

The Situation of Afghan Women during the Western Military Presence

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Introduction

In the period between 2001 and 2021, Afghan women gained new experiences in the field of human rights and social activities. However, with the regaining of power of the Taliban in 2021, they lost all their political and social rights. Today, the situation of Afghan women – especially women who mobilized for the development of their political and social rights – is extremely dire.

Women enjoy traditionally fewer rights than men. Afghan society, being conservative and predominantly rural, continues to follow the patriarchal rules of family clans. For example, women who defy convention and seek divorce are often disowned by their families and excluded from Afghan society. Over the decades, leaders and ethnic groups in Afghanistan have debated what women should do and how they should behave, whereas these discourses are coined by tensions and differences in opinion.

Positively, the Afghan Constitution law between 2001 and 2021 recognized women's rights to education and participation in elections both as voters and as candidates.¹ In addition, women earned a salary comparable to that of men, as they comprised the majority of the teaching and health institutions staff across the country. Unfortunately, this led to increasing inequalities between women living in urban areas and those residing in the countryside nevertheless.²

Atrocious images such as those of the execution of women suspected of adultery, about hundred kilometers from Kabul, that were posted on the internet have only emphasized the insufficient advances concerning the status of women in Afghanistan. According to a report released by Oxfam in 2018, 87% of Afghan

1 Carol Mann, *Femmes dans la guerre: 1914–1945: survivre au féminin avant et durant deux conflits mondiaux*, Paris: Pygmalion 2010.

2 Mann, *Femmes dans la guerre*.

women have suffered physical, sexual, or psychological violence, or were forced to marry.³

Even though progress has been observed in the big cities thanks to the influence of the international coalition that has been present since 2001, it remains very limited to such an extent that some NGOs accuse the government of defending the cause of women only publicly, but inactively, in order to continue receiving international aid.⁴

Women are victims of attacks being systematically carried out by armed groups against civilians in general or arbitrarily by all parties involved in the conflict. Those who worked as members of humanitarian organizations as well as health workers or electoral candidates have been frequently targeted both by the Taliban and other rebel groups in Afghanistan. As a result, several of these women have lost their lives, and none of their murderers have so far been brought to justice. The killing of Safia Amajan, the head of the Department of Women's Affairs in Kandahar, has plunged Afghanistan into despair. It was the first contract killing of a prominent older woman. 63-year-old Amajan was a well-respected person among Afghans and foreigners alike as a leader of Pashtun women's emancipation.

This article aims to analyze the challenges of women's rights in the period of democracy between 2001 and 2021 in Afghanistan and tries to answer the question of which challenges hindered the growth of women's rights, and why Afghan women could not enjoy their rights during this period.

The Rights and Afghan Women

The Afghan women could not claim their official rights in this period, though; they were not in harmony with the needs and status of women. In some cases, laws could not be practically implemented or even caused problems to women. But fundamental rights are often intertwined with human rights, when, for example, a woman cannot get birth control because she does not have the permission of her husband, or when a teenage girl is denied a life-saving abortion because it is illegal.

Around the world, men and women experience persecution and discrimination solely because of the choices they make concerning their bodies and their lives. *My Body My Rights* is Amnesty International's global campaign against the control and criminalization of sexuality and reproduction.

In the constitution and in legal texts, laws have been established with the purpose of improving the status of women; nevertheless, this does not mean that

3 Oxfam, *Report 2018*.

4 Amnesty International, »Afghanistan, scandale des droits humains: une femme lapidée«, in: *Report* (2010), n. p.

women were also informed of their official and legal rights.⁵ This article analyzes the challenges to women's rights in Afghanistan between 2001 and 2021.

According to Alain Touraine,⁶ women's rights are an important aspect in their social movement and mobilization. Social movements such as the women's rights movement, which mobilizes citizens and gets them to protest, largely escape instrumental approaches and theories of resource mobilization or political contention. Centered on the arena of institutional politics, what distinguishes a social movement from political action is not its less institutionalized character, but its scope that is aimed at orientations that shape society and social relations. So, according to Touraine, politics, society, and economy are strongly intertwined and women can greatly contribute to women's rights.

