban regime that Afghanistan faced the worst gender apartheid in which the abuse of women's rights became a norm. Therefore, while the international community is negotiating with the Taliban, it is important to understand how did the Taliban interpreted women's rights based on Islam when it ruled Afghanistan previously. More importantly, it is crucial to ask in what ways the ultra-radical armed group has moderated its position with regard to women's rights since 2001. After all, it was only in 2010, when the mutilated face of Bibi Aisha appeared on the cover of Times magazine and shook the world. As a punishment for escaping her husband after years of abuse, the local Taliban leader issued a verdict to cut off her ears and nose.⁸ What makes the mutilation of Bibi Aisha more gruesome is the fact that it took place almost a decade after the US-led coalition overthrew the Taliban regime.⁹

The 2010 Human Rights Watch Report clearly indicates that there is no change in the ideology of the Taliban in the post-2001 era also. It states that "in areas they control or influence, the Taliban have threatened and attacked women in public life and ordinary women who work outside their homes."¹⁰ Therefore, it is imperative to judge all the proclamations made by the Taliban leaders at the international stage about their commitment towards women's rights and gender equality on the basis of their actions rather than mere rhetoric. At this juncture, it is also important to recall that in the aftermath of September 2001 attacks, empowerment of women in Afghanistan became a major rallying point for the US government to garner support for the military intervention in the country. Therefore, the question which remains to be explored is how the misogynist adversaries of yesterday became the sought after negotiating partners of today for the US and the international community?

II. Socio-Cultural and Historical Background

The issue of women's rights and gender equality in Afghanistan cannot be understood in totality without taking into account the socio-cultural background and the historical processes which have shaped the lives of its people since ancient times. The tribal and deeply religious nature of society in Afghanistan determines the norms of social behavior including the position of women. It means that the rights of women and restraints on them are defined in accordance with the interpretation of Islam.¹¹ The religious teachers and mosques still play a crucial role in influencing public opinion especially in relation to family norms and women rights. What makes the matter more complicated is the lack of educated *ulemas* in the country to interpret the religion. The understanding of religion in Afghanistan is largely dependent on the verbal discourses of religious scholars since a large section of masses is still uneducated. In this scenario, "discriminatory gender norms have therefore

8 Aryn Baker, "Afghan Women and the Return of the Taliban", *Time*, 9 August 2010, URL: <http://content.time.com/time/magazine/article/0,9171,2007407,00.html>

9 Ibid

10 "The Taliban War on Women Continues", *Human Rights Watch*, 14 July 2010, URL: <https://www.hrw.org/news/2010/07/14/taliban-war-women-continues>

11 "Women's Rights, gender Equality and Transition: Securing gains, moving forward", *Afghanistan Research and Evaluation Unit*, Issue Paper, September 2013, URL: <https://areu.org.af/wp-content/uploads/2016/02/women-and-Transition.pdf>, p. 19

emerged in part from the uninformed interpretation of religious edicts, and are therefore embedded in an intertwining of religion with culture.”¹² Further, it is the rigid patriarchal nature of family in the country which ascribes a subservient position to women and encourages gender bias in roles and responsibilities. In traditional Afghan culture, women are viewed as a symbol of honor. The public sphere is predominantly occupied by the male members of the society who have the responsibility of economically supporting the family and protecting its reputation by guarding the women’s virtue.¹³

However, despite certain common features of patriarchy throughout the country, significant deviations can also be found on the basis of “ethnicity, class, and location”.¹⁴ For example, the veiling of women is more stringent in the Pashtun community as compared to other ethnicities. It is mandatory for Pashtun women to wear the all-covering *burqa*, whereas, the women of other ethnicities have the option of covering themselves with large scarves or *chadors*.¹⁵ This complexity is further exacerbated by the different interpretation of the religious text which is deeply influenced by various local, tribal norms and behavior. Among all the ethnicities present, the most oppressive gendered roles within Afghanistan are probably followed by the Pashtun population, especially in rural areas. The life among Pashtuns is guided by the stringent observance to the code of *Pashtunwali* which is the code of honor for Pashtuns. Thomas Barfield writes, “Pashtuns famously proclaimed that they fought for only three things: *zar*, *zan*, and *zamin* (gold, women, and land).”¹⁶ This code is so deeply entrenched in the lives of the people of the Pashtun community that it shapes every aspect of their life. The Pashtun women are also not immune to its harsh tenets which decree that a woman must wear a *chaderi/burqa* while stepping out of the house. At the same time, it is customary that a woman must be accompanied by a close male relative whenever she goes outside. The imposition of such restrictions has made the seclusion of women prevalent in Afghan society.¹⁷

These patriarchal values and rigid gender norms shaped by religion and culture creates a relationship of dependency between men and women which in turn have material consequences for the well-being of women. In other words, in Afghanistan, the social and economic securities of a woman “rely on their submission to the patriarchal authority structure within the family.”¹⁸ Therefore, for most women, the institution of family, due to the prevalent discriminatory patriarchal norms, paralyzes

12 Ibid, p. 19

13 Naila Kabeer, Ayesha Khan and Naysan Adlparvar (2011), “Afghan Values or Women’s Rights? Gendered Narratives about Continuity and Change in Urban Afghanistan,” *IDS Working Paper* – Volume 2011, No. 387, *Institute of Development Studies*, URL: https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.2040-0209.2011.00387_2.x, P. 30

14 “Women’s Rights, gender Equality and Transition: Securing gains, moving forward”, *Afghanistan Research and Evaluation Unit*, Issue Paper, September 2013, URL: <https://areu.org.af/wp-content/uploads/2016/02/women-and-Transition.pdf>, p. 19

15 Abu-Lughod, L. (2002), “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and its Others”, *American Anthropologist*, Vol. 104, No. 3, pp. 783–90

16 Thomas Barfield (2010), *Afghanistan: A Cultural and Political History*, Princeton University Press: New Jersey, p. 185

17 “Women’s Rights, gender Equality and Transition: Securing gains, moving forward”, *Afghanistan Research and Evaluation Unit*, Issue Paper, September 2013, URL: <https://areu.org.af/wp-content/uploads/2016/02/women-and-Transition.pdf>, p. 19

18 Ibid, pp. 19-20

the social mobility of women in society and becomes a site of repression rather than a refuge.¹⁹

In this socio-cultural background, the issue of gender equality in Afghanistan has always been fraught with difficulties largely because of lack of popular support from the people at the grassroots level. Many rulers in Afghanistan were met with violent rebellions whenever they tried to reform the rigid social and family structure of Afghan society and improving the status of women. The modernizing tendency of the urban elites in Kabul has always faced a backlash from the religious *ulemas* and the rural tribal population, who has always resisted any threat to their autonomy and interference in family affairs.²⁰ However, contrary to popular beliefs, there have been some serious attempts within the country to reform the status of women within Afghan society.

