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WOMEN'S RIGHTS VIOLATIONS IN AFGHANISTAN

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In the 60's and 70's feminists started arguing about "the personal is political"; where the violence against women have to be taken seriously in a legal form (Moghadam and Bagheritari, 2005). These actions made to the United Nations started to consider how women are as a basic issue to be treated (United Nations Department of Public Information, 2007).

The International Human Rights bodies have been promoting the concept of human rights in the past years; however the topic of the violation of women's rights is left behind most of the time (Butegwa, 1994). Therefore, in Vienna was stated the challenge of exposing the type of violence that women are experiencing in the violation of their rights (Bunch et al. 2001). It is stated in the International Bill of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights that human rights are fundamental for everyone without making a distinction of any kind even in the issue of gender (United Nations Department of Public Information, 2007), but these were not given the attention they should have been. With all these movements was adopted the Convention on the Elimination of all forms of

Discrimination Against Women (CEDAW) in 1979 (Moghadam and Bagheritari, 2005). The convention declared that states should be condemned against all forms of discrimination against women no matter their custom, tradition and religion (United Nations, 2002; Bunch et al. 2001). However, these impositions have not been followed by all countries, like Afghanistan, which has signed the agreement with CEDAW but has not performed within the established parameters of it (Human rights watch, 2002). Afghan people are more disposed to follow the requirements of society that have been passed from generation to generation (Moghadam and Bagheritari, 2005).

Therefore after given information about the events of how people started to become concerned in the affair of women's rights this essay will be focusing on specific violations of women's rights in Afghanistan where cultural practices and customs that induce severe suffering and pain to their women and girls. These performances do not respect the integrity of female body and sexuality, dignity, identity, movement and free association and speech.

Forced marriage is a violation of women's rights because of the selection of partners and controlling of female sexuality (United Nations, 2002; Cambrensis, 2006; World Report, 2002). Forced marriage is conducted without both parties consent. For most part of the cases these marriage are celebrated in a very early age, even before attaining puberty (United Nations, 2002).

Women and girls suffer brutal treatment as part of their husband's beliefs of "widely duties". These duties embrace and obey all the husband's requirements such as having licit intercourse even against her will; consider in the International Human Rights Law as a rape (Human rights watch, 2002), but for Muslims countries it is just one more duty of being a wife. Therefore, authorities will not take criminal actions against them in these kinds of situations.

Another duty that women have to fulfil is not leaving home or doing something without her husband's consent (United Nations, 2002), if a wife does not realize these requirements, husbands are authorized by Muslim culture to beat or reprimand them for their disobedience (Tabet, 2005).

In Afghanistan between 60% and 80% of the married women do not agree with the arrangement, however, women are not allowed to refuse (Cambrensis, 2006). Forced marriages in Afghanistan involve girls below the age of 15 (57% of all marriage), and there have been cases of children as young as six years old (Cambrensis, 2006). This situation violates Afghanistan's constitution which states that the minimum age for marriage in girls is 16 years and boys 18 years of age (Cambrensis, 2006).

The attitudes taken by Afghanistan about girls and marriage at a very early age is caused by the conviction of guarantee the virginity. Also, the reproductive time is longer; therefore girls can have more children or specifically more sons (United Nations, 2002). In addition, the consequence of sexual intercourse and early pregnancy are devastating physically and psychologically for the girls. It is very common that women who give childbirth before the age of 18 are three times as likely to die in the moment of labour (United Nations, 2002). Afghanistan possesses the highest maternal mortality rate in Asia; some cases of treating young mothers at the age of 12 years have been found (Cambrensis, 2006).

Furthermore, in western societies these kinds of unions will be illegal and men who are immersing in these types of marriage are judged by the authorities and the society, considered as paedophiles. However, in Muslim countries there is absolutely no shame of being married with a child, because the Islam religion has shown that Mohammed was married with a nine year old girl when he was in his 50's (Cambrensis, 2006). And if that

was the situation with their prophet there will not be an act of shame following in his foot steps.

Teenage pregnancies are evident forms of violence against women, which interferes with the reproductive rights of women because they are not allowed to have control over their sexuality and reproductive lives. Moreover the lack of quality of health and the high rate of mortality are huge risks that women have to deal with at the moment of labour; contradicting what has been established in the convention of Human Rights (United Nations, 2002).