In today's Afghanistan, women are facing two big problems: tradition and the patriarchal system. The traditional society that is influenced by religion and the patriarchal system prevent women from progress and force them to adhere to the traditional role at home. However, it is important to note that men are also stuck in such a society, and their development is limited, too. It is widely believed in Afghan society that the industry will grow if traditional women behave more as such since the demands of the traditional society remain restricted and the supply and demand of the system remain limited in the economic sector. For instance, women must obtain permission from their husbands to participate in a microcredit program. They do not have the right to choose the purpose of the use of the funds they have earned. Moreover, they must obtain the agreement of the male head of the household they live in to use their income. However, women have gained some economic independence by earning their own money. Previously, they had to ask their husbands for funds; today, they just require permission to use it. It is easier for them to obtain the right to use the money they have earned already than to receive money from their husbands.⁷

Womens Rights

The women's rights mobilization has failed because of the lack of laws that encourage them. Gender studies and legal studies as well as sexual education are very limited and remain at an elementary level. Moreover, the rules of traditional society force women to do housework. Since 2001, women's rights are a new issue, while

5 Sonia Jedidi, »Levons le voile sur les femmes en Afghanistan«, in: *Hérodote* 136 (2010), pp. 121–133.

6 Alain Touraine, *Le monde des femmes*, Paris: Fayard 2006.

7 Jedidi, »Levons le voile sur les femmes en Afghanistan«.

society remains patriarchal and traditionally very Sharia-oriented. In such a society, not only women but also men face many issues.⁸

However, it is important to know that this conflict started from the progress that was made in the 1970s, with expanded opportunities for education, employment, and increased participation in politics and society. Although the Soviet occupation in 1979 and the Taliban's rise to power in 1996 had a devastating impact on Afghan women's rights, they have continued to fight for their rights and participate in various aspects of society.

From the 1970s onwards, the situation of women in Afghanistan continued to deteriorate, as they were greatly affected by the civil war. The fundamentalists criticized the politicians and stirred up anti-government sentiment. They fought for an Islamic order and started a civil war.

In this situation, under the Taliban rule, Women's freedom and fundamental rights were seriously undermined. Women were denied the right to attend school and university, work outside home, and leave their homes without being accompanied by a man of their immediate family and without wearing the burka. Any violation of these decrees was severely punished by the Taliban.⁹

Thus, the fall of the Taliban regime in 2001 sparked hope for Afghan women. Undeniable progress has been made in promoting women's rights, including:

- the prohibition of the discrimination between Afghan citizens, men and women, who are endowed with the same rights and duties before the law, as imposed by article 22 of the constitution and adopted in January 2004,
- the formation of the Ministry of Women's Affairs,
- the adoption of the National Action Plan for Women (NAPWA) in the period between 2008–2018,
- the promulgation of the Law for the Elimination of Violence against Women (EVAW),¹⁰
- the increase in access to education: 20 % of girls to be enrolled in primary school, 5 % in secondary school, and approximately 2,5 million girls to be enrolled in total,
- the percentage of primary care centers with at least one female doctor, nurse, or midwife increased from 26 % in 2004 to 81 % in 2007,
- the representation of women in Parliament (27,3 % in 2009),

8 Sénat de France, *La commission pour l'Afghanistan – Report* (2012), Paris: n. p. 2012.

9 Amnesty International, »Afghanistan, scandale des droits humains: une femme lapidée«, in: *Report* (2017), n. p.

10 Islamic Republic of Afghanistan, Ministry of Justice: *Official Gazette, Extraordinary Issue #989, Law on Elimination of Violence against Women* (2009).

- the creation of a unit for combatting violence against women at the Office of the Attorney General in 2010.

However, Afghanistan suffers from a significant female deficit (Afghanistan is one of the 5 countries worldwide that suffer from a lack of female population), which is an indirect indicator of the difference in interest that a society gives to girls and boys. In China and India, the number of missing women amounts to 60 million, in Pakistan 5 million, in Bangladesh 3 million, and in Afghanistan 1 million, despite the fact that the international community relied on the role of women for the reconstruction of post-Taliban Afghanistan.

This reconstruction started in 2002 after the *Bonn Conference 2001* that brought together all relevant political groups and provided for the development of a new constitution with the establishment of a provisional government.

