



Handbook For Women's Rights Advocates



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November 2011

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List of Acronyms

AIHRC – Afghanistan Independent Human Rights Commission

ANDS – Afghanistan National Development Strategy

CEDAW – Convention on Elimination of All Forms of Discrimination against Women

CEPPS – Consortium for Elections and Political Process Strengthening

CRC – Convention on the Rights of the Child

CSO – Civil Society Organization

EVAW – Elimination of Violence Against Women

FRUs – Family Response Units

GTZ – Deutsche Gesellschaft fuer Technische Zusammenarbeit (now GIZ)

I-ANDS – Interim Afghanistan National Development Strategy

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

IFES – International Foundation for Electoral Systems

MDGs – Millennium Development Goals

MOHRA – Ministry of Hajj and Religious Affairs

MOWA – Ministry of Women’s Affairs

NAPWA – National Action Plan for Women of Afghanistan

NGO – Non-governmental Organization

NSP – National Solidarity Program

UDHR – Universal Declaration of Human Rights

UMAMA – United Nations Assistance Mission in Afghanistan

UNDP – United Nations Development Program

USAID – United States Agency for International Development

VAW – Violence against Women

WATP – Women’s Advocacy Training Program

WHO – World Health Organization

WOI – Women of Influence

Glossary of Terms

Advocacy is public support for an idea, cause or policy. It involves people participating in decision-making processes which affect their lives. Advocacy strategies can include lobbying, social marketing, information, education and communication, community organizing or other tactics.

Civil Society Organizations (CSOs) refer to a wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. CSOs therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations. (<http://go.worldbank.org/4CE7W046K0>)

Customary Law refers to the laws, practices and customs of indigenous and local communities, which are an intrinsic and central part of their way of life. Customary laws are embedded in the culture and values of a community or society; they govern acceptable standards of behavior and are actively enforced by members of the community. (http://www.wipo.int/wipo_magazine/en/2010/04/article_0007.html)

Discrimination Against Women encompasses any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>)

Empowerment is about women and men taking control over their lives: setting their own agendas, gaining skills, building self-confidence, solving problems and developing self-reliance. No one can empower another: only the individual can empower herself or himself to make choices or to speak out. However, institutions including international cooperation agencies can support processes that can nurture self-empowerment of individuals or groups.

(<http://portal.unesco.org/en/files/11483/10649049699Definitions.doc/Definitions.doc>)

Gender refers to the roles and responsibilities of men and women that are created in families, societies and cultures. The concept of gender also includes the expectations held about the characteristics, aptitudes and likely behaviors of both women and men (femininity and masculinity). Gender roles and expectations are learned. They can change over time and they vary within and between cultures. Systems of social differentiation such as political status, class, ethnicity, physical and mental disability, age and more, modify gender roles. The concept of gender is vital because, it reveals how women's subordination (or men's domination) is socially constructed. As such, the subordination can be changed or ended. It is not biologically predetermined nor is it fixed forever.

(<http://portal.unesco.org/en/files/11483/10649049699Definitions.doc/Definitions.doc>)

Gender Double Standard is the unequal treatment of individuals based on their gender.

Gender Equality means that women and men have equal conditions for realizing their full human rights and for contributing to, and benefiting from, economic, social, cultural and political development. Gender equality is therefore the equal valuing by society of the similarities and the differences of men and women, and the roles they play. It is based on women and men being full partners in their home, their community and their society.

(<http://portal.unesco.org/en/files/11483/10649049699Definitions.doc/Definitions.doc>)

Honor Killing refers to the murder of a woman by a male relative because he believes that she has damaged the family's image.

(<http://www.macmillandictionary.com/dictionary/british/honour-killing>)

Human Rights are rights and freedoms to which all humans are entitled.

Islamic Law (Sharia) guides all aspects of Muslim life including daily routines, familial and religious obligations and financial dealings. It is derived primarily from the Holy Qur'an and the Sunna— the sayings, practices and teachings of the Prophet Muhammed. Precedents and analogies applied by Muslim scholars are used to address new issues. The consensus of the Muslim community also plays a role in defining this theological manual.

(<http://www.cfr.org/religion/islam-governing-under-sharia/p8034>)

International Law is the body of customs, rules and laws governing the relationships of states with each other. (http://www.learningpartnership.org/sites/default/files/shared/u16/LeadingToAction_English.pdf)

International Human Rights Law refers to the systems, laws and customs of human rights observance between and among nations that protect the rights of individuals and communities. These include local and international treaties, laws and conventions and universally accepted practices for protecting human rights. Human rights law has many authorities, including international treaties, conventions, national constitutions and religious teachings and customs that equally protect freedom and dignity of every person regardless of gender, race, creed, nationality or other distinction. (http://www.learningpartnership.org/sites/default/files/shared/u16/LeadingToAction_English.pdf)

Millennium Development Goals (MDGs) provide concrete, numerical benchmarks for tackling extreme poverty in its many dimensions. They were adopted by world leaders in the year 2000 and are set to be achieved by 2015. (<http://www.undp.org/mdg/basics.shtml>)

The eight goals are:

- Eradicate extreme poverty and hunger
- Achieve universal primary education
- Promote gender equality and empower women
- Reduce child mortality rates
- Improve maternal health
- Combat HIV/AIDS, malaria and other diseases
- Ensure environmental sustainability
- Develop a global partnership for development.

Networking is an activity by which individuals or groups exchange contacts and other relevant information for personal, professional or social purposes. Through their networks individuals can exchange ideas and experiences and work together on common causes.

Patriarchy is a social system in which the father is the head of the family and men have authority over women and children.

(http://www.learningpartnership.org/sites/default/files/shared/u16/LeadingToAction_English.pdf)

Polygamy refers to the marriage in which a spouse of either sex may have more than one mate at the same time. (<http://www.merriam-webster.com/dictionary/polygamy>)

Sex describes the biological differences between men and women, which are universal and determined at birth. (<http://portal.unesco.org/en/files/11483/10649049699Definitions.doc/Definitions.doc>)

Statutory (Statute) Law is a law enacted by the legislative branch of the government.

(Merriam Webster's Collegiate Dictionary, 10th ed., s.v. "Statute.")

Violence Against Women is any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women. This includes threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

(<http://www.who.int/mediacentre/factsheets/fs239/en/index.html>)

Introduction

The International Foundation for Electoral Systems' (IFES) projects have supported the development of a robust and vibrant electoral system in Afghanistan since 2002. IFES aims to increase effective and educated participation of Afghan citizens in the election process to promote electoral transparency and accountability. Program activities include voter outreach, women's advocacy training, journalist training, building awareness of political finance and youth initiatives.

IFES' women's advocacy training program combines a series of targeted trainings with public outreach activities that work with select women of influence (WOI) in six provinces: Balkh, Bamiyan, Herat, Kabul, Kandahar and Nangarhar. Specifically, IFES provides a wide range of trainings and activities to achieve the following:

- Enhance the knowledge of WOI on a host of relevant matters (e.g., issues-based elections,¹ parliamentary responsibilities and structure, and women's social concerns in Afghanistan)
- Enhance public speaking skills and confidence
- Promote information sharing among WOI
- Promote the political participation of women
- Promote a greater public dialogue on women's issues in Afghanistan

¹ Through issues-based elections, WOI pursue information about candidates' policies and programs. They focus on important political, electoral and legislative issues vs. political personalities, and engage candidates on topics of importance to women. The WOI follow up with elected officials to see if they have delivered on their promises.

This handbook is intended to serve as a tool for WOI and other advocates of women's rights and gender equality, specifically on the following three topics:

- 1) Harmful marriage-related traditions
- 2) Violence against women
- 3) Access to education

Each section provides an overview of each topic (i.e., the current status); a presentation of each topic from the perspectives of Islamic law (Sharia), Afghan statutory law and international law. Recommendations are then included for actions to be taken by the Afghan government, civil society organizations and religious leaders in order to improve the lives of women in Afghanistan.

A list of civil society and government entities working on these issues in Kabul, Balkh, Bamiyan, Herat, Kandahar and Nangarhar is available in Annex 1. Advocates will be able to use these contacts to expand and strengthen their networks, thereby making their participation in building Afghan civil society that much more effective.

Armed with this handbook, advocates will be able to generate and join a more balanced and forceful dialogue on women's rights and gender equality in Afghanistan. Advocates' participation in public forums like radio programs, TV shows, community events and discussions will provide an opportunity for utilizing this text to present ideas and argue their points more effectively.

Advocacy Tips

Advocacy is a process of working with others to affect change. In order to successfully promote women's rights and gender equality, advocates should consider the following tips:

- **Taking Advantage of Existing Advocacy Networks.** It is easier to advocate for a cause if joined by like-minded individuals. Afghanistan already has existing networks of advocacy groups, which are comprised of civil society organizations (CSOs) and non-governmental organizations (NGOs). Networks can assist their members with human and financial resources and can help them accomplish things they would not have been able to on their own.
- **Creativity in Approach and Message Delivery.** For advocates' messages to be heard as far and wide as possible, a number of outlets should be used, including TV, radio, newspapers, conferences, workshops, internet, community meetings, etc. Many of these outlets will reach the international community, which can be of great assistance to Afghan advocates. For example, when the government of Afghanistan attempted to put all shelters for survivors of violence under their control in early 2011, it was the outcry of the local and international advocates that prevented this from happening.
- **Targeted Approach to all Relevant Stakeholders when Delivering Messages.** The advocates should work tirelessly to promote their message at the grassroots level, including tribal councils, religious leaders and community members of influence; at the government level, including parliament members and decision makers within the government structure; and in the international community. Delivering a message to all stakeholders will ensure that it stays at the forefront of discussions at all levels. The message, however, must be delivered within the proper framework. For example, if speaking with mullahs and religious scholars, references to Islam's support of

women's rights should be made. On the other hand, if the audience is lawmakers, in addition to Islamic references, the approach should focus on statutory law and the international legal framework.

- **Participation of Men.** Violence against women, harmful marriage-related traditions and girls' education are not only a women's problem – they have negative effects on the entire community. These elements are holding Afghanistan back from progressing socially and economically, and providing better lives for all of its citizens. That is why it is of the utmost importance that men are involved in campaigning on behalf of women's rights and gender equality. Men of influence can be effective in changing the behaviors of other individuals and communities at large.
- **Mentoring Youth.** It is important to have politically engaged youth in order to promote human rights and gender equality, as they will determine the future of Afghanistan. Many young men and women do not have an opportunity to learn about these topics if they are not promoted by their families, schools or communities. Raising awareness among youth so they can become advocates of women's rights is one way of making Afghanistan a more inclusive and tolerant society.



Promoting messages at a grassroots level.

Mitigating the Gender Double Standard

3.1 Overview

Around the world, family is the principle factor in shaping attitudes and behavior within a society. The Universal Declaration of Human Rights (UDHR) defines family as “the natural and fundamental group of society”² and deems it so important that “it is entitled to protection by society and the State.”³ The Constitution of the Islamic Republic of Afghanistan also places a high value on family:

Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.⁴

The family unit teaches its members about basic human values such as love, respect and kindness. However, in many countries, including Afghanistan, families are guilty of treating their male and female children differently by using a gender double standard.

The double standard is defined as “a rule or principle that is applied to some people but not others, in a way that is unfair.”⁵ The double standard examined in the context of this handbook addresses the unfair

² United Nations General Assembly, Resolution 217 A (III), “Universal Declaration of Human Rights (UDHR),” art. 16.3., December 10, 1948, www.un.org/en/documents/udhr/index.shtml.

³ UDHR, art. 16.3.

⁴ Constitution of Afghanistan, art. 54, Kabul, Afghanistan, January 3, 2004, www.afghan-web.com/politics/current_constitution.html.

⁵ *Macmillan Dictionary Online*, 2009–2011, s.v. “double standard,” accessed August 20, 2011, <http://www.macmillandictionary.com/dictionary/british/double-standard>.

treatment of girls and women by their families in comparison to boys and men. Generally speaking, women in Afghanistan are treated as second-class citizens, despite their protected rights through Islamic teachings, Afghan law and international law. In Afghan society, the gender double standard begins before one is born. Whether a pregnant woman carries a boy or a girl will determine how that unborn child will be treated for the rest of his/her life. A woman who doesn't have a son is considered guilty of letting her family down. It is accepted by society if her husband decides to divorce her or marry a second wife to deliver him a son.

In Afghanistan, girls are considered temporary members of the family because they are expected to get married and join their husbands' families. Therefore, brothers are treated better, fed better and provided new clothes; they are also more likely to continue their schooling. Education is a large expense, especially for someone considered a temporary family member. In this mindset, it does not make financial sense to invest in education for women. Additionally, many families believe girls are not as smart as boys and do not need to go to school, as they will end up doing household chores for the rest of their lives. Girls' wishes to receive education are often ignored because their only obligation is to be obedient to the men in their lives – fathers, brothers, husbands, sons and other male relatives.

This type of environment has extremely negative effects on girls' self-esteem. As they are disrespected by their families, they internalize the belief that they are worth less than boys. They grow up to be subservient and scared, often ending up as child brides or in arranged marriages. Because they are not aware of their rights provided by the state and by the Holy Qur'an, they treat their daughters the same way they were treated growing up. This perpetuates the cycle of the second class citizenship.

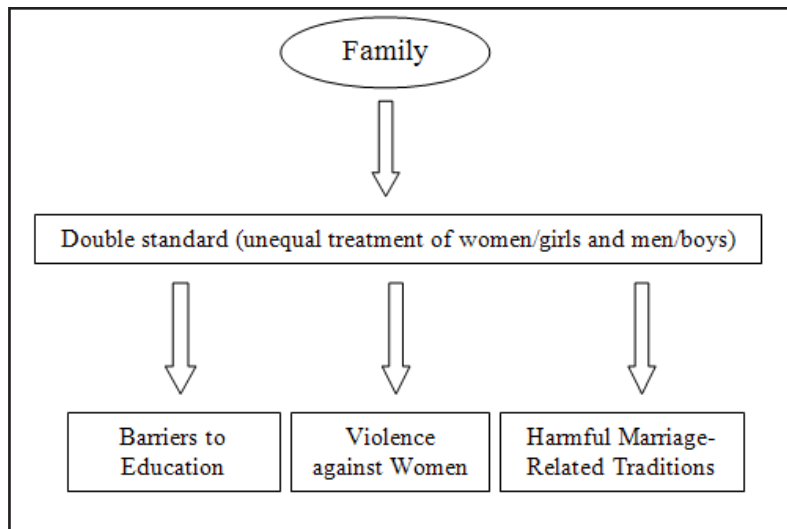


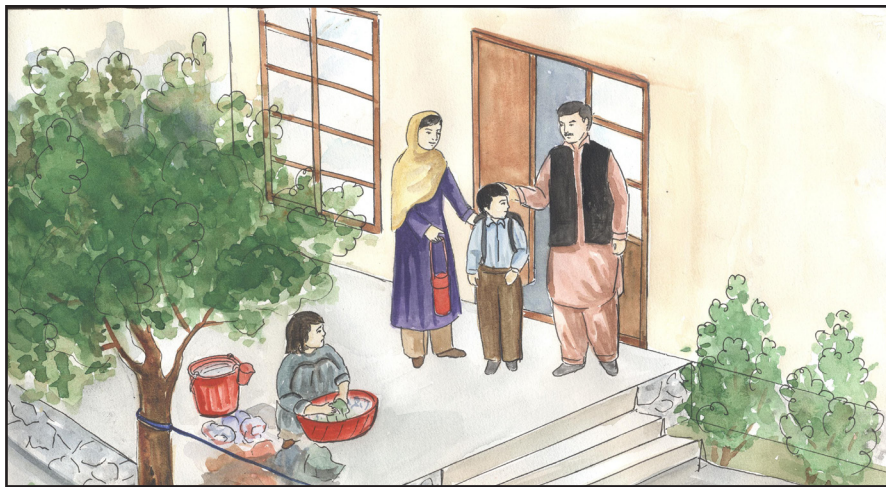
Figure 1. Graphic Overview of Outcomes Perpetuated by Family's Application of Gender Double Standard

This gender double standard is a serious obstacle to economic growth, governance, health and education. It effectively prevents half of the country's population from participating in nation-building activities, therefore slowing the advancement of an entire society.

Enabling Elements

The gender double standard is visible around the world, to varying degrees. It has been a part of the Afghan culture for centuries. Examples can be found in both Afghan literature and traditional proverbs. A revered Eastern scholar, Loqman Hakim, once stated that “we may not trust women,” while famous Persian poet Sadi said that “if your wife wants to leave home, beat her, as otherwise you may have to stay home as a woman.”⁶

Another Afghan proverb advises to “Avoid dealing with these three: cracked wall, fierce dog and a wicked woman.” Viewing women as untrustworthy is woven into the fabric of the Afghan society.



Girls are considered temporary members of the family because they are expected to get married and join their husbands' families. Therefore, brothers are treated better.

⁶ Mohammad Ali Feroghi, compiler, *Sadi's Complete Works* (Tehran: Parsa, 2007), 215.

On the other hand, the same poet Sadi who prescribed beating disobedient wives also wrote:

Human beings are like the parts of the body,
Coming together from the same source.
If one part pains, it will discomfort the other parts too.
You may not be called human,
If the pain of others does not touch your heart.⁷

The moral of this poem is that when one part of society faces problems, it affects everyone, directly or indirectly.

Enabling elements are defined as societal factors that make it possible for the continuation of the gender double standard in Afghanistan, as well as harmful marriage-related traditions, violence against women and barriers to education. These include:

Patriarchy. Like many other tribal societies, Afghanistan is a patriarchal country. This is “a system of society or government in which men hold the power and women are largely excluded from it.”⁸ Afghan men, by and large, are in power in private and public spheres, while women are often ignored.

⁷ Feroghi, *Sadi's Complete Works*, 31.

⁸ *Oxford Dictionaries Online*, 2011, s.v. “patriarchy,” accessed August 20, 2011, <http://www.oxforddictionaries.com/definition/patriarchy?view=uk>.

Men (primarily fathers and brothers) will make most decisions regarding women's lives – their education, marriage, work, etc. Women are continually treated as property and subjected to domestic violence.

