

THE IMPACT OF CEDAW ON THE RIGHTS OF WOMEN IN AFGHANISTAN

Ozair Ahmad Omarzada¹

¹ Postgraduate Student, International Islamic University Malaysia (IIUM), P.O. Box 10, 50728 Kuala Lumpur, Malaysia.

Keywords:
Right of Women;
Afghanistan;
CEDAW.

ABSTRACT

This paper's objective is to consider that since Afghanistan's Ratification of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) women rights has been better protected and CEDAW has made a tangible Impact in Protection of Equal Rights and Elimination of Discrimination for Afghans women. In fact, the CEDAW has bolstered the courageous efforts of Afghan women to advocate for their own lives in a very concrete way. Before the ratification of CEDAW by Afghanistan Government women faced to several problems and they were not able to combat for their rights, it was CEDAW that encourage the Afghan's women to start combating for achieving their fundamental rights and also CEDAW play very important role by forcing Afghanistan Government to has more attention for Protection of Women Human Rights, because of CEDAW Ratification by Afghanistan government a lot of international Donors helped Afghanistan Government for Elimination of Discrimination against Women and Protection of Women Human Rights. Afghanistan was in a very poor women human rights situation and no one wants to talk and combat for protection of women human rights in Afghanistan but after ratification of CEDAW by Afghanistan Government this fact clearly proved that CEDAW

can rally makes difference in countries that have very poor human rights record. Research methodology will be qualitative methodology, consist of primary sources in the form of statutes, rules and regulations, secondary sources are obtained from text books, Journals and articles.

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INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life , including the right to vote and to stand for election, as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

CEDAW not only defines equality; it discusses a wide range of topics such as nationality, freedom of religion, movement, opinion, and association, sexual and reproductive rights, rights to education, healthcare and access to political and public rights.

The term “women” in CEDAW refers to all women of all ages including girl children, disabled women and older women.

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;

- To establish tribunals and other public institutions to ensure the effective protection of women against discrimination;
- To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

CEDAW is the only main and powerful Convention for Women that play very important role in protection of women rights and elimination of discrimination against women in all over the world and as of now CEDAW has 189 state parties for this reason CEDAW is a bill of rights for women and all states parties are responsible to implement the CEDAW provisions.

In this paper's my focus will be directly on rights of women in Afghanistan before CEDAW ratification by Afghanistan Government, rights of women in Afghanistan after CEDAW ratification by Afghanistan Government and Challenges to the CEDAW Implementation in Afghanistan.

THE RIGHTS OF WOMEN IN AFGHANISTAN BEFORE CEDAW RATIFICATION BY GOVERNMENT OF AFGHANISTAN

Afghanistan is a landlocked country, which has long been known as the heart of Asia. Afghanistan is bounded towards the North by three Central Asian countries, Turkmenistan, Uzbekistan and Tajikistan, towards East by China and part of Pakistan, towards South by Pakistan, and on the West by Iran.

In Afghanistan, the rights of women have been something debated since it was established as a nation. The formal religion of Afghanistan is Islam. Islam states in some of its earliest works, nearly fifteen hundred years ago that women are to be equal to men. Islam gives women rights, including rights to work, the ability to choose the man she will marry, among others. However, in Afghanistan, many times women have not been given these specific rights.

At different points throughout the 20th Century, Afghan women have been the subjects of both policies designed to curtail their rights and status, and policies designed to promote their rights and status. In both scenarios,

varying degrees of force have been employed to enforce these policies. In 1928, King Amanallah, abdicated his throne as a result of a tribal rebellion opposed to his reforms including those in the areas of schooling for girls, restriction on polygamy and prohibition of the bride-price. King Amanullah publicly campaigned against the veil, against polygamy, and encouraged education of girls not just in Kabul but also in the countryside. At a public function, king Amanullah said that Islam did not require women to cover their bodies or wear any special kind of veil. At the conclusion of the speech, Queen Soraya tore off her veil in public and the wives of other officials present at the meeting followed this example. Throughout her husband's reign, Queen Soraya, wore wide-brimmed hats with a diaphanous veil attached to them. On that time the people of Afghanistan argued that these reforms are un-Islamic for the reason the king Amanallah reforms prolong only for a few years and actually it was not successful in all, because in Some cases their reforms was against and Contrary with Islamic Law for Example: Restriction on Polygamy, Encouraging the women to remove the Hijab and etc.

Modern Afghanistan has been in turmoil since the late 1970s. The Soviet Union invaded (occupy) Afghanistan in 1979 and installed a Communist regime in the capital, Kabul and created many opportunities for women, including aggressive literacy programs. Under the Soviet Union's Communist regime from 1979 to 1992, Afghan women enjoyed equal rights and social, economic, and political freedom. In the 1980s, the Communists enforced equal rights for women and men in a civil-war-torn Afghanistan As a result, women held a greater number of business, law enforcement, and Parliament positions than they did prior to the civil war. Furthermore, education and employment became more socially acceptable for women. As a result, women assumed positions as lawyers, entertainers, and doctors. As part of this greater freedom, women saw more educational, employment, and professional opportunities. In 1979, female students even outnumbered male students at universities.