Forced marriage is been linked with "honour killings" which are murders that happen when women refuse to be part of an arranged married (Cambrensis, 2006), divorcing from an abusive husbands, even been raped, which brings shame to their family (United Nations, 2002).

Afghanistan has many circumstances about honour killings, which stay unpunished as a result of their beliefs that women deserve that punishment accordingly for their inappropriate behaviour and the shame that is carried with that. Because the Quran states that all wife(s) have to be obedient to their husband and not to bring shame into their families. Therefore, these types of crimes are considered a form of protection for the women's integrity rather than committing an illegal action.

The interior ministry of Afghanistan affirms that the country is trying to eradicate honour crimes by giving a prosecution to those who perform those acts. However, such murders have become part of many people's culture; therefore it will be hard to remove from Afghanistan (Cambrensis, 2006). Caused by the attitudes of Afghan people, a 15 years girl lives in a terror for her life, living secretly with her friends and hiding from her husband, because she escaped from him and now he wants to kill her as a result of her

actions. Her husband treated her like an animal, beating and torturing her daily. Her husband is an old man to whom she was engaged with when she was six months of age (Cambrensis, 2006).

How is possible that in the 21st century there are still these kind of brutalities after all the international conventions, statutes and organizations for women. Why have the government and laws permitted that human beings suffer just for putting first the people's honour before than the life of wife and daughters?

Honour Killings are the last step of the brutal treatment given to females who are looked as a piece of property that can be forced into submission rather than a human being with rights (United Nations, 2002).

Forced marriage and honour crimes are being used as a cruel form of control the female sexuality, her right to live and dignity. All these rights are taken from them just for the simple fact of being a female. These violations of human rights have to stop, and the unique forms to make that happen within states and non states comprehend that cultures are not first that persons (Unifem, 2007).

Another important issue to take in consideration in the violation of women's rights is the lack of expression of identity. This right is unavailable for Muslim women as a result of the strict dress codes.

Before the exposure of the situation of Afghan women to the world it is important to have a background about the dress code that is commanded by the Islam religion. These codes are based on the Quran (24:31) which states: "women should lower their gaze and protect their modesty; should not display beauty and ornaments except to their legal men" (Chowdhury, 2001). Moreover, the dress codes differ from the situation, if a woman goes out of the house wearing either burkhas, which covers the entire face and body

having a small screen in front of the eyes, (Chowdhury, 2001; Human rights watch, 2002) or Chadori, this cover the entire body and covers part of the head which is held under the chin leaving exposed the face (Human rights watch, 2002). The other situation is when women stay inside of the home with relatives, in this circumstance women just need to wear Hijab; a headscarf that cover the hair (Human rights watch, 2002).

Islamic dresses have a strict colour code and are enforced with children as young as 6 years of age. The implementation of these codes are supported by the Quran, which distinguishes that women are the sources of evil and tentation, therefore should cover their beauty (Chowdhury, 2001).

Now that the dress code in Muslim countries is understandable, the next part will be focusing on the problems carried out by the dress codes in Afghanistan.

Afghan women are only permitted to wear the Burkha or Chadori, they cannot wear Islamic clothes (Hijab and long sleeve clothing, that cover completely the body) (Human rights watch, 2002). The colours allowed to be shown are just black and white (Chowdhury, 2001).

The wearing of Burkha or Chadori are imposed by the authorities and relatives of the women who do not follow the dressing code have to confront harassment and violence (beatings) from part of the authorities and society and even can be prosecuted.(Human rights watch, 2002; United Nations, 2002). Afghan women are not comfortable wearing these types of clothes and prefer to wear just Islamic clothes. Nevertheless they are afraid to not wear Burkha or Chadori for the consequence that will be brought to them (Human rights watch, 2002). In June 2002 it was reported that two 10 year old girls were stuck in front of their classmates as a result of not wearing a headscarves (Human rights watch, 2002).