The two controversial attempts both of which followed a top-down approach at radically reforming the position of women in Afghan society were: the reign of King Amanullah (1919-1928) and the People's Democratic Party of Afghanistan (PDPA) rule (1978-1979). There were few benign attempts in between also especially during the reign of Amir Abdurrahman Khan (1880-1901) and King Zahir Shah. In his bid to create a modern Afghan state, Amir Abdurrahman Khan adopted strict measures to prevent child marriages and forced marriages. He also enacted laws to support inheritance and divorce rights of women, however, within the provisions of the *sharia*.²¹ However, by resorting to *sharia*, Abdurrahman opted for a pragmatic way to bring out social reforms in a deeply conservative society. He aimed at incorporating the clergy within the secular institutions of the state by bringing *madrasas* and *waqf* under the supervision of the state.²² Throughout the Afghan history, the majority of reforms with regard to women's rights created an impact only for the middle and urban upper-class elite. As a scholar observes, from the upper socio-economic section of society, "many Kabuli women were able to move freely around the city without a male family member. They regarded education as their right, studied at university and expected to have their own career."²³ At the same time, "among the lower-middle and lower classes, who still comprised a majority of Kabul's population, most women seldom left home without being escorted by a male family member, even to go shopping."²⁴

19 Ibid, pp: 19-20

20 Huma Ahmed-Ghosh(2003), "A History of Women in Afghanistan: Lessons Learnt for the Future or Yesterdays and Tomorrow: Women in Afghanistan", *Journal of International Women's Studies*, Vol. 4, No. 3, pp. 1-14

21 Deniz Kandiyoti (2005), "The Politics of Gender and Reconstruction in Afghanistan", *United Nations Research Institute for Social Development*, Occasional Paper 4, URL:[http://www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=3050BE40DA5B871CC125704400534A7A&parentdoctype=paper&netitpath=80256B3C005BCCF9/\(httpAuxPages\)/3050BE40DA5B871CC125704400534A7A/\\$file/OPGP4.pdf](http://www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=3050BE40DA5B871CC125704400534A7A&parentdoctype=paper&netitpath=80256B3C005BCCF9/(httpAuxPages)/3050BE40DA5B871CC125704400534A7A/$file/OPGP4.pdf), p. 4

22 Ibid, p. 4

23 Sultan Barakat and Gareth Wardell, "Exploited by whom? An alternative perspective on Humanitarian Assistance to Afghan Women", *Third World Quarterly*, Vol. 23, No. 5, P. 917

24 Ibid, p.917

Box 1: Struggle for Women's Rights: Historical experience

King Amanullah: <i>the radical approach</i>	King Amanullah adopted a more radical zeal in his attempt to reform the Afghan state in a top-down manner by curtailing the polygamy and child marriage, restricting the marriage payments, ending the custom of <i>baad</i> , opening the education system for women, prohibiting polygamy among government officials, and abolishing the veil. ²⁵ His attempts at reforming the marriage laws and the treatment of women in Afghan society especially among the Pashtuns received the severe backlash from the <i>ulemas</i> and the rural tribal population. ²⁶
King Zahir Shah: <i>the method of co-option and voluntary reforms</i>	King Zahir Shah opted for the policy of co-opting the urban elites in Kabul by introducing social reforms first among them rather than enforcing it in the whole country. Even among the urban elites, the social reforms were more suggestive and voluntary in nature. For instance, in 1959, Prime Minister Mohammad Daoud (1953-1963) permitted the 'voluntary' removal of the veil only among the urban elite in Kabul. ²⁷ Further, the constitution of 1964 gave primacy to civil rights, free speech, and universal suffrage. Women became part of every institution in Afghanistan including the police force, judiciary, army, education sector, bureaucracy, business, and industry. ²⁸ However, since these reforms targeted a very narrow section of people in Kabul and other urban areas, they failed to bring any major change in the position of women especially in the rural areas of the country.
The PDPA government: <i>Proactive social reforms</i>	From the beginning, the PDPA movement incorporated women activists in large number who established the Democratic Organization of Afghan women (DOAW) as a component of PDPA. DOAW focused on achieving basic rights for women such as equality, right to work, paid sickness and maternity leave. For the first time in Afghanistan, women were evidently active in the public sphere dissenting and demanding rights. ²⁹ The major reforms under the PDPA government included promoting equality for women and abolition of marriage payments across the country, mandatory literacy drives promoting co-education and compulsory attendance. ³⁰ The social reform program initiated by the PDPA government countered the prevalent notions of family honor and basic values in Afghanistan and therefore, met with violent resistance countrywide.
The Civil War: <i>the period of anarchy</i>	The civil war which engulfed Afghanistan till 1996 was a period of gross human rights violations as various warlords killed, plundered and raped with impunity. The Mujahidin government (1992-96) invoked Sharia law which restricted women's dress and impacted their mobility and educational opportunities. ³¹ Human Rights reports criticized the worsening conditions for women from this period. However, these went unobserved since the international community had already turned a blind eye towards Afghanistan. ³²

25 Thomas Barfield (2010), *Afghanistan: A Cultural and Political History*, pp. 183-185

26 Ibid, p. 189

27 Sultan Barakat and Gareth Wardell, "Exploited by whom? An alternative perspective on Humanitarian Assistance to Afghan Women", *Third World Quarterly*, Vol. 23, No. 5, p. 912

28 Ibid, p. 912

29 Ibid, p. 6

30 Thomas Barfield (2010), *Afghanistan: A Cultural and Political History*, pp: 229-231

31 Deniz Kandiyoti (2005), "The Politics of Gender and Reconstruction in Afghanistan", p. 6

32 Sultan Barakat and Gareth Wardell, "Exploited by whom?", p. 913

III. The Taliban Era: Women's Struggle for Survival

The Taliban rose to power in 1996 with a claim to end the widespread anarchy and reinstate peace and security in Afghanistan. It is ironic that the radical Islamist ideology of the Taliban and the brutality of its rule are unparalleled in Afghan history. Taliban movement was borne as a reaction against the Soviet occupation of Afghanistan. The Soviet invasion had displaced millions of people in Afghanistan who had found refuge in the neighboring Pakistan and Iran. The Afghan Pashtun refugees who were trained in the *Deobandi madrasas* in Pakistan began the Taliban movement under the leadership of Mullah Omar. Thomas Barfield noted, "the Taliban was unlike other Afghan political movements not only in the exclusively clerical origin of its leaders but in the refugee origins of its followers too."³³ In order to gain legitimacy for their rule among the masses, the Taliban proclaimed that their aim is to propagate the truer version of Islam in Afghanistan. They followed the most radical version of Islam which was based on a combination of *Salafi* Islam and *Pashtunwali*.³⁴

After capturing power in Afghanistan, the Taliban released a series of decrees to implement various social policies in accordance with their understanding of Islam. These policies led to the severe curbing of women's rights and became very unpopular specifically in urban areas such as Kabul, Mazar-e-Sharif, and Herat where women previously enjoyed considerable freedom. The hostile attitude of the Taliban towards women is largely the result of their radical Islamist ideology. Another factor which contributed to their inimical outlook towards female population "stemmed from being removed from their families and female relations at an early age to grow up in all-male religious schools."³⁵

