

## Equal Rights for Women in Afghanistan?

By Eva Herzer

In 1999, I wrote an article for this Journal entitled "Behind the Afghani Taliban's Veils of Terror." At that time, women in Afghanistan were very prohibited from working outside of their homes, girls were denied the right to go to school, women were largely unable to obtain healthcare and could not venture out onto the street without a male relative escort. In short, the oppression of women was all-pervasive. Since that time, Afghanistan has suffered through a U.S. lead war, the Taliban has fallen and women have struggled for their human rights and a role in the reconstruction process. Several articles in this Journal have reported on these efforts.

In the fall of 2003, the Afghan government issued a new draft constitution. This draft did not define women as citizens and largely ignored the recommendations of the Afghan Independent Human Rights Commission, the Ministry of women's Affairs, Afghan NGOs and international human rights organizations. In response to this draft, Afghan women appealed to their government and sought help from the international community. Thousands of emails and letters addressed to the government in Kabul and the Bush Administration helped bring out historical changes: The new constitution of Afghanistan, adopted in January of this year, assures women equal rights by providing "any discrimination and privilege between citizens of Afghanistan are prohibited...the citizens of Afghanistan, whether man or woman, have equal rights and duties before the law."

The new constitution also incorporates the provisions of the UN Charter and the Universal Declaration of Human Rights, thus making them domestic law. It further requires the government to abide by all international treaties ratified by Afghanistan. This is of great significance for Afghan women since the Kabul government last year ratified CEDAW, the UN Women's Convention.

In this regard, Kabul is ahead of Washington! At the Loya Jirga this January, women also succeeded in doubling their guaranteed seats in the parliament to 25 percent, as opposed to the 12 percent proposed in the draft constitution. The constitution also specifically requires the government to promote the education of women and girls.

While these developments are of historical proportions and are a major victory for Afghan women, equal rights for Afghan women are far from guaranteed. One major danger is anchored in the new constitution, which, to appease the fundamentalist forces, provides "no law can be contrary to the beliefs and provisions of the sacred religion of Islam." Although many women legal scholars in the Islamic world have taken the position that the teachings of the Koran are compatible with equal rights for women, this is certainly not the result reached by Islamic fundamentalists in Afghanistan, as evidenced by their past treatment of women. How the tensions between local interpretations of the Koran and the equal rights provision of the constitution will be resolved is an issue to be closely watched over the next months and years. The second danger to women's equal rights is the lack of internal security in Afghanistan, where assassination of government ministers, attacks on aid workers and human rights activists are frequent and where the rule of the government in Kabul is still of limited effect in other provinces.

How women, despite their newly gained legal rights will fare in this state of civil unrest depends in large part on whether or not a full-scale expansion of international peace keeping troops will take place. Despite words to the contrary, the Bush administration has done little to expand peace keeping in Afghanistan. NAWL members are encouraged to spend three minutes going to [www.feminist.org](http://www.feminist.org) to take action today to urge our government to substantially expand the international peace keeping forces in Afghanistan.



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NAWL members are also urged to call their senators to support the "Afghan Women Security and Freedom Act 2004" (S2032), introduced by Senator Barbara Boxer. This bill would fund the Ministry of Women's Affairs, the Afghan Independent Human Rights Commission and Afghan women's organizations. It also calls for the expansion of international peace-keeping forces, which would be authorized to intervene in human rights violations.

To support this act, NAWL members can write directly to their senators or go to [http://capwiz.com/fmf1/mail/oneclick\\_compose/?alertid=4934451](http://capwiz.com/fmf1/mail/oneclick_compose/?alertid=4934451). Our support of Afghan women in these critical times is crucial.