Between 2001 and 2020, the number of socially active women grew, and their awareness of their conditions and rights increased. Nevertheless, some laws were passed that contradicted women's rights, such as the approval and promotion of the rights of Shia women, prepared and arranged by Sheikh Asif Mohseni Kandahari, which is considered a new obstacle in the direction of the development of women's rights. The adoption of such laws in this period showed that *Sharia law* interpreted by the religious scholars has not been able to harmonize itself with the advanced society.

Nevertheless, despite all the actions and predictions in the laws of Afghanistan, the terrible murder of Farkhunda, killed by a lynchmob in Kabul in 2015, the attack on defenseless women throughout the country in the same year caused by the misinterpretation of the Sharia Law regarding veiling, and also common people's misconceptions about various women's rights issues represent a big step back for the activities of women's rights activists in 2015.

At the same time, women's political and social rights became a tool for profiteers, politicians, and actors in the economic scene, while women suffered and faced many challenges. When women criticized social and cultural values in public, they were more often exposed to violence in their families. For instance, Nadia Anjoman, a poetess and a feminist, was killed by her husband in 2005. Like Nadia, many women were killed by their relatives because of their opposition to the patriarchal society.

The new generation of girls and women who wanted to engage in social affairs faced a deadlock, such as the laws that not only failed in helping their situation but also limited their rights and freedoms.

The constitutional laws were inconsistent with the lives of the people, especially women. Many women were victims of laws, very often by the imposition of *Sharia* to supposedly prevent women's moral and sexual corruption. The laws of Islamic jurisprudence play a significant role in the formation of formal and customary laws, and for this reason, women are severely pressured under the influence of *Sharia*.

The patriarchal society also defends these views. For example, girls who fled from forced marriage and left their father's house were sentenced to six months imprisonment, which negatively impacted their lives. They faced many problems such as family alienation and could not experience normal life and marriage as free women.

The Afghan Womens Condition

Afghan women's rights and access to basic needs are far from guaranteed in practice. Here, it is important to discuss the situation of women regarding political underdevelopment, security factors, cultural factors, community factors, and social values.

Afghan women live in a traditional way of Islamic living, and their attempts at modernization in the past have all provoked violent opposition from religious leaders. Nevertheless, the development of the Afghan state has always been linked to an elite's desire to improve the status quo and the social and economic position of women. The promotion of women's rights, from the turn of the 20th century to the emergence of communism, has been a central topic of debate on modernization.¹¹

Since 2001, the international community has applied various strategies to improve the status of women in Afghanistan, in particular by trying to promote the observance of Afghan women's constitutional rights, their participation in the political process, the development and reconstruction of the country, and their access to education, as well as to promote human rights in general in order to improve their condition. Progress has been made, but it mostly affects women in Kabul and a few other cities, and there is much struggle to reach the 85 % of women in rural areas. Furthermore, most of the improvements have been largely tokenistic and have not produced the expected results.¹²

However, the most important issue that needs to be addressed is that of women's health conditions. Their access to health care remains extremely limited. 90 % of the women in rural areas give birth at home without medical assistance, which explains the high rate of maternal mortality at birth (25 000 deaths per year). Life expectancy for Afghan women is 44 years, nearly 20 years less than the global average. Moreover, Afghan women and girls continue to be subjected to widespread discrimination in all sectors of society, as well as domestic violence, kidnapping and rape by armed men, trafficking, forced marriages, and exchanges of ›baad‹ to settle disputes and debts. To escape such violent acts, 165 women committed suicide by setting themselves on fire in 2007 alone.

11 Amnesty International, »Afghanistan, scandale des droits humains: une femme lapidée«, in: *Report* (2018), n. p.

12 UN, »Women for Afghanistan: Gender Alert I: Women's Rights in Afghanistan: Where Are We Now?« (2021).

Another problem that affected the situation of women is the signing of the law on the Shi'ī personal status by President Karzai in March 2009, with provisions seriously prejudicial to women's rights. The text has been somewhat amended under pressure from the international community, which stresses that the Afghan authorities are ready to accept compromises in this area for political gains.

