Assessing Women’s Rights in Afghanistan in 2014:
Many Stumbling Blocks on the Way towards Equality

by Timea Kasa
About the Author

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In the past, women were often the first to suffer from war and militarization in Afghanistan. Today, Afghanistan ranks 169 out of 187 in the Gender Inequality Index of the UNDP. After a rocky presidential electoral process and with the nearing withdrawal of the international forces at the end of 2014, Afghan women face a variety of social, political and security challenges. While their access to education and health care has significantly improved over the last decade, women’s political and basic human rights remain compromised. Women in Afghanistan are, for example, still underrepresented in almost every sphere of public life, and many of them face social stigma when reporting injustice and violence to the police or at court. While the ongoing political and security transition poses an opportunity to improve women’s position in society, it can lead to a setback if women will be excluded from the process. The next months therefore mark a pivotal point for Afghanistan’s future democratic transformation, and pose a critical challenge for women’s rights in the country.

The development of women’s representation in the political and security sector over the last decade can be seen in analogy to the developments of their general opportunities. On the premise that women’s representation in these sectors is the basis for the improvement of their rights, this paper gives an overview of women’s development in Afghanistan from the US-invasion in 2001 until today and highlights the current state of women’s rights in the country. Drawing from experiences in other countries, including women at all stages of a peace process has proven crucial for a positive and sustainable outcome. This paper aims to illustrate the importance of fostering and improving women’s rights in Afghanistan and to demonstrate their crucial role for the country’s peaceful development.

Assessing Women’s Rights in Afghanistan in 2014

A Brief Outline of Women’s Rights and Opportunities in Afghanistan

Before the rule of the Taliban regime (1996-2001), Afghan women were actively engaged in political, social, and work life. They were given the right to vote in 1919 and many were working as nurses, doctors, professors, and teachers. After the collapse of the communist government in 1992, Afghanistan slid into a civil war that ended in 1994 with the establishment of the Taliban rule. The Taliban imposed a strict form of Sharia rule in which women were almost completely excluded from public life. They were banned from working or going to school, were not allowed to leave the house without a male companion, and had to wear a full body veil in public. With the beginning of the U.S.-led “war on terror” in 2001, women and their rights became an important reference in justifying the US-invasion in Afghanistan. On November 17, 2001, First Lady Laura Bush gave a speech on public radio where she explicitly linked the military action in Afghanistan with the fight for women’s rights by stating that “[t]he brutal oppression of women is a central goal of the terrorists. […] The fight against terrorism is also a fight for the rights and dignity of women.” Although several opponents of the US-led war in Afghanistan criticized this narrative of women’s victimization for the purpose of legitimizing the military incursion, the fall of the Taliban started a new era for women in which they could once again engage in public life.

Women’s Rights Legislation post-2001: Progress and Obstacles

The passing of a new constitution in 2003, the Elimination of Violence Against Women (EVAW) law from 2009 as well as the widespread creation of women shelters led to tremendous social and political gains for Afghan women. The new constitution enshrines women’s rights, stating in Article 22 that “[t]he citizens of Afghanistan – whether man or woman – have equal rights and duties before the law” and includes a quota for women’s representation in the political process. The National Assembly consists of two houses – the Wolesi Jirga (House of the People) and the Meshrano Jirga (House of Elders). 27 percent of the seats of the Wolesi Jirga are reserved

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The EVAW law defines 22 acts as violence against women and names the respective penalty for the perpetrators, including for offenses such as forced and child marriage as well as emotional, psychological, sexual and physical abuse.  

Nevertheless, women are still underrepresented in every sphere of public life, and the legacy of the Taliban regime as well as the growing conservatism throughout society pose a continuous threat to women’s rights in Afghanistan. In fact, defenders of women’s rights experienced a series of setbacks in the past several years. The EVAW law, for example, which was signed by former President Karzai in 2009, failed ratification by the parliament in 2013. Additionally, Karzai passed the Shia Personal Status law in 2011, which activists criticize for violating Article 22 and curtailing women’s rights. Furthermore, in the same year conservative and religious circles pushed Karzai vehemently to bring the independently funded and run women shelters under government control – albeit unsuccessfully. Most recently, the quota for women in the provincial council was reduced from 25 percent to 20 percent in 2013.