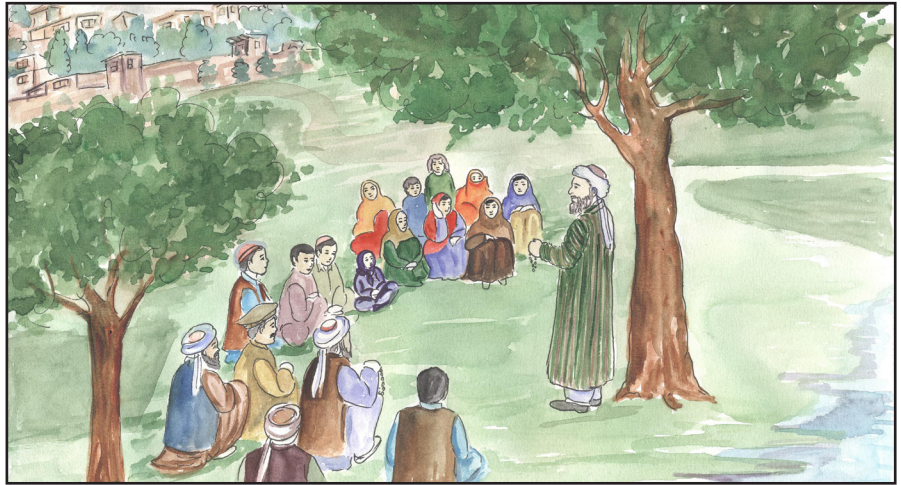
Some men are in favor of this social structure. A common belief is that treating men and women equally would significantly erode the power men currently hold. Mistreatment of women by men in a family leads to sons believing this is acceptable behavior, and they will treat their wives the same way. Daughters will believe it is normal for women to be abused physically and emotionally, and therefore accept abuse from spouses, continuing this harmful cycle.

Misinterpretation of Islamic Law (Sharia). Opponents of women's rights often use Islam as the basis for practices that discriminate against women. However, many of these harmful customs precede Islam and are actually contradictory to Islamic teachings. Despite that, they have successfully managed to “suppress women, restrict their movements outside the home, leave them vulnerable in the face of violence, and violate their basic human rights.”⁹

Decades of Armed Conflict. Decades of armed conflict have entrenched citizens in a culture of violence. Extremely poor living conditions, lack of security, an uncertain future and an overall lack of political, social and economic freedoms from decades of war only feed into the already violence-prone society.

⁹UNAMA Human Rights, *Silence is Violence: End the Abuse of Women in Afghanistan* (Kabul: UNAMA/OHCHR, July 8, 2009), 24, accessed August 20, 2011, <http://www.unama.unmissions.org/Portals/UNAMA/vaw-english.pdf>.

Lack of Political Will. The commitment has to come from above, (i.e., the government) for any significant and sustainable change in the way society embraces the double standard, violence against women, harmful marriage traditions and barriers to education. So far, the government has committed to promoting gender equality, protecting women's rights and eliminating violence against women through the Constitution, several laws and signing international human rights treaties. However, no significant steps have been taken to uphold these commitments. While there is plenty of evidence that suggests the presence of practices and traditions that harm women and girls around the country, the government has not shown much initiative to curb them. The lack of initiative from the government signals to the perpetrators that their actions are acceptable and enables them to continue discrimination and violence against women.



In the Holy Qur'an, men and women have equal rights and responsibilities, such as the right to humane treatment, to education, to work and to have a say in marriage.

Lack of Access to Justice. Given that the Afghanistan government does not have control over all areas of the country, it cannot provide protection and justice to all of its citizens. However, it is not just the absence of court buildings, hospitals and shelters that is an issue. The government's inability to implement and enforce laws in areas where they are in control is the primary reason women fail to receive justice.

Additionally, the legal knowledge of the average Afghan is quite low. It is estimated that 90 percent of the population has only a vague idea about the concept or the sources of statutory law. Knowledge on Islamic and customary law is also quite low. Most believe that customary law complies with Sharia. However, most rules of customary law are in contradiction with Sharia and Afghan statutory law.¹⁰

Lack of Access to Education. Girls across Afghanistan are threatened and sometimes killed for attending school. Their families frequently do not see the point of educating them, as they will get married and leave; and conservatives often argue against girls' education. Additionally, the same forces who oppose women's participation in public life oppose girls' education in fear of men losing the power they currently hold in society.

¹⁰ *Family Structures and Family Law in Afghanistan: A Report of the Fact-Finding Mission to Afghanistan January-March 2005*, (Hamburg: Max Planck Institute for Foreign Private Law and Private International Law, April 2005), 10, http://www.mpipriv.de/shared/data/pdf/mpi-report_on_family_structures_and_family_law_in_afghanistan.pdf.

Women's Economic Dependency on Men.

Most women in Afghanistan do not work outside their home. They might lack permission from their husbands/families, or a lack of education and/or job opportunities may make it impossible. The man is the main breadwinner of the family and decides how to allocate his earnings. Men are aware of women's dependence on them and use that position to abuse them. When a woman suffers violence in her marriage or at home she usually does not have enough financial resources to enable her to leave.



Woman: "I need some money to go and visit my sick mother."

Man: "It's enough that I feed you. There is no more money for you."

Civil Society Challenges. A strong civil society requires healthy participation of both men and women. If half of the population has been deprived of basic rights, it is difficult, if not impossible, for society to make progress. Due to inadequate government support, resistance from conservative elements and an overall lack of coordination between various grassroots organizations, progress

has been slow. Despite challenges, there have been valiant attempts to change behavior and attitudes towards women, including the creation of the Afghan Women's Advocacy Coalition.¹¹

3.2 Islamic Framework

Democracy in Islam has long, deep roots, in which all human rights are respected, everyone is given the right to choose and all are treated equally.¹²

The application of a gender double standard is not in accordance with Islamic teachings. However, those opposed to gender equality and women's rights have often misinterpreted Islam as a way to continue discriminating against women.

¹¹ In December 2010, MoWA and 20 civil society organizations joined together to establish the Afghan Women's Advocacy Coalition, a nationwide coalition of women-focused civil society organizations and individuals. The coalition will be working on strategies to further the goals of the National Action Plan for the Women of Afghanistan (NAPWA) in three core areas: women's political participation and leadership, education, and access to justice and human rights. For more information, see http://afghanistan.usaid.gov/en/USAID/Article/2014/Womens_Advocacy_Coalition_Launched, accessed 5/24/11.

¹² Mohammad Azam Tariq, a member of Kabul University's religious academy and mullah at the Suhail Rumi Congregational Mosque "Religious Leaders Promote Civil Society," (USAID/Afghanistan, May 31, 2009), accessed August 20, 2011, http://afghanistan.usaid.gov/en/USAID/Article/747/Religious_Leaders_Promote_Civil_Society.

According to Islam, a child is a human being regardless of his/her sex:

O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer.¹³

This means that gender is irrelevant when it comes to human rights, as one's sex is determined by God's wisdom and wishes. Several verses (ayat) in the Holy Qur'an speak to the equal status of men and women:

And whoever does righteous deeds, whether male or female, while being a believer - those will enter Paradise and will not be wronged, [even as much as] the speck on a date seed.¹⁴

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.¹⁵

“The Believers, men and women, are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and

¹³ Holy Qur'an 4:1, International translation.

¹⁴ Holy Qur'an 4:124, International translation.

¹⁵ Holy Qur'an 49:13, Sahih International translation.

Fast Fact

His Messenger. On them will Allah pour His mercy: for Allah is exalted in power, Wise.¹⁶

In the Holy Qur'an, men and women are equal in the eyes of Allah and He has given them equal rights.

For Muslim men and women – For believing men and women. For devoted men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise – for them has Allah prepared forgiveness and great reward.¹⁷

Prophet Mohammad, may peace be upon him (mpbuh) also insists several times on being kind and gracious with female members of the family, according to the hadiths. Anas bin Malik, a companion of the Prophet quotes him as saying: "He, who brought up two girls properly till they grew up, he and I would come (together) (very closely) on the Day of Resurrection, and he interlaced his fingers (for explaining the point of nearness between him and that person)."¹⁸

Aisha, one of Prophet Mohammad's (mpbuh) wives, has said: "A lady along with her two daughters came to me asking (for some alms), but she found nothing with me except one date

¹⁶ Holy Qur'an 9:71, Abdullah Yusuf Ali translation.

¹⁷ Holy Qur'an 33:35, Abdullah Yusuf Ali translation.

¹⁸ Muslim ibn Hajjaj al-Qushayri al-Naysaburi ("Muslim"), *Sahih Muslim*, 32:6364.

which I gave to her and she divided it between her two daughters, and did not eat anything herself, and then she got up and went away. Then the Prophet came in and I informed him about this story. He said, 'Whoever is put to trial by these daughters and he treats them generously (with benevolence) then these daughters will act as a shield for him from Hell-Fire.'¹⁹

Beyond speaking of equality for men and women, God praises virtuous women in the Holy Qur'an. Aseya, the wife of an Egyptian Pharaoh, and Mary, Jesus Christ's (mpbuh) mother, have been highly praised in the Holy Qur'an and have been introduced as examples of virtuous women.

And Allah sets forth, as an example to those who believe the wife of Pharaoh: Behold, she said, O my Lord! Build for me, in nearness to Thee, a mansion in the Garden, and save me from Pharaoh and his doings, and save me from those that do wrong.

And Mary the daughter of Imran, who guarded her chastity; and we breathed into (her body) of our spirit; and she testified to the truth of the words of her Lord and of His Revelations, and was one of the devout (servants).²⁰

Aisha was an important person in Islamic history from whom more than 1,000 hadiths were quoted. Bibi Khadija, who had devoted all her wealth and properties to strengthen Muslims and expand Islam, Bibi Fatemt-ul-Zahra, Mohammad's (mpbuh) daughter, and Bibi Zainab, the Prophet's granddaughter,

¹⁹ Imam Muhammad ibn Ismâ'îl al-Bukhârî, *Sahih Bukhari*, 24:499.

²⁰ Holy Qur'an, 66:11-12, Abdullah Yusuf Ali translation.

were eminent figures of strength and sacrifice in the first century of Islam. Documented instances of important women in the Holy Qur'an further support Islamic teachings about the significance of women and their contributions to society.

Those using Islam as the basis for discrimination against women will often refer to the following verse in the Holy Qur'an:

And women shall have rights similar to rights against them, according to what is equitable. But men have a degree (of advantage) over them. And Allah is Exalted in Power, Wise.²¹

Many Muslim scholars argue that the "degree" in question relates to *qiwama* (maintenance) of the family – i.e., a man has a legal obligation for this responsibility. Therefore, this verse should be interpreted from an economic standpoint and does not support the view that men are superior to women.²² Further, the concept of *qiwama* shows the complementary roles of men and women. While, in general, women have been tasked with childrearing, men's obligation has traditionally been financial support to their family. But, these roles are not mutually exclusive because Islam supports women's rights to education and work and acknowledges their role in society beyond childrearing.²³

²¹ Holy Qur'an 2:228, Abdullah Yusuf Ali translation.

²² Dr. Zieba Shorish-Shamley, "Women's Position, Role and Rights in Islam," *Afghanistan Online*, accessed 5/26/11, <http://www.afghan-web.com/articles/womenrights.html>.

²³ Dr. Zainab Alwani, "The Qur'anic Concepts on Gender Relations," accessed 9/21/11, <https://sites.google.com/site/zaalwani/islamic-sciences/the-quranic-concepts-gender-relations---dr-zainab-alwani>.

3.3 Afghan Legal Framework

Statutory Afghan law is primarily based on Islamic principles. Article 3 of the Afghan Constitution states: “No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.” However, many current laws contain provisions that are contrary to Islam and are based on tribal and cultural norms, not Islam – this is particularly the case with the Civil Code, which allows for marriage of underage girls and discriminates against women in regards to divorce, child custody and inheritance. Therefore, the opposition to pro-women’s rights legal reform is based on attempts to protect these tribal and cultural norms, not because these reforms are in contradiction with Islamic teachings.²⁴

The cornerstone of the Afghan legal framework is the 2004 Constitution. Article 22 guarantees and protects rights and equality for men and women: “Any kind of discrimination and distinction between the citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.”²⁵ Other laws as well as policies, guidelines and commitments²⁶ promoting gender equality and supporting women’s rights include: **Elimination of Violence Against Women (EVAW) Law**.²⁷ For detailed discussion on this law, please refer to the chapter on Violence Against Women.

²⁴ Cheshmak Farhoumand-Sims et al., *A Woman’s Place: Perspectives on Afghanistan’s Evolving Legal Framework*, (Montreal: Rights & Democracy, 2010), 12, http://www.dd-rd.ca/afghanistan/pdf/A_Woman_s_Place_Afghanistan_Feb_2011.pdf.

²⁵ Afghanistan Constitution, art. 22.

²⁶ Note that while law sets out standards and procedures that must be followed, policies, guidelines and commitments provide only a strategy or a plan of action to be implemented within the legal framework.

²⁷ Law on Elimination of Violence Against Women (EVAW), August 1, 2009, www.saarcgenderinfobase.org/includes/showFile.php?id=85.

- **National Action Plan for the Women of Afghanistan (NAPWA).**²⁸ NAPWA is the government's primary vehicle for implementing policies to advance the status of women in Afghanistan. The Afghanistan Compact, Interim Afghanistan National Development Strategy (I-ANDS) and Afghanistan National Development Strategy (ANDS) have all made a commitment to these policies. The Ministry of Women's Affairs (MoWA) is the lead agency in implementing them. Through pursuing the goals of women's empowerment and gender equality, NAPWA's vision is Afghanistan as "a peaceful and progressive country where women and men enjoy security, equal rights and opportunities in all aspects of life."²⁹ Some concrete objectives that the government will pursue in order to achieve equality under the law include:

- 1) Criminalizing and prosecuting traditional practices harmful to women's emotional, social and economic wellbeing and reducing the occurrence of such activities, including early and forced marriages
- 2) Improving the knowledge and awareness of Islamic and human rights, particularly the rights of women and girls, among members of the judiciary, including judges, prosecutors, lawyers, legal aid providers, law enforcement agents and penitentiary staff; and improving knowledge and awareness of these rights among people mediating disputes through traditional methods and tribal practices

²⁸ Islamic Republic of Afghanistan, "National Action Plan for Women (NAPWA)", 2007, <http://webapps01.un.org/vawdatabase/uploads/National%20Action%20Plan%20for%20the%20Women%20of%20Afghanistan%202007%20to%202017.pdf>.

²⁹ Republic of Afghanistan, "NAPWA," 13.

3) Enhancing the accessibility of information to women for better understanding, assertion and defense of their rights and increased demands on state mechanisms for defending women's rights

4) Implementing long term, inclusive and consistent public campaigns on women's rights, targeting both women and men, to reduce social acceptance of violence and impunity³⁰

- **Afghanistan National Development Strategy.**³¹ ANDS contains a Gender Equity Cross Cutting Strategy meant to “address and reverse women’s historical disadvantage”³² in security, governance, rule of law, human rights and economic and social development. The ultimate goal is gender equality, or “a condition where women and men fully enjoy their rights, equally contribute to and enjoy the benefits of development and neither is prevented from pursuing what is fair, good and necessary to live a full and satisfying life.”³³ An outcome targeted by this strategy is “greater social acceptance of gender equality as manifested in support for women’s participation in public affairs, increased appreciation of the value of women and girls’ education, increasing number of influential men and institutions promoting gender equity; and participation of women in policy discussions.”³⁴

³⁰ Republic of Afghanistan, “NAPWA,” 39.

³¹ Republic of Afghanistan, “Afghanistan National Development Strategy (ANDS),” Kabul, accessed August 21, 2011, http://www.embassyofafghanistan.org/documents/Afghanistan_National_Development_Strategy_eng.pdf.

³² Republic of Afghanistan, “ANDS,” 147.

³³ Republic of Afghanistan, “ANDS,” 147-148.

³⁴ Republic of Afghanistan, “ANDS,” 148.

- **The Bonn Agreement.**³⁵ Signed in December 2001, this document is the foundation for the establishment of sustainable democratic governance in Afghanistan with the participation of women as a necessary part of the peace and reconstruction process.
- **Interim Afghanistan National Development Strategy.**³⁶ I-ANDS was the precursor to ANDS. It adopted a three-pronged goal for promoting gender equity: 1) elimination of all forms of discrimination against women; 2) developing women’s human capital; and 3) ensuring women’s full participation and leadership in all aspects of life in Afghanistan. I-ANDS goals were incorporated into the Afghanistan National Development Strategy, which is described above.
- **Declaration of the Essential Rights of Afghan Women.**³⁷ Some proclamations within this declaration, signed by President Karzai, include equality between men and women, equal protection under the law, institutional education in all disciplines, just and favorable conditions of work, freedom of movement, freedom of speech and political participation and the right to wear or not wear the burqa or scarf.

³⁵ UN Talks on Afghanistan, “Bonn Agreement,” December 3, 2001, <http://www.stabilisationunit.gov.uk/about-us/where-we-work/afghanistan/102-the-bonn-agreement.html>.

³⁶ Republic of Afghanistan I-ANDS Presidential Oversight Committee, “Interim Afghanistan National Development Strategy (I-ANDS),” accessed August 20, 2011, <http://www.norway.org.af/NR/rdonlyres/ED96C6260CB7446F82553F38466126A9/71281/IANDS20Summary20Report2020Final20English1.pdf>.

³⁷ “Declaration of the Essential Rights of Afghan Women” was drafted by about 300 Afghan women from various countries in June 2000 in Tajikistan and signed by President Karzai in January 2002. For full text of the declaration, see <http://www.kabultec.org/declarat.html>.



The Declaration of Essential Rights of Afghan Women provide equal protection under the law.

• **Afghanistan Millennium Development Goals (MDGs).**³⁸ The Afghan government agreed to pursue eight major goals under the MDG framework:³⁹ eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental stability; and develop a global partnership for development. Afghanistan also committed to enhancing security. Afghanistan MDGs were used as the basis for framing the benchmarks of the I-ANSD, to be completed by 2020.

- **The Afghanistan Compact.**⁴⁰ As a result of the London Conference on Afghanistan in 2006, where Afghans and donors discussed the country's transition to peace and stability, the Afghanistan Compact provides a five-year framework for cooperation between Afghanistan and the international community. It includes the implementation of NAPWA by 2010.

³⁸ *Afghanistan Millennium Development Goals*, March 2004, accessed August 20, 2011, <http://www.undp.org.af/MDGs/index.htm>.

³⁹ MDG Framework was adopted by world leaders in 2000 and set to be accomplished by 2015. Eight MDGs provide concrete, numerical benchmarks for tackling extreme poverty in its many dimensions.

⁴⁰ The London Conference on Afghanistan, "The Afghanistan Compact," January 31 – February 6, 2006, http://www.nato.int/isaf/docu/epub/pdf/afghanistan_compact.pdf.