The oppressive activities of the Ministry for the Promotion of Virtue and Prevention of Vice brought the plight of women under the Taliban regime to the forefront. The edicts issued by the Taliban restricted the mobility of women, their freedom to be educated and to work. Under the Taliban regime, it became forbidden for girls and women to attend schools, colleges, leave home unless completely veiled and only in the company of a close male relative, and work, except in the health sector. Moreover, to control the behavior of women the Taliban issued various edicts such as the one which directed that "women were to walk calmly and avoid creating noise by their footsteps."³⁶ The violation of these decrees was met with severe punishment such as stoning, lashing and assault in the public places. As a scholar observes, "the Taliban treatment of women as systematic, institutionalized, organized and methodical. The state political apparatus legitimized the agenda of the Taliban."³⁷

33 Thomas Barfield (2010), *Afghanistan: A Cultural and Political History*, p. 256

34 Ibid, p. 256

35 Ibid, pp: 256-257

36 Sultan Barakat and Gareth Wardell (2002), "Exploited by whom? An alternative on Humanitarian Assistance to Afghan Women", *Third World Quarterly*, Vol. 23, No. 5, pp: 914-917

37 Maliha Zulfacar (2003), "The pendulum of gender politics in Afghanistan", *Central Asian Survey*, Vol. 25, No. 1-2, P. 47

Armed conflict, wherever it occurs, carries dire consequences for the entire communities. Its impact on women and girls is more severe because of their gender and unequal position in society.³⁸ Women, across the age spectrum, suffer from human rights abuses in such conflicts and the impact of physical and psychological violence which they go through often last a lifetime. In this context, the 40-year long unending conflict in Afghanistan has demonstrated the grit and resilience of the women in Afghanistan. Contrary to the dominant portrayal of women in Afghanistan as passive victims of war and conflict to be liberated by western military intervention, there have been several instances from the period of civil war and the Taliban regime when women organized themselves in clandestine groups in order to start secret schools, literary circles, and courses for sewing, knitting, handicrafts.³⁹ As a scholar observes, “momentum was building during the Taliban era in the grass-roots movement of Afghan women inside the country, as well as among those living as immigrants elsewhere.”⁴⁰ The organizations such as Revolutionary Afghan Women Association (RAWA), Women’s Association of Afghanistan, Afghan Women’s Network (AWN), the Islamic Center for Political and Cultural activities of Afghan Women, the Noor Educational Center played the most courageous and unparalleled role as the advocate of Afghan women’s cause during this period.

IV. Post-Taliban Era and the Struggle for Gender Equality

Fall of the Taliban regime in 2001 and the subsequent Bonn Agreement which specifically stipulated the commitment to gender issues had raised hopes of Afghan women for a better and more equitable future. Since 2001, the country’s conduit towards gender equality has been marked by substantial gains and certain setbacks. In the post-Taliban era, the issue of women’s rights gained prominence because of the emergence of a moral and legal discourse vigorously supported by the international community, various NGO’s, donor agencies, and government of Afghanistan. Previously imposed restrictions on the education, work, and movement of women and girls were lifted with the downfall of the Taliban regime. The opening of the public sphere once again gave women and girls the freedom to work and educate themselves. In the post-Taliban era, Afghan women have been at the forefront of the nation-building process to secure and expand their freedoms and rights.

Political Rights: Constitutional and Legal Rights

The Constitution of 2004 clearly states that all the legislation should be within the framework of Islamic law. However, despite its due emphasis on religion, the Constitution of 2004 equally upholds the democratic processes and human rights including the rights and freedoms of women. Article 22 of the Constitution markedly stipulates that “any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have

38 The United Nations Fourth World Conference on Women, *UN Women*, URL: <http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>

39 Elaheh Rostami Povey (2003), “Women in Afghanistan: Passive victims of the borga or active social participants?”, *Development in Practice*, Vol. 13, No. 2-3, p. 267

40 Maliha Zulfacar (2003), “The pendulum of gender politics in Afghanistan”, p. 52

equal rights and duties before the law.”⁴¹ To enforce these ideals, the Constitution also established definite mechanisms like gender quotas to promote gender equality, and institutions such as the Independent Human Rights Commission to monitor the human rights abuses in Afghanistan. Further, the Ministry of Women's Affairs (MOWA) and the United Nations Assistance Mission in Afghanistan (UNAMA) are the other two bodies which monitor and promote human rights including gender equality in Afghanistan. In fact, the Constitution also specifies what constitutes the violation of human rights in the country. It clearly states that the state must “abide by the UN Charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.”⁴² The Gender Strategy adopted by the Government of Afghanistan prohibits any kind of discrimination against women and rests on five pillars including “implementing global commitments on human rights, security, and freedom from domestic violence for Afghan women; ensuring full access to education and health services; launching the women's economic empowerment national priority program; securing constitutional rights for women; advancing women in government and business.”⁴³

In 2003, Afghanistan ratified the Convention on the Elimination of Discrimination against Women (CEDAW) to combat discrimination against women and to strengthen women's rights in the country. To meet its obligations under the CEDAW treaty, the country adopted the Law of Elimination of Violence against Women (EVAW) in 2009 by a Presidential decree. Due to the conservative attitudes of the Members of Parliament (MP), the decree was never ratified by the Parliament. The law criminalizes various acts of violence against women such as child marriage, forced marriage, selling and buying women, *baad* (giving away women to settle a dispute), rape, beating, etc. The act specifies punishment for the perpetrators of violence against women. However, the implementation of the law is still hampered due to lack of awareness, insufficient motivation, lower institutional capacity, and rigid cultural traditions.⁴⁴ Recently in 2018, Afghanistan adopted a new penal code which strengthened the definition of rape and incorporated the EVAW law into it in order to address the acts of violence against women in a more stringent manner. The status of the new penal code is still in limbo because of the resistance by a conservative section of the Parliament which forced President Ghani to completely drop the EVAW chapter from the new penal code.⁴⁵ However, despite being progressive in nature, the major drawback of the new penal code is that it preserves the repugnant virginity test for women in Afghanistan. Instead of banning and criminalizing it, the only change new penal code brings is that such tests will now be conducted “only with the consent of the female or with the court's order.”⁴⁶

41 The Constitution of Afghanistan, *International Committee of the Red Cross*, URL: [https://ihl-databases.icrc.org/applic/ihl/ihlnat.nsf/0/180edfd48a4ccd47c1257670002c2bd2/\\$FILE/The%20Constitution%20of%20Afghanistan.pdf](https://ihl-databases.icrc.org/applic/ihl/ihlnat.nsf/0/180edfd48a4ccd47c1257670002c2bd2/$FILE/The%20Constitution%20of%20Afghanistan.pdf)

42 Ibid

43 “National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21 on Afghanistan”, *UN Human Rights Council*, URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>, p. 17

44 “Injustice and Impunity”, *UNAMA*, May 2018, URL: https://www.ohchr.org/Documents/Countries/AF/UNAMA_OHCHR_EVAW_Report2018_InjusticeImpunity29May2018.pdf

45 Human Rights Watch, January 2018, URL: https://www.hrw.org/sites/default/files/afghanistan_0.pdf

46 Marjan Nahavandi, Muzhgan Yarmohammadi, “A New Afghan Law Preserves ‘Virginity Tests’ for Women”, *United States Institute for Peace*, 24 July 2018, URL: <https://www.usip.org/publications/2018/07/new-afghan-law-preserves-virginity-tests-women>

