



# Afghan women 2014

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Many observers fear that limited gains in women's rights in Afghanistan are already being reversed and that the situation may become worse after the end of 2014.

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## 1 Violence against women

There has been a growing controversy in Afghanistan about the role of women in the country's democracy. The Afghan constitution affords equal protection to men and women, guaranteeing women the right to education, political participation and economic opportunity. Special measures have resulted in an Afghan Parliament with 28% women members. Both the *Wolesi Jirga* and the *Meshrano Jirga* (the lower and upper houses of the parliament, respectively) have quotas for women's seats.

The Elimination of Violence Against Women (EVAW) law, passed in 2009, made rape a crime for the first time and outlawed forced and underage marriage and physical and verbal abuse.

Women are also employed in a range of jobs including as doctors and police officers. This would have been unthinkable under the Taliban, when employment outside the home and education for women were banned.

However, traditional attitudes to women's position in society and in the family do not change quickly. There are reports that 'honour' killings and violent punishments for breaking the traditional rules of society are still widespread. According to a UN official, violence against women and girls in Afghanistan is almost at 'pandemic' levels:

Violence against women and girls is exceptionally high in Afghanistan and is almost at a pandemic level, with up to 87.2% of women having experienced some form of violence, such as physical, psychological, sexual, economic violence, social abuse as well as forced and early marriage.<sup>1</sup>

The Afghan state has so far not been particularly effective at protecting women from such violence, despite the 2009 law. One of the biggest problems has been the failure to establish a robust system of courts to replace the informal local *jirgas* (councils), which are usually dominated by local strongmen and take little account of the law. Commentators worry that the Afghan authorities will be even less effective after 2014.

Conservative Afghan politicians have criticized the EAW law as un-Islamic – particularly the prohibition on child and forced marriages and the establishment of women’s shelters – and have threatened to repeal it.

An amendment to the criminal code has been passed by both Houses of Parliament to prevent relatives from testifying against their family members. It is now awaiting signature by the President. The change would make prosecutions of perpetrators of domestic violence, already rare, even more difficult. Campaigners were highly critical of the change: "It is a travesty this is happening. It will make it impossible to prosecute cases of violence against women ... The most vulnerable people won't get justice now," said Manizha Naderi, of the campaign group Women for Afghan Women.<sup>2</sup>

In December 2013, the United Nations investigated the implementation of the EAW law and found that while the number of complaints about violence against women invoking the law had gone up by 28% in 2012-13 compared with 2011-12, the number of prosecutions had only risen by 2% over the same period.<sup>3</sup> There was also an increase in reported incidents of violence and a decrease in the number of criminal indictments. The increase in reporting was welcomed as a sign of raised awareness of the legal protections available but the number of prosecutions was disappointing.

## 2 Women and the elections

According to Afghanistan’s Independent Election Commission, some 2,028,000 people have newly registered to vote in the forthcoming presidential election. That figure includes some 630,000 women, about 30% of the total, against a target of 40%. The electoral register closes in March 2014.<sup>4</sup>

The risk of suicide attacks on polling stations is high. The election commission announced in August that there were just 2,000 of the 12,000 women needed to search voters entering polling stations set aside for women. The possibility has been raised of training teachers (rather than female police officers) to do the searches. The lack of women officials could pose a serious threat to the women’s vote at the forthcoming election.

Generally, turnout of women voters has been relatively low in Afghan elections, although there are no official figures. It is reported that female turnout has been highest in Bamiyan province in the centre of the country (home of the majority Shia Hazara ethnic group who are

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<sup>1</sup> 'UN: Violence against women in Afghanistan 'pandemic'', *Deutsche Welle*, 22 October 2013

<sup>2</sup> 'New Afghanistan law to silence victims of violence against women', *Guardian*, 4 February 2013

<sup>3</sup> *A Way to Go: An Update on Implementation of the Law on Elimination of Violence against Women in Afghanistan*, United Nations Assistance Mission in Afghanistan/United Nations Office of the High Commissioner for Human Rights, December 2013

<sup>4</sup> 'In first visit to Afghanistan, UN official urges safeguarding of advances made for women', Report, UNAMA, 8 October 2013

no friends of the Taliban) and in parts of north Afghanistan. In both these regions the influence of the Taliban is much less than in the Pashtun Taliban heartland where female turnout has been very low.<sup>5</sup>

Of the 27 candidates who originally registered for the presidential election, the one woman was disqualified. On a recent visit to Afghanistan, a senior official with the UN Entity for Gender Equality and the Empowerment of Women (UN Women) underlined concerns that progress for women over the last few years needed to be safeguarded:

Attention needs to be placed on ensuring that women's participation is accelerated in the election process because it is fundamental in terms of women being able to really engage in choosing the government that they would like.<sup>6</sup>

### **Provincial elections**

In May 2013 the lower house of parliament passed a law abolishing a previous requirement that women should make up a quarter of elected provincial council officials. The upper house then reinstated the quota. After an intervention from the presidency, the two houses reached a compromise, reducing the quota to 20%.