The growing insecurity in the country directly aggravates the situation of women. Reported cases of domestic violence against women are on the rise. The terror engendered by Taliban attacks on schools jeopardizes the right to education of tens of thousands of children, especially girls. Several cases of poison gas attacks on girls' schools were reported in 2009 and 2010.¹³

The maternal mortality rate in Afghanistan is one of the highest in the world: Every 27 minutes one woman dies following a difficult delivery.¹⁴ Adequate sanitary conditions and the presence and accessibility of medical infrastructure could improve this ratio, as more than 70 % of births in Afghanistan take place at home without any medical support. The fertility rate of Afghan women (6.6 children on average) is the highest in the world. Frequent pregnancies also often prevent women from pursuing their studies or advancing professionally.

The adult literacy rate is one of the lowest in the world: Only 28 % of Afghans over the age of 15 are literate, out of which only 12,6 % are women. In rural areas, where three-quarters of the population live, it is estimated that 90 % of women cannot read or write.¹⁵

The professional prospects are very poor for women in such a traditionally conservative society. The majority of women living in rural areas work for free on family farms.

In 2009, there were still many issues concerning safety in Afghanistan. The situation has worsened since the end of 2002. Lack of safety is present at several levels. The first is political. The central state is weak and must negotiate with peripheral powers. The government is made up of a coalition of diverse personalities, ranging from liberals to ultra-conservatives, within which fundamentalist fractions are gaining strength. The territory of the insurgency is expanding, and the prospect of negotiations with the Taliban is becoming clearer, threatening the achievements of women since 2001.

The second aspect is physical safety, which heavily decreased in recent months across the country. Thefts, banditry, racketeering, rape, and assassinations reappear as in the heyday of the civil war before the arrival of the Taliban at the end of the

13 Amnesty International, «Afghanistan, scandale des droits humains: une femme lapidée», in: *Report* (2012), n. p.

14 UN Assistance Mission in Afghanistan, *UNAMA Report* 2009.

15 UNDP Afghanistan: «European Union Action on Empowerment of Women from Afghanistan» (2007; 2019).

1980s, who thanks to their expeditious justice measures had managed to put an end to it. The Taliban usually set up arbitrary field courts and try and eliminate people (although now Taliban leaders usually attribute these types of actions to ISIS).¹⁶

Many women are subject to physical violence, others to intimidation. Several leaders of women's NGOs report pressure exerted on them, e. g., they receive threatening letters ordering them to put on their burqas, not to work with foreigners, and accuse them of being »infidels« or »Christians«, because they dare to have a public life. Several of them have been murdered, but none of their killers has yet been brought to justice. According to the Human Rights Watch report published in 2020, women and girls are often victims of violence and discrimination and have limited access to justice.¹⁷

A government survey carried out in 21 of the 34 provinces between March 2006 and October 2007 identified more than a thousand cases of violence against women, including rape, forced prostitution, forced marriage, physical attack, polygamy, harassment, and immolation. Furthermore, it should be noted that in Afghan society reporting this type of violence is frowned and women dare not report it out of fear of bringing shame to their families. Hence, it can be assumed that the number of victims is much higher.

The lack of safety has many negative consequences. On the one hand, it hinders the education of girls as the Afghans are reluctant to send them to schools far from home. The destruction of girls' schools by the Taliban contributes to obstructing their right to education. The reconstruction of Afghanistan requires educated individuals, though, especially women who were prevented from it during the Taliban period.

The lack of safety limits women's mobility severely. It forces them to be less offensive and disables them to mobilize for their right. Fear of violence and sexual harassment keeps them away from the public arena. The culture and cultural values that have been damaged in the long period of war through prejudices and violence have put considerable pressure on the people.

The education of girls is not inclusive and inconsistent on a national level. Religion – as interpreted by the fundamentalist and traditionalist religious leaders – and the Afghan traditions restrict the education of girls. Not even the state law can force religious people to change their opinion about women, because in their eyes, the state law is less important than the *Sharia*. They prioritize it in their lives and the lives of the people.

