



Gender Advocacy in Afghanistan

Upcoming Gender Events:

March 29:

- Gender, Research, and Statistics Conference in UNDP Conference Room from 9:30am—12:30pm.
- Women's Political Participation Committee Meeting, NDI, 9-11:30am.

April 2:

- Workshop on Legal Counseling in Afghanistan, Afghan Women's Lawyers Council (AWLC)

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Trafficking in Persons in Afghanistan

- According to the US Department of State **Trafficking in Persons Report 2003**, between 800,000 to 900,000 persons are estimated to be trafficked across international borders each year. This figure does not include trafficking within countries.
- Trafficking in Afghanistan takes many forms, including forced marriages through abduction and for debt release; early marriages; the exchange of women for dispute settlement; abductions of women and children, including boys, for sexual and domestic servitude; situations of forced labour; forced prostitution and sexual exploitation of children. It occurs to Afghans within and from Afghanistan, to Afghans in neighbouring countries, and to some extent, to foreign nationals being trafficked to and through Afghanistan.
- There are no definite statistics on trafficking in Afghanistan as victims of such crimes are often fearful or ashamed of reporting such crimes. There is however awareness that it is a growing problem.
- Human trafficking in Afghanistan can be attributed to many factors, including decades of conflict, lack of internal security, poverty and poor socio-economic prospects. Some traditions also contribute to specific forms of trafficking, such as the exchange of women to end blood feuds.
- The United Nations **Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000)** defines trafficking as follows:
The "...recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or



Photo: Xavier Laburu

Woman and children for sale?

of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." Afghanistan has not yet signed this UN protocol.

—From *Trafficking in Persons: An Analysis of Afghanistan*, IOM

Resources and References

- "Trafficking in Persons: An Analysis of Afghanistan, 2004" Available from IOM, House 1093, Ansari Square, Behind UNICA, Shahr-e-Naw, Kabul or <http://www.iom.int/>
- The Afghan Ministry of Interior has a Law Enforcement Commission against Trafficking and Smuggling in People, chaired by the Director of Criminal Investigation.
- The IOM provides direct assistance to people who have been victims of trafficking. Their hotline numbers are 079 480 472 and 070 177 095.



The Beijing + 10 Conference reviewed the world's progress in eradicating gender inequality

First Afghan Delegation to Global Women's Conference

- In 1995, 189 countries met in Beijing, China, at a UN-organized conference to talk about women's rights. The Beijing conference resulted in a document called the Beijing Platform for Action which aims to remove barriers to women's participation in society and ensure women's access to their human rights.
- This year, the Beijing Plus Ten Conference was held from 28th February to 11th March in New York, USA, to review the progress in the world on the goals set out in Beijing in 1995.
- Afghanistan's delegation made history as the first Afghan delegation to a global women's conference. It joined over 1800 government delegates from 165 countries, and more than 2600 non-governmental participants working to make the governments policy makers, donor and UN accountable to improve the status of women around the globe.
- Afghanistan's delegation was headed by the Minister of Women's Affairs and included the Deputy Minister of Higher Education, Deputy Minister of Public Health, General Director of the Ministry of Education, one media representative from Radio Azadi, as well as NGO workers.
- Afghanistan, post-Tsunami Indonesia, and Iraq were the focus of particular attention at the Beijing Plus Ten conference.

Afghanistan, post-Tsunami Indonesia, and Iraq were the focus of particular attention at the conference

Activities at the Conference

- Afghanistan's Minister of Women's Affairs presented a statement on the status of women since the establishment of peace in 2001 as part of a high-level plenary session organized by the UN Commission on the Status of Women on the status of women in 24 countries.
- More generally, the Afghan delegates discussed best practices and shared experiences and ways of promoting gender equality with delegates from other countries.
- They also talked about the implementation of international treaties like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as upgrading data collection and analysis and recognizing the impact of economic policies on women.
- The major women's issues identified at the meeting were trafficking, women in war and post conflict, women's human rights, and HIV/AIDS.
- Participants also celebrated the 30th anniversary of the first world conference on women held in Mexico.