Despite constitutional and legal protection, justice still remains elusive for women in Afghanistan. The reports suggest that there has been increased focus on the enforcement of EVAW law; however, mediation still remains the preferred way to resolve a crime against women. Due to increased pressure from family and judicial officers, women are often pressurized not file an official complaint against the perpetrator and adopt mediation as the preferred route to resolve the dispute. According to the Human Rights Watch, in 2016, “the Afghanistan Independent Human Rights Commission (AIHRC) investigated 5,575 cases, noting that most cases of violence against women go unreported.”⁴⁷ In addition, the efforts to achieve gender equality in the country are also hindered by failure in bringing reform in family law and divorce provisions. As a scholar observes, “only a small handful of gender-based violence cases proceed to court, as claims are often decided by predominantly male local councils. Therefore, instead of finding support from police, judicial institutions, and government officials, women who try to flee abusive situations often face indifference or criminal sanctions for committing moral crimes.”⁴⁸

Social Rights

Education

To educate a girl child is not only a moral imperative but an economic necessity as well. Education opens up different financial prospects for women which in turn benefits the overall economic development of the country. The education system of Afghanistan was completely devastated by the protracted conflict in the country which began with the Soviet invasion in 1979. Later, during the Taliban rule, female education received a major setback due to the imposition of a complete ban on the schooling of girls. Therefore, in the post-Taliban era, the progress in female education began from a very narrow base. The government in Afghanistan with the support of the international community has invested heavily in the education sector.

The Constitution of Afghanistan (Article 22) guarantees the right to education to every Afghan citizen, man or woman. The education in the country is mandatory until 9th grade and free of cost up to the Bachelor’s degree level in all the state educational institutions.⁴⁹ In the past 18 years, with the support of the international community, Afghanistan has made modest advances in improving the education system. The rate of enrolment in primary schools has increased 9-fold from 1 million to 9.2 million from 2001-2019.⁵⁰ The government has given primary importance to enhance the enrolment of the girl child in schools. To achieve this aim, the Government of Afghanistan (GoA) has adopted various measures such as conducting education campaigns across the country. Such

47 Human Rights Watch, January 2018, URL: https://www.hrw.org/sites/default/files/afghanistan_0.pdf

48 Catherine Powell, “Women and Girls in the Afghanistan Transition”, *Council on Foreign Relations*, June 2014, URL: https://cfrd8-files.cfr.org/sites/default/files/report_pdf/Afghan_Women_Paper.pdf, p. 7

49 National Education Strategic Plan, 2017-2021, *Ministry of Education*, URL: http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/afghanistan_nesp_iii_english_-_final_-_27-03-2017.pdf, p. 24

50 Afghanistan: Promoting Education during times of increased fragility, 15 August 2018, *World Bank*, URL: <https://www.worldbank.org/en/country/afghanistan/publication/afghanistan-promoting-education-during-times-of-increased-fragility>

measures received a positive response from the people, and by 2012, 2.7 million Afghan girls were enrolled in the schools as compared to only 5,000 in 2001.⁵¹ According to the official statistics released by the Ministry of Education in Afghanistan (2018), the number of school students in private and public school reached 9,234,459 persons of which 5,703,160 are boys and 3,531,299 are girls.⁵²

Further, the government recently launched the third National Education Strategic Plan (2017-2021) to further give a boost to women's education and training of females in technical and vocational courses. The core objectives of the plan include accommodating at least 50 percent of girls in pre-school education program, local educational classes, and in accelerated education for children left out of school. The plan also aims at increasing the ratio of girls in technical and vocational institutions from 17 percent in 2015 to 26 percent by 2021, training of female teachers and increasing their number to 34 percent, increasing the number of female literacy students from 53 percent to 60 percent by 2021, and launching awareness-raising programs on the importance of girl's education.⁵³ In addition, the government has also drafted a National policy for girl education, introduced initiatives such as women quota - under which 24 percent of all university students are girls in 2017 - and launched 'Education cannot wait for campaign' (2018-2021) in collaboration with UNICEF "to improve access to safe and reliable education for 500,000 vulnerable children, including 325,000 girls, in Afghanistan annually".⁵⁴

However, despite the pro-women policies which resulted in achieving modest success in making education accessible to millions of children, the access outcomes are not equitable in Afghanistan. With only 31 percent of the adult population, Afghanistan still has the lowest literacy level in the world. The Gross Enrolment Rate (GER) witnesses a downward trend from primary to tertiary education. The level of literacy among boys is at 66 percent, whereas the literacy rate of young girls is 37 percent with high variations indicating greater gender, geographical, rural-urban divide.⁵⁵ It is estimated that 3.7 million children in Afghanistan are out of school including 60 percent girls. The enrolment level of girls is extremely low in the poor rural and remote areas.⁵⁶

The major reasons behind the low level of enrolment of the girl child in rural areas include lack of girls-only schools, lack of sanitation facility in schools, shortage of schools, insufficient transportation, and geographical barriers. Further, despite the government's widespread education

51 As quoted in *Oxfam*, "High Stakes: Girls' Education in Afghanistan," Joint Briefing Paper, 24 February 2011, URL: <http://www.oxfam.org/sites/www.oxfam.org/files/afghanistan-girls-education-022411.pdf>

52 UN Human Rights Council, "National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21 on Afghanistan", URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>

53 National Education Strategic Plan, 2017-2021, *Ministry of Education*, URL: http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/afghanistan_nesp_iii_english_-_final_-_27-03-2017.pdf

54 UNICEF, Press Release, 21 February 2019, URL: <https://www.unicef.org/rosa/press-releases/government-afghanistan-education-cannot-wait-unicef-and-coalition-un-ngo-partners>

55 "Top 10 facts about girl's education in Afghanistan", *The Borgen Project*, 3 July 2018, URL: <https://borgenproject.org/facts-about-girls-education-in-afghanistan/>

56 Ibid

campaigns to enhance the enrolment of children especially girls in schools, girl education is still undermined by socio-cultural and traditional beliefs.⁵⁷ The prevalence of child marriage also makes education inaccessible to many girls. The reports suggest that in Afghanistan 17 percent of girls still get married before the age of 15 years. It is to be noted that the legal age of marriage in the country is 16 years for females and 18 years for males. However, with the prior permission of guardians or the court, the adolescents can be married at the age of 15 years. Most importantly, the deteriorating security condition in the country, especially in the Taliban-controlled areas, further impedes the girl's education.⁵⁸

The government has launched various initiatives to target the educational gap between rural and urban areas such as opening 6,000 temporary classes in remote areas of 29 provinces to ensure access to education for all the children. The statistics suggest that 144,816 students including 57 percent of females are being taught in these classes. Further, to fulfill the demand for female teachers, the government has sent out 3000 female teachers to remote areas to educate girls.⁵⁹ The Ministry of Education under its special education program enhances access to education and ensures the quality of education in 17 remote provinces, which are classified as low-level education areas for children, especially girls.⁶⁰ However, the success of all these policies relies on the continuous support of the international community including multilateral institutions and donor agencies. At the same time, it is crucial to understand that the withdrawal of the international security forces from Afghanistan will remove the security blanket which has allowed the women in the post-Taliban era to pursue their dreams and aspirations without any fear.