- **Kabul Conference.**⁴¹ Held in July 2010, the conference represented “a renewed commitment by the Afghan government to the Afghan people.” Among other things, this commitment acknowledged “the centrality of women’s rights, including political, economic and social equality,” and promised development of a strategy for implementation of the EVAW law.

Annex 2A provides a detailed overview of constitutional articles in support of equal rights of men and women, i.e., prohibition of the double standard, and protection for women against discrimination. Advocates can easily refer to this annex for specific articles of the Afghan Constitution to support their arguments.

3.4 International Legal Framework

Article 7 of the Afghanistan Constitution declares that “the state shall abide by the UN Charter, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.” Afghanistan has signed and ratified⁴² four core UN human rights treaties that, to varying degrees, contain provisions on equal rights, discrimination against women and protection of children’s rights. These treaties are the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁴³ International Covenant on Civil and

⁴¹ International Conference on Afghanistan, “Kabul Conference Communiqué,” July 20, 2010, <http://unama.unmissions.org/Portals/UNAMA/Documents/Kabul%20Conference%20Communique.pdf>.

⁴² Ratification of a UN treaty obligates the signing country to be bound by that treaty. This means that its government can be held legally accountable for failing to meet the obligations set out.

⁴³ Ratified by Afghanistan on March 5, 2003 without reservations. For full text, see www.un.org/womenwatch/daw/cedaw/.

Political Rights (ICCPR),⁴⁴ International Covenant on Economic Social and Cultural Rights (ICESCR)⁴⁵ and the Convention on the Rights of the Child (CRC).⁴⁶ Ratification of these international human rights instruments makes Afghanistan a “state party” to these treaties, meaning that Afghanistan supports their messages and commits to implement them. This obligates the Afghan government to institutionalize gender equality in national laws and their application. Violations of human rights by a state party can lead to consequences, including sanctions imposed by other state parties and general decline of standing of the violating party within the international community.

The 1948 Universal Declaration of Human Rights provides the foundation for equal rights for all people around the world. Together with the ICCPR (and its two Optional Protocols) and ICESCR, it forms the International Bill of Rights.

The Convention on the Rights of Persons with Disabilities (CRPD) recognizes that “women and girls with disabilities are at greater risk of discrimination and violence.” It calls on signing countries to ensure their equal rights and fundamental freedoms.⁴⁷

⁴⁴ Ratified by Afghanistan on 24 January 1983 without reservations. For full text, see <http://www2.ohchr.org/english/law/ccpr.htm>.

⁴⁵ Ratified by Afghanistan on 24 January 1983 with reservations. For full text, see <http://www2.ohchr.org/english/law/cescr.htm>.

⁴⁶ Ratified by Afghanistan on 28 March 1994 with general Declaration: “The Government of the Republic of Afghanistan reserves the right to express, upon ratifying the Convention, reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari’a and the local legislation in effect.” For full text, see <http://www.unicef.org/crc/>.

⁴⁷ Office of the UN High Commissioner for Human Rights and UN General Assembly, Resolution A/RES/61/106, “Convention on the Rights of Persons with Disabilities,” art 6, 13 December 2006. Afghanistan has not signed this convention to date.

Annex 2B provides an overview of international legal instruments listed above that are in support of the equal rights of men and women, i.e., prohibition of a double standard, and protection against discrimination of all citizens, particularly women. Advocates can easily refer to this annex for specific articles of each of the treaties to support their arguments.

3.5 Recommendations

While it is clear that the application of the gender double standard is widespread in Afghanistan, it is necessary that it slows to a halt. Although initiatives have already been undertaken, this process will be long and difficult. It will entail turning away from entrenched practices and require the full support and cooperation of the government, civil society advocates and religious entities. In order for this process to move forward with full speed, both male and female advocates, as well as government ministries and agencies noted below, must apply some or all of these recommendations as they stand up to discrimination against women and promote gender equality.

The Afghan Government

- Require national review of legislation, to be led by the Ministry of Justice, in association with the MoWA, High Commission for Prevention of Violence against Women and NGOs/CSOs in order to identify laws that promote double standards and perpetuate discrimination against women.
- Following the review, the government should make a recommendation to the parliament

Fast Fact

to amend or repeal the offending laws.⁴⁸

- Encourage all ministries to budget and implement activities that support gender equality, women's empowerment and prevention of violence.

In March 2007, with the assistance of GTZ, the Ministry of Finance set up a gender budgeting division which is tasked with auditing gender aspects of other ministries' budgets and advises them on gender budgeting.

Ministry of Justice and the Judiciary

- Establish legal authority in all parts of the country so that access to justice is available to all the citizens of Afghanistan.
- Train judges across the country on gender equality and human rights issues so they can take gender considerations into account when they are making decisions.
- In cooperation with the Ministry of Information and Culture and the Ministry of Women's Affairs, conduct a continuous nation-wide campaign to explain the differences between Islamic law and traditional practices and customs. A thorough understanding of Islamic teachings can help argue against those who claim that efforts to achieve gender equality are un-Islamic.

Independent Administrative Reform and Civil Service Commission

- Ensure that 30 percent of civil service employees are women by 2013, and that women are

⁴⁸ UNAMA Human Rights (HR), *Harmful Traditional Practices and the Implementation of the Law on Elimination of Violence against Women in Afghanistan* (Kabul: UNAMA/OHCHR, December 9, 2010), 5, http://unama.unmissions.org/Portals/UNAMA/.../HTP%20REPORT_ENG.pdf.

assigned to high-ranking decision-making posts that can influence the development of new gender-sensitive laws and policies as well as oversee the successful implementation of those already in existence.

Ministry of Education

- Primary school curriculum should include lessons about the equal rights of men and women. All students should be aware of the equal rights message in Afghan and international laws and Islamic teachings.
- Ensure that all references to men and women in textbooks and other teaching materials are respectful of both sexes and that gender stereotypes are eliminated.
- Ensure that all teachers are trained in gender sensitivity and are required to treat both male and female students equally.

Civil Society Organizations

- Work with the Ministry of Information and Culture, mass media and religious institutions on public outreach campaigns to inform families about their responsibilities and advise them not to treat their children in a biased manner.

- Work with the media to produce, print and broadcast programs related to the equality of men and women's rights in Islam, Afghanistan's laws and international conventions. Women should be featured as positive role models (news anchors, panel participants) and TV and radio shows about families that treat each other with respect should be featured.⁴⁹
- Identify Afghan celebrities (actors, singers, etc.) who are supporters of gender equality and feature them in TV ads, radio ads, posters and billboards.
- Develop campaigns that promote positive traditional customs such as *roydar*. This is a custom practiced, particularly in Hazarajat, where elderly women are respected and therefore sent to settle disputes within families.
- Devise an outreach campaign directed at men. It is important to have the support of men who believe in equal rights and can share their points of view with other men.
- Promote and offer courses that teach and strengthen leadership skills for women. Women who successfully run their households are excellent candidates for leadership in political processes.
- Establish a "Take Your Daughter to Work Day."

Mullahs, Imams and Ulemas

- Mullahs, in their Friday sermons and private counseling lessons, should share verses from the Holy Qur'an about the equality of men and women.
- Mullahs should emphasize that Islam has given women an entire bill of rights.

⁴⁹ IFES produced a popular movie, *Roshanak*, about the struggle of a girl who wants to build a school in her village. It was aired nationwide on national and local television stations. The well-liked Japanese soap opera *Oshin* was also broadcast in Afghanistan. It tells the story of a poor young girl who works hard to help her family, who overcomes hardships, and grows up to be a successful businesswoman.

- Mullahs should preach about the necessity of treating women with respect and discourage the usage of negative terminology in reference to women, such as *siasar*, *zananak*, *ajeza* (incapable), property, etc.
- Mullahs should use stories of the Prophet and women luminaries in Islam to promote the empowerment and equality of women.
- Mosques should work with the government and NGOs/CSOs on joint activities regarding the equal rights of women and men.
- Mullahs can utilize special large sermons such as the Eid khutba and radio/TV addresses to promote the message of equality of women and men.



Women are not only granted equal protection under the law, but just and favorable conditions for work.

Reducing Harmful Marriage-Related Traditions

4.1 Overview

The 1977 Civil Code of Afghanistan defines marriage as “a contract which legalizes intercourse between man and woman with object to establish a family, and it creates rights and obligations for both parties.”⁵⁰ The legal age of marriage is 18 for boys and 16 for girls,⁵¹ and is comparable to other Islamic countries. For example, in Algeria, the age is 21 for boys and 18 for girls,⁵² in Morocco 18 for boys and 15 for girls;⁵³ in Tunisia 20 for boys and 17 for girls;⁵⁴ and in Malaysia 18 for boys and 16 for girls.⁵⁵ Marriage age is established to prevent rape of children and adolescents, as they are unable to make mature decisions about sexual activity at such young age; provide them with an opportunity to choose their ideal spouses; and be able to enter into marriage contracts as adults.

Marriage Process

The marriage process that is, by and large, followed in Afghanistan is based on three pillars, according to Sharia, and consists of the following elements:

⁵⁰ Civil Law of the Republic of Afghanistan (Civil Code), art. 60, Official Gazette No. 353, January 5, 1977, <http://www.asianlii.org/af/legis/laws/clotroacogn353p1977010513551015a650>.

⁵¹ Civil Code, art. 70.

⁵² Association Démocratique des Femmes du Maroc (ADFM), and Collectif 95 Maghreb-Egalité, *Guide to Equality in the Family in the Maghreb* (Women’s Learning Partnership Translation Series, October 2005), 33, <http://www.learningpartnership.org/sites/default/files/shared/u16/EnglishGuideToEquality.pdf>. Also available in Farsi at <http://www.learningpartnership.org/sites/default/files/shared/u16/PersianGuideToEquality.pdf>.

⁵³ ADFM and Collectif 95, *Guide to Equality in the Family in the Maghreb*, 33.

⁵⁴ ADFM and Collectif 95, *Guide to Equality in the Family in the Maghreb*, 33.

⁵⁵ Orzala Ashraf Nemat, *Comparative Analysis of Family Law in the Context of Islam: Roundtable Conference Report* (Heinrich Boll Foundation, August 15-17, 2006). 15, www.boell-afghanistan.org/downloads/English_Family_Law.pdf.

Proposal. Proposal means making an offer of marriage. During this time, the family of the girl usually does not allow the suitor to see their daughter. Sometimes the couple does not see each other until a formal engagement takes place, which is contrary to Islamic teachings. Prophet Mohammad (mpbuh) allows the man and woman who intend to marry to see (talk to) each other. Muhammad ibn Moslamah, a famous convert and companion of the Prophet, quotes Prophet Mohammad (mpbuh) as saying: “If a [man] intends to make an offer of marriage to a woman, he can see her.”⁵⁶

Another companion of the Prophet, Moghiza bin Shuaba, has said, “I discussed with Prophet about a woman to whom I wanted to make an offer of marriage. Prophet stated, ‘Go and see her, as it will strengthen the sustainability of your relationship.’”⁵⁷

Marriage Agreement. Marriage agreement usually takes place after the proposing ceremony. Observance of the proper contract of marriage requires the following terms:

- 1) Offer and acceptance should be done by the man and woman correctly, or by their guardians or deputies
- 2) Presence of two witnesses
- 3) Non-existence of permanent or temporary legal prohibition between the man and the woman who resolve to marry⁵⁸

⁵⁶ Abdulazim bin Badawi, *A brief of Qur'an, Feqh and Sunna*, trans. Abdullah Muhammadi (Tehran: Ehsan, 2009), 369.

⁵⁷ Badawi, *A brief of Qur'an, Feqh and Sunna*, 369.

⁵⁸ (Civil Code), art. 77.

We should bear in mind that while a father's permission is a must in marriage, he must ensure that his daughter agrees to the marriage. If she does not, her father cannot force her to marry. She has the authority to cancel the marriage if she disagrees with it.

Mahr. According to Islamic law, it is the wife's right to receive *mahr* from her husband, which is meant to provide for her if she is left a widow. God states, "And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease."⁵⁹ Mahr is the property of a wife, and should be given directly to her. However, it is not unusual that the bride's father receives it, which makes the woman more economically insecure.

Mahr is most often discussed and negotiated by the father of the future bride. According to Islamic laws, there is no limit for mahr, but a reasonable one in the marriage contract ensures a better life for his daughter after the end of the marriage.⁶⁰ There have been growing instances of bride families requesting unreasonably high mahr from the groom. In Khost, for example, it has recently skyrocketed to US \$10,000 to US \$25,000, forcing many young people to postpone weddings or turn to emigration. Elders of several Khost districts have agreed that no one will be allowed to request or accept mahr of more than \$2,350. Those who disobey this rule will be forbidden from attending community events.⁶¹ Mahr is paid with cash or installments.

⁵⁹ Holy Qur'an 4:4, Sahih International translation.

⁶⁰ Nemat, *Comparative Analysis of Family Law in the Context of Islam*, 22.

⁶¹ Zarwali Khoshnood, "The End of a Tradition," *Afghanistan Today*, May 1, 2011, <http://www.afghanistan-today.org/article/?id=105&lang=en>.

After the three steps above have been completed, it is mandatory to register the marriage according to Afghanistan's Civil Code (Article 61.1). Marriages can be registered either traditionally (most common) by the person performing the ceremony or legally through the Records and Registration Court, before or after the ceremony. The majority of people do not register their marriages. However, it is important that marriages be registered legally so that the married couple can obtain *Nikahnama* – an official marriage contract. *Nikahnama* offers legal protection for both parties, especially women, in dealing with proof of marriage, mahr, alimony, children's paternity and harmful marriage related traditions like forced marriages.⁶² Marriage to underage girls cannot be registered, as this is illegal.

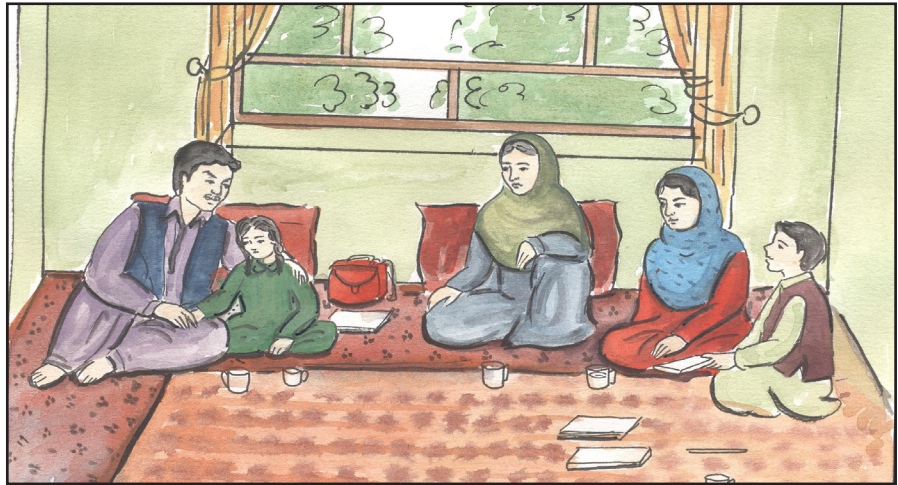


Part 1: "I want a fair mahr for my daughter based on the law. I don't want you to spend all your money on the wedding and payments for my family. You should have some money to start a happy life together."

⁶² Rights & Democracy, *Marriage Registration and the Marriage Certificate*, 4, accessed August 20, 2011, <http://www.dd-rd.ca/afghanistan/pdf/Rights&Democracy-Nikahnama.pdf>.

Types of Harmful Marriage-Related Traditions

Unfortunately, in Afghanistan today we can find harmful marriage-related traditions not sanctioned either by Islamic or statutory law. The practices discussed here are all forms of forced marriage. Forced marriages can involve children or adults who are pushed to marry against their will because of the wishes of their families or religious leaders. Research has found that 70 to 80 percent of Afghan women face forced marriages.⁶³ This practice can be found in other areas of the world, where some headway is being made in eliminating it.



Part 2: The result of this marriage: a happy life.

⁶³ UNIFEM Afghanistan, *Fact Sheet: The Situation of Women in Afghanistan* (2008), accessed August 20, 2011, <http://afghanistan.unifem.org/media/pubs/08/factsheet.html>.

For example, in 2005, Saudi Arabia's religious leaders banned this practice as it contravenes Sharia and anyone forcing a woman to marry against her will is disobeying God and His Prophet. It is considered a grave injustice and un-Islamic.⁶⁴

Forced marriages are harmful to both men and women. However, girls and women are the primary victims, as boys are not treated as property and sold into marriage, and have the option of taking another wife. Types of forced marriage include:

Child/Early Marriages. Despite a legally mandated age of marriage, child marriages are prevalent throughout Afghanistan. In some rural areas of Bamiyan, Badakhshan, Kandahar, Kunduz and Nangarhar the actual marriage age of girls can be as low as eight years.⁶⁵ Approximately 57 percent of Afghan girls are married before they are 16.⁶⁶ Child marriages, a form of child abuse, refer to a marriage when:

- 1) Both involved parties are children – families will often engage their children to each other even before they are born in order to strengthen the relationship between the two families.

⁶⁴ Jana Rumminger, Janine Moussa, and Zainah Anwar, *CEDAW and Muslim Family Laws: In Search of Common Ground*, (Selangor, Malaysia: Musawah, 2011), 33, www.musawah.org/docs/.../CEDAW%20&%20Muslim%20Family%20Laws.pdf.

⁶⁵ *Family Structures and Family Law in Afghanistan*, 17.

⁶⁶ Republic of Afghanistan, "NAPWA," 40.

2) One party (female) is a child – families will marry off their young daughters to older wealthy men primarily for economic reasons.

It should be noted that even though girls are the primary victims of child marriages, boys can be too.

Girls who are married before legal marriage age are victimized on several levels: they are not able to continue their education, they often have health problems related to giving birth at a young age, which can result in death; they are abused by their husband and his family; and, if they are married into a polygamous marriage, they are often mistreated by the other wives. They have no control over their lives. This can lead to dire consequences, including suicide, self-immolation, attempts to escape, addiction and divorce.