Structural Disadvantages as the Main Obstacle for Inclusion

An underlying reason for the precarious state of women’s rights lays in the general structural disadvantages women experience in Afghanistan. The society is still embedded in socio-cultural traditions that, for example, present obstacles to women’s entry into the workforce. At 16 percent, the employment rate of women in Afghanistan is one of the lowest in the world. Additionally, Afghan women earn around 49 percent of the wages of their male counterparts and those who work often do so in informal and vulnerable conditions. 

11 Article 48: Constitution of Afghanistan.
15 Afghan Women’s Network 2014: 3.
conditions. The main barriers to employment for women are a lack of job opportunities, insufficient experience, low educational attainment, as well as reservations of other family members to the employment of their female members. Thus, taking care of children, elderly and disabled family members remains the primary occupation of women, and gender expectations limit the fields in which women are employed. Especially in rural districts women are mainly working in home-based employment, e.g. sewing, carpet weaving, tailoring or agricultural work.\(^\text{18}\) In higher positions- and particularly in the sectors of politics, justice, and security- women still face high levels of discrimination. To name just one limitation in this context, they often face travel restrictions due to security concerns or social pressures.

To this day, Afghanistan is a highly sex-segregated country in which boys and girls go through extremely different forms of socialization. Since they grow up in separate and different surroundings shaped by prevailing role models, expectations and duties, women and men often diverge in their perceptions of situations. Women themselves therefore need to be able to actively and prominently engage in issues of security, justice and politics to improve their role in society.\(^\text{19}\) Empirical evidence shows that particularly in these sectors, women participation could change the social perception of women and trigger a positive change in gender norms.\(^\text{20}\) Female authority in these fields will not only improve the social and political conditions of women in Afghanistan generally, but also increase their overall level of security. Domestic as well as public security is still a paramount concern for Afghan women, as over 80 percent of women face domestic violence or other forms of aggression during their lifetime.\(^\text{21}\)

**Women’s Representation in Politics**

In April 2014, Afghanistan saw its fifth round of general elections after the presidential elections of 2004 and 2009 and the provincial and Wolesy Jirga elections in 2005 and 2010. Female candidacy in political elections has slowly increased over the last decade, not least as a result of official quotas. Even though the number of seats filled by women beyond the quota require-


ments has increased over this decade, as in most parts of the world these seats continue to be the stark minority.  

On the provincial level, women candidates increased from 8.2 percent in 2005 to 11.3 percent in the 2014; in the parliamentary elections, they increased from 12.8 percent in 2005 to 15.8 percent in the 2010. In 2013, there were three female ministers (more than in Australia), one female governor, 68 women in the parliament’s lower house, 28 female senators in the upper house, and nine female members out of 70 in the High Peace Council. Most female parliamentarians continue naming their top priorities to be mostly gender-related, including combating gender-discrimination and violence against women as well as women’s empowerment. Female politicians face many challenges in Afghanistan: in running for office, they are frequently confronted with public hostility or are threatened by violent attacks. In the eyes of many Afghan women, the major problem prohibiting their political success lays in male indifference to their struggle for an equal share of female representation, or men regarding them as incapable of adequate political action.

Most female parliamentarians continue naming their top priorities to be mostly gender-related, including combating gender-discrimination and violence against women as well as women’s empowerment.

Figure 1) Women’s Participation in the Electoral Process 2004 – 2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Female provincial council candidates</th>
<th>Female parliamentary candidates</th>
<th>Female presidential candidates</th>
<th>Female Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>1/18</td>
<td>37%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>8.2% (247/3025)</td>
<td>12.8 (335/2775)</td>
<td></td>
<td>41%</td>
</tr>
<tr>
<td>2009</td>
<td>10.3% (328/3196)</td>
<td>15.8% (406/2775)</td>
<td>2/39</td>
<td>38.8%</td>
</tr>
<tr>
<td>2010</td>
<td>15.8% (406/2775)</td>
<td>15.8% (406/2775)</td>
<td></td>
<td>39.1%</td>
</tr>
<tr>
<td>2014</td>
<td>11.3% (308/2713)</td>
<td>0/8</td>
<td></td>
<td>38%</td>
</tr>
</tbody>
</table>

Own figure, partly base on Lough 2011: 11

Women’s Participation in the 2014 Elections

The 2014 provincial elections saw a record number of female participation, with around 12 percent of female candidates. However, female candidacy

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24 Work, Social Affairs, Martyred and Disabled Minister Amina Afzali, Public Health Minister Soraya Dalil and Women’s Affairs Minister Husn Bano Ghazanfar.
25 Fleschenberg/Athayi 2013: 5
Figure 2: Female Provincial Council Candidates 2014