The lists of candidates were finalised in November 2013. 2,713 candidates have now been declared eligible for the Provincial elections, of whom 308 are women.<sup>7</sup>

## **3 Education**

According to an Oxfam report published in 2011, gross enrolment of girls in schools under the Taliban fell to 6.4% and most girls' schools were closed.<sup>8</sup> By 2011, enrolment of girls had increased from about 5,000 under the Taliban to 2.4 million. The Oxfam report also showed that attitudes among parents were generally strongly in favour of girls receiving education: slightly more than half of parents wanted their girls to complete university education.

However, the same report said that provision was very uneven; much of the progress has been made in urban areas, while many rural schools have no building, not enough female teachers and mounting security worries.

## **4 Women and the peace negotiations**

Campaigners for women's rights are often uneasy about negotiations with the Taliban. Not much is known about what discussions have taken place, but women's rights could be one of the first things to be bargained away, given the traditional powerlessness of women in Afghanistan.

Only nine of the 70 members of the Afghan High Peace Council are women. An Afghan woman MP claimed that they are ineffectual: "These people do not represent the women of Afghanistan. They're negotiating for our rights - for my rights, for the rights of my daughters - from a position of weakness."<sup>9</sup> Najia Zewari, one of the nine female council members, argued that women's views will be represented:

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<sup>5</sup> ['Afghan women may be denied vote because of female security force shortage'](#), *NBCNews*, 28 August 2013

<sup>6</sup> ['In first visit to Afghanistan, UN official urges safeguarding of advances made for women'](#), Report, UNAMA, 8 October 2013

<sup>7</sup> ['IEC Announces Final List of Candidates for 2014 Elections'](#), *Tolo News*, 20 November 2013

<sup>8</sup> [High Stakes: Girls' Education in Afghanistan](#), Joint report by Oxfam and other NGOs working in Afghanistan, 2011

<sup>9</sup> "Afghan women fear losses in Taliban talks", *Washington Post*, 26 July 2011

The women on the council - we want to know that the Taliban will respect our rights, that progress will continue. We also want the women of Afghanistan to know that we can be their voice.<sup>10</sup>

The British government says that it is aware of the problem. In October 2011, the then Foreign Office minister Alistair Burt said:

This issue is very important to the United Kingdom, and to the many Members who have written to me about it over the past few weeks. Women are represented on the High Peace Council; nine of its 70 members are women. They have also been represented in Parliament and in last year's peace process. We continually stress to the Afghan Government that the commitment they have made to the equality of all their citizens and the inclusion of all in future processes must be met by action as well as words, and we will continue to take that forward as we look towards the Bonn summit.<sup>11</sup>

President Karzai denies that the peace negotiations will be in any way damaging to the interests of Afghan women:

Be confident my sisters, our achievements made on the basis of the Constitution, achievements towards the progress of the country and towards the better condition of our women will not be damaged or slowed down by any peace deals.<sup>12</sup>

Some commentators have suggested that any kind of negotiations with the Taliban will entail compromises on women's rights and are likely to result in significant setbacks. Whether the Taliban would subsequently respect any agreement is also open to question. Louise Arbour, of the International Crisis Group, argues that Afghanistan needs the rule of law rather than accommodation with hard liners:

Given the opacity of negotiations with the Taliban, and the exclusion of women from the process, there are fears that these rights and protections could be conceded in bargaining by Kabul and its international backers. Instead of placing hopes in a process of accommodating hardliners, the Afghan government would be better served by building citizens' trust in the state, including through a police force that serves the people and a robust and effective formal justice system.<sup>13</sup>

## 5 Backlash?

In August 2013, there was a violent attack against a female *Meshrano Jirga* member (senator) and her daughter. On 15 September, another attack resulted in the death of Lieutenant Bibi Negar, the most senior female police officer in Helmand. Also in September, a female MP who had been kidnapped by the Taliban was released as part of a prisoner exchange having been held for a month, and a Taliban splinter group dragged the Indian wife of an Afghan health worker out of her house in Paktika province, shot her repeatedly and dumped her body outside a religious school. There seems to be a particular campaign aimed at high profile women participating in Afghan public life, although there are of course attacks against male public figures too.

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<sup>10</sup> "Afghan women fear losses in Taliban talks", *Washington Post*, 26 July 2011

<sup>11</sup> HC Deb 25 October 2011, c165

<sup>12</sup> "Peace efforts will not derail women's gains, Karzai and UN officials stress on Women's Day", UNAMA press release, 8 March 2011

<sup>13</sup> Louise Arbour, 'Fighting For Women's Rights in Afghanistan', *Foreign Policy*, 22 October 2013

In November, it was reported that the Afghan Justice Ministry had overseen the drafting of a law to re-introduce public stoning as a punishment for married adulterers, while a law setting the penalties for rape, child marriage and the practice of giving girls away to settle disputes was also being drafted.<sup>14</sup> According to Human Rights Watch, the number of women and girls imprisoned for “moral crimes” in Afghanistan increased by 50% between October 2011 and May 2013.<sup>15</sup>

Such reports suggest that, as the end of ISAF’s combat mission nears, the relative importance of conservative power brokers is increasing.

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<sup>14</sup> [‘Afghanistan ‘plans to reintroduce public stoning as punishment for adultery’](#), *Daily Telegraph*, 25 November 2013

<sup>15</sup> [‘Afghanistan: Surge in Women Jailed for ‘Moral Crimes’](#) Human Rights Watch press release, 21 May 2013