Photo: UNIFEM

Delegates from around the world met to discuss the status of women in their countries.

After the Conference

- Upon return, the Afghan delegation shared their experiences at a Report Back Conference on March 23rd, 2005.
- The Report Back Conference launched a three-month process to draft a National Action Plan for the Women of Afghanistan that will provide a national framework for addressing women's rights.
- In particular, Afghanistan has committed to addressing 12 areas in its National Action Plan: Women and Poverty, Education and Training of Women, Women and Health, Violence against Women, Women and Armed Conflict, Women and the Economy, Women in Power and Decision-making, Institutional Mechanism for the Advancement of Women, Human Rights of Women, Women and the Media, Women and the Environment, the GirlChild.
- These 12 areas are part of the Beijing Platform for Action (BPFA) which was unanimously reaffirmed at Beijing Plus Ten, making effective action on women's equality an international obligation for governments across the globe.

What is the Beijing Platform for Action?

- The UN Fourth World Conference of Women was held in Beijing in 1995, the largest conference in the history of the UN.
- The Conference's outcome saw 189 nations commit to advancing women's empowerment through the Beijing Platform for Action (BPFA).
- The BPFA is an action agenda to accelerate 'removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making'.
- Governments were encouraged to come up with National Action Plans to aid implementation.
- As of March 8, 2005, approximately 60% of governments around the world have produced National Action Plans.
- Afghanistan has not yet produced a National Action Plan required by the BPFA.
- The Afghanistan Ministry of Women's Affairs will be leading a three month process to draft a National Action Plan this year.
- For more information on the Beijing Platform for Action, please visit the following address: <http://www.un.org/womenwatch/daw/beijing/platform/index.html>



Photo: UNIFEM

Women holding the UNIFEM Peacetorch in Beijing

What is the Commission on the Status of Women?

- The Commission on the Status of Women (CSW) is an annual forum for UN Member States and civil society representatives to address issues affecting women and girls.
- It conducts a regular review of the 12 areas of concern identified in the Beijing Platform for Action (see above).
- It is organized by the UN Division for the Advancement of Women (DAW) at UN headquarters in New York each year for about 2 weeks, starting at the end of February.
- In addition to the CSW's high-level official proceedings, hundreds of side events are also organized around annually-declared themes like 2004's the 'role of men and boys in achieving gender equality', and 'women's equal participation in conflict prevention, resolution and peacebuilding'.
- International Women's Day, which falls on March 8th, is typically celebrated during the CSW.
- For more information, visit <http://www.un.org/womenwatch/daw/Review/english/faq.htm>

References and Resources

- Beijing Plus Ten Conference website is at <http://www.un.org/womenwatch/daw/Review/>
- A 2005 review of the compliance of governments with the Beijing Platform for Action is available at <http://www.un.org/womenwatch/daw/country/compliance-table-3.2005.pdf>
- The UN maintains a website on the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) at <http://www.un.org/womenwatch/daw/cedaw/>
- The text of CEDAW is available in Dari and English from UNIFEM Afghanistan, UNDP Compound, Opposite the Turkish Embassy, Shahr-e-Naw, Kabul or from <http://Afghanistan.unifem.org/publication.htm>
- The Afghanistan delegates to the Beijing Plus Ten Conference reported on their experiences and follow-up activities at a Report Back Conference on March 23rd, 2005, at the Ministry of Women's Affairs. There they began work on developing a National Action Plan for Women in Afghanistan. UNIFEM is facilitating this planning process.

**The
Afghanistan
Ministry of
Women's
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leading a three
month process
to draft a
National Action
Plan for
Women**



Photo: UNIFEM

Areas of concern in Afghanistan's upcoming National Action Plan will include access to education and girl's rights.

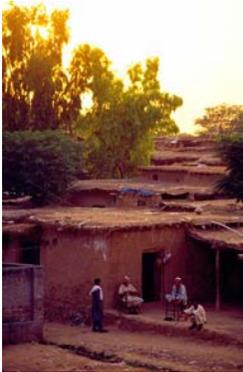


Photo: Xavier Laburu

All of Afghan society is affected by forced marriage.