16 Conciliation Resources, *Afghanistan: Accord Issue 27 – Incremental Peace in Afghanistan* (1.6.2018).

17 Human Rights Watch, *Human Right Watch Report 2020*.

Defeat of Struggle

The following remarks refer to the period between 2001 and 2021, especially after 2012, regarding women's struggles. Despite their efforts, fundamental changes in the growth process of women's status were not achieved. Women's rights activists were victims of violence in all regions, and the number of women killed was increasing. Moreover, violence against women increased, and resistance from patriarchal societies also grew, which became especially apparent in the spring of 2015, when Farkhunda was brutally murdered in Kabul. This event was a stark reminder of the anger and hostility towards women by some male members of the community.

After 2012, different media outlets reported on the news about women's rights on a daily basis. However, stoning women by order of local mullahs and religious judges, or killing women and girls who were convicted of extramarital sex, was enforced.

In the shadow of the republic and due to management shortcomings, the Taliban attracted many people who felt deprived, and in those areas where the democratic government was not present, the Taliban simply grew.¹⁸

Women's security was decreasing every day and they experienced violence in the city of Kabul. Suicide attacks took place in girls' educational centers such as Shahada School and Kaj Education Center in 2019 and 2020. In addition, pressure groups – whose identity was usually not clear – committed violent acts against women, such as acid attacks, threats, murder, and rape in Kabul city.¹⁹

Another important issue that causes the failure of women's movements is the lack of loyalty of women's rights activists to women and women's issues. The movement and women's mobilization were negatively affected when women who claimed to defend women's rights left Afghanistan and became refugees in Europe or America, which might be seen as evidence for the instrumentalization of the women's mobilization for their rights. These women then could not achieve much success due to their dependence on government officials in foreign countries and an increasing lack of familiarity with the deep problems of Afghan women in society.

The widespread belief that the women's movement is geared against men is based on a fundamental misunderstanding of the goals and principles of the movement. Some men may feel threatened by the women's movement because they believe that women – by seeking equality and challenging traditional gender roles – would take something away from them or undermine their authority in society.

18 Mariam Abou Zahab, »Des talibans aux néo-talibans: chronique d'un mouvement social«, in: IRSEM (2010), pp. 133–143, here p. 133.

19 Ahmed Rashid, *Le retour des talibans*, Paris: Delavilla 2009.

This can be especially true in societies with deeply ingrained patriarchal beliefs and strict gender norms.²⁰

Additionally, some men may view the women's movement as a threat to their own power and control in society and specifically their family, and they feel that their traditional roles and values are being challenged. Thus, they may perceive the women's movement as a form of rebellion or betrayal. Such men may view any attempts to achieve gender equality as leading to a loss of their status, power, and control in society.

Conclusion

While some positive changes concerning women's rights in Afghanistan over the past 20 years have been achieved, studies have shown that these gains were limited and often did not translate into practice for the majority of Afghan women. Women in Afghanistan continue to face significant challenges, including gender-based violence, lack of access to education and healthcare, and limited economic opportunities.

The return of the Taliban in 2021 has further exacerbated these challenges, and Afghan women are facing an uncertain and dangerous future. An underdeveloped economy and low incomes have also made women particularly vulnerable to these challenges. Women in Afghanistan have fought for their rights and made progress, but much work needs to be done to achieve gender equality and improve the lives of Afghan women.

Security is indeed a critical issue in Afghanistan, particularly for women, who are most often the victims. The concept of security in Afghanistan is often viewed through a traditional lens, and national security has not been fully developed. This has left women susceptible to violence, harassment, and other forms of gender-based violence.

The customs, traditions, and culture of Afghan society can significantly affect the realization of women's rights. In a patriarchal society where basic life conditions serve the interests of men, it can become a major obstacle to women's rights.

To conclude: Twenty years is not a sufficient period for women's rights development projects to make significant progress, especially in a country like Afghanistan where gender inequality is deeply rooted in culture and society. While the new generation of Afghan women has experienced some positive changes and progress, the re-emergence of the Taliban has been a major step back. Their strict interpretation of the Islamic law and their oppressive policies towards women have led to the erosion

20 Ranjoo Seodu Herr, »The Possibility of Nationalist Feminism«, in: *Hypatia* 18.3 (Autumn, 2003), pp. 135–160.

of women's rights and to a return to the former discriminatory practices. Therefore, it is essential to continue supporting women's rights development projects and advocating for gender equality, even in the face of such setbacks, in order to build a more inclusive and equitable society for Afghan women.

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