<table>
<thead>
<tr>
<th>Province</th>
<th>Candidates</th>
<th>Women</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parwan</td>
<td>86</td>
<td>10</td>
<td>8.6%</td>
</tr>
<tr>
<td>Kunduz</td>
<td>107</td>
<td>5</td>
<td>4.6%</td>
</tr>
<tr>
<td>Ghor</td>
<td>61</td>
<td>12</td>
<td>19.6%</td>
</tr>
<tr>
<td>Badakhshan</td>
<td>118</td>
<td>9</td>
<td>7.6%</td>
</tr>
<tr>
<td>Badghis</td>
<td>32</td>
<td>5</td>
<td>15.6%</td>
</tr>
<tr>
<td>Helmand</td>
<td>99</td>
<td>10</td>
<td>10%</td>
</tr>
<tr>
<td>Laghman</td>
<td>53</td>
<td>5</td>
<td>9.4%</td>
</tr>
<tr>
<td>Samangan</td>
<td>60</td>
<td>8</td>
<td>13.3%</td>
</tr>
<tr>
<td>Baglan</td>
<td>152</td>
<td>11</td>
<td>7.2%</td>
</tr>
<tr>
<td>Herat</td>
<td>166</td>
<td>21</td>
<td>12.6%</td>
</tr>
<tr>
<td>Logar</td>
<td>40</td>
<td>4</td>
<td>10%</td>
</tr>
<tr>
<td>Sar-i-Pul</td>
<td>43</td>
<td>6</td>
<td>13.9%</td>
</tr>
<tr>
<td>Balkh</td>
<td>123</td>
<td>17</td>
<td>13.8%</td>
</tr>
<tr>
<td>Jowzjan</td>
<td>59</td>
<td>6</td>
<td>10%</td>
</tr>
<tr>
<td>Nangarhar</td>
<td>118</td>
<td>10</td>
<td>8.4%</td>
</tr>
<tr>
<td>Takhar</td>
<td>117</td>
<td>8</td>
<td>6.8%</td>
</tr>
<tr>
<td>Bamyan</td>
<td>53</td>
<td>13</td>
<td>24%</td>
</tr>
<tr>
<td>Kabul</td>
<td>457</td>
<td>48</td>
<td>10.5%</td>
</tr>
<tr>
<td>Nimroz</td>
<td>38</td>
<td>8</td>
<td>21%</td>
</tr>
<tr>
<td>Uruzgan</td>
<td>22</td>
<td>5</td>
<td>22.7%</td>
</tr>
<tr>
<td>Daikundi</td>
<td>72</td>
<td>14</td>
<td>19.4%</td>
</tr>
<tr>
<td>Kandahar</td>
<td>74</td>
<td>7</td>
<td>9.4%</td>
</tr>
<tr>
<td>Nuristan</td>
<td>43</td>
<td>7</td>
<td>16.2%</td>
</tr>
<tr>
<td>Wardak</td>
<td>46</td>
<td>7</td>
<td>15.2%</td>
</tr>
<tr>
<td>Farah</td>
<td>30</td>
<td>5</td>
<td>16.6%</td>
</tr>
<tr>
<td>Kapisa</td>
<td>49</td>
<td>4</td>
<td>8.2%</td>
</tr>
<tr>
<td>Paktia</td>
<td>66</td>
<td>5</td>
<td>7.5%</td>
</tr>
<tr>
<td>Zabul</td>
<td>20</td>
<td>3</td>
<td>15%</td>
</tr>
<tr>
<td>Faryab</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Khost</td>
<td>63</td>
<td>4</td>
<td>6.3%</td>
</tr>
<tr>
<td>Paktika</td>
<td>35</td>
<td>5</td>
<td>14.2%</td>
</tr>
<tr>
<td>Ghazni</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Kunar</td>
<td>34</td>
<td>6</td>
<td>17.6%</td>
</tr>
<tr>
<td>Panjsher</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Total</td>
<td>2713</td>
<td>308</td>
<td>11.3%</td>
</tr>
</tbody>
</table>

(Own figure based on [http://www.elections.pajhwok.com/en](http://www.elections.pajhwok.com/en))

The 2014 provincial elections saw a record number of female participation, with around 12 percent of female candidates.

