

Beyond the Burqa

The Future of Afghan Women's Rights

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When a group of Afghan women leaders met in Kabul in February to discuss the role of women in Afghanistan's political future, they spoke proudly of their accomplishments to date. Since the overthrow of the Taliban in October 2001, Afghan women have achieved the first step of securing important legal and political rights through the country's new constitution. At the local level, women in many communities are participating in public affairs in an unprecedented fashion. Moreover, improving female education is a development goal embraced by leaders across Afghanistan and the international community. Despite these initial successes, they had one key message: women's gains are fragile, and the window of opportunity for securing those gains is closing. They uniformly cited the need for international support for women in Afghanistan.¹

Efforts to promote a modern economy and democracy in Afghanistan will be unsuccessful if women do not achieve significant and lasting advances in education, legal rights and political participation. While women in Afghanistan are on a positive trajectory, their gains are still easily reversed.

Lack of security impacts all of Afghanistan, but severely affects women. Many women report that due to security concerns they have less access to the public sphere now than they did under the Taliban. Resurgent fundamentalism also heavi-

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ly impacts women; the warlords with de facto power over much of the country are no supporters of women's rights. A deeply conservative, patriarchal culture is entrenched throughout Afghanistan. Strict interpretations of Islam reinforce this mindset and lend support to those who resist a public role for women. The legal and political rights women have achieved on paper must still be translated into reality, requiring years of persistence, education, and training of the judiciary. Significant resources are required to close the deep educational and skill deficits that Afghan women are burdened with today.

It will take consistent commitment over many years by Afghan leaders, NGOs and the international community for women to make real progress in Afghan society. However, the country's success depends on their ability to promote a stronger role for women in the nascent state; if their efforts fail, so will the new Afghanistan.

Women's Rights: Long A Contentious Issue. Women's rights have been on the front-line of modernization efforts in Afghanistan for close to a century, with an uninspiring record. Afghan history over the past 100 years is littered with top-down attempts by authoritarian leaders to impose social change through, at times, sweeping reforms affecting women. King Amanullah Khan, who ruled during the 1920s, was one of the more aggressive on this front. He attempted to abolish *purdah* (the separation and veiling of women) and also introduced co-education, a progressive policy at that time in many parts of the world. His boldness incurred the hostility of local tribal and religious leaders; their backlash forced the King into exile in 1929.²

Over the years, several other leaders attempted to modernize the role of women, by eliminating *purdah*, honor killings, and the common practice of selling brides. However these efforts all met with fierce resistance from religious conservatives and tribal leaders. In the late 1970s, the Soviet-backed communist leaders began a new round of reforms with the goal of improving the situation of women, including mandatory co-education and outlawing the custom of the dowry. The result again was open revolt from tribal leaders, which contributed to the Soviet Union's decision to invade Afghanistan.³

Under Soviet occupation, many Afghan women, mostly in urban areas, gained educational and economic opportunities. A number of prominent Afghan women leaders today—doctors, lawyers, educators—received their training in Moscow or from Soviet experts in Kabul. During this period, however, women's empowerment became strongly linked with godlessness, cultural degradation and unwanted foreign intervention—associations which persist in varying degrees today. The language of "jihad" became infused with the notion of protecting Afghan women's purity and Islamic values.⁴

During the post-Soviet years of instability, as various *mujahideen* commanders vied for power, women experienced increasing restrictions. Dress codes were imposed around the country. For these *mujahideen* leaders, many of whom are back in power today, constraining women's roles has been and continues to be a way of demonstrating their Islamic credentials.

The Taliban years which followed are usually portrayed as a human-rights disaster for Afghan women. This was certainly true in cities, where women lost

access to education and to most employment outside the home, and were forced to wear the burqa. But in rural Afghanistan, Taliban-rule changed little for most women. *Purdah* was (and is still)

Across the board, they answered enthusiastically that they want to be doctors or teachers. While such aspirations are a positive sign for the country's future, the challenges of educating the next genera-

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widespread, and few girls ever attended school. Only 5 percent of primary aged girls in all of Afghanistan were enrolled in school prior to the Taliban.⁵

Women's rights remain as much a flashpoint as ever in Afghan society. The tensions over the role of women in society were clearly exposed during the Constitutional Loya Jirga, the traditional grand council that convened in December 2003 to debate and approve the country's new constitution. When Malalai Joya, a female delegate, questioned the dominant role of warlords in the constitutional process, she was personally slurred and threatened. However, many observers found most troubling the reaction of Sebaghatullah Mojadeddi, the chairman of the Constitutional Loya Jirga (CLJ) and a perceived moderate. He reminded the women present that under Islamic law they are only worth half that of a man, and consequently should know their place. Women's rights proved to be one of the most contentious issues during the CLJ, contributing to delays in its conclusion.