In 1992, the Communist regime fell and the Islamic State of Afghanistan assumed control. Eventually a civil war broke out, and during this time, gross violations of abuses occurred not only against women but the population in general. Subsequently, the 1977 constitution that guaranteed equal rights for women and men was thrown out. During these civil war rights of women removed systematically and the parties to civil war institutionalized various violation and discrimination against women. In addition, other more violent Human Rights abuses towards women occurred by parties that involved in the civil war such as: Torture, rape, Sexual abuse.

Noting the traditional notions of honor and shame surrounding women's modesty and purity in Afghan culture, Amnesty International in its 1999 report entitled "Women in Afghanistan: Pawns in Men's Power Struggles" describes how "women were treated as the spoils of war" by the Mujahidin:

Particularly between 1992 and 1995, armed guards have used these (cultural) norms as weapons of war, engaging in rape and sexual assault against women as an ultimate means of dishonoring entire communities and reducing people's capacity to resist military advances.

In 1994, the Taliban, members of a conservative Islamist movement originating in Pakistan began making significant military gains and ultimately obtained control of over two thirds of Afghanistan's territory. The word Talib, literally means "a student studying the Islam religion". The Taliban force follows a stricter version of Islam. The Taliban's particular social and cultural characteristics have been influenced by both tribalism and Islam. Many believe that the Taliban's interpretation of Islam is false. It is much more intolerant than Islam was intended to be. Therefore, when the Taliban took control Kabul the capital and the whole parts of the country except of some small cities that ruled by the Islamic Government of Afghanistan in 1996, the status of women declined rapidly until women were completely confined to home, or only allowed to leave home with a male escort while wearing a Burqa (veil). If a woman was seen outside without being covered from head to foot, even if only a little skin was exposed, she would be beaten. These rules complicated things completely for women who no longer have a living male relative, or women who are too poor to be able to purchase a burqa (veil).

Women during this time were denied health care, which included reproductive health care. These lead too many health problems for women since 30-40% of women's health care problems were reproductive health care problems. Literacy of women in Afghanistan was never high, but during Taliban rule, it was especially low. Women were not allowed to be educated or employed and many of them were forced into prostitution because they became impoverished, and the vast majority of girls did not receive an education, particularly those in urban areas and those over the age of eight. The UN estimated that only 3 percent of girls received some kind of primary education. Some girls' education continued in secret, in other areas local Taliban leaders turned a blind eye to girls' schools. Taliban leaders would sometimes attempt to justify restrictions on girls' education by saying that the ongoing civil war was an obstacle to their service provision, or that there were insufficient state resources to allow for girls' education. Particularly in the context of their grossly discriminatory treatment of women this justification seems flimsy, especially because as security came to areas like Kabul, their policies did not change. Many women went to mental hospitals to seek psychiatric help since became depressed. In Afghanistan under the Taliban, policies restricting women's rights were not the product of years of tradition or of social and economic deprivation. Instead, they were man-made policies as easily and swiftly revoked as they were instituted. Depression rates among women in Afghanistan, especially in Taliban-controlled areas, were extraordinarily high. Current efforts to rebuild Afghanistan must address these high rates of depression and other mental health problems to ensure women's full participation in development. Other rules confining women

during Taliban rule included: the need of window in homes to be painted to prevent others from viewing women from the outside, women must not laugh, talk loudly, or make any noise at all when in public.

Women have become second-class citizens with forgotten needs. Cleanliness and personal hygiene are qualities that are recognized ideals of the Islamic faith and culture. On that time The Taliban desperately want international recognition, including a seat at the United Nations. International censure has led the Taliban to change some of their policies towards women. For example, on September 6, 1997, the Taliban closed their hospitals to women and forced women to be seen at a clinic without running water. In November 1997, the Taliban recanted on this policy due to the international condemnation that resulted. A local international aid worker in Kabul attributed this to a recognition that the Taliban just went too far.

These restrictions were enforced by the Ministry for the Promotion of Virtue and the Prevention of Vice (al-Amr bi al Ma'ruf wa al-Nahi 'an al-Munkar), also known as the "religious police," which was modeled on a similar department in Saudi Arabia. Women accused of even minor infractions were sometimes subjected to public beatings, threats and imprisonment. The religious police not only beat women publicly for, among other things, wearing socks that were not opaque enough, showing their wrists, hands, or ankles, or not being accompanied by a close male relative, but also for educating girls in home-based schools, working, and begging. Beatings by the religious police were harsh, unpredictable and arbitrary, with no defense, and no appeal.

In conclusion, during the Taliban Government in Afghanistan rights of women always violated and women's were unable to achieve there fundamental rights because of insecurity, Culture and political ideas that implemented by Taliban, actually Taliban abused from Islamic teachings because they were not able to distinguish what is true and what is false only thing that they effort to keep and protect it, it was political power, Might was right on that time, that time was the time of Terror, inhuman treatment and Cruel treatment in all, women never treated as a human, no one want to talk about women rights because on that time they did not know what is women rights.

THE RIGHTS OF WOMEN IN AFGHANISTAN AFTER CEDAW RATIFICATION BY GOVERNMENT OF AFGHANISTAN

In the aftermath of the fall of the Taliban, efforts to ensure that woman's rights were firmly entrenched in the critical early stages of "nation-building" in Afghanistan, as international actors actively sought to advance two important international United Nations documents that ostensibly would protect and promote women's rights and participation in peace-building and reconstruction: the United Nations International Convention on the Elimination of All Forms of Discrimination Against

Women and the United Nations Security Council Resolution 1325 on Women.

The Government of Afghanistan signed the Convention on Elimination