Generally speaking, countries with the most child marriages are those with high poverty, birth and death rates; greater incidence of conflict and civil strife; and overall lower levels of development, including education, employment and health care.⁶⁷

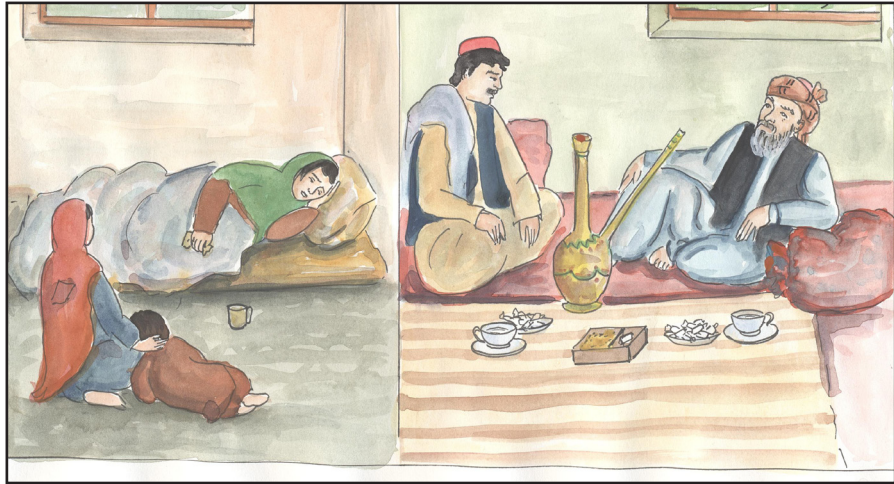
Baad.⁶⁸ Baad refers to the exchange of girls coming from two families in dispute to settle disagreements over serious crimes such as killings, but also over “moral” crimes like adultery and rape. This practice is common across the country, but especially in the rural areas of Afghanistan ruled

⁶⁷ UNPFA, *Child Marriage Fact Sheet*, (UN Population Fund, 2005), accessed August 20, 2011, http://www.unfpa.org/swp/2005/presskit/factsheets/facts_child_marriage.htm.

⁶⁸ Known as *baad* in the Pashtun areas, this practice is known as *khun baha* in Hazarajat and some northern provinces, while in Panjsher, Anderab and some northeastern parts it is known as *chaam*.

by patriarchy and tribalism where governmental control is weak or non-existent. The girl given away in baad is frequently mistreated by her new family because she is associated with the crime committed.

Even though this practice remains, it is encouraging to see that some parts of the country are taking a stance against it. Most recently, tribal elders in Khost have banned the use of girls as reparation for crimes and limited the bride-price. Individuals disobeying this rule against baad will have to pay a fine of nearly 44,000 afghani or US \$1,000. Leaders recognize that this practice, while inherited from their forefathers, is harmful to women and girls.⁶⁹



Result of forced and underage marriages.

⁶⁹ Khoshnood, "The End of a Tradition."

Michilagha. Like baad, this custom uses women and girls as a commodity in tribal disputes. It is common in eastern and southeastern parts of the country. If fighting erupts between two families of tribes, a third party mediates to end the dispute and killings. The third party is formed of tribal elders or influential figures from the warring parties. They set conditions for the end of the dispute. Acceptance is mandatory by the warring parties. The conditions usually include a large amount of money or giving one or several girls to the affected side. If parties fail to meet the conditions and resort to violence, besides being driven away from the tribe, their houses and property are set on fire and they are forced to pay a fine. In such circumstances, women and girls are normally offered to the affected side as fines and girls are forced to marry.⁷⁰

Baadal.⁷¹ Baadal is an exchange of daughters between two families. This practice is common among poor families who cannot afford the expenses associated with marriage arrangements. Two families who both have young sons and daughters agree to marry them to each other. For instance, the eldest son of one family marries the eldest daughter of the other, while the younger sons/daughters in turn marry each other. The main issue with this custom is that children have no say in choosing their future spouses.

Nazer. Afghanistan is a religious country where people accept superstitions as Islamic teachings. Across the country, individuals present themselves as religious guides. Although such guides have a long background in Afghanistan's cultural history, there have been instances of this guidance going

⁷⁰ *Handbook on Human Rights Training* (Civil Society and Human Rights Network (CSHRN), 2007), 166, (in Pashto).

⁷¹ Known as baadal in the northeast, this practice is known as *qarchi qada* in Badakshan.

against Islamic teachings. Some guides have taken advantage of people's illiteracy and lack of education. One of their tactics is *nazer*, which is when a follower gives his/her daughter to the guide who will later decide to whom she should be married. The guide will sometimes marry the girl himself, disregarding her wishes.

Shir Baha.⁷² Under this custom, the family of the bride asks the groom's family for an amount of money equal to what they have spent to raise her. In some cases, the young men of legal marriage age failed to provide sums requested to the bride's family and the marriage did not happen.

Polygamy. Polygamy is sanctioned under statutory law under the following conditions:

- 1) When there is no fear of injustice between the wives
- 2) When the person has means to provide food, clothes, suitable house and medical treatment for the wives
- 3) When there is legal expediency, meaning the first wife is childless or suffers from diseases which are hard to treat.⁷³

Polygamy frequently results in inequality between wives, as they will have various degrees of seniority and power depending on their relationship with their husband. A woman in this type

⁷² Also known as *gela* in Hazarajat.

⁷³ Civil Code, art. 86.

Harmful Marriage-Related Traditions

of relationship has no control over her own life and can feel degraded by the husband bringing another woman, or women, into their marriage.⁷⁴

Further, men practicing polygamy often take an underage girl to be their second or third wife, therefore being a party to child marriage. Violence is also common in polygamous marriages.

For these reasons, many modern Islamic states are placing limitations and sanctions on polygamous marriages. For example, Egypt and Pakistan have introduced legislative and administrative restrictions on polygamous marriages.⁷⁵ In Tunisia, polygamy was abolished under the 1956 law based on the understanding that no husband can treat all multiple wives fairly and equally in a polygamous marriage. Additionally, in May 2009 Bahrain introduced a new Family Law which allows women to prohibit their husbands from taking second wives. The countries of Kyrgyz Republic, Tajikistan, Turkey and Uzbekistan have prohibited polygamy entirely.⁷⁶

Beyond the harmful marriage-related traditions mentioned above, others exist throughout Afghanistan. Some include sale of children by their parents to pay off debt; *levirat* (marrying the widow of a deceased man to his brother); and *shingari* (a girl going to the boy's house with or without the boy's family approval, after which the two families negotiate a marriage agreement).

⁷⁴ Rumminger, Moussa, and Anwar, *CEDAW and Muslim Family Law*, 35.

⁷⁵ Rehman, Javaid. "The Sharie, Islamic Family Laws and International Human Rights Law: Examining the Theory and Practice of Polygamy and Talaq," *International Journal of Law, Policy and the Family*, Vol.21, No.1, (2007) Oxford University Press. Page 123.

⁷⁶ Rumminger, Moussa, and Anwar, *CEDAW and Muslim Family Law*, 36.

Enabling Elements

These types of traditional practices are very harmful, not just to the women involved in them, but to families as well. A forced marriage usually robs the girl of further education, any employment opportunities she might have had otherwise and often puts her in an abusive domestic environment. As a result, an uneducated abused woman with financial dependency on her husband will be disadvantaged in rearing her children and teaching them about respect and basic human rights. This has a negative impact on society and further perpetuates already entrenched abuses of women's rights.

As a series of accepted behaviors in a society, traditional customs have a role in developing social relations – especially in communities where the rule of law is weak and customs have been built on the basis of patriarchal structures. In the tribal culture of Afghanistan, holding onto a custom that has been passed down through generations is appealing because it provides a sense of preserving one's culture and identity. However, the world is a changing place and some customs are no longer applicable today. In other words, tradition is not good enough to trump the inherent rights of every woman and girl.

Many of the harmful marriage-related traditions happen for financial reasons. Often families marry a young daughter to an older man for money. Getting rid of the girl not only provides her family with financial resources, but one less person to feed. At no point are the desires of the girls taken into account.

Lack of education is also a factor. Due to security issues, costs associated with attending school and general resistance to female education, many girls do not have access to education. This leaves them more vulnerable to their families' plans, as they are not able to speak up for themselves. The majority of girls affected by harmful marriage-related practices have little to no education.

4.2 Islamic Framework

They (your wives) are clothing for you and you are clothing for them.⁷⁷

Although supporters of harmful marriage-related traditions may argue that these practices are based on Islamic teachings, this is unfounded. It is noted in the Holy Qur'an that, before Islam, women were humiliated and theft and robbery were rampant. Prophet Mohammad (mpbuh) worked to change this culture.

Further, the Holy Qur'an emphasizes equality of the marriage partners:

Among His Signs is that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): Verily in that are Signs for those who reflect.⁷⁸

According to Islamic law, forced marriages are prohibited. Agreement of the couple is a principle pillar of Islamic marriage. If the two parties do not agree to the union, the marriage can be nullified. The hadiths

⁷⁷ Holy Qur'an 2:187b, Sahih International translation.

⁷⁸ Holy Qur'an 30:21, Abdullah Yusuf Ali translation.

below speak to the importance of women's concurrence to the marriage.

Ma'qal ibn Yasar, companion of Prophet Mohammad (mpbuh), has said:

I allowed my sister to marry a man, [after a period of time] he divorced my sister, but later, he returned and proposed to marry my sister again. I told him, "Once I allowed my sister to marry with you, but you divorced her, now you have come to marry her again? No, I swear to God that she won't return to you anymore." However, he was a competent man and my sister liked to marry him again. Then, this verse "Don't stop their marriage" was sent by Allah. Then I told the Prophet that I'll allow them right now to remarry.⁷⁹



Part 1: A legal marriage.

⁷⁹ Bukhari, *Sahih Bukhari*, 62:61.

Fast Fact

A woman called Khansa Bint Khidam, a follower of the Prophet in early Islam, stated: “My father married me to his nephew, and I did not like this match, so I complained to the Messenger of Allah. He said to me, ‘Accept what your father has arranged.’ I said I do not wish to accept what my father has arranged. He said, ‘Then this marriage is invalid, go and marry whomever you wish.’”⁸⁰

Marriage in the Holy Qur’an

- Marriage requires consent of both parties
- Baad is strictly unacceptable under Islamic legal principles
- Badaal is strictly unacceptable under Islamic legal principles
- Free consent of the female is essential to marriage

Regarding the tradition of baad, in early Islam there are no documented cases of it used as retribution for killing, as Islam orders retaliation (*qesas*) as a punishment for murder:

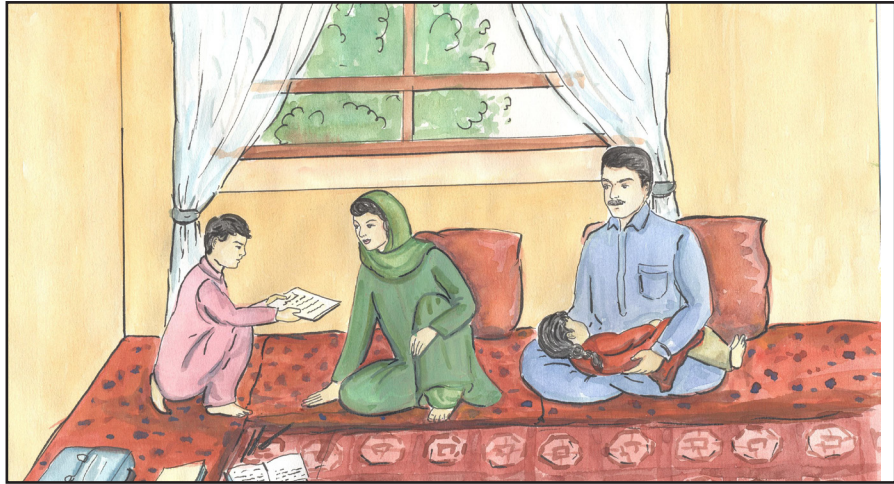
And We ordained therein for them: “Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal.” But if any one remits the retaliation by way of charity, it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed, they are (no better than) wrong-doers.⁸¹

⁸⁰ Bukhari, *Sahih Bukhari*, 62:69.

⁸¹ Holy Qur’an 5:45, Abdullah Yusuf Ali translation.

The prohibition of baad in Islam is implicit in the following principles:

- A human being, man or woman, cannot be considered “property.” Therefore, to marry a woman to settle a dispute is contrary to Islamic principles of dignity.
- If a woman is given away in marriage to settle disputes against her will, this means that she did not consent. Consent in marriage is a requirement under Islam.
- It is unlawful to “forcibly inherit a woman.” Prior to Islam, women were treated as property. Islam eliminated this practice through the requirement of consent and mahr.⁸²



Part 2: Result of a legal marriage: a happy family.

⁸² Bukhari, *Sahih Bukhari*, 62:67, 62:2.

Like baad, baadal is against Islamic principles of consent and mahr. *Nikah shighar*, the exchange of women without their consent and without the required mahr, is prohibited. According to the Prophet's companion Abdullah Ibn Umar, Allah's Messenger prohibited shighar. It is forbidden for a man to give his daughter in marriage on the condition that another man gives his own daughter to him in marriage, without mahr.⁸³

4.3 Afghan Legal Framework

The main legal document guiding marriage relations in Afghanistan is the Civil Code. It contains articles that support the Afghan Constitution, international legal treaties to which Afghanistan is a party and Islamic teachings. However, it also presents several articles that blatantly discriminate against women, namely dealing with polygamy, divorce and child custody.

Additionally, the Shia (Shiite) Personal Status Law was endorsed by presidential decree and published in the official Gazette on 27 July 2009. It contains articles that violate human rights and are not in accordance with the Afghan Constitution, international human rights treaties to which Afghanistan is state party (participating country) or Sharia. President Karzai called for a review of the law following protests from national and international human rights advocates. Some changes to the law have been made; however, repressive measures within the marriage framework still exist. For example, guardianship of children is granted exclusively to fathers and grandfathers.⁸⁴

⁸³ Muslim, *Sahih Muslim*, 8:3295.

⁸⁴ "Afghanistan: Law Curbing Women's Rights Takes Effect," *Human Rights Watch*, August 13, 2009, <http://www.hrw.org/en/news/2009/08/13/afghanistan-law-curbing-women-s-rights-takes-effect>.

In 2005, Afghanistan signed the Protocol for the Elimination of Forced and Child Marriage, with signatories from numerous Afghan ministries and agencies.⁸⁵ They committed to:

- 1) Eliminate child and forced marriages by December 2008
- 2) Amend existing laws to enable the eradication of child and forced marriages by December 2008
- 3) Enforce implementation of existing and new laws to prevent the practice of child and forced marriages
- 4) Harmonize the guidelines and procedures for existing laws relating to child and forced marriages.

While some government-sponsored initiatives attempted to address these commitments, like the 2007 Supreme Court approval of a new Nikahnama (marriage contract) requiring a man to ensure that his future bride is at least 16 years old, child marriage remains a reality.

In order to achieve gender equality, the National Action Plan for Women of Afghanistan remains committed to the objective of “criminalizing and prosecuting traditional practices harmful to women’s emotional, social and economic wellbeing and reducing the occurrence of such activities, including early and forced marriages.”⁸⁶

⁸⁵ UNIFEM Afghanistan, *Child and Forced Marriage: Conference Proceedings*, (UNIFEM, March 2007), accessed August 21, 2011, <http://www.unifem.org/afghanistan/media/pubs/programmes.php?progID=3>.

⁸⁶ Republic of Afghanistan, “NAPWA,” 39.

Annex 3A shows Afghan legal instruments supportive of gender equality, women's rights and children's rights in the framework of marriage: the Constitution, the Elimination of Violence Against Women law, Civil Code and Penal Code. Further, Annex 2A can be used as a resource by advocates in support of the elimination of harmful marriage-related traditions. It lists articles in the Afghan Constitution articles which support the equality of men and women and prohibit discrimination.

4.4 International Legal Framework

Afghanistan is a signatory to four international human rights treaties that address equal rights and discrimination against women and children to various degrees: the Convention on Elimination of All Forms of Discrimination against Women, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and Convention on the Rights of the Child. Furthermore, the Afghan Constitution explicitly obligates the state to abide by these treaties.⁸⁷

In regards to the legal age of marriage, a General Comment on the requirements of the International Covenant on Civil and Political Rights (to which Afghanistan is state party) states:

Men and women have the right to enter into marriage only with their free and full consent, and States have an obligation to protect the enjoyment of this right on an equal basis. Many factors may prevent women from being able to make the decision to marry freely. One factor relates to the minimum age for marriage. That age should be set by the State on the basis of equal criteria for men and women. These criteria should ensure women's capacity to make an informed and uncoerced decision. A

⁸⁷ Afghanistan Constitution, Art. 7.

Fast Fact

second factor in some States may be that either by statutory or customary law a guardian, who is generally male, consents to the marriage instead of the woman herself, thereby preventing women from exercising a free choice.⁸⁸

In 2008, civil society organizations started a campaign to reform the marriage registration process and ensure its enforcement. Propositions developed included outlawing unregistered marriages, making the marriage contract a condition for employment, and including civil status in the Afghan national identification.

Annex 3B shows international legal instruments that are supportive of gender equality and women's rights in the framework of marriage, as well as of children's rights. Annex 2B presents international legal instruments which uphold equality of men and women and prohibit discrimination. These can be used by advocates as a resource in support of the elimination of harmful marriage-related traditions.

4.5 Recommendations

In order to eliminate harmful marriage-related traditions in Afghanistan, a three-pronged approach must be employed. Initiatives should be taken by:

- 1) the government
- 2) NGOs/CSOs
- 3) religious leaders

⁸⁸ UN Human Rights Committee, CCPR/C/21/Rev.1/Add.10, "General Comment No. 28, Equality of rights between men and women (article 3)," March 29, 2000, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/13b02776122d4838802568b900360e80?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/13b02776122d4838802568b900360e80?Opendocument).

Fast Fact

The government should uphold its commitments to the Afghan people and to the international community. The following activities are recommended for stakeholders, including ministries and agencies of the government:

According to IRIN News, in 2007, the Supreme Court approved a new marriage contract (Nikahnama) which requires a man who wants to marry to ensure that his future bride is at least 16 years old.

The Afghan Government

- Actively pursue establishing the rule of law in all areas of the country. Governmental presence and active prosecution of those involved with harmful marriage-related traditions can lead to their reduction.

Ministry of Justice and the Judiciary

- Establish Family Courts and legal counseling centers in the provinces and rural areas to increase access to justice for women.
- Continue reform of Afghan laws so they are consistent with the Constitution and relevant international treaties as required by the Afghanistan National Development Strategy. This is especially the case with the Civil Code which governs legal issues related to marriage and where women are treated as minors. The current version contains several provisions that are discriminatory against women and contradict the Afghan Constitution.⁸⁹

⁸⁹ For example, double standards in marriageable ages (16 for girls and 18 for boys) (Article 70), marrying non-Muslims (Article 92(2)), engagement (Article 62), divorced individuals wanting to marry (Article 63), guardianship (Article 77), etc.