Getting Girls In School. Visiting schools in rural Afghanistan this year, I asked girls the same question: what do you hope to do with your education?

tion are daunting, as little educational infrastructure exists. Schools must be built, curriculums developed, textbooks printed, teachers trained, and the technical capacity of the Ministry of Education greatly enhanced if Afghan children, boys or girls, are to have any hope of achieving their goals.

Nearly three years after the fall of the Taliban, children in Afghanistan have returned to school in unprecedented numbers, but still only 4.3 million of the country's 7 million eligible school-age children are enrolled in classes. 60 percent of them are in the equivalent of the first or second grade, creating an enormously challenging bulge to move through the educational system over the next decade.⁶

For Afghan girls, cultural barriers and security concerns still play a large role in limiting female attendance in school, as evidenced by the contrast between the number of boys and girls in school. Of the approximately 4 million Afghan children attending school, roughly 3 million are boys and only 1 million are girls.⁷ While there are now more girls in school than ever before in Afghanistan's history, those not enrolled still greatly outnumber the girls in school. Less than a third of school age girls attend school, versus

more than 70 percent of school age boys. Not surprisingly, female literacy in Afghanistan is among the lowest in the world, and has been for several generations. According to UNESCO, female literacy was only 5 percent in 1980, 11 percent in 1990 and is roughly 20 percent today.⁸ (Many experts think female literacy, if defined beyond writing and recognizing one's name, is in fact much lower than 20 percent). Given that most literate women live in urban areas, the female literacy rate in rural areas is considerably lower. Thousands of villages have no literate women at all.

Gender disparities in enrollment in rural areas are still striking. Although almost as many school-aged girls as boys are now enrolled in school within the cities of Herat, Mazar and Kabul, in rural Zabul province the net enrollment ratio for girls is only 1 percent versus 55 percent for boys.⁹ In many conservative villages, parents will still not allow their daughters to leave the home for any reason. Even if parents are not against education for girls, with limited resources

girls must have a separate facility, or be able to use the existing school at different times than the boys. Girls over the age of 12 generally must also have female teachers, even though there is a dire shortage of qualified women, especially in rural areas.

Some regions are taking an innovative approach to solving these problems. In Jaghori province, Hazara girls (Hazara, who are mostly Shia, constitute roughly 20 percent of the population), are even attending literacy classes in their local mosque, at the behest of the mullahs, since no other facility exists for such purposes. Many Afghans recognize female education as a path out of their crushing poverty. Hazara communities for example, are actively promoting the empowerment of women - partly as a means of gaining a political and economic edge over other ethnic groups in Afghanistan.¹¹

Yet, many religious conservatives and local warlords remain opposed to female education. Resurgent fundamentalism has resulted in more than 30 girls' schools being burned down in the past two years. Such attacks have been

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they continue to favor boys' education over girls' education.¹⁰ Lack of facilities (parents are reluctant to let their girls walk long distances to school) and lack of security in some areas also constrain girls' access to education.

Broadly, certain conditions must be met for communities to be willing to send their girls to school. Co-education, for example, is generally unacceptable, so

accompanied by the anonymous distribution of pamphlets warning parents not to send their girls to school. While the government has tried to increase protection for girls' schools, Human Rights Watch has documented that in some instances, government officials have abetted these attacks.¹² Local officials have been known to threaten female teachers if they are seen without a burqa

or in the company of a man. In one well-known case, the head of the Education Department in Jalalabad refused to let a female administrator attend a meeting with men. Minister of Education Qanooni, a notorious warlord, is also known to have highly conservative views on female education.

The donor community has made the improvement of education, and in particular girls' education, a priority, but funding commitments remain woefully insufficient. Total USAID funding for all educational initiatives over the next two years amounts to only \$100 million. With much of that funding devoted to school construction (which must be handicap accessible and earthquake proof), the budget for teacher training, critical to the sustainability of new schools, is grossly inadequate. Moreover, donors have not begun to fully address the harsh reality of rural Afghanistan where girls in thousands of villages have no access to education. Alternative education strategies—innovative, low cost solutions that do not require formal schools—provide the only way to reach the millions of girls in these remote locations over the next 5-10 years. If the international community is serious about promoting female empowerment in Afghanistan, far more resources must be devoted to girls' education to begin to close the tremendous gender gap that exists.

Securing Legal Rights for Women. Afghanistan's new constitution, adopted in January 2004, is not a perfect document, but it undeniably strengthens women's rights. The constitution explicitly provides for equality between men and women under the law, an improvement over the draft version that had circulated prior to the CLJ.