Health

The Afghan government has made impressive gains in providing adequate healthcare access to women since the ousting of the Taliban in 2002. With the support of the international community, the country has been able to increase the basic healthcare facilities' and greater awareness about health issues. The country has seen a significant reduction in the maternal mortality rate which dropped from 1340 in 2002 to 396 deaths per 100,000 live births in 2015.⁶¹ Similarly, the child mortality rate also fell from 86 in 2002 to 52 per 1,000 live births in 2017.⁶² In addition, the Afghan government's collaboration with the United States Agency for International Development (USAID) and other international agencies in imparting training to thousands of midwives in the country has further contributed to improving the health outcomes. Further, the reports indicate that the country

57 "I Won't Be a Doctor, and One Day You'll Be Sick", *Human Rights Watch Report*, 17 October 2017, URL: <https://www.hrw.org/report/2017/10/17/i-wont-be-doctor-and-one-day-youll-be-sick/girls-access-education-afghanistan>

58 Ibid

59 UN Human Rights Council, "National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21 on Afghanistan", URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>, pp. 15-16

60 Ibid

61 Maternal Mortality Ratio, Afghanistan, The World Bank, URL: <https://data.worldbank.org/indicator/sh.sta.mmrt>

62 <https://data.worldbank.org/indicator/SP.DYN.IMRT.IN?end=2017&start=2001>

has also achieved an increase in life expectancy, access to vaccination, and access to clean drinking water.⁶³

The improved healthcare in the country is largely the result of government's collaboration with international organizations such as the European Union, the USAID, and the World Bank. The monetary and other assistance provided by these organizations has led to substantial improvement in women's access to healthcare.⁶⁴ In addition, other factors which led to the progress in healthcare are the slow improvement in the higher average age of marriage, wider use of contraceptives, lower fertility, greater access to maternal care, and education in the country. However, the prevalence of child marriage is still the cause of many pregnancy-related deaths, especially in rural areas. At the same time, it is equally important to note that the benefits of improved healthcare are also not equally distributed across the country. The advancement in health facilities has benefited the urban population more than the rural people. Nevertheless, despite the grim statistics, there is no denying the fact that the country has achieved substantial progress in healthcare initiatives since the falling of the Taliban.⁶⁵

Security and Violence against Women

In the midst of a deteriorating security environment, the challenges for women become manifold. The worsening security is not only life-threatening but also hampers the social mobility for women. Despite continuous efforts by the government, the incidents of "murder, beating, mutilation, child marriage, giving away girls for dispute resolution (*baad*), and other harmful practices remain widespread throughout Afghanistan."⁶⁶ However, it is observed that the level of support for the customs like *baad* is gradually falling throughout the country. This change is largely the result of the government's efforts to criminalize such practices and establish stringent punishments for the perpetrators.⁶⁷

Also, as discussed above, the government has achieved significant progress in implementing the EVAW law to combat the violence against women in the country. In this context, the UNAMA report observes that in spite of government's concrete efforts, "the enforcement of national legislation aiming to protect women from violence remained a challenge."⁶⁸ The report indicates that women still face inequality before the law and their access to justice is limited by "frequent failure of state officials to exercise due diligence in investigating, prosecuting and punishing perpetrators,

63 Further Improvements to Women's Healthcare in Afghanistan, The Borgen Project, 19 February 2018, URL: <https://borgenproject.org/womens-healthcare-in-afghanistan/>

64 Further Improvements to Women's Healthcare in Afghanistan, The Borgen Project, 19 February 2018, URL: <https://borgenproject.org/womens-healthcare-in-afghanistan/>

65 Ibid

66 The Survey of the Afghan People, Afghanistan in 2018, The Asia Foundation, URL: https://asiafoundation.org/wp-content/uploads/2018/12/2018_Afghan-Survey_fullReport-12.4.18.pdf

67 Ibid

68 UN Human Rights Council, "National Report on Afghanistan", URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>

and providing reparations to survivors.”⁶⁹ This, in turn, has resulted in a high rate of dispensation and normalization of violence against women in Afghan society. The failure of law enforcement authorities to bring the perpetrators of violence against women to justice thwarts the “efforts of the government to promote women’s rights, erodes the rule of law, contributes to an expectation of impunity, discourages the reporting of these cases, and increases citizens’ perception of a corrupt and unreliable justice system in Afghanistan.”⁷⁰

Withdrawal of American security forces will worsen the already vulnerable security situation for Afghan women. The continuous insecurity and violence in the country hamper women’s social mobility and their participation in politics, education and the economy. As a scholar observes, “since 2013, insurgent threats against women have increased, and these threats have undermined rural women’s access to education and basic health services, as female teachers and health workers are reluctant to work outside of secure urban areas.”⁷¹

Political Participation

In the post-Taliban era, women have played a significant role in the functioning of the government. The constitution (Article 83) reserves 68 seats out of 250 (27 percent) for the women candidates in the *Wolesi Jirga* (House of the People). It is mandatory that every province should elect at least two women candidates in the lower house. Similarly, President nominates one-third of the members of the *Meshrano Jirga* (House of Elders), half (16 percent) of whom must be women. The National Unity Government has also prepared a National Action Plan for the implementation of UN Security Council Resolution 1325, which addresses the disproportionate effects of armed conflict on women. One of the significant provisions of this plan is to increase the participation and representation of women at all levels of decision-making.⁷² According to the UN Human Rights Council Report (2019), in Afghanistan, women’s representation in the national assembly is 27 percent, in provincial councils 20.9 percent, in the cabinet 15 percent, in decision-making levels of the government 10 percent, and in judiciary 12 percent. The Election Law of 2016 decrees that 25 percent of seats will be reserved for women in the district council. In the Attorney General’s Office, the representation of women has increased from 15 percent in 2017 to 23 percent in 2018 which includes 10 women directors.⁷³

Increased visibility of women in the political sphere can be gauged from the overwhelming participation of women in the 2014 Presidential election women which is unparalleled in the

69 Ibid, p. 6

70 Ibid, p. 6

71 Catherine Powell, “Women and Girls in the Afghanistan Transition”, URL: https://cfrd8-files.cfr.org/sites/default/files/report_pdf/Afghan_Women_Paper.pdf , p.8

72 Anastasiya Hozyainova, “Sharia and Women’s Rights in Afghanistan”, *United States Institute for Peace*, May 2014, URL: https://www.usip.org/sites/default/files/SR347-Sharia_and_Women%E2%80%99s_Rights_in_Afghanistan.pdf