Variations among provinces, with the lowest female participation in the rural and tribal provinces of Kunduz (4.6 percent), Takhar (6.8 percent) and Khost (6.3 percent).28 There seems to be a link between safety and women’s participation in elections. Kunduz and Khost29 are some of Afghanistan’s most unstable and insecure provinces, and in Takhar the number of reported violent incidents against women increased from 100 in 2012 to 180 in 2013. The central provinces Bamyan (24 percent) - known as one of the safest places in the country30 - Uruzgan (21 percent) and the southern province Nimraz, in contrast, saw more than 20 percent of female candidates.31 Since the announcement of the results from the provincial council elections held in April 2014 has been prolonged for the auditing process, it remains to be seen whether the reduction of the female quota in the Provincial Council from 25

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28 See Figure 2.
31 See Figure 2.
percent to 20 percent will influence the number of women elected.\textsuperscript{32}

Further backlash against women in politics is posed by the reformed framework for presidential candidacy, which creates a legal obstacle for women running for office. According to the new law enacted in July 2013,\textsuperscript{33} any candidate needs to present 100,000 voting cards, signatures from at least 20 provinces, and must file a deposit of one million Afghan Afghani (around $17,500) in order to be eligible for the elections. These structural hurdles led to only one female registration for candidacy for presidency in 2014 who in the end failed to meet the Afghanistan Independent Election's Commission's (IEC) requirements. However, Habiba Sarobi, Afghanistan's first female governor of the Bamyan province, ran as the vice-presidential candidate of Zalmay Rassoul, who came third in the first round of elections. Sarobi was the first woman to run as vice-president for a candidate that had a reasonable prospect of success.\textsuperscript{34}

Generally, Afghan women recognize the importance of voting, and their participation in elections is perceived positively throughout society. However, 528 out of 5,897 polling centers remained closed due to security reasons.\textsuperscript{35} In the provinces with open polling centers and female polling staff, women generally faced no trouble accessing the ballot box, and most of them did not allow the Taliban threats not deter them. But while most women were aware of how to vote, many lacked the necessary information to decide whom to vote for, particularly in rural areas. This year, the IEC estimated a 60 percent voter turnout for the presidential elections, of which in the first round 35 percent were women. In the run offs, women's voter turnout increased to 38 percent.\textsuperscript{36} However, in comparison to the last elections, this means a slight drop in women's participation from 41 percent in 2005 and 39 percent in 2005.\textsuperscript{37}

\begin{itemize}
\item \textsuperscript{35} Open Date: Closed Polling Centers. http://afghanistanelectiondata.org/open/maps/kml/closed-polling-centers (accessed 8/20/2014).
\end{itemize}
Women in the Security Forces – a Key against Violence?

According to David S. Sedney, former US Deputy Assistant Secretary of Defense for East Asia, the progress of women’s rights in Afghanistan rests to a large extent on the security force’s ability to guarantee a reasonable degree of stability.\(^3^8\) As international troops are withdrawing by the end of this year, women leaders and women rights activists anxiously look at the developments in the security sector. An empirical study in 2012, conducted by The Institute for Inclusive Security, suggested that in order to stabilize the security situation in Afghanistan, security personnel of both genders is needed.\(^3^9\) Especially in Afghanistan, where women and men go through very different forms of socialization that are tied to defined roles in their communities and families, security forces need to consider male and female perspectives in order to address the security threats to and from both groups.

Female security personnel has, e.g., a considerable advantage in addressing gender-based violence, as female officers tend to be more likely to register and investigate crimes against women.\(^4^0\) Similarly, female prosecutors, lawyers and judges are highly important. In the year 2013, there was a 28 percent increase in reported violence against women. However, the increase can at least in part be explained by the fact that women started to report violent acts more often than in past years.\(^4^1\) Despite the encouraging rise in reports of violence against women, many women still fear to report violent crimes committed against them. Due to cultural habits, many women prefer to speak to other women about their personal life and face particular difficulties speaking to men about sexual violence.\(^4^2\)

Women are further essential for combating terrorism and extremism. In 2013, there were several accounts of men dressed as women launching attacks by entering areas in which no female officers were present to conduct a body search. Furthermore, according to a report by The Institute of Inclusive Security, women tend to have less extremist religious and political positions, as they were the ones who suffered most under the Taliban rule. Women are therefore regarded as more moderate in their positions, which illustrates another important role they play in fostering peace in Afghani-