Forced Marriage and Afghan Society

- Up to 80% of marriages in Afghanistan occur without the consent of the people involved, according to the Afghan Independent Human Rights Commission.
- Forced marriage is a social problem for men, women, and children, who can suffer due to bad relations or violence between their parents.
- Some initial research shows that parents who were forced to marry often force their children to marry despite their own negative experiences. This attitude could be linked to a general feeling of resignation or acceptance of forced marriage as a social norm in Afghanistan.
- Illiteracy, poverty, and incorrect interpretations of Islamic law are major factors contributing to forced marriage.
- Research has linked self-burning by women to forced marriage: please see the 2004 report by the Afghan Independent Human Rights Commission, Carteh 3, Poleh Sorkh, Street 3, Kabul, 020 250 0197, or the Gender and Law Working Group Herat Mission Report commissioned by presidential decree in 2004 <http://afghanistan.unifem.org/vaw> or 070 282 446.

Forced marriage is generally assumed to be a problem for women only

Forced Marriage and Men

- In general, when people talk about forced marriage in Afghanistan, it is assumed to be a problem for women only.
- Few researchers and human rights activists, either national or international, appear to study the forced marriage problem from a male perspective. Because of lack of research and social silence, there has been little attention to the burdens men face as a result of forced marriage.
- Most Afghans know that women all over Afghanistan suffer forced marriages that are a result of harmful traditions and out-dated social norms and values. Forced marriages are widely acknowledged as a social crime against women, and there have been efforts to promote laws that protect women from such practices.
- It is important for these efforts to also reflect male difficulties stemming from forced marriage.
- Men can suffer lifelong economic, psychological, domestic, and social problems, or even failed marriages after being forced to marry women who are not suited to them or their households.
- Men may also face barriers to talking about their problems because forced marriage is not yet acknowledged in Afghan society as a male problem.



Photo: Xavier Laburu

Forced marriage has economic, psychological, domestic, and social burdens for men

Ways in Which Men are Forced to Marry

- Men are forced to marry in many situations. We have listed a few below, but more research and study will be required before this list is complete:
 1. Traditionally, families force their boys to marry their cousins over other women.
 2. If a married man passes away (naturally or by any other cause), his brother is often forced to marry the widow, even if he already has a wife, is poor, or is very young.
 3. Arranged marriage is very common in rural areas and less educated families. Usually the boys know little about their future wives and have never seen them. Here it is normally mothers and other close female relatives – such as sisters, aunts, sisters-in-law, etc. – who are the main decision-makers instead of the male.
 4. Men often have to marry someone to whom they were promised at birth or as part of a bride-exchange agreement.
 5. Among some tribes it is common to give a girl for marriage to another tribe as compensation for a dispute. The family receiving the girl has to accept her, whether the male who must marry her agrees or not.

Case 1: Omid, Age 26, Aybak, Samangan Province

- Omid was in Pakistan, attending a school in a refugee camp, when his brother died.
- His brother left behind a young wife and two children.
- The family asked Omid to marry his brother's wife. At first he put up strong resistance as he himself had fallen in love with a young educated girl from his city who was a teacher.
- As the relationship between the two was strong and to some extent public, the girl asked Omid's family to let him marry her as they were in love.
- But after extensive discussions among the family and close relatives, they put two options before Omid:
 1. Either marry your brother's wife, or
 2. Go away and never come to the family and city again.
- Finally, because of financial problems and the threat of exclusion from his family and clan, Omid married his deceased brother's wife.
- Now he is a student of the engineering department at Balkh University. But he is in deep depression and has a psychological disorder.
- He cannot concentrate and always thinks about the girl he loved. He says he cannot forget her and his life with his brother's wife is not an ideal and easy one.

Afghan Laws on Age of Marriage

Article 70:

Marriage shall not be considered adequate until the male has completed the age of 18 and the female the age of 16.

Article 71:

1. Where the girl does not complete the age provided under Article 70 of this law, the marriage may be concluded only through her father or the competent Court.