73 UN Human Rights Council, “National Report on Afghanistan”, URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>

history of Afghanistan. Despite the vulnerable security situation, geographically inaccessible polling stations in rural areas, and the prevalence of cultural taboos, it is estimated that around 2.4 million Afghan women, who constituted 38 percent of total voter's turnout, voted in the Presidential elections of 2014.⁷⁴ The participation of women is not only limited to voting. The women in Afghanistan are continuously challenging the rigid patriarchal norms by contesting in national elections and addressing political rallies. In fact, in the 2018 Parliamentary Elections, approximately 417 (16 percent) candidates were women.⁷⁵ It indicates a growing awareness of women's legal and constitutional rights in Afghanistan where historically women played a limited role in the country's politics. Today, Afghanistan has 11 female Deputy Ministers, 3 female Ministers, and 5 female ambassadors. The number of women in provincial leadership councils also increased from 11 percent to 22 percent in recent years.⁷⁶

Despite achieving considerable success in enhancing women's participation in politics, the role played by women is still marginal.⁷⁷ If not safeguarded and further consolidated, there are chances that the progress achieved in enhancing gender equality will eventually be lost. The isolated and neglected Afghanistan by the international community will breed more radicalism and strengthen the position of the conservatives in society, which, in turn, will harm the women's rights. The reduced international engagement with the country has already reinforced conservatives who in 2013 reduced the women quota in provincial councils from 25 percent to 20 percent.⁷⁸ Further, the absence of women representatives from the ongoing negotiations with the Taliban further creates anxieties regarding the future of women's rights in Afghanistan.⁷⁹ In this context, the UNAMA reported that "anti-government elements, particularly the Taliban, continued to impose restrictions that seriously limited enjoyment of human rights, specifically for women and girls."⁸⁰

In addition, it is equally important to understand that women quotas have had limited impact in breaking the barriers for women and increasing their number in provincial councils and national assembly. What is still missing is greater political legitimacy and support for laws advancing women rights. As a scholar observes, "male politicians still grumbles that women can win with fewer votes, and some male MP's treat their female counterparts disrespectfully."⁸¹ Also, there have been

74 Idrees Ilham, "The Evolving Role of Women in a Politically Uncertain Afghanistan", *The Asia Foundation*, 7 December 2016, URL: <https://asiafoundation.org/2016/12/07/evolving-role-women-politically-uncertain-afghanistan/>

75 Abdul Qadir Sediqi and Rupam Jain, "Women candidates face 'small-scale war' in Afghan election", *Reuters*, 17 October 2018, URL: <https://www.reuters.com/article/us-afghanistan-election-women/women-candidates-face-small-scale-war-in-afghan-election-idUSKCN1MQ341>

76 <https://www.cfr.org/blog/champions-change-afghan-ambassador-hamdullah-mohib>

77 UN Human Rights Council, "National Report on Afghanistan", URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>, p. 9

78 Catherine Powell, "Women and Girls in the Afghanistan Transition", URL: https://cfrd8-files.cfr.org/sites/default/files/report_pdf/Afghan_Women_Paper.pdf, p. 7

79 <https://www.usip.org/publications/2019/03/afghanistan-talks-no-women-no-peace>

80 UN Human Rights Council, "National Report on Afghanistan", URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>, p.8

81 Catherine Powell, "Women and Girls in the Afghanistan Transition", URL: https://cfrd8-files.cfr.org/sites/default/files/report_pdf/Afghan_Women_Paper.pdf, p. 7

continuous reports of threats and violence against female MP's and election candidates. Although the worsening security situation is fraught with risks for everyone irrespective of the gender, it poses certain additional challenges to the female politicians. As a female politician observed, the insecurity and threat of harassment "inhibit women's mobility and justify family restrictions."⁸² The cultural traditions still impose significant barriers to the full realization of equal rights for men and women in the country.

Economic Rights

The inclusion of women in the economy of the country is crucial in many respects. It not only boosts the economic development of the country but also enhances the living standards of the families. In addition, the greater economic participation of women may "lead to lower fertility rates, which would in time, shrink the youth bulge correlated with greater upheaval and instability."⁸³ However, the attitude of people in Afghanistan towards women's economic participation has seen a marginal decline from 74 percent in 2016 to 72.4 percent in 2017, and 70.3 percent in 2018.⁸⁴ The Afghan government has tried to improve the female participation in the economic sphere by including privileges for women in labor law such as "reduction to 35 working hours for pregnant women, a 3-month paid leave after delivery, no right of termination for pregnancy reason, prohibiting extra working hours, hard work and night shifts for women."⁸⁵ In order to remove the barriers which women face in social mobility, the government in 2016 passed anti-women harassment law. It proscribes any kind of "discrimination against women in offices and public places and provides specific measures to support the victims."⁸⁶

Recently, in addition to the National Action Plan for Women, the Ministry of Women Affairs in Afghanistan launched a strategic plan for women for the period 2018-2022 and provided assistance to 2,228 women for setting up small businesses. In order to improve women's access to markets, the Afghan government has facilitated the creation of Women Chamber of Commerce in the country.⁸⁷ To cater to the needs of women in rural areas and to strengthen their economic empowerment, the government also created the Afghanistan Rural Enterprise Development Program. Further, to empower more women in the private sector, the Ministry of Investment and Commerce (MoIC) established women's entrepreneurship department and drafted a 5-year plan (2018-2022) for creating an enabling environment for the women entrepreneurs in the private sector.⁸⁸ The government

82 Abdul Qadir Sediqi and Rupam Jain, "Women candidates face 'small-scale war' in Afghan election", Reuters, 17 October 2018, URL: <https://www.reuters.com/article/us-afghanistan-election-women/women-candidates-face-small-scale-war-in-afghan-election-idUSKCN1MQ341>

83 Ibid, p. 8

84 The Survey of the Afghan People, Afghanistan in 2018, *The Asia Foundation*, URL: https://asiafoundation.org/wp-content/uploads/2018/12/2018_Afghan-Survey_fullReport-12.4.18.pdf, p. 189

85 UN Human Rights Council, "National Report on Afghanistan", URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/339/51/PDF/G1833951.pdf?OpenElement>, P. 17

86 Ibid, P.17

87 Ibid, P. 19

88 Ibid, P. 19

also has schemes to support women's businesses through various exhibitions inside and outside the country where women can showcase their products. In addition, special focus has been given to enhance the quality, design, export, and import of products made by women through a 5-year project. The women entrepreneurs are also being given small grants, access to raw materials, tax reductions, and lands in industrial parks to set up their businesses.⁸⁹ The labor force participation of women in the economy of the country has also increased from 14.81 percent in 2001 to 19.52 percent in 2018.⁹⁰ Women are also increasingly seen in the field of arts, media, including bold female street artists, painters, photographers, and musicians.⁹¹

However, despite the wide-ranging contribution of the Afghan government and the international community in enhancing the economic empowerment of women, the success in this field remains mixed. The representation of the women in the army, police, business and other male-dominated sectors is still marginal. On the other hand, women are overrepresented in the informal sector of the economy. The highest participation of women in workforces is in rural areas where the agriculture sector is the chief employment provider to women. Although there are a plethora of government initiatives to support women's economic participation, there is still a need for providing "better access to credit, financial services, financial management skills, business education, technical support, and mentoring opportunities."⁹² In addition, some of the barriers to the entry of women in the private sector include "lack of financial decision-making, limited mobility, time-consuming household chores, limited access to market-related knowledge, and more limited personal network than men."⁹³