- Codifying Islamic law means that Sharia law that governs alongside the formal legal framework needs to be formalized in a legal code, with attention paid to gender issues.
- Impose fines on those who do not register their marriages.
- Provide trainings for judges, prosecutors and law enforcement officials on gender equality and women's rights from statutory law and Islamic law perspectives.

Ministry of Women's Affairs/Afghanistan Human Rights Commission/ Ministry of Public Health/Ministry of Justice/Ministry of Hajj and Religious Affairs

- Create a joint public awareness campaign against child marriages. The campaign should contain information regarding equality, women's and children's rights, health risks for girls engaging prematurely in sexual relations and giving birth, legal implications for being involved in these activities, and Islamic teachings supporting these points.
- The media will have a vital role in such a campaign, which can include TV and radio shows on relevant topics, newspaper articles documenting stories of communities breaking with these types of practices (such as the one from Khost discussed earlier), putting stickers on cars and vehicles with messages against child marriages and similar practices, etc.
- Train mullahs about the harms of underage marriage, such as health risks for the mother and child, so they can inform their congregations.

Ministry of Culture and Information

- Encourage private media to broadcast information against child marriages.

Ministry of Education

- Ensure that the information about human rights and gender equality in the legal framework is included in the school curriculum, so that children from an early age are familiar with these concepts.
- Increase the number of schools for girls who were married as children, but would still like to continue their education.

Ministry of Rural Rehabilitation and Development

- Continue working with community development councils in rural areas. Organize seminars and workshops for tribal elders, lawyers and religious scholars to inform them of the negative consequences of harmful marriage-related customs.

Civil Society Organizations

- Establish legal aid clinics in the provinces. As access to justice is frequently non-existent for those living in rural areas, CSO/NGO-operated legal clinics would be a way to provide it.
- Establish psychosocial therapy centers and safe houses for women and girls who have escaped harmful traditional practices.⁹⁰
- Work with the Ministry of Women's Affairs and the Ministry of Labor and Social Affairs to provide training and work opportunities for women and girls who have escaped a harmful marriage-related practice. Campaign to raise the legal age of marriage to 18 for girls. Under international and Afghan law, adulthood starts at 18 years of age. Therefore, the current Afghan law is not in compliance with international standards, as it sets the legal marriage age for girls

⁹⁰ Nemat, "Comparative Analysis of Family Law in the Context of Islam," Page 10.

at 16. At age 16, girls are not considered adults in Afghanistan, as they cannot make legal decisions and cannot vote.

- Start a dialogue with traditional elders about how to make traditional dispute resolution mechanisms (tribal councils and village and religious leaders) less discriminatory against women.
- Devise an outreach campaign directed at men. It is important to have the support of men who are against harmful marriage-related traditions and can share their points of view with other men.

Mullahs, Imams and Ulemas

- Educate their followers on Islamic teachings that support equality in marriage and women's rights, and disown violence against women. Mullahs play a significant role in the community and can be catalysts for changing behavior.
- Explain the differences between Islamic teaching and traditional customs.
- Actively work with government and civil society to initiate public awareness campaigns that promote human rights and contain proper Islamic interpretations.
- Emphasize that Islam has given women an entire bill of rights.
- Use stories of the Prophet and women luminaries in Islam to promote the empowerment and equality of women.

Eliminating Violence Against Women

5.1 Overview

A culture of impunity exists for sexual violence in the country. It is always seen as a private matter of the family. State institutions refuse to intervene in some cases. In other cases, they promote the ownership of females in the family by men.⁹¹

Violence against women includes “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”⁹²

As stated in the Declaration on the Elimination of Violence Against Women, violence encompasses, but is not limited to:

- 1) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, ... traditional practices harmful to women, non-spousal violence and violence related to exploitation
- 2) Physical, sexual and psychological violence occurring within the general community,

⁹¹ *Testimony before the U.S. Senate Foreign Relations Committee*, (February 23, 2010) (statement of Dr. Sima Samar, Chair of the Afghanistan Independent Human Rights Commission), http://reliefweb.int/sites/reliefweb.int/files/resources/D6AAD0A7084B2C7C492576F20021933F-Full_Report.pdf.

⁹² United Nations General Assembly, Resolution No. A/RES/48/104, “Declaration on the Elimination of Violence against Women,” December 20, 1993, <http://www.un.org/documents/ga/res/48/a48r104.htm>.

including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution

3) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.⁹³

Statistics show that more than 87 percent of Afghan women suffer from domestic violence.⁹⁴ They face violence in various forms at every stage of their lives, both in the private and public spheres. They are abused sexually, physically and verbally at home at the hands of their parents, husbands and in-laws. They are threatened, attacked and killed when they attempt to participate in public life. Women participating in public life are exposed to violence as they try to redefine their culture. Harmful marriage-related traditions discussed in detail earlier in this handbook are also forms of violence against women.

Violence against girls in schools is also widespread. A study of approximately 500 schoolgirls ages 11 to 18 found that many have been exposed to violence from teachers or male students. This includes beating with a stick (11 percent), slapping (22 percent), overly close physical contact (38 percent) and sexually offensive letters and cartoons (25 percent).⁹⁵

⁹³ UN General Assembly, "Declaration on the Elimination of Violence Against Women."

⁹⁴ UN Women, *UN Women Takes Action: Violence against Women*, accessed August 21, 2011, http://www.unifem.org/worldwide/asia_pacific.

⁹⁵ Women and Children Legal Research Foundation (WCLRF), *Violence against Women in Afghanistan*, (Kabul: WCLRF), p. 42, accessed August 21, 2011, http://www.wclrf.org.af/English/eng_pages/Researches/violence/violence-E.pdf.

A female survivor of violence is discouraged from reporting the incident because violence is considered a private family matter. If she makes her experience public, she can bring shame to her family. As a result, she might suffer further violence or death.

Frequently, the reaction of the police and health center staff is to blame the survivor for what has happened. The system of shelters for abuse survivors is underdeveloped and lacks support in Afghanistan, meaning escape is rarely an option.⁹⁶ In many parts of the country, it is not safe for a woman to travel by herself, therefore making escape even more challenging.

Violence, although primarily perpetrated by families, has negative consequences for everybody, including the perpetrators. A woman with a broken arm or a head injury, which can potentially lead to death, cannot support the needs of her family. She is unable to take care of children or tend to her household. Since physical abuse is usually accompanied by verbal abuse, this environment can lead to depression and self-immolation or suicide.

Watching their mothers abused and then take their own lives has negative consequences on the children. Boys are more likely to grow up following their fathers' example and continue the cycle of violence. Girls will learn that this type of behavior is accepted and expected, and they will become victims. Cases of children turning to drugs in order to cope with family violence are not uncommon. Traumatized by hostile homes,

⁹⁶ In early 2011, the government of Afghanistan attempted to take over the control of NGO-operated and international donor-sponsored shelters for women and children survivors of violence, claiming that the NGOs were corrupt and did not do a good job running the shelters. However, due to the outcry of the NGO and international community, the government backed down. For more information, see <http://www.hrw.org/en/news/2011/02/13/afghanistan-government-takeover-shelters-threatens-women-s-safety>.

these children are less likely to become fully functioning adults that can contribute to the advancement of their communities.

Violence against women continues to thrive in Afghanistan due to the gender double standard and factors such as women's low standing in society. It is widely accepted that women are less valued than men. As such, their feelings and opinions are irrelevant, and any man has a free hand in abusing his wife or daughter. Violence should not be an accepted action under any circumstance, yet it is believed that women "deserve" it because they did something that was disagreeable to the perpetrators and thus had to be punished for it. However, violence against women is rampant even when there is no perceived justification. Women are often abused simply because they are women and their existence is completely inconsequential to the men's world.

5.2 Islamic Framework

The Holy Qur'an prohibits mistreatment against women and orders Muslims to keep away from such behaviors: "But do not transgress. Indeed, Allah does not like transgressors."⁹⁷ The Prophet warned, "Those who offend people in this world will be punished in the doomsday."⁹⁸

⁹⁷ Holy Qur'an 2:190b, Sahih International translation.

⁹⁸ Muslim, *Sahih Muslim*, 32:6327.

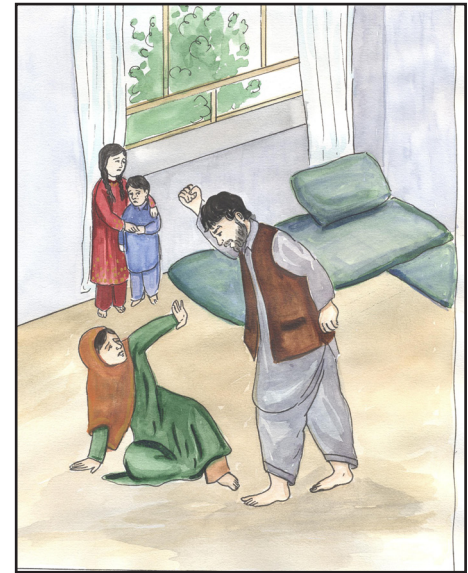
Violence Against Women

In his last address to the public, the Prophet said: “Your blood, your properties and your dignity should be respected by each other and you should avoid any acts which may result in claiming them from each other.”⁹⁹

The Holy Qur’an further instructs all men and women to protect each other:

The believers, men and women, are protectors, one of another; they enjoin what is just and forbid what is evil; they observe regular prayers, practice regular charity, and obey God and His Messenger. On them will God pour His Mercy: for God is Exalted in power, Wise.¹⁰⁰

The Prophet’s companion, Mu’awiyah al-Qushayri, confirms Islam’s support for violence-free marriage: “I went to the Apostle of Allah and asked him: What do you say about our wives? He replied: Feed them with the food you eat, clothe them as you clothe yourself, and do not beat them, and do not revile them.”¹⁰¹



Women are threatened, attacked and killed when they attempt to participate in public life.

⁹⁹ Rafiuddin Ishaq ibn Mohammad, *Sirat-ul nabi, Ibn Hisham*, ed. Jaafar Mudaress Sadeqi (Tehran: Markaz, 2005), Page 524 (in Arabic).

¹⁰⁰ Holy Qur’an, 9:71, Abdullah Yusuf Ali translation.

¹⁰¹ Abu Dawud Sulaiman ibn Ash’ath Sijistani (“Abu Dawud”), *Sunan Abu-Dawud*, 11:2139.

Those who support the idea of beating their wives use the following verse of the Holy Qur'an:

But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.¹⁰²

Numerous Islamic scholars using Hanafi jurisprudence and legal experts have asserted that Sharia does not give men the right to beat their wives; it is widely held that beating or disciplinary approaches as used above have only symbolic meaning.¹⁰³

5.3 Afghan Legal Framework

The main legal document that deals with issues of violence against women is the EVAW law.¹⁰⁴ However, the law's validity has been brought into question. It has yet to be passed by the parliament, even though it was passed through a presidential decree by President Karzai in 2009. There have been reports that because of this, the law is not considered enforceable by some judicial and law enforcement officials. Police often refuse to accept complaints based on the law.¹⁰⁵

¹⁰² Holy Qur'an, 4:34, Sahih International translation.

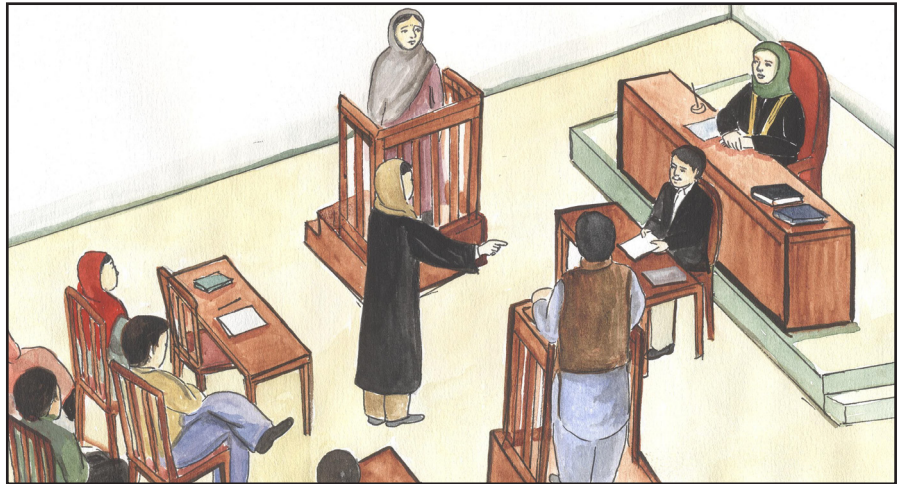
¹⁰³ Diya Nijhowne and Lauryn Oates, *Living with Violence: A National Report on Domestic Abuse in Afghanistan*, (Washington: Global Rights, March 2008), 39, http://www.globalrights.org/site/DocServer/final_DVR_JUNE_16.pdf?docID=9803.

¹⁰⁴ EVAW law, www.saarcgenderinfobase.org/includes/showFile.php?id=85.

¹⁰⁵ Human Rights Watch, "Afghanistan: Stop Women Being Given as Compensation," *Human Rights Watch News*, (March 8, 2011), accessed May 21, 2011, <http://www.hrw.org/en/news/2011/03/08/afghanistan-stop-women-being-given-compensation>.

Violence Against Women

The EVAW law provides a legal redress for victims of violence, as well as concrete punishment for perpetrators. The law identifies over 20 acts¹⁰⁶ that fit under the umbrella of violence against women as defined in Article 5 of the legislation. The EVAW law contains information on victims' rights (Article 6), complaint and reporting procedures (Article 7), responsibilities and obligations of ministries and government agencies in provision of protective and supportive measures (Articles 8-16), and specific punishment for those found guilty of acts identified in Article 23 (Articles 17-39).



A woman has the right to take her abuser to court to be punished.

¹⁰⁶ These acts include: 1. Rape; 2. Forcing into compulsory prostitution; 3. Recording the identity of the victim and publicizing the identity of the victim; 4. Setting into flames, spraying chemicals or other dangerous substances; 5. Forcing into self-immolation or suicide or using poison or other dangerous substances; 6. Causing injury or disability; 7. Battery and laceration; 8. Selling of women for the purpose of marriage; 9. Baad (retribution of a woman for a murder, to restore peace, etc.); 10. Forcing into compulsory marriage; 11. Prohibiting from the right of marriage; 12. Marriage before the legal age; 13. Abusing, humiliating, intimidating; 14. Harassment/persecution; 15. Forced isolation; 16. Not feeding; 17. Dispossessing from inheritance; 18. Prohibiting to access personal property; 19. Deterring from education and work; 20. Forced labor; 21. Marrying more than one wife without the observance of Article 86 of Civil Code; 22. Denial of relationship.

The Penal Code from 1976 also plays a role in dealing with rape, albeit to the detriment of survivors. It addresses *zina*, which is extramarital or premarital sex. If a woman wanted to prove rape, she would need four male witnesses. But sexual encounters are unlikely to take place in front of witnesses, so it is unclear how one can prove rape. Even if a woman files an accusation, there is a chance that during court proceedings she will be accused of consenting to it.¹⁰⁷

Just as the Civil Code contains articles that discriminate against women in the framework of marriage relations, the Shia (Shiite) Personal Status Law¹⁰⁸ discriminates against women in the framework of violence. The law was endorsed by presidential decree and published in the official Gazette on 27 July 2009. Several articles violate human rights and are not in accordance with the Afghan Constitution, international human rights treaties which Afghanistan signed and ratified, or Sharia.

President Karzai called for a review of the law, following protests from national and international human rights advocates. While some changes to the law took place, it still contains repressive measures. For example, Article 162 stipulates that “if the wife without any Shari’a-approved and legal excuses refuses to perform legal and Shari’a-approved marital obligations, she shall not be entitled to maintenance.” Further, it allows a rapist to avoid prosecution by paying “blood money” to a girl who was hurt during the act of rape.¹⁰⁹

¹⁰⁷ UNAMA Human Rights, *Silence is Violence*, 24.

¹⁰⁸ Shiite Personal Status Law, Annex 265, Number 51141828, Afghanistan National Legislative Bodies, March 2009; Unofficial English translation of the original version is available at: <http://www.unhcr.org/refworld/docid/4a24ed5b2.html>, [accessed 20 June 2011].

¹⁰⁹ Human Rights Watch, “Afghanistan: Law Curbing Women’s Rights Takes Effect.”

Both ANDS and NAPWA are vocal about violence against women. ANDS calls for “reduction of violence and harassment against women in the workplace, by implementing specific training, units/programs (e.g., referral centers) and effective complaint and redress mechanisms.”¹¹⁰

NAPWA aims to “build and sustain a secure environment that enables women to live a life free from intimidation, fear and violence, and which supports their participation and leadership in promoting and maintaining peace and security.”¹¹¹

The government’s strategy to advance women’s leadership and political participation includes, among other things, “eliminating violence against women in public and private spaces.”¹¹²

Annex 4A provides articles of the EAW law, the Afghan legal instrument that supports elimination of violence against women. Annex 2A lists constitutional articles which mandate the equality of men and women and prohibit discrimination. Advocates can refer to these resources in their efforts to support elimination of violence against women.

5.4 International Legal Framework

The main international legal document dealing with discrimination against women, CEDAW, does not explicitly address violence against women. However, the CEDAW Committee has issued General

¹¹⁰ Republic of Afghanistan, “ANDS,” 60.

¹¹¹ Republic of Afghanistan, “NAPWA,” 25.

¹¹² Republic of Afghanistan, “NAPWA,” 36.

Recommendation No. 19 concerning gender-based violence to all countries that signed the Convention. It notes in Comment 6 that discrimination, defined in Article 1, “includes gender-based violence, that is, violence that is directed against a woman because she is a woman...”. It further states: “Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.” Comment 7 affirms that gender-based violence which impedes women’s rights and freedoms under international law or human rights conventions is discrimination under Article 1 of CEDAW. The Committee recommends that countries “should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act” [paragraph 24 (a)].¹¹³ This means that parties to CEDAW, including Afghanistan, are obligated under CEDAW to take action in eliminating all forms of violence against women.¹¹⁴

UN Security Council Resolution 1325, approved in 2000, addresses women’s contributions to conflict resolution and sustainable peace. It calls for more women to be involved in negotiations and peace talks. Resolution 1888 of 2009 recognizes that the empowerment of women and support of women’s organizations are essential to peace.

Annex 4B shows articles of the CRC, an international legal instrument that supports the elimination of violence against children, male and female. In addition, Annex 2B contains international legal

¹¹³ Committee on the Elimination of Discrimination against Women, *CEDAW General Recommendation No. 19*, (New York: United Nations), 1992, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom12>.