Women across the political spectrum had lobbied hard for this provision in the run-up to and during the CLJ.

Activists recognize that the fight to secure legal rights for women in practice has only just begun. It will largely be determined by what influence fundamentalists continue to exert in Afghanistan's evolving power structure, and how much control the more progressive and modernizing central government will wield over the more conservative provinces. President Karzai, a religious moderate, has come out firmly in support of women's rights, and has urged religious leaders to speak out in support of women too: "Women are being given away during disputes, in return for blood money, ransomed for personal disagreements. Women and young girls are being forced to marry. There can't be any worse oppression than this. It is in direct contravention of Islam, our religion. We are hoping that our country's ulema (religious scholars) through their teaching in mosques, will tell people that this is unjust, is oppression and is against Islam."¹³ But many regional warlords, some holding posts in Karzai's central government too, are against women's rights and have impressive track records of oppression to prove it.¹⁴

A key battleground will be the emerging judiciary, where there is certainly reason for concern. The Chief Justice of Afghanistan, Fazel Hadi Shinwari, is a conservative Islamic cleric under the wing of the powerful warlord Abdul Rabb al-Rasul Sayyaf, a well-known Islamic fundamentalist (with close ties to Saudi Arabia). Sayyaf's troops have broken up music and dancing at wedding parties, and roughed up women for not wearing the burqa. Under Shinwari, many Afghan judges have minimal education and/or have only

been educated in Islamic law. Moreover, the constitution left vague the role of Islamic law in the new legal system. Conservative forces will inevitably attempt to impose their strict interpretations of Islam through the malleable courts.

An opening salvo in the culture wars that are certain to erupt, with women on the frontlines, came only three weeks after the Constitutional Loya Jirga ended. Supreme Court officials sent a letter to the Karzai government, in response to public television airing broadcasts of women singing traditional Afghan songs, saying that women singing "contradicts Islamic law, the constitution...and the tradition of Afghans." Most religious conservatives in Afghanistan profess their support for women's rights, as long as those rights are not in conflict with their views of Islam. Whose version of Islam is used to establish legal precedence will clearly be critical.

Lifting Women's Political Voice.

The constitution also established a political quota for women to ensure their representation in the National Assembly. During the CLJ, it looked as if women were going to get a quota of only one seat per province, but they united to demand more and eventually ended up with a quota of 2 seats per province (approximately 25 percent of the lower house of parliament). Activists in Afghanistan understand that this is a starting point for women, the beginning of a long, uphill struggle for political representation. "No one is going to give us our rights," said one of the female CLJ representatives I met with. "We still have to earn them."¹⁵

Achieving a substantive level of political participation for women will take time. While Afghanistan has had female

representatives from urban areas for decades, in rural areas the notion of women as part of the political process has never been an accepted idea. A long effort to create legal and political awareness among women must ensue, but lack of literacy will again be an obstacle. Radio is now being used (there are two radio stations devoted to women's issues) to disseminate information about the constitution and the electoral process. Still, most women (and men) in rural areas know little about the constitution or the upcoming elections.

The ambitious effort underway to register people to vote for the national elections (scheduled to be held in September 2004), reveals the challenge of drawing women into the public sphere. In some areas (particularly the more conservative Pashtun communities), village leaders are on record saying that women will not be allowed to participate. Initially, low levels of female registration (women comprised only 15 percent of the total in the first few months) caused concern among officials, who then stepped up efforts to register more women. (In the spring, female registration was running close to 30 percent of the total.)

Not all areas have been reluctant to register women to vote. In the more liberal Hazara communities, local leaders have vowed to "register more women than men."¹⁶ Not only are they supportive of a political role for women, but they intend to have a high voter turnout—among both men and women—to compensate for the Hazara's minority status. In this sense, tribal rivalries could work to women's advantage over the longer term, especially if conservative Pashtuns realize they are diminishing their political power by marginalizing women.

Another positive trend for women is

the important role they are beginning to play in an emerging grassroots movement. Over the past decade, villages—assisted by the UN Habitat program and often led by women—have begun organizing around community projects. Article 140 of the new constitution formalizes this process by specifying the right for communities to elect a local council—for the first time in Afghanistan's history. Villages have traditionally been ruled by elders, but now a new class of leaders is emerging, elected by the community, and early indications are that women are playing an important role in this development.