Apart from the government institutions and the private sector, the role played by women in civil society organizations is also critically important. Despite the challenging economic and security environment, the NGO's run by and for women play an important role in promoting women's rights. Further, the number of females in journalism and media is continuously rising despite persistent violence against them. It provides a platform for women to shape the national discourse and policies of the government on gender equality. As a scholar noted, "mainstream media is playing an important role in fomenting debate about the role of women and girls in society. Radio and TV shows are subtly- and not so subtly- changing conservative attitudes about sensitive subjects such as domestic abuse, child marriage, and the role of women outside the home."⁹⁴

89 Ibid, P. 19

90 Labour Force Participation Rate, Afghanistan, *The World Bank*, URL: <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?end=2018&locations=AF&start=2001>

91 The Survey of the Afghan People, Afghanistan in 2018, *The Asia Foundation*, URL: https://asiafoundation.org/wp-content/uploads/2018/12/2018_Afghan-Survey_fullReport-12.4.18.pdf, p. 165

92 Catherine Powell, "Women and Girls in the Afghanistan Transition", URL: https://cfrd8-files.cfr.org/sites/default/files/report_pdf/Afghan_Women_Paper.pdf

93 Ibid, P.9

94 Ibid, P.10

V. Negotiations with the Taliban: Concerns raised by Afghan Women

Contrary to popular beliefs, the women in Afghanistan have made progress and that too against the overwhelming odds. Today, the women in Afghanistan are vigorously taking part in the social, economic and political development of the country. They are coming out in increasing number to vote, contest in elections, enroll in security forces, and contribute in the field of media, and arts including as female street artists, painters, photographers, and musicians. In the 2004 Athens Summer Olympics, Afghanistan was represented for the first time by two women athletes, Friba Razayee and Robina Muqim Yaar.⁹⁵ Soon after, in 2005, Afghanistan's National Olympic Committee inaugurated a female boxing federation and a bodybuilding club for women in the country.⁹⁶ In 2012, Sadaf Rahimi became the first female boxer from Afghanistan to represent her country at the 2012 Olympics games in London.⁹⁷

Also, since 2001, women activists in civil society organizations have crafted a considerable space for themselves to raise women's issues in the country and to an extent influence the government's decision. They raised their voices against the discriminatory laws and policies such as the Shi'ite Family Law in 2009 although without much success. However, it was their activism which brought elimination of violence against women law into action through a presidential decree in 2009. The women in Afghanistan have also used cyber-activism as a way of raising their voice to challenge the societal norms and against the rising atrocities. The most notable of these campaigns is *#whereismyname* which was started by women activists from Herat city to challenge the taboo of revealing the women's identity in a male-dominated society.⁹⁸ Another campaign which drew considerable popularity was *#womenagainstwomen* which focused on violence against women by other women within the family.⁹⁹ Despite these modest gains, there is no denying the fact that Afghanistan still remains the most challenging place to be a woman and the quest for gender equality in the country is far from over.

Today, when the US is negotiating with the Taliban, the women in Afghanistan are using every platform available to raise their concerns. The women rights activist in the country has always feared that in order to achieve a peace deal with the Taliban, the international community could easily surrender the women's rights issue. They are organizing themselves in every possible way to reach out to the government as well as the international community in order to raise awareness about their issues regarding the peace negotiations. One of the ways in which they have managed to draw out attention towards their problems is through a social media platform. In association with the

95 OLYMPICS; Unveiling New Face of Afghan Freedom, *The New York Times*, 4 June 2004, URL: <https://www.nytimes.com/2004/06/07/sports/olympics-unveiling-new-face-of-afghan-freedom.html>

96 A History of Women in Afghanistan: Then and Now, *TOLo News*, 25 February 2012, URL: <https://www.tolonews.com/opinion/history-women-afghanistan-then-and-now>

97 Afghanistan's first female Olympic boxer eyes London dream, *CNN*, 3 April 2012, URL: <https://edition.cnn.com/2012/04/03/world/asia/afghan-female-boxer/index.html>

98 Zarlisht Sarsam Safy, "Hashtag Feminism in Afghanistan", *International Civil Society Action Network*, 14 March 2018, URL: <https://www.icanpeacework.org/2018/03/14/hashtag-feminism-afghanistan/>

99 Ibid

'UN Women,' an Afghan female journalist Farahnaz Forotan launched a very popular social media campaign called *#MyRedLine*, in which women across the country expressed their rights which they would not give up or negotiate in order to reach a peace deal with the Taliban. The campaign revolves around "a series of testimonies where people voice the lines they are not willing to cross, be it the right to work, to drive, to marry whom they chose, to walk in the streets, to go to school, to stand to be the President of the nation - their red line."¹⁰⁰ Another twitter hashtag which has become increasingly famous is *#Afghanwomenwillnotgoback* which also focuses on the progress made by women in Afghanistan in the past 18 years and how these gains cannot be used as a bargaining chip to reach a peace deal with the Taliban.¹⁰¹

In another effort to convey their demands to the Afghan government, around 2000 women gathered in Kabul on February 2019 at the 'Conference on Afghan Women National Consensus on Peace' convened by the Office of First Lady Rula Ghani, Ministry of Women Affairs, the Afghan Women Network, and Afghan civil society. The women participants clearly stressed their desire for peace, however, not at the cost of their rights. They also emphasized the need for "ironclad guarantees" to ensure that women's rights would be protected as part of any peace agreement with the Taliban.¹⁰² In fact, after the Doha peace talks on March 2019, Afghan Women's Network, specifically demanded that any reconciliation process with the Taliban must preserve the constitution of Afghanistan since it has, "provided employment to women, educated them, given them skills, lowered their mortality rates and have provided them with relative security....peace negotiated at the cost of the democratic system, or divisions of state institutions such as ministries between different factions will not be acceptable by the women of Afghanistan. Democracy must not be up for negotiation! This demand includes an absolute rejection of any suspension of the Afghan constitution."¹⁰³ It is important to recall that the Taliban has rejected the Afghan constitution during the Moscow Talks. The ultra-radical group stated that "the Kabul Government Constitution is invalid. It has been imported from the West and is an obstacle to peace"¹⁰⁴

In the Loya Jirga convened by President Ghani in April 2019 to discuss the path to negotiations with the Taliban, women participated from across the country and formed around 30 percent of the

100 *#MyRedLine* – A social movement cataloguing where Afghan's stand on women's rights and peace, *UN Women*, 15 March 2019, URL: <http://asiapacific.unwomen.org/en/news-and-events/stories/2019/03/myredline>

101 <https://twitter.com/hashtag/AfghanWomenWillNotGoBack?src=hash>

102 Fatima Faizi and David Zucchino, "700 Afghan Women Have a Message: Don't Sell Us Out to the Taliban", *The New York Times*, 28 February 2019, URL: <https://www.nytimes.com/2019/02/28/world/asia/afghanistan-women-taliban.html>, Also see, Anisa Shaheed, "Ghani Stresses Preserving Women's Rights In Peace Process", *TOLU News*, 28 February 2019, URL: <https://www.tolonews.com/afghanistan/ghani-stresses-preserving-women%E2%80%99s-rights-peace-process>