¹¹⁴ Australian Government Office for Women and Australian Human Rights Commission, “Women of the World: Know Your International Human Rights,” in *Women’s Human Rights* education pack (Australian Government, Department of Family, Housing, Community Services and Indigenous Affairs, December 2008), part 7, http://www.fahcsia.gov.au/sa/women/pubs/govtint/know_int_humrights/Pages/rights_incedaw.aspx.

instruments which uphold the equality of men and women and prohibit discrimination. These can be used by advocates as a resource in support of the elimination of violence against women.

5.5 Recommendations

Violence against women is a debilitating setback for the progress of any society. It represents a situation where a country is self-destructing because it mistreats and abuses half of its population. Social structures are weaker and more vulnerable to strife. In order to remedy this situation, a coordinated multi-pronged approach involving the government, civil society and religious leaders must take place. Below are recommendations for action by Afghan government ministries and agencies and other relevant stakeholders:

The Afghan Government

- Increase communication and cooperation between parliament, the judiciary and the security sector in order to ensure the protection of women's rights and the availability of recourse for women affected by violence.¹¹⁵
- Recognize and examine links between existing discriminatory laws (the Civil Code, for example) and violence against women to expand discourse and reform these laws.¹¹⁶
- Promote efforts to curb violence against women and emphasize that those found guilty of such behaviors will be criminally prosecuted.

¹¹⁵ Republic of Afghanistan, "NAPWA," 26.

¹¹⁶ Rumming, Moussa and Anwar, *CEDAW and Muslim Family Laws*, 41-42.

- Collect data about violent crimes against women and make it a priority. Along with qualitative anecdotal reports of cases, quantitative data can be used for informing changes to and monitoring of relevant laws and policies.
- The president should issue a decree immediately releasing from detention all women and girls charged with running away from home, and reiterating that it is not a crime under Afghan law.¹¹⁷

Ministry of Justice and the Judiciary

- Recommend to parliament aggressive reform of the Civil Code so that it no longer includes articles that discriminate against women.
- Recommend to parliament aggressive reform of the Penal Code which should make rape (including marital rape) a serious crime under law; take away requirement for four witnesses for proving zina; repeal Article 398 which reduces punishments for perpetrators of honor killings; amend Article 53 to state that disobedience on the part of a wife in no way absolves the husband of criminal responsibility for acts of violence towards her; and amend Article 517 to apply prohibition of baad and badaal and marriage without the woman's consent.
- Lobby the parliament to pass the Elimination of Violence Against Women Law.
- Since about 80 percent of Afghans rely on traditional dispute resolution mechanisms (such as jirga and shura councils),¹¹⁸ work with these councils to discourage resolution involving violence against women.

¹¹⁷ UNAMA Human Rights, *Harmful Traditional Practices*, 52.

¹¹⁸ UNAMA Human Rights, *Silence is Violence*, 24.

Violence Against Women

- Begin an aggressive campaign of prosecuting those committing violence against women and public officials who have not investigated reports of violence seriously and publicize their punishments.
- Work closely with women's rights, health and rule of law organizations to create a unified approach in the battle against violence against women.

Ministry of Hajj and Religious Affairs

- In coordination with the Ministry of Women's Affairs and with mosques and Takya Khana congregations, raise public awareness about the discrepancy between violence against women and Islamic teachings.
- Train mullahs and imams nationwide (there are over 100,000 mosques around the country) on women's rights, the EAW law and strategies to share this information with their congregations.

Ministry of Women's Affairs

- With assistance from the Ministry of Information and Culture, launch an aggressive public awareness campaign about the EAW law in all 34 provincial offices.
- Lobby parliament to pass the EAW law.
- Through provincial Departments of Women's Affairs, provide workshops for women on the protections granted to them under the EAW law; registering violence-related complaints to police and health officials; and information on shelters.

Fast Fact

The government has set up a national Commission on Elimination of Violence against Women, as well as provincial commissions, according to UNAMA. At the end of October 2010, provincial commissions existed in 22 provinces.

Ministry of Information and Culture

- Be vigilant in reporting stories via TV, radio and newspapers about violence against women, especially stories of successful initiatives that work on combating it, whether implemented through the government, civil society or religious community.

Independent Afghanistan Reform and Civil Service Commission

- Through implementation of its Gender Equality Policy and Anti-Harassment Policy, work to free all government offices of violence and harassment.

Ministry of Public Health

- In coordination with the Ministry of Information and Culture, launch a nationwide campaign about the negative effects of violence against women on health.
- Ensure the creation of a comprehensive database for reported cases of violence against women and the negative impact it has on maternal and child mortality.
- Work with NGOs/CSOs to create more shelters and counseling centers for survivors of violence.
- Build the capacity of health workers so they have more skills to deal with violence survivors.

Ministry of Education

- Include information about the negative effects of and pressing need for prevention of violence against women in the school curriculum.
- Work with teachers and students on creating environments free of violence in school and at home.¹¹⁹
- In cooperation with NGOs/CSOs, provide mandatory trainings on violence against women and girls for all teachers and school administrators.
- Provide workshops for parents that emphasize the importance of keeping girls in school.

Ministry of Higher Education

- Work with NGOs/CSOs to organize events, round tables and workshops for university students to inform them about violence against women and create advocates within the student population.
- Encourage and assist university students to spread the anti-violence message.

Ministry of Interior

- Build capacity of the police force on concepts of violence against women, and on the EVAW law.

¹¹⁹ Aimed at reducing school-related gender-based violence, USAID's Safe Schools Program started as a pilot project in Malawi and Ghana. Violence was of concern to educators since a logical correlation exists between safe environments and children being more inclined to stay in school, as well as parents being more willing to send or continue sending their children, especially girls, to school. The project succeeded in changing beliefs and attitudes on gender-based violence among parents, teachers, and male and female students in upper primary and lower secondary schools, laying the foundation for a safe, positive learning environment. This success led to project expansion to the Dominican Republic, Senegal, Tajikistan, and Yemen. For more information, please see http://www.usaid.gov/our_work/cross-cutting_programs/wid/ed/safeschools_rep.html.

- Train police officers on how to deal with victims of violence (rape, in particular) without compromising their safety. This includes training on documenting complaints, providing women with information on legal aid clinics, hospitals and shelters and employing strategies for the reduction of violence against women in their communities.
- Hire more female police officers, especially in the provinces.



Victim: I would like to file a complaint about a group of boys that harass me as I'm going to school.

Policewoman: The law protects you. Let me help you.

Violence Against Women

- Provide protection for women in high ranking positions and politicians who have been harassed for their participation in public life.
- Increase the number of Family Response Units (FRUs), which are staffed primarily by female police officers and are in charge of investigating reports of domestic violence at police stations around the country.

Ministry of Rural Rehabilitation and Development

- Spread the message of the negative consequences of violence against women through the National Solidarity Program (NSP)¹²⁰ at the village and district levels with the assistance of NGOs and CSOs. Through NSP councils, work with the Ministry of Women's Affairs in disseminating posters and other materials on the elimination of violence against women.

Ministry of Finance

- Ensure that gender considerations are a part of the budgets of all ministries/agencies and that a portion of each budget is allocated for activities that support gender equality, women's empowerment and prevention of violence in the workplace.

Parliament

- Pass the EVAW law.

¹²⁰ NSP was created in 2003 by the Ministry of Rural Rehabilitation and Development to develop the ability of Afghan communities to identify, plan, manage and monitor their own development projects. For more information, see <http://www.nspafghanistan.org>.

Civil Society Organizations

- Lobby the government for passage of the EAW law.
- Work with the Ministry of Health in order to expand the network of shelters and safe centers for women survivors of violence, which can provide vocational and literacy training.
- Ensure that civil society is represented in reviewing the laws that have an impact on women's rights.
- Devise an outreach campaign directed at men. It is important to have the support of men who oppose violence against women and can share their point of view with other men.
- Work with tribal elders and other persons of influence to develop and implement community-based approaches aimed at decreasing violence against women.

Mullahs, Imams and Ulemas

- Teach congregations about women's rights under Islam and condemn violence against women as an un-Islamic practice.
- Work with the MOWA on a nationwide campaign about women's rights in Islam.

Increasing Access to Education

6.1 Overview

Seeking knowledge is compulsory for each and every Muslim.¹²¹

Afghanistan has one of the lowest literacy rates in the world. Only 12 percent of Afghan women age 15 or older are literate, and just 6 percent of women 25 or older have ever received any formal education.¹²² In rural areas, where 74 percent of the Afghan population lives, it is estimated that 90 percent of women are illiterate.¹²³

Across the country, there are 1.9 million girls (42 percent of all girls) in primary school (grades 1-6), 416,854 in secondary school (grades 7-9) and 122,480 in high school (grades 10-12). As girls get older, the ratio of boys to girls increases from 0.63 at the primary level to 0.48 in secondary school, and 0.38 in high school.¹²⁴ Over one third more boys than girls are in primary school, over twice as many boys are in secondary school and about 2.5 times more boys than girls are in high school. These statistics confirm that girls start leaving school as early as 7th grade, most likely to marry.

Research shows that girls who are educated are more likely to be healthy and will take better care of themselves and their children. Global studies estimate that infant mortality drops by 5 to 10 percent for

¹²¹ Ibn Majah, *Sunan Ibn Majah*, Chapter of Scholars and Knowledge, Hadith # 005 (in Arabic).

¹²² Ashley Jackson, *High Stakes – Girls' Education in Afghanistan* (Oxford, UK: Oxfam GB, February 24, 2011), 10, <http://www.oxfam.org.uk/resources/policy/education/downloads/bp-high-stakes-girls-education-afghanistan-240211-en.pdf>.

¹²³ UNAMA Human Rights, *Silence is Violence*, 8.

¹²⁴ Jackson, *High Stakes*, 10.

every extra year that girls stay in school. If girls in Afghanistan would stay in school just one additional year, the country's very high infant mortality could drop substantially. Studies have found that secondary education for women can improve civic engagement and reduce incidents of violence.¹²⁵ In general, education empowers women to make decisions regarding their own lives.

Enabling Elements

The lack of access to education for girls is another outcome of the gender double standard. If a family can afford to send only one of their children to school, they will pick their son. If one of the children has to be pulled out of school for economic reasons, it is the daughter. The following factors contribute to this decision-making process:

Security Concerns. A lack of security has often prevented families from sending their daughters to school. There have been multiple instances across Afghanistan where girls have been intimidated, assaulted, kidnapped or killed on their way to school, or where girls' schools have been destroyed. In 2009, there was an average of 50 attacks on schools each month across the country.¹²⁶ Therefore, building schools that are far away from the villages creates a safety concern for girls. Studies have shown that having schools located in a village and supported by a community nearly eliminates "the gender gap in attendance, reduces gender disparities in test scores by a third, and increases the enrollment of all children."¹²⁷

¹²⁵ Jackson, *High Stakes*, 7.

¹²⁶ Jackson, *High Stakes*, 14.

¹²⁷ Jackson, *High Stakes*, 18.

Lack of Educational Infrastructure. There is a lack of schools for girls across the country. Out of 415 educational districts in Afghanistan, 29 percent have no designated schools for girls. The Ministry of Education's data shows that 49 percent of Afghanistan's schools admitted girls at some level, while 86 percent admitted boys. Another issue is the lack of basic facilities in schools. For example, only two thirds of schools have water, and fewer than 15 percent provide latrines for children.¹²⁸ Also, if a school does not provide transportation for students, many of them cannot attend, as it is simply too far and insecure to walk.

Acceptance of Women's Low Standing in Society. Since women are valued less than men in Afghanistan, men are thought to have a greater need for education. Women are expected to stay in the private sphere and take care of their home and family, which does not require education. As a result, the double standard applies both in formal and vocational training.

Some men think it is good to be surrounded by uneducated women. Women who are not educated are less likely to stand up for themselves and demand that their rights be respected. These men believe that educated women would cause a serious threat to the current status quo where men dominate.

Child Marriage. Girls who are married at a young age are most likely to be illiterate all of their lives. If they have not gone to school before getting married, their husband's family is unlikely to send them to school. Studies show that girls with eight or more years of education are less likely to marry young than girls with three years of school or less, and compulsory education until the age of 16 significantly decreases the

¹²⁸ Republic of Afghanistan, "NAPWA," 86.

chances of early marriage.¹²⁹ In most cases, early marriage resulting in early motherhood prevents girls from further education (if they were enrolled in school before getting married). It also has a bearing on the education of their children.

Lack of Female Teachers. Many families will not allow their daughters to go to school if they are taught by a male teacher. This is particularly the case in more rural and conservative areas of which 80 percent do not have a girls' high school. Currently, only 28 percent of teachers across Afghanistan are female.¹³⁰

Poverty. Acute poverty and economic problems in Afghanistan over the past several years have exacerbated families' resistance to sending their daughters to school. Families living in bad economic conditions cannot afford or do not want to pay for their daughter's education. Some families presume that girls are a temporary member of the family as they will leave as soon as they are married, so there is no point to investing in them. Girls are kept from going to school so that they can help with household chores or work in the fields.

6.2 Islamic Framework

Islam emphasizes education. The first verse sent to the Prophet starts with the word "READ." It is a duty for every Muslim – man or woman – to learn and grow.

¹²⁹ UNAMA Human Rights, *Harmful Traditional Practices*, 44.

¹³⁰ Republic of Afghanistan, "ANDS," 115.

Islam allocates the same roles to men and women in all aspects of life, including education. In Islam, knowledge is portrayed as light and ignorance as darkness.

Those truly fear Allah, among His Servants, who have knowledge: for Allah is Exalted in Might, Oft-Forgiving.¹³¹

Say, "Are those who know equal to those who do not know?" Only they will remember [who are] people of understanding.¹³²

He gives wisdom to whom He wills, and whoever has been given wisdom has certainly been given much good. And none will remember except those of understanding.¹³³

There are many examples of learned women in Islamic history. The Prophet's wife, Hazrat Aisha, was a great scholar. She narrated many hadiths and taught the Prophet's followers about the personal life of the Prophet. She contributed greatly to preserving many sources of Islamic knowledge. Hazrat Aisha, and other women in the Prophet's family, Hazrat Zahra and Hazrat Zainab, were educated and literate in an age when most men were illiterate.¹³⁴

In one of the hadiths, Abud Darda, the companion of the Prophet, narrated:

¹³¹ Holy Qur'an 35:28b, Abdullah Yusuf Ali translation.

¹³² Holy Qur'an 39:9b Sahih International translation.

¹³³ Holy Qur'an 2:269, Sahih International translation.

¹³⁴ UNAMA Human Rights, *Harmful Traditional Practices*, 43.

Fast Fact

Education in the Holy Qu'ran

- Obligates all Muslims to seek knowledge and education
- Many examples of learned women throughout Islamic history

I heard the Apostle of Allah say: If anyone travels on a road in search of knowledge,

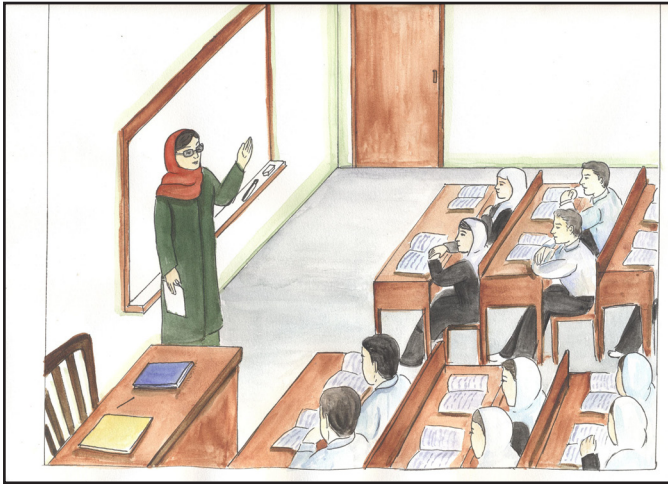
Allah will cause him to travel on one of the roads of Paradise. The angels will lower their wings in their great pleasure with one who seeks knowledge, the inhabitants of the heavens and the Earth and the fish in the deep waters will ask forgiveness for the learned man. The superiority of the learned man over the devout is like that of the moon, on the night when it is full, over the rest of the stars. The learned are the heirs of the Prophets, and the Prophets leave neither dinar nor dirham; leaving only knowledge, and he who takes it takes an abundant portion.¹³⁵

Abu Musa Al-Ashari, the founder of the Ashari sect, narrates the following hadith: “The Prophet said, ‘He who has a slave-girl and teaches her good manners and improves her education and then manumits and marries her, will get a double reward; and any slave who observes Allah’s right and his master’s right will get a double reward.’”¹³⁶

Finally, Islam requires all of its followers, regardless of sex, to be educated so they can use their knowledge to find their way to Paradise. According to the hadith narrated by Abu Hurayrah,

¹³⁵ Abu Dawud, *Sunan Abu-Dawud*, 25:3634.

¹³⁶ Bukhari, *Sahih Bukhari*, 46:723.



The Afghan Constitution provides for equal rights in educations and free basic education up to ninth grade.

the Prophet's companion, "The Prophet said: If anyone acquires knowledge of things by which Allah's good pleasure is sought, but acquires it only to get some worldly advantage, he will not experience the odor of Paradise."¹³⁷

6.3 Afghan Legal Framework

Within the Afghan legal framework, the Constitution states that "education is the right of all citizens in Afghanistan," (Article 43) and commits to "adopt necessary measures to foster education at all levels" (Article 17). Article 44 of the Constitution commits to special initiatives to improve education of women specifically.

The 2008 Education Law¹³⁸ was enacted in accordance with the provisions of the Constitution on education. It provides for equal rights in education and free and compulsory basic education for children up to 9th grade. Further, the ERAW law prescribes a punishment for those prohibiting women from obtaining education (Article 36).

¹³⁷ Abu Dawud, *Sunan Abu-Dawud*, 25:3656.

¹³⁸ Education Law, Decree 56, Official Gazette Serial (955), 2008, http://planipolis.iiep.unesco.org/upload/Afghanistan/Afghanistan_Education_law.pdf.

NAPWA's goal is to increase school attendance at all levels by girls and women, and to create an environment where they are treated as equals in the classroom and can complete the highest level possible.¹³⁹

Objectives for reaching this goal will include:

- The reduction of child marriages.
- Increased access to quality education.
- A public outreach campaign to raise awareness of the importance of girls' education to the overall well-being and development of Afghanistan.
- Equal participation of women in all positions and levels of the education system; affirmative action policies for recruitment for teachers and entrance examination for tertiary education.
- Improving the quality and quantity of in-service training for teachers, with special emphasis on female teachers.¹⁴⁰

ANDS deems education to be of the utmost importance for the future development of Afghanistan. Its sector strategy for education is based on equality (access to education for all, per the Constitution), quality (teachers receiving subject-content training and pedagogical training) and relevance (contribution to poverty reduction and economic growth).¹⁴¹

¹³⁹ Republic of Afghanistan, "NAPWA," 83.

