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Making A Nation More Equal

By Noeleen Heyzer

Women in Afghanistan have only a short time to influence the new draft constitution to be considered by the Constitutional Loya Jirga scheduled for next week. Although the new draft upholds the principle of human rights, there is no explicit guarantee of women's equality. This is not a matter of semantics. Rather, it raises serious questions about the document's commitment to protect women's rights.

Despite visible advances in society, many Afghan women have seen little change over the past two years. Particularly outside of Kabul, women live under the tight restrictions of authoritarian and traditional practices, which keep women and girls at home and deny them access to education, job training and health care.

Violence against women continues. Child marriages and forced marriages remain common, fueled by impoverishment and instability. Young girls are "married" to bring money into households or to settle disputes, a practice that condemns young girls to sexual abuse and sustained poverty. Outside of Kabul, women's security is threatened by local warlords who abuse women with impunity.

The international community must rally behind the women seeking to enshrine their rights in the country's constitution. When every member of the Supreme Court, under the new constitution, must take an oath "to support judicial justice and righteousness in accord with the provisions of the sacred religion of Islam," there must be clear language securing women's equality as a requisite counterbalance against extreme interpretation of Islamic law.

The new constitution should state clearly that women have full and equal rights with men before the law. Although the constitution provides for

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Protect women's rights in the Afghan Constitution.

an Afghan society based on "social justice, protection of human dignity, protection of human rights, and realization of democracy," there is no explicit prohibition against discrimination based on gender. The constitution should also include clear language prohibiting any customs and traditional practices that discriminate against women. It should stipulate, for example, that marriage must take place freely and with the agreement of both parties.

The Afghan Constitution must also include a clear definition of the word "citizen." (It should also substitute the term "female-headed households" for "women without caretakers" throughout the text.) In the past, there have been questions about women's rights to full citizenship, as only men have been issued ID cards.

Although the constitution states that women are entitled to a specific number of seats in the National Assembly, it makes no provisions for

their representation at the local level, where resistance to women's participation is most formidable.

Women's right to work under fair and just conditions must also be stipulated in the constitution, along with prohibitions against forced labor. Women also deserve equal access to education and health care, and the constitution should ensure that school curriculums reflect the equality of men and women. Access to gender-specific health services should also be guaranteed.

All of these changes have been suggested by legal experts in Afghanistan and elsewhere. Earlier this year Afghanistan ratified an international treaty that provides the Constitutional Loya Jirga a framework for incorporating them into the new draft.

Two years ago, when Afghanistan was liberated from Taliban rule, the world realized that global security is inextricably linked to the protection and rights of women in society, and there was an international commitment to supporting Afghan women on the path to securing these rights. Today, we have a narrow window in which to make good on this commitment. The international community must direct its efforts to ensure that the constitution reflects the needs of the women we promised to help. □