2. The marriage of a minor girl whose age is less than 15 shall never be permissible.

—The Civil Law of the Republic of Afghanistan
Official English translation

Case 2: Ahmad, Age 21, Charbulak, Balkh Province

- Ahmad was in Pakistan when his family got him engaged with his cousin without his knowledge.
- It was an exchange-marriage, i.e. he and his sister were to marry a brother and sister of another family.
- When Ahmad heard of his engagement, he returned to his home province to talk with his father and mother.
- Ahmad wanted to marry a literate girl of his own choice who could understand him, but his parents feared that if Ahmad cancelled his engagement, his cousin's family would also nullify the engagement of their son to Ahmad's sister.
- In rural areas, girls whose engagements are broken face great difficulty in getting married, so the family put pressure on Ahmad to marry as soon as possible for his sister's sake.
- Ahmad threatened to commit suicide and swore to never have a relationship with his cousin, but his family still arranged his marriage party and forced him to attend it.
- Now both he and his new wife are deeply unhappy.

**Ahmad
threatened to
commit suicide
but his family
arranged his
marriage party
regardless**

Forced Marriages, Islam, and Afghan Law

- According to Islam, marriage contracts have to be consensual, otherwise the marriage can be nullified.
 - Forced marriage is *fassed* (ie viewed as between correctness and void in Islamic jurisprudence).
 - Anyone forcing a marriage is committing a crime that is as serious as soliciting adultery.
 - In other Islamic countries, Muslim men have been convicted for forcing their daughters into marriages which have been nullified and judged as illegal from the standpoint of Islam.
 - The Constitution of Afghanistan states that the legal age of marriage is 16 for girls and 18 for boys.
 - The Afghanistan Civil Code, passed into law in 1968, also discusses marriage age.
- The bars on the side of this page present civil laws relevant to forced marriage. Please note that Articles 69 and 80 were translated incorrectly into English. We have provided a correct translation.
- Forced marriages are often counter to Afghan law. According to the Ministry of Women's Affairs, 60 percent of Afghan girls marry before the age of 16.

Other Afghan Laws on Marriage

Article 69:

In exchange-marriages, a woman cannot be exchanged for another woman, and for each couple a similar *Mahr* (ie dowry) is required.

Article 80:

Anytime a wise girl of majority age marries without permission of her guardian, the marriage shall be binding.

—The Civil Law of the Republic of Afghanistan,
Unofficial English translation

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This newsletter also available at
[Http://Afghanistan.unifem.org/
publication.htm](http://Afghanistan.unifem.org/publication.htm)



ABOUT THIS NEWSLETTER:

The Gender Advocacy in Afghanistan newsletter is produced by UNIFEM Afghanistan and distributed to 800 journalists, media training centres, associations, institutions, as well as government, NGO, and UN agencies. The newsletter presents factual information, statistics, and references relevant to four different gender campaign issues in order to facilitate gender-based campaigns by Afghan journalists, government, and civil society organizations.

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Campaign for Afghan Women in the Government

- MOWA would like to encourage women to apply for government positions and take part in the reconstruction of Afghanistan.
- In the coming weeks, many government positions will be vacated as a result of the Priority Restructuring and Reform (PRR) Program of the Independent Administrative Reform and Civil Service Commission (IAR-CSC).
- The vacant posts in different government ministries will be announced on the posting boards of the Ministry.
- Women and men interested in applying for and fulfilling the requirements of these government positions



Photo: Anisud Sabri

Women should apply for government positions and take part in the reconstruction of Afghanistan

- can fill out a standard form.
- Neutral committees of 3-5 people will select a shortlist of candidates from the forms submitted.
- The shortlisted candidates will be asked for interviews.
- The committee will then

announce the chosen candidate for the position.

- The talents and abilities of all Afghans will be necessary for the progress and development of Afghanistan. The Minister of Women's Affairs strongly recommends that women with good skills apply for these government jobs.
- Please contact your closest Civil Service Commission or Department of Women's Affairs for more information.