103 Afghan Women's Public Statement on Doha Peace Talks, Serial No. 78, *Afghan Women's Network*, URL: http://awn-af.net/index.php/cms/press_detail/1506/12

104 "Taliban demands new Afghan Constitution", 5 February 2019, *The Hindu*, URL: <https://www.thehindu.com/news/international/taliban-demands-new-afghan-constitution/article26187241.ece>

delegates.¹⁰⁵ Despite some backlash from the conservative section of the Afghan society, the women raised their demands forcefully in the Loya Jirga. At the end of the Jirga, they were able to create a consensus around women's rights and as a result, Loya Jirga incorporated protection of women's rights as one of the most important condition to achieve peace with the Taliban.¹⁰⁶

Moreover, while directly appealing to the US President Donald Trump and his administration through various interviews, the women activists in Afghanistan conveyed that "we want to support the peace process. We are not against peace. But ignoring the women of Afghanistan, ignoring the majority of the population, is not acceptable... At this moment, we need that support from the United States and from the international allies. They've walked beside us for the last 18 years -- they should be beside us now."¹⁰⁷ The best safeguard against the deterioration of women rights is the inclusion of women at all levels of negotiation and reconciliation process. A peace deal which doesn't take into consideration half of the population of Afghanistan is neither desirable nor sustainable. To avoid a scenario where a peace deal is imposed upon the women of the country, it is important that women are given 40-50 percent representation in the negotiating team. The recent intra-Afghan dialogue convened in Doha in July 2019 with the help of Germany and Qatar did include women representatives within the Afghan delegation.¹⁰⁸ However, it still remains to be seen how far the two sides are ready to accommodate the concerns raised by women in Afghanistan in the final deal.

Conclusion

Since the fall of the Taliban regime in 2002, the women in Afghanistan have made substantial gains in various sectors. In the post-Taliban era, all the sectors didn't receive equal attention from the government and international agencies. This is why the areas such as education and health have seen significant improvement as compared to sectors like economic and political participation or security and violence against women. Moreover, the policies which challenge the traditional norms and culture in Afghan society are still not received in a positive way by masses especially in the rural areas. Therefore, the major thrust of gender reforms in Afghanistan lies in accommodating the gender by distributing more resources to women emancipation rather than transforming gender relations by challenging the deeply ingrained patriarchal norms and customs.

The quest to achieve gender equality in Afghanistan is far from over. The country has achieved modest but substantial progress in addressing the issue of women's rights. The international community,

105 Fatima Faizi and David Zucchini, 'You Should Be in the Kitchen': At Afghan Assembly, Women Are Told They Don't Belong, *The New York Times*, 3 May 2019, URL: <https://www.nytimes.com/2019/05/03/world/asia/afghanistan-women-assembly-loya-jirga.html>

106 Afghan grand assembly lays down conditions for peace with Taliban, *The National*, 3 May 2019, URL: <https://www.thenational.ae/world/asia/afghan-grand-assembly-lays-down-conditions-for-peace-with-taliban-1.856942>

107 Afghan female leaders urge Trump administration to stand up for their rights in Taliban peace talks, *abc News*, 3 June 2019, URL: <https://abcnews.go.com/Politics/afghan-female-leaders-urge-trump-administration-stand-rights/story?id=63212646>

108 Yatharth Kachiar, "Intra-Afghan Dialogue: a perspective", Vivekanand International Foundation, URL: <https://www.vifindia.org/article/2019/july/24/intra-afghan-dialogue-a-perspective>

especially the US has contributed tremendously in terms of finance and human resources to improve the condition of Afghan women in the past 18 years. Promoting and safeguarding gender equality in Afghanistan is not only a matter of principle for the US and the international community but also a strategic necessity. Various studies have proven that gender equality and the inclusion of women in economic and political processes of the country brings more stability, security, and development. Therefore, in its fight against radicalism and extremism, it is detrimental for the international community to step up its engagement in assisting women in Afghanistan so that the gains made in the past 18 years are not lost.

At present, this progress is very much threatened by President Trump's decision to withdraw security forces from Afghanistan and the absence of women representatives from the ongoing peace talks with the Taliban. This has made women and civil rights activist in Afghanistan apprehensive about the future of women in the country. At this juncture, the Taliban is craving for international legitimacy to gain back power in Kabul. Historically, the armed group has claimed to be the true upholder of Islam and Islamic values for gaining legitimacy within the Afghan society. At present, the dilemma for the Taliban as an ultra-radical group is how much it can reform and modernize itself without losing its credentials as the defender of Islam. Therefore, it will not be surprising that after signing the peace deal, it actually retract from all the promises of moderation which it is making right now. In this background, it is crucial that any future peace deal with the Taliban should ensure that women's right to work, obtain an education and engage in political life are explicitly mentioned and safeguarded in the peace deal itself. Moreover, the best safeguard against the deterioration of women's rights will be the inclusion of women at all levels of negotiation and reconciliation process.

Most importantly, the international community must continue to provide the necessary funding and use its leverage to improve gender equality, women's security, and their participation in public life. An isolated and neglected Afghanistan will only breed violent extremism, terrorism, and instability in the whole region.

Recommendations

In order to secure the gains made by women in Afghanistan since 2001, it is imperative for the government of Afghanistan and the international community to effectively utilize the resources available at their disposal. The following recommendations can prove useful in achieving the desired objective:-

1. In order to achieve substantial women rights reforms, it is important that gains made over the last 18 years get ingrained in the national psyche at the grassroots level in order to avoid the risk of erosion or reversal in the near future. The historical experience also proves that any centralized system and top-down approach is highly resisted by the tribes in Afghanistan. Therefore, it is crucial to empower local institutions and women leaders at the rural level.

2. To challenge gender norms through legislation is an important strategy; however, it is not a sufficient one. There is a need to build coordinated efforts, awareness and acceptance for policies regarding gender equality through a concerted campaign involving civil society organizations at the local and national level.
3. In the aftermath of the US withdrawal from Afghanistan, it is crucial to build, maintain and support the gender-sensitive monitoring and reporting system in the country.
4. The deeply entrenched gender norms can be challenged more successfully if the policies are framed in such a way that it brings more men on board to improve women's rights in Afghanistan. One such way is to seek support from Afghanistan's national cricket team. The popularity of the Afghan cricket team within and outside the country will help in creating the necessary traction in support for the women's issue in the country. Another important section which can help immensely in this issue is the Afghan students studying abroad in countries like India to generate support for gender equality in Afghanistan.
5. India, as the important strategic partner of Afghanistan, can lead the way by opening up new opportunities for the women in Afghanistan especially in the economic sphere. Self-Employed Women's Association (SEWA), an Indian NGO, in collaboration with USAID is already supporting the women in Afghanistan by providing vocational training in areas of food processing, garment stitching, and embroidery. To further enhance this cooperation, India's Federation of Indian Chambers of Commerce and Industry (FICCI) can play a crucial role by associating itself with Afghanistan's Women Chamber of Commerce.
6. Most importantly, in order to achieve a sustainable peace deal with the Taliban, it is important to include women representative in the negotiations. The international community must give the required representation to Afghan women while dealing with the Taliban.

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