¹⁴⁰ Republic of Afghanistan, "NAPWA," 85.

¹⁴¹ Republic of Afghanistan, "ANDS," 116.

Fast Fact

Annex 5A provides an overview of Afghan legal instruments that support equal access to educational opportunities: the Constitution, Education Law and EAW law. Annex 2A lists articles of the Afghanistan Constitution which support equality of men and women and prohibit discrimination. These legal provisions can be used by advocates as resources in support of equality in education.

According to the United Nations Assistance Mission In Afghanistan, as of February 2011, 52 schools were re-opened in the province of Kandahar, with 50 more slated for re-opening in the near future.

6.4 International Legal Framework

Afghanistan, as a state party to CRC, ICESCR and CEDAW, has committed to provision of universal education within its borders. Non-conformance with these treaties by a state party can lead to consequences. These include sanctions imposed by other state parties and a general decline in standing of the violating party within the international community. Universal Declaration of Human Rights (UDHR) also calls for free and compulsory elementary education; Afghanistan is obligated to abide by UDHR according to Article 7 of the Constitution.

Annex 5B shows international legal instruments that promote equal access to education opportunities. Annex 2B contains international legal instruments which uphold equality of men and women and prohibit discrimination. Advocates can use these resources to further support their stance on equality in education.

6.5 Recommendations

The Afghan government, NGOs/CSOs and religious leaders should all play a role in improving and securing equal access to education. The advocates can use the following recommendations for action for these three stakeholders:

The Afghan Government

- Improve security throughout Afghanistan to make education accessible for everyone.
- The president should issue a decree declaring that those not sending their children (especially daughters) to school will be held in contempt of the law and fined. The fine should exceed the costs associated with school fees, so that from an economic point of view, it will be cheaper to send their daughters to school than to pay fines.

Ministry of Education

- Create incentives for female teachers (higher salaries, jobs for spouses, etc.), especially in rural areas where the need for them is the greatest.
- Develop strategies to work with communities where schools are located to ensure local support for education of boys and girls.
- Ensure transportation for these girls so they can get to and from school.
- Start teacher training institutes in each province to raise the number of female teachers.
- Provide programs for female students from the provinces to study at Kabul's universities.
- Implement a system, such as quotas, for women in the provinces to study at public universities.
- Provide special programs for those families who cannot afford to send their daughters to school

to assist with fees for uniforms and school supplies, or have their fees waived.

- Develop a nation-wide system that will monitor the progress of schools, in terms of teacher's attendance, corrupt practices, test scores, etc. Ensure that this system works closely with the community as this will build mutual trust. In 2006, it was estimated that having community members monitor teacher attendance could help with the problem of "ghost teachers" who are paid but do not come to work. This would save the Ministry of Education 600 million Afghani (approximately US \$13.2 million) a month.¹⁴²
- Start a campaign promoting literacy for both men and women. Educated men are more likely to understand the value of educating women.
- Ensure the existence of at least one adult literacy center and one vocational school per province.
- Work with teachers, students and communities to ensure that schools are free of sexual harassment and violence against girls.
- Explore the concepts of home schooling and online classes (if available) for those girls who are unable to reach school due to safety reasons.

Ministry of Hajj and Religious Affairs

- Work with the Ministry of Education to ensure that Islamic education and modern education are successfully merged and are in line with human rights and equality values.

¹⁴² Jackson, *High Stakes*, 25.

Fast Fact

On November 26, 2010, more than 250 mosques in and around Kabul preached about children's rights and the importance of education for boys and girls. This initiative was sponsored by UNICEF and the Ministry of Hajj and Religious Affairs to commemorate the World Day of Prayer and Action for Children.

Ministry of Interior, Ministry of Justice and the Judiciary

- Prosecute and provide harsh punishments for those responsible for attacking school girls and schools. Show the population that this type of behavior is a serious crime and will not be tolerated.
- Prosecute all in violation of equal education opportunities as per the Constitution, Education Law and EVAW law.

Civil Society Organizations

- Work with media outlets on campaigns in support of girls' education.
- Lobby the government to make education through 12th grade mandatory for all citizens.
- Reach out to communities, particularly in rural areas, and share with them the benefits of girls' education.
- Identify male community leaders who are in favor of girls' education and can use their influence to promote the cause.

Mullahs, Imams and Ulemas

- Speak to their congregations about the value of education and literacy for men and women; offer literacy classes for adults.

Conclusion

This handbook provides useful information on three significant outcomes of the gender double standard: harmful marriage-related traditions, violence against women and inequality in education. A number of equally immobilizing barriers to women's participation in the economic and social development of Afghanistan that have not been discussed here include honor killings, divorce, forced marriage of widows and inheritance and property rights.

Advocates of women's rights and gender equality, both male and female, have an uphill battle ahead of them. Their ultimate goal of women's empowerment and gender equality is a prerequisite for a well-developed society that assures the realization of economic, social and cultural, as well as civil and political rights to all of its citizens – men and women. Therefore, it is necessary for women to fully participate in all spheres of society in order to ensure the upward trajectory in Afghanistan's development which will benefit all Afghans. The advocates' reliance on the proper tools, such as this handbook, and extensive unified advocacy can make their campaign efforts for gender equality easier.

Annex 1: Relevant CSOs, NGOs & Governmental Organizations

Name	Type	Location	Contact Information/ Website	Area of Work
Afghanistan Center for Training and Development (ACTD)	CSO/NGO	<p>Street 01 Jamal Mena, Opposite Muhammadia Mosque, District 03, Kabul</p> <p>* Also works in Nangarhar, Kandahar, Bamyan, Herat and Balkh.</p>	<p>Dr. Sidiq, Director General, director_general@actd.org.af; sidiqasad@yahoo.com Tel: +93 700 208274 *****</p> <p>Dr. Mirza Jan Deputy Director General, deputy_dg@actd.org.af; ddg.actd.kbl@gmail.com Tel: + 93 7899 007679 http://www.actd.org.af</p>	Civil Society Development
Afghan Civil Society Forum (ACSF)	CSO/NGO	House# 45, Opposite Malalai Maternity Hospital, Jada-e-Malalai, Kabul	<p>+93 (0) 708 198 279 +93 (0) 778 686 176 info@acsf.af http://www.acsf.af/English</p>	Civil Society Development

Name	Type	Location	Contact Information/ Website	Area of Work
Afghan Health and Development Services (AHDS)	CSO/NGO	House No. 4, Street 2, (South of Qasimi Group), District 4, Taimani, Kabul ***** District No. 6, Kabul, Shah, Kandahar	+93-772 100 414 info@ahds.org *****	Health
Afghanistan Independent Human Rights Commission (AIHRC)	Government	Karti Se, Pul-e-Surkh, Chamcha Mast street, House # 285, Kabul ***** Dist # 6, Shahid Muhammed Dawood wat, western side of Mirwais Hospital Kandahar	+93 (0) 30 300 1422 +93 (0) 700 300 417 kandahar@ahds.org http://www.ahds.org +93 (0) 20 2500676, +93 (0) 20 2500197 aihrc@aihrc.org.af http://www.aihrc.org.af/2010_eng	Human Rights

Name	Type	Location	Contact Information/ Website	Area of Work
Afghanistan Independent Human Rights Commission (AIHRC) <i>continued</i>	Government	West of Melat garden, beside national army center, Herat ***** Jalalabad Kabul main road, Charahy Sahaty Aama (public health square) 1st Babories Street Jalalabad ***** Guzari Mohammad Beag Sarhang Mazar-e-Sharif ***** Chawany, beside Garzandoy Hotel Bamiyan	+93 (0) 20 2500676, +93 (0) 20 2500197 aihrc@aihrc.org.af http://www.aihrc.org.af/2010_eng	Human Rights
Afghan Institute of Learning (AIL)	CSO/NGO	Kabul	Sakena Yakoobi, Executive Director http://afghaninstituteoflearning.org	Education, Health

Name	Type	Location	Contact Information/ Website	Area of Work
Afghan Women's Advocacy Coalition (AWAC)	CSO/NGO	Currently led by EWC – contact them for more information	http://www.awac.af	Civil Society Strengthening
Afghan Women's Educational Center (AWEC)	CSO/NGO	House #1228 Opposite Ministry of Higher Education Kart-e-Char, Kabul	+93 (0) 700263794 awec.kabul@awec.info www.awec.info	Human Rights, Gender Equality, VAW
Afghan Women's Network (AWN)	CSO/NGO	Karta Parwan Square, House # 22, Kabul ***** First Street, Jada Ali Khail in front of Public Health Hospital, Jalalabad ***** Jada Mokhabarat, near to Mansor Pharmacy, Herat	http://www.afghanwomennetwork.af	Advocacy, Lobbying, Women's Empowerment
Afghan Women Resource Center (AWRC)	CSO/NGO	Kabul Nangarhar	info@theawrc.org http://theawrc.org/home	Women's Empowerment, Protection of Children

Name	Type	Location	Contact Information/ Website	Area of Work
Afghan Women Services and Education organization (AWSE)	CSO/NGO	Street of Security Department , Behind 1st Block, Airport Blocks, Airport Road, Kabul	awse_g@yahoo.com +93(0) 799326132 +93(0) 799188762 http://www.awse.org.af	Women's Empowerment, Protection of Children
Afghan Women's Skills Development Center (AWSDC)	CSO/NGO	House 162, Street #19 Parwan 3, Sub Dist 4 Kabul, Afghanistan	+93 700 287 587 +93 799 337 460 awsdc@awsdc.net http://www.awsdc.net	Education, Peace Building
Afghan Women's Welfare Department (AWWD)	CSO/NGO	Street#9, House#525, First Part of Khair Khana, Kabul	Jamila Akbarzai (Executive Director) 00192-91 5841646, +93 70282494 awwd@brain.net.pk	Education, Health, Human Rights, Income Generation
The Agency Coordinating Body for Afghan Relief (ACBAR)	CSO/NGO	In front of Shaheed Tomb, Chahar Rahi Shaheed Share-e-Naw, Kabul	webinfo@acbar.org +93 (0)20 220 2647 www.acbar.org	Civil Society Strengthening

Name	Type	Location	Contact Information/ Website	Area of Work
Aid Afghanistan for Education		PO BOX 1850 Kabul, Afghanistan, 25000	aid@aidafghanistan.net h.sherjan@aidafghanistan.net z.ibrahim@aidafghanistan.net + 93(0)796 423 034 + 93(0)799 410079 http://www.aidafghanistan.net	Education
ASCHIANA	CSO/NGO	PO BOX 1827, Kabul Opposite the public library, close to the Ministry of Planning Char Rahi Malik Asghar, Kabul	0093 (0) 702 77 280 aschiana@yahoo.com.au http://www.aschiana.com/default.htm	Street Children, Children's Rights
Assistance to Defend Women's Rights Organization (ADWRO)	CSO/NGO	Main Street of Kart-e-Bokhdi Mazar-e-Sharif, Balkh	adwr.admin@gmail.com +93 799054900 http://adwro.af/index.php	Women's Rights, Provision of Legal Aid to VAW Survivors

Name	Type	Location	Contact Information/ Website	Area of Work
Attorney General's Office, Special Unit on VAW	Government	Attorney General Office of Islamic Republic of Afghanistan Haji Yaqoub Square, Serahi Masjid Hanzalla, Kabul	+93 (0)20 2200 019 0752 006 671	VAW
Civil Society and Human Rights Network (CSHRN)	CSO/NGO	Karta-e-Seh, Jaada-e Moqabele-e-Lesa-e- Habibia, Narasida ba Naahia-e-Shashom-e- Shahrdaari, Kabul	M. Naim Nazari 0799353481 nn_cshrn@yahoo.com http://www.cshrn.af/CSHRN_English/index.html	Human Rights
Civil Society Development Center (CSDC)	CSO/NGO	Near Khorasan Hotel, Lab-e Jar, Airport Highway, Kabul	niazi@afghancsdc.org m_s_niazi@yahoo.com +93 0799020320 +93 0708198331 www.afghancsdc.org	Civil Society Strengthening
Community Center for Disabled (CCD)	CSO/NGO	Kart-e-seh inside street of Omar Jan mosque, Kabul	haroon.ccd@gmail.com +93 (0)777 349 752	Rights of Persons With Disabilities

Name	Type	Location	Contact Information/ Website	Area of Work
Coordination for Afghan Relief (COAR)	CSO/NGO		0799 329275 0700 242180 coar_kbl@yahoo.com coarkbl@neda.af http://www.coar.org.af	Assistance to Women and Children, Education, Food Security
Cooperation Center for Afghanistan (CCA)	CSO/NGO		Mr. Sarwar Hussaini (+93)799331251 cca.afg@gmail.com; Engineer Kashefi, (+93) 700241960 Kashefi2005@yahoo.com ***** Bamiyan Regional Manager: Engineer Sayed Ahman Khan (+93)789106611 shatughani@gmail.com http://www.cca.org.af	Human Rights, Peace and Democracy

Name	Type	Location	Contact Information/ Website	Area of Work
Cooperation for Peace and Unity (CPAU)	CSO/NGO	House 480, Street 13, Near First Jamaat Khana-e-Ismailia, Taimany, Kabul	0093(0)070278891 0093(0)79304003 cpaukabul@yahoo.com http://www.afghanadvocacy.org/members/cpau.html	Anti-Violence, Social Justice
Educational and Training Center for Poor Women and Girls of Afghanistan (ECW)	CSO/NGO	Apt.# 20 Block 14 Airport Blocks, Kabul, Afghanistan	Malika Qanah , Director of ECW, +93 (0) 70276065 ***** Arezo Qanah, ECW project manager, +93 (0) 79323309 Arezo_qanah@yahoo.com Arezo_qanah@hotmail.com	Education for Girls and Widows, Handicrafts
Equality for Peace and Democracy (EPD)	CSO/NGO	Parwan-e-do second road Roundabout Kardan University, House #115, Kabul	Mir Hamidullah Mir epd.afghanistan@gmail.com 0700 572 516	Human Rights, Peace and Democracy

Name	Type	Location	Contact Information/ Website	Area of Work
Human Rights Research and Advocacy Consortium (HRRAC)	CSO/NGO		Jamila Omar, Director 0093 (0) 75201 7744 0093 (0) 75201 7744 http://www.afghanadvocacy.org.af	Children's and Women's Rights, Education, Justice
Humanitarian Assistance for the Women and Children of Afghanistan (HAWCA)	CSO/NGO	House No. 1137/P, Selo Oil Pump Street, Khushal Khan Mina, District 5, Kabul	+93 (0)706 66 23 27 +93 (0)797 07 59 76 +93 708 21 65 66 hawca@hawca.org www.hawca.org	VAW, Education
The Killid Group	CSO/NGO	House #442, Street #6, Chardehi Watt, near to Uzbekha Mosque, Karta-e-sea, Kabul	+93(0)2500 717 info@thekillidgroup.com http://www.thekillidgroup.com	Media
Legal and Cultural Services for Afghan Women and Children (LCSAWC)	CSO/NGO	International Airport Street, Qalai Wakil Clinic Rd Bibi Mahro, Kabul	Parwanma Yousof legal.org.lcsawc@gmail.com , parwanma@yahoo.com 0700 222 042 0700 292 671 0707 380 766	Legal Assistance to Women and Children in Judicial Proceedings, Human Rights

Name	Type	Location	Contact Information/ Website	Area of Work
Ministry of Women's Affairs	Government	Haji Yaqoub Square, Kabul	02 02201378 http://www.mowa.gov.af	Women's Rights, Empowerment of Women, Education
New Afghanistan Women Association (NAWA)	CSO/NGO	Share-e Naw 1 st Butcher Street Kabul	Shafiq Habibi sh.habibi@womennawa.org.af 0700220688 http://www.womennawa.org.af	Women's Rights, Education, Women Journalists
Noor Educational and Capacity Development Organization (NECDO)	CSO/NGO	Karte 3, Pul-e-Surkh, District 6, Street #4, House # 259, Kabul ***** Baitufajr Kakar Village Behsood, Jalalabad City	Ms Jamila Afghani +93(0)799337667 Jamila_afghani@yahoo.com info@nec.org.af ***** 0700727075 http://www.nec.org.af	Empowerment of Women, Youth and Children, Education
Oruj Learning Center	CSO/NGO	Post Office Lane, Across from Ministry of Higher Education Kabul	Sadiqa Basiri (93) 799 189 911 sadiqa_basiri@yahoo.com http://theoruj.org	Education for Girls in Rural Areas

Name	Type	Location	Contact Information/ Website	Area of Work
PARSA	CSO/NGO	Marastoon in the Afghan Red Crescent Society compound in northwest Kabul (Afshar District)	Marnie Gustavson, Executive Director mgustav@mac.com 0799 020 588 ***** M. Yasin Farid, National Director yasinfarid_2006@yahoo.com 0700 284 286 http://www.afghanistan-parsa.org	Education, Widows, Health, Children's Rights
Saba Media Organization	CSO/NGO		Abdul Waheed Hamidi, hameedy@sabacent.org +93 (0)700 298 638	Media
Shuhada Organization	CSO/NGO	Kart-e-3 Pol-e-Sorkh behind Omar Jan Qandahari Mosque, Kabul	Mr. Jawad Wafa, Deputy Executive Director, jawad.wafa@shuhada.org +93(0)799 409 544 http://www.shuhada.org.af	Education, Health, Human Rights, Shelters
Training Human Rights Association (THRA)	CSO/NGO	2nd Microrayon 103rd Block, 1st Apartment, Kabul	roshan_sirran@yahoo.com	Human Rights

Name	Type	Location	Contact Information/ Website	Area of Work
Voice of Women	CSO/NGO	Badmorghan (across from Masjed Raza), Herat City	Suraya Pakzad 0700 298 732, 0799 209 386, 040 226 061 vwo_afg@yahoo.com vwo_suraya@hotmail.com http://www.vwo.org.af	Women's Rights, Education
The Welfare Association for Development of Afghanistan (WADAN)	CSO/NGO	House No. 6, Street 1, Khushal Khan Mina, P.O. Box 10043, Kabul ***** House No. 4, Street # 1, Maraston Square, Jalalabad, Nangarhar ***** House # 3 District # 6, Karaiz Bazaar, Across from Jamai-e-Omar, St. # 2 Kandahar *****	075-2015178 or 075-2015176 ***** Mohammad Afzal Regional Manager +93 (0) 700-607969 ***** Zamarai Alokozai, Regional Manager Tel: +93 (0) 799-024150 ***** www.wadan.org	Democracy, Human Rights, Social Justice, Drug Control

Name	Type	Location	Contact Information/ Website	Area of Work
The Welfare Association for Development of Afghanistan (WADAN) <i>continued</i>	CSO/NGO	Qul-e-Urdu St, Jada-e-Lyce Amir Ali Sher Nawai, Khawaja Abdullah Ansaria Rd, Herat ***** Sarasyab, near UNAMA Guest House, Bamyan ***** Behind Municipality, Sharq-e-Rawza, Pelkeen Street, Mazar-e-Sharif	Haroon Asim, Acting Team Leader Tel: +93 (0) 700-030479 ***** Abdul Halim Ghaffari Tel: +93 (0) 799-531157 ***** Amanullah Regional Coordinator Tel: +93 (0) 799-639810 www.wadan.org	Democracy, Human Rights, Social Justice, Drug Control
Women and Children Legal Research Foundation (WCLRF)	CSO/NGO	4th Street Celo, House # 432, Kabul	+93 (0) 700 64 91 91 wclrf@wclrf.org.af wclrf@yahoo.com http://www.wclrf.org.af	Women's Rights, Children's Rights

Name	Type	Location	Contact Information/ Website	Area of Work
Women's Activities and Social Services Association (WASSA)	CSO/NGO	Ansari Street, Qul-e-Urdo, Herat	+93 (040) 444027 +93 (0797) 421640 WassaHerat@yahoo.com info@wassa-af.org http://www.wassa-af.org	Legal and Social Protection, Civil Society, Peace Building
Women for Afghan Women (WAW)	CSO/NGO	Behind Park E Baharistan Karte Parwan, Kabul	(93)700974986, 0795271468 office@womenforafghanwomen.org Jalalabad: 0798220309 Mazar-e-Sharif: 0795590470 womenforafghanwomen.org	Women's Rights, VAW

Annex 2A: Afghan Legal Framework in Support of Equal Rights and Non-Discrimination

National Legal Framework in Support of Equal Rights and Non-Discrimination		
Document	Relevant Article	In Support of
Constitution	Article 6: The state shall be obligated to create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realization of democracy, attainment of national unity as well as equality between all peoples and tribes and balance development of all areas of the country.	Equal rights for all citizens of Afghanistan
Constitution	Article 22: Any kind of discrimination and distinction between the citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.	Equal rights for men and women
Constitution	Article 24: Liberty is the natural right of human beings. This right has no limits unless affecting the rights of others and public interest, which shall be regulated by law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity.	Protection of universal liberty and dignity

Constitution	Article 53: The State guarantees the rights and privileges of pensioners and disabled and handicapped individuals and as well renders necessary assistance to needy elders, women without caretakers and needy orphans in accordance with the law.	Protection of women without caretakers
Constitution	Article 54: The state adopts necessary measures to ensure physical and psychological wellbeing of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam.	Child protection and rights
Constitution	Article 83: The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province, on average, at least two females shall be the elected members of the House of People from each province.	Support for women's political participation
Constitution	Article 84: The President shall appoint 50 percent of these individuals [Members of the House of Elders] from amongst women.	Support for women's political participation

Annex 2B: International Legal Framework in Support of Equal Rights and Non-Discrimination

International Legal Framework in Support of Equal Rights and Non-Discrimination		
Source	Article	In Support Of
UDHR	Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.	Equal rights for men and women
UDHR	Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	Equal rights for men and women; Anti-discrimination of women
UDHR	Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.	Equal rights for men and women; Anti-discrimination of women

International Legal Framework in Support of Equal Rights and Non-Discrimination		
Source	Article	In Support Of
ICCPR	Article 2.1: Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	Equal rights for men and women; Anti-discrimination of women
ICCPR	Article 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.	Equal rights for men and women
ICCPR	Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	Equal rights for men and women; Anti-discrimination of women
ICESCR	Article 2.2.: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	Equal rights for men and women; Anti-discrimination of women
ICESCR	Article 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.	Equal rights for men and women

International Legal Framework in Support of Equal Rights and Non-Discrimination		
Source	Article	In Support Of
CEDAW	<p>Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a): To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b): To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c): To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d): To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e): To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f): To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p>	Anti-discrimination of women

International Legal Framework in Support of Equal Rights and Non-Discrimination		
Source	Article	In Support Of
CEDAW	Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.	Equal rights for men and women
CEDAW	Article 4.1: Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.	Equal rights for men and women
CEDAW	Article 5: States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;	Equal rights of men and women; Anti-discrimination of women

International Legal Framework in Support of Equal Rights and Non-Discrimination		
Source	Article	In Support Of
CEDAW	<p>Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <p>(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;</p> <p>(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</p> <p>(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.</p>	<p>Anti-discrimination of women in political and public arenas;</p> <p>Equal right of women to participate in the public and political life of the country</p>
CEDAW	<p>Article 15.1: States Parties shall accord to women equality with men before the law.</p>	<p>Equal rights for men and women</p>

Annex 3A: Afghan Legal Framework in Support of Equal Rights in Marriage

National Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
Civil Code	Article 39: The age of majority is 18 solar years. Person attaining majority age shall be recognized as having full legal personality in business transactions.	Child protection and rights
Civil Code	Article 61.1: Marriage contract shall be registered in the official marriage deed by the respective office and shall be prepared in three copies. The original shall be kept with the respective office and the two copies shall be supplied to the concluding parties. After having been registered, the marriage deed shall be brought to the notice of the identification Registration office as provided under Article 46 of this law.	Registration of marriage
Civil Code	Article 64: Engagement is a promise for marriage and each of the two parties may give it up.	Equality of marriage partners
Civil Code	Article 70: Marriage shall not be considered adequate until the male reaches the age of 18 and the female the age of 16.	Child protection and rights

National Legal Framework in Support of Equal Rights in Marriage

Source	Article	In Support Of
Civil Code	Article 71.2: The marriage of a minor girl whose age is less than 15 shall never be permissible.	Child protection and rights
Constitution	Article 22: Any forms of discrimination or advantages between Afghan citizens are banned. Afghan citizens including men and women have equal rights and obligations before the law.	Equality of marriage partners; Prohibition of discrimination
EVAW	<p>Article 25: 1) If a person gives or takes a woman for marriage in retribution for a baad, the perpetrator shall, depending on the circumstances, be sentenced to long-term imprisonment not exceeding 10 years.</p> <p>2) In such case under paragraph (1) of this Article, the involved persons (witnesses, counsel, mediator and solemnizer of marriage) shall, depending on the circumstances, be sentenced to medium-term imprisonment, and the marriage contract shall be considered invalid at the request of the woman, according to the provisions of law.</p>	Prohibition of baad; Child protection and rights; Punishment for marriage for a baad

National Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
EVAW	Article 26: If a person gets a woman engaged or married who has reached the legal marriage age without her consent, the perpetrator shall, depending on the circumstances, be sentenced to medium-term imprisonment not less than two years, and the engagement and marriage are invalid, according to the provision of the law.	Prohibition of baadal; Child protection and rights; Punishment for engagement or marriage without woman's consent
EVAW	Article 28: If a person marries a woman who has not reached the legal marriage age, without considering the provision of Article 71 of the Civil Code, the offender shall, depending on the circumstances, be sentenced to mid-term imprisonment of not less than two years and the marriage contract shall be cancelled at the request of the woman.	Child protection and rights; Punishment for marrying underage woman
Penal Code	Article 517.1): A person who gives in marriage a widow, or a girl who is 18 years or older, contrary to her will or consent, shall be sentenced in view of the circumstances to short-term imprisonment. 2) If commitment of the crime specified under the above paragraph is for the purpose of "Baad dadan" (as a compensation for a wrongdoing) the offender shall be sentenced to medium imprisonment not exceeding two years.	Prohibition of giving woman in marriage without her consent; Punishment for giving woman in marriage without her consent; Prohibition of baad/ baadal; Punishment for baad/ baadal

Annex 3B: International Legal Framework in Support of Equal Rights in Marriage

International Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
CRC	Article 1: For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.	Child protection and rights
CRC	<p>Article 2.1: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.</p> <p>Article 2.2: States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.</p>	Child protection and rights; Anti-discrimination of children

International Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
CRC	Article 3.2: States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.	Child protection and rights
CRC	Article 12.1: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.	Child protection and rights
CEDAW	Article 15.2: States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.	Equality of marriage partners
CEDAW	Article 16.1: States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage;	Equality of marriage partners

International Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
CEDAW	Article 16.1 (b): The same right freely to choose a spouse and to enter into marriage only with their free and full consent;	Equality of marriage partners; Consent to marriage
CEDAW	Article 16.1 (c): The same rights and responsibilities during marriage and at its dissolution;	Equality of marriage partners
CEDAW	Article 16.1 (d): The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;	Equality of marriage partners; Child protection and rights
CEDAW	Article 16.1 (e): The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;	Equality of marriage partners
CEDAW	Article 16.1 (f): The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;	Equality of marriage partners; Child protection and rights

International Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
CEDAW	<p>Article 16.1 (g): The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;</p> <p>Article 16.1 (h): The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.</p>	Equality of marriage partners
CEDAW	Article 16.2: The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.	Child protection and rights
ICESCR	Article 10.1: The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.	Family protection; Consent to marriage
ICESCR	Article 10.3: Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation...	Child protection and rights

International Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
ICCPR	Article 23.2: The right of men and women of marriageable age to marry and to found a family shall be recognized.	Equality of marriage; Partners/right to marry
ICCPR	Article 23.3: No Marriage Shall be Entered into Without the Free and Full Consent of the Intending Spouses.	Consent to marriage
ICCPR	Article 23.4: States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.	Equality of marriage partners; Child protection and rights
ICCPR	Article 24 (1): Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.	Child protection and rights
UDHR	Article 16.1: Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.	Equality of marriage partners
UDHR	Article 16.2: Marriage shall be entered into only with the free and full consent of the intending spouses.	Consent to marriage

International Legal Framework in Support of Equal Rights in Marriage		
Source	Article	In Support Of
UDHR	Article 25.2: Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.	Child protection and rights

Annex 4A: Afghan Legal Framework in Support of Eliminating of Violence Against Women

National Legal Framework in Support of Elimination of Violence against Women		
Source	Article	In Support Of
EVAW	Article 4: Violence is crime; none shall be entitled to commit violence at residential area, government or non-government institution, organizations, public places, transport or any other places. If committed he shall be punished in accordance to the provision of this law.	Prevention of violence

National Legal Framework in Support of Elimination of Violence against Women		
Source	Article	In Support Of
EVAW	<p>Article 5: The commission of the following acts shall be deemed as violence against women:</p> <ol style="list-style-type: none"> 1. Rape 2. Forcing into compulsory prostitution 3. Recording the identity of the victim and publicizing the identity of the victim 4. Setting into flames, spraying chemicals or other dangerous substances 5. Forcing into self-immolation or suicide or using poison or other dangerous substances 6. Causing injury or disability 7. Battery and laceration 8. Selling of women for the purpose of marriage 9. Baad (retribution of a woman for a murder, to restore peace, etc...) 10. Forcing into compulsory marriage 11. Prohibiting from the right of marriage 12. Marriage before the legal age 13. Abusing, humiliating, intimidating 14. Harassment/ persecution 	Incidents of violence prohibited by the EVAW law

National Legal Framework in Support of Elimination of Violence against Women		
Source	Article	In Support Of
EVAW	<p>Article 5 continued:</p> <ol style="list-style-type: none"> 15. Forced isolation 16. Not feeding 17. Dispossessing from inheritance 18. Prohibiting to access personal property 19. Deterring from education and work 20. Forced labor 21. Marrying more than one wife without the observance of Article 86 of Civil Code 22. Denial of relationship 	Incidents of violence prohibited by the EVAW law
EVAW	<p>Article 6: The victim of violence has the following rights:</p> <ol style="list-style-type: none"> 1. Prosecuting the offenders of violence based on provisions of the law. 2. To be provided with shelter or other safe place(s) with the consent of the victim. 3. To provide emergency free health services. 4. Having advocate or legal aid provider. 5. Compensation resulted from the act of violence. 6. Confidentiality related to the matter. 7. Other rights which have been stipulated in the legislative documents for the victim. 	Rights for victims of violence

National Legal Framework in Support of Elimination of Violence against Women		
Source	Article	In Support Of
EVAW	<p>Article 7</p> <p>1. A woman victim of violence, she by herself or her relatives may complain to police, <i>Huqooq</i> (rights) Departments of the Ministry of Justice, courts and any other relevant offices.</p> <p>2. The institutions included in paragraph (1) of this Article shall register the obtained complaint and act based upon provisions of the law and shall inform the Ministry of Women Affairs in writing.</p> <p>3. The MoWA upon receiving written acknowledgment or direct complaint by victim or her relatives, in order to contact the victim shall take and implement necessary measures.</p> <p>4. Prosecutor's office and court shall place the case of violence as a priority and act on it as expeditiously as possible.</p> <p>5. Upon investigation of the obtained complaint, the officials of the offices included in paragraph (1) of this Article shall observe the standard operating procedures as developed by the EVAW commission.</p>	<p>Right of victims to complain; Obligations of institutions of government</p>
EVAW	<p>Article 43: The punishments of the convicts of crimes of violence shall not be postponed, pardoned or mitigated.</p>	<p>Lack of pardon and reduction of crimes for perpetrators</p>

Annex 4B: International Legal Framework in Support of Eliminating of Violence Against Children

International Legal Framework in Support of Elimination of Violence against Children		
Source	Article	In Support Of
CRC	Article 19.1: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.	Child protection and rights; Protection against violence
CRC	Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: <ul style="list-style-type: none"> (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials. 	Child protection and rights; Protection against violence

Annex 5A: Afghan Legal Framework in Support of Equal Education Opportunities

National Legal Framework in Support of Equal Education Opportunities		
Source	Article	In Support Of
Constitution	Article 17: The state shall adopt necessary measures to foster education at all levels, develop religious teachings, regulate and improve the conditions of mosques, religious schools as well as religious centers.	Equal education opportunities
Constitution	Article 43: Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. level in the state educational institutes free of charge by the state.	Equal education opportunities
Constitution	Article 44: The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country.	Education for women; Elimination of illiteracy
Constitution	Article 54: Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother; upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.	Providing protection for the family while raising children; Elimination of traditions contrary to principles of Islam

National Legal Framework in Support of Equal Education Opportunities		
Source	Article	In Support Of
Education Law	Article 2: The main objectives of this law are as follows: 1. Ensure equal rights of education and training for the citizens of the Islamic Republic of Afghanistan through promotion and development of universal, balanced and equitable educational manner.	Equal education opportunities
Education Law	Article 2.5: Strengthen the spirit of respect to human rights, protection of women's rights, democracy and elimination of any kind of discrimination in light of Islamic values.	Human rights, women's rights, and anti-discrimination
Education Law	Article 2.12: Eliminate illiteracy and provide grounds for accelerated learning for the children and adults who are left behind from the school in the country.	Elimination of illiteracy
Education Law	Article 3: The citizens of the Islamic Republic of Afghanistan have equal rights to education without any kind of discrimination.	Equal education opportunities
Education Law	Article 4 (1): The intermediate (basic) education in Afghanistan is compulsory.	Compulsory basic education
Education Law	Article 4 (2): Pre-school educational level, intermediate (basic) education, secondary, technical-professional, vocational, artistic, formal Islamic education, higher education, (Thirteenth and fourteenth grades) teachers' training, literacy and basic practical education in the public educational and training institutions are provided for free.	Free types of education for all

National Legal Framework in Support of Equal Education Opportunities		
Source	Article	In Support Of
Education Law	Article 17: Intermediate (basic) educational level comprises grade first to the end of grade ninth, provided free and compulsory in a balanced and equitable manner, in accordance with the educational standards, considering the number of population and Kochies residing in the area.	Compulsory basic education through grade 9; Equal education opportunities
Education Law	Article 18: Objectives of the intermediate (basic) education are: 3. Improve and strengthen respect for human and women's rights.	Human rights and women's rights in education
Education Law	Article 23(1): Technical-professional, vocational and artistic education level comprises grade tenth to the end of grade fourteenth, provided and expanded in public educational institutions in a balanced and equitable manner, considering the number of population and Kochies residing in the area and educational and training standards for the graduates of the intermediate (basic) educational schools.	Equal education opportunities in technical-professional, vocational and artistic education in grades 10-14
Education Law	Article 25: Teachers' training educational level comprises grade tenth to the end of grade fourteenth, provided and expanded free, in a balanced and equitable manner, considering the number of population and Kochi residing in the area in accordance with the educational and training standards, for the graduates of the intermediate (basic) and secondary educational schools.	Equal education opportunities in teachers' training

National Legal Framework in Support of Equal Education Opportunities		
Source	Article	In Support Of
Education Law	Article 33.1: The Ministry of Education.....shall organize and apply the following extra-curriculum Activities...: 6. Organize workshops and seminars for understanding the charter of the UN, basic declaration of the human rights and respect to human dignity.	Inclusion of human rights in extra-curriculum activities
Education Law	Article 35: Literacy and basic practical education comprises reading, writing, counting and learning knowledge of basic practical skills, vocational and professional occupational skills that shall be provided in a balanced and equitable manner for the deprived adults, adolescent and youths, who are left behind from educational institutions in the country.	Provision of literacy and practical education to adults, adolescents and youth in an equitable manner
EVAW	Article 36: If a person who prohibits a woman from the right of education, work and exercising her other rights as provided by law, considering the circumstance the offender shall be convicted to short-term imprisonment not more than 6 months.	Punishment for prohibiting education, work and other rights for women

Annex 5B: International Legal Framework in Support of Equal Education Opportunities

International Legal Framework in Support of Equal Education Opportunities		
Source	Article	In Support Of
UDHR	Article 26.1: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.	Equal education opportunities; Compulsory, free elementary education
CRC	Article 28.1: States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all;	Equal education opportunities; Compulsory, free primary education

International Legal Framework in Support of Equal Education Opportunities		
Source	Article	In Support Of
ICESCR	<p>Article 13.1: The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.</p> <p>2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:</p> <p>(a) Primary education shall be compulsory and available free to all;</p>	Equal education opportunities; Compulsory, free primary education
ICESCR	<p>Article 14: Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.</p>	State's obligation to provide free, compulsory education for all

International Legal Framework in Support of Equal Education Opportunities		
Source	Article	In Support Of
CEDAW	<p>Article 10: States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(f) The reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p>	<p>Equal education opportunities;</p> <p>Elimination of discrimination to ensure women's equal rights in education;</p> <p>Elimination of stereotyping roles of men and women</p>

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