**Abstract**

*“If a woman is free, she’s doing something wrong”* (Al Jazeera English, 2015)*.* A report by Global Rights estimates that around 90% of women in Afghanistan experience physical and/or sexual violence at some point in time during life (Al Jazeera, 2015). This has lead many in the global community to acknowledge that Afghanistan is one of the most dangerous places to be born a woman. This violence is habitual and women are repeatedly the victims. For some, they seek refugee in women’s shelters contemplating their next steps, while others have to deal with these volatile situations on their own. Oftentimes, many women turn to suicide as a way to escape from their pain and suffering. Female suicide is an enormous issue throughout the country, with estimates that Afghanistan is one of the few places where female suicide rates far outweigh males’.

There are a number of human rights issues impactingAfghani women – all of which flow from the lack of protection of women’s rights. One, domestic physical and sexual abuse (Al Jazeera English, 2015; Al Jazeera, 2015), usually caused by the husband, his family, and/or the woman’s own family. Two, the practice of forced marriages for girls and women (often by their own families). Three, the general restriction of women’s rights by the government of Afghanistan. Nazir Ahmad Hanafi, a Member of Parliament (MP), is fighting back against laws protecting women from violence. Hanafi believes in fighting against domestic violence laws meant to protect women because he believes that they can be misused. For example, he believes that with these laws in place, women can falsely claim rape or abuse with their husbands subsequently punished, which Hanafi believes is unjust (Al Jazeera English, 2015).

**Context and Evidence**

With a two-thousand-year long history of fighting for independence from those such as Alexander the Great to the British, Afghanistan has always been dominated and influenced by outside forces (Yassari & Saboory, 2019). It was not until August 1919 that Afghanistan gained independence from Great Britain and later introduced the Family Code law (banning child marriages) in 1921 (Women War & Peace II, 2011). Afghanistan instituted its first formally written constitution in 1923 which included basic freedoms (e.g., freedom from torture and the right to an education) never before seen by the Afghan people (Yassari & Saboory, 2019). Even though various changes for women were publicly introduced, it was not until 1959 that things started changing in favor of women – no state-enforced veiling (1959), women allowed to participate in politics (1964), and when the People’s Democratic Party of Afghanistan took over, they separated religion and government, banned burquas, and raised the minimum marriage age (1978). These laws protecting women’s rights started to change once the Soviet Union withdrew from Afghanistan (1988), civil war between tribes and the mujahedeen (guerilla fighters) broke out, and the Taliban (an extremist militia) took over, establishing Sharia Law as the rule of law (1996) (Women War & Peace II, 2011; Feminist Majority Foundation, 2014). Under the Taliban’s leadership, women had no human rights - women had to fully veil themselves with a burqua, were not allowed outside without male relatives, were not allowed to work, or even wear white socks (Women War & Peace II, 2011; WAPHA, 2019; and Feminist Majority Foundation, 2014). Those who were caught not abiding by the rules were often stoned, beat, hung, and/or killed (Feminist Majority Foundation, 2014). After the Taliban lost power (2001) and American and British forces invaded (2001), the U.S. used the national plight of empowering Afghan women and children to execute “aggressive foreign policy to ensure its own [American] national security” (Farrell & McDermott, 2005). Now, legal pluralism (a combination of Islamic law, local customary law, and state legislation) makes up the law-abiding system in Afghanistan. Today, the main issue Afghanistan faces is that they lack one legal system that can properly enforce laws effectively (Yassari & Saboory, 2019).

**Efforts to Date**

There have been several efforts to help resolve human rights abuses towards women. First, as highlighted by Al Jazeera English (2015), women’s shelters are trying to protect women who have run away from their families. However, due to outside pressures such as lack of shelters (there are only 14 in all of Afghanistan) and the fact that many powerful people (i.e., MPs) want these shelters disbanded, few women are protected. Second, since its 1977 creation, the Revolutionary Association of the Women of Afghanistan (RAWA), an organization fighting for women’s human rights has established schools, hospitals, and training programs for women (About RAWA, 1997-2019). Additional efforts include the Feminist Majority Foundation which successfully led campaigns to prevent gender apartheid in Afghanistan and started an Afghan Women’s Scholarship program which has sent 29 women to universities in the U.S (Feminist Majority Foundation, 2014) and ratification of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). Even though Afghanistan signed the CEDAW treaty requiring equality for women, the government has not upheld its rules by introducing such acts as the Shia Personal Status Law (Barr, 2013).

**Theoretical Foundations**

Likely because of the “War on Terrorism”, the global community has focused on the clear violations of Afghani women’s rights. First, there are around 13 articles (Articles 1-5, 7, 10, 12, 16, 18-20, and 26) of the UN *Universal Declaration of Human Rights* which are not being met – freedoms of thought (Article 18), opinion and expression (Article 19), and no inhuman treatment (Article 5). For example, violations of Article 26 (right to education) were prevalent during the Taliban’s rule when women were not allowed to go to school; if they were caught, they could be stoned or beaten (Feminist Majority Foundation, 2014). On the other hand, violations of Article 4 (no slavery or servitude) demonstrated that some women were held against their will; were married off by their parents (child marriage), were treated as property, and if they ran away, their ‘master’/husband could beat or kill them (United Nations, 2015). Second, Article 34 of the UN *Convention on the Rights of the Child* protects children from all forms of sexual abuse and this could be applied to child marriage for girls (United Nations Human Rights Office of The High Commission, 1989). While child marriage is illegal in Afghanistan, it is still common with the minimum age for marriage being around 15/16 (UNFPA Afghanistan, 2019). Combine this with the 2009 *Shia Family Law* which allows husbands to engage in sexual relations with his wife regardless of whether she objects (Women War & Peace II, 2011). Third, the UN *Declaration on the Elimination of Violence against Women* defines violence against women as including physical, sexual, and/or psychological harm (Article 1), while Article 2 highlights typical types of violence women may face (e.g., rape, dowry violence, beatings, and sexual harassment) (United Nations, 1993). As noted earlier, these various types of abuse of women are prevalent among Afghani women.

**Recommendations**

While change might not happen immediately, members of the international community have proposed various recommendations to help Afghani women’s rights. Al Jazeera English (2015) recommended that in order for the society to be violence-free, the mentality for violence needs to change. One way for this to happen is by looking at the “the fragile peace balance in the country” (Yassari & Saboory, 2019). Once Afghanistan has a more stable society, maybe then women can stop living in fear and start living their lives.

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