The process has been jump-started by the National Solidarity Program (NSP), an internationally-funded effort to organize community elections. In the first 352 villages which held NSP-supported elections (across 5 provinces), 76 percent of eligible women voted compared with 69 percent of eligible men. These voters

resented in the program, with 3 districts within each province and 72 villages per district targeted in 2004. Donors, including USAID, have committed \$170 million through the Ministry of Rehabilitation and Rural Development for community block grants, which vary between \$5,000 and \$60,000 depending on the size of the community. The village must submit a proposal and use the funds within one year. Elected leaders are getting training in financial accounting, management and conflict resolution. The goal of the NSP is to stimulate community mobilization and local ownership of development. It should also create a mechanism to deliver services such as literacy and health.¹⁸

If women continue to participate in this emerging grassroots democracy as they have done in the early stages, this will indeed be a revolutionary development. The advances that women have made over the past 100 years in Afghanistan have

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elected 2289 women and 3755 men to their local councils. The profile of those elected is typically under 35, more literate, but generally poorer than average in the community. This is a profound change for Afghanistan, where age and wealth have been the defining factors for village leadership for centuries.¹⁷

The NSP intends to roll out its community mobilization program to 4500 villages by the end of 2004 and all 20,000 rural communities by the end of 2008. Already, all 32 provinces are rep-

been almost wholly confined to urban areas, touching only a very small portion of the population. If women at the local level can begin to play a significant role in public life and resource allocation, that represents long and lasting change, and forms the basis for important economic development.

Conclusion. Despite the legal and political gains that women have achieved on paper, there is no doubt that most women in Afghanistan still live highly

constrained lives, with limited access to education and the public sphere. Reports of depression among women, resulting in horrific self-immolations and other suicide attempts, are widespread. Child marriage is common, and girls have little say in who they marry. School enrollment among women and girls is still so low that it will be, at best, a generation or more before literacy levels begin to close with those of men. Lack of security remains a significant concern. The interplay between strict Islamic interpretations of women's role in society and their constitutional legal rights will be of

utmost importance.

Creating a modern, trained judiciary to uphold the rights granted to women by the constitution, securing political representation for women at the national and local levels, and achieving substantive gains in education for women are the cornerstones of an action plan to begin to empower women in Afghanistan. The international community must provide strong, consistent support for this agenda, and pressure when necessary, to ensure that women continue to make progress. Afghanistan's economic and political future depends on it.

NOTES

1 Interview with Afghan women leaders, Kabul, Afghanistan, February 2004.

2 Louis Dupree, *Afghanistan* (Princeton: Princeton University Press, 1973); Leon Poullada, *Reform and Rebellion in Afghanistan 1919–1929: King Amanullah's Failure to Modernize a Tribal Society* (Ithaca: Cornell University Press, 1973).

3 Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge: Cambridge University Press, 1990): 93–97. Roy argues that there was little opposition to the idea that women should attend school (except among hard-core traditionalists) but fierce opposition to the notion of co-education. Afghan society was divided on the issue of dowry (fathers of brides were against abolishing it, unmarried men were supportive), but reacted uniformly negatively to the ideological and brutal way in which these reforms, and others, were implemented.

4 Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge: Cambridge University Press, 1990).

5 UNICEF, *State of the World's Children 2004*, 75. Approximately 30 percent of school-aged boys were enrolled in school in pre-Taliban times.

6 Transitional Islamic State of Afghanistan (TISA), *Securing Afghanistan's Future: Technical Annex on Education, January 2004*, 5.

7 Interview, USAID official, Kabul, Afghanistan, February 2004.

8 *Literacy Estimates and Projections*, 1998 ed. (Division of Statistics, UNESCO, 1998).

9 TISA, *Securing Afghanistan's Future: Technical Annex on Education*, table 2. In fact, in Herat, a slightly higher percentage of girls (88 percent) are enrolled in school

than boys (84 percent).

10 Interviews with numerous Afghan NGO leaders, February 2004. Some NGOs have attempted paying families to send their older girls to school for literacy classes, but such programs are financially unsustainable.

11 I spent two days in Jaghori in February, 2004, visiting several mosque-based schools and girls' literacy programs, and meeting with community leaders and local officials. This visit was facilitated by Future Generations, the NGO assisting with the area's mosque-based literacy programs and community mobilization.

12 Human Rights Watch, *"Killing You Is a Very Easy Thing For Us": Human Rights Abuses in Southeast Afghanistan* (July 2003).

13 President Hamid Karzai, speech on International Women's Day, 9 March 2004, quoted in "Afghan Women Win New Rights, But Remain Oppressed," *Bahrain Tribune* (9 March 2004).

14 Human Rights Watch, 2003.

15 Interview with representative to CLJ, Kabul, February 2004.

16 Meeting with community leaders in Jaghori Province, February 27th, 2004. The young local governor of Jaghori told me that he would strongly endorse a female candidate for president if she was Hazara.

17 Interview, senior USAID official, Kabul, February, 2004.

18 Interview, senior USAID official, Kabul, February, 2004.