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41 Ganesh 2013: 2.
Besides improving overall security, and women’s security in particular, female security personnel are necessary for the democratic process. As polling stations and registration for voting are sex-segregated, there is a need for female security personnel in order to create a secure voting environment for women. In 2014, 40 percent of the polling stations were reserved for women.\(^{44}\) However, this year’s elections revealed once again the lack of female election workers, which resulted in polling stations for women being understaffed in almost every province of the country. The southern provinces of Kandahar, Paktika and Helmand faced the most drastic shortage of female staff. 704 out of 869 polling stations in these provinces were operated by only male staff.\(^{45}\) This deficiency is problematic in two ways: firstly, families often do not allow their women to vote at sites with only male staff.\(^{46}\) Secondly, it makes it hard to detect voting irregularities and facilitates proxy voting of male relatives on behalf of the women. Many of these types of fraud were detected in the elections this year.\(^{47}\)

**Inclusive Afghan National Security Forces**

Until the end of the year 2013, the US spent around $53 billion for training, equipping, and sustaining the Afghan National Security Forces (ANSF). However, the aid fell short in developing an inclusive security force. According to the Afghan Ministry of Interior Affairs, the percentage of women in the police was as low as 0.4 percent in 2008. Even though the number of women in the ANSF has increased in the last years, at the end of 2013 women still only made up about 1 percent of the overall forces (2,200 women). In the police force, the percentage is similarly low with round about 1,570 out of 152,600 police staff being women. In the Afghan National Army, in contrast, the percentage was even lower with 0.3 percent women overall (467 out of 185,300). In the Afghan Air Force, only 52 of 6,600 employees were women at the end of 2013.\(^{48}\) Overall, the Afghan government’s target of 5,000 women in the ANSF for June 2014 could unfortunately not be met.\(^{49}\) According to David Sedney, the prime obstacle for women to enter

\(^{43}\) Whitman/O’Neill 2012: 5.
\(^{47}\) Bezhani 2014.
\(^{49}\) Cragg, Jennifer 2014: Female ANSF officers participate in mentoring opportunity with
the ANSF is family pressure. Since in all parts of the world the military field is extremely male-dominated, it is not surprising that Afghan women face considerable obstacles when aspiring to enlist in the army.\textsuperscript{50}

\section*{Necessary Steps for Lasting Headway in Afghan Women's Rights}

The future of women’s rights in Afghanistan remains vulnerable as positive developments take time and are impeded by several setbacks. In the light of the withdrawal of US and NATO troops, a significant share of aid workers and foreign economic assistance are likely to follow the exit. Nederah Gehan, the former head of the women’s affairs office in Kunduz, stated in an interview in July 2014 that activists working in the field of women’s rights “already see the signs of losing the support of the international community.”\textsuperscript{51} It remains unclear who will fill the void of investment for programs and trainings focusing on women’s emancipation in the security and political sector. However, as stated by the Afghan Women’s Network in 2014 “[t]he decades of transition and transformation have been and will continue to be a test of the ability of Afghans to stand on their own as a nation.”\textsuperscript{52}

Considering the fragile state of the country and the existing influence of the Taliban in certain provinces, it should be in the interest of the US and its allies to continue training the ANSF until they will be able to operate on their own. Of equal importance is the continuation of foreign aid and assistance programs enabling women to become active citizens.\textsuperscript{53} However, the continuing improvement of women’s rights in Afghanistan also depends to a large extent on the stance the new president Ashraf Ghani will take on women’s issues. In contrary to Karzai, who kept his wife, a trained gynecologist, out of public sight, the wives of the two candidates for the presidential run-off elections, Ashraf Ghani Ahmadzai and Abdullah Abdullah, both gave public speeches in this year’s elections. Furthermore, both candidates vowed to protect women’s rights and to encourage a greater role by Afghani women in politics.

The provincial council election are still undergoing auditing processes and


\textsuperscript{52} Afghans Women’s Network 2014: 1.

no results have been announced yet. As the rocky electoral process continues, the upcoming months will show to what extent Ashraf Ghani’s promises with regard to women’s empowerment will become true. The various programs and initiatives working towards improving women’s rights depend to a large extent on political implementation and consistency. If the new president takes a progressive and committed stance on women’s role in political decision making, he could not only positively influence the upcoming parliamentary elections in 2015, but also stir the future development of their rights and opportunities in Afghanistan overall in the right direction. Nevertheless, the main driving force for the improvement and development of women’s rights remain Afghan women themselves. As stated in a report by the Afghan Women’s Network “most of the progress made in the area of women’s rights would not have been possible without the efforts and activism of Afghan women.”

54 Maiwandi 2014.
55 Afghans Women’s Network 2014: 1.