The dressing code is an eminent violation of 3 articles (3, 17 and 26) in the International Covenant on Civil and Political Rights (ICCPR), which Afghanistan takes part in. These articles speak about the rights of privacy and the individual identity, at the same time restricted the right of movement and expression (Human rights watch, 2002). These rights will be taken into consideration in the next section; showing the abusive actions taken from the part of the authorities and culture to the women and girls destroying all kind of access.

In Afghanistan women suffer several restrictions in the freedom of movement (Human rights watch, 2002). Women during the day can go out without being accompanied by a male relative, however, they are not allow to walk or ride in a car alone or with a man whom they are not related. A better explanation about this condition is if women are seen talking, walking or in cars with men that are not close relatives, they will arrested by the authorities. After that women will be taken to the hospital and be forced to perform a gynaecological test, a "Chastity examination", that will prove that she did not something wrong (Human rights watch, 2002). These examinations are cruel and denigrate treatments which violate the integrity of women's body (Human rights watch, 2002). These actions not only go against women's integrity, they go one step farther destroying all kind of women's rights because they are trying to keep women just at home without the contact of others for the fear of losing the virginity. How is it possible that the honour of the girl (virginity) has more importance than the satisfaction of freedom, which is taken from her all just for protecting a part of her. If they really want to keep their virginity, are it is the woman's decisions not the decision of the whole community, breaking the right of female sexuality.

Moreover, women are not allowed to drive cars even if they want to. And the public transportation is very bad; they can not use taxi because these are driven by men (Human

rights watch, 2002). Additionally, there exists a restriction about the timing of going out; women can not be seen after 4 or 5 o' clock in the evening (Human rights watch, 2002), therefore, movement restrictions interfere with the ability to go to the school, market, work and other activities. The restriction of movement is an infringement of the 12 article in the ICCPR, where guarantees the freedom of movements, at the same time contradict the own Afghanistan's 1964 constitution that states: "Every afghan is entitled to travel within the territory" (Human rights watch, 2002).

The next point to take is the sever restrictions that afghan women suffer in the participation in associations. Women are just allowed to participate in one activity which is the Women's Shura, however the meetings and the speech are controlled by the government where the authorities decide which topic can be discussed and which form can be exposed, avoiding the subject of women's rights even with the disagreement of the women's beliefs (Human rights watch, 2002). An example of this situation was presented while the Shura was taking place. The women wanted to discuss the issue of women in forced marriages, the abusive treatments that women receive from their husband and the suicide are immerse as a consequence of this two problems, however, the government denies the two issues and just permitted the suicide issue but with the condition of labelling the women who committed suicide as people with lack of capacity that cannot confront family struggles (Human rights watch, 2002). These are not just family struggles, they are abusive treatments that the husband administers to their wife and women have the right to know what is going on in their countries that are not the unique who suffer that kind of problems and there are people outside who can offer help. These actions clearly go against the freedom of speech and controlling all the possible problems that could be brought if women try to change the situation in Afghanistan. Nevertheless, existed women in this association who put in risk their

freedom and life for have been working on the issues of violation of women's rights. That is the case of Nilofar Sayar who is a member of global Rights' Human Rights Defenders Network in Afghanistan (Global Rights, 2005).

The actions taken by the government contradict Afghanistan's 1964 constitution available in articles 31 and 32 of protection of the right to expression and association for every Afghan (Human rights watch, 2002). Moreover, they contradict the statement in article 19 of the ICCPR of freedom of expression, which includes the freedom to obtain, search and communicate all kind of information and ideas, violating too the right to freedom of association established in the 22 article of the ICCPR (United Nations, 2002).

In conclusion, People believe that the most important thing to protect is the integrity of the family and society rather than the human being (women). These attitudes are the key to making women dependent of men and trying to show the men's superiority. Even though people commit crimes against women, many countries believe that all these are justified because it is part of their religion and culture.

In these types of cultures women are considered as commodities not as human beings, therefore the CEDAW is trying to take action in this place as a result of the treatment that women and girls are receiving all over the world. However without the help of the government there are not many things that can be done, because this institution can not go above the government. Moreover culture and religion can not be taken as an excuse for the committing of these brutal acts.

There still exists many things to be done, but with the help of the institution which provided help to victims and trying to make some changes like the UN, CEDAW and others institutions. Their work is not finished and it is just the beginning of a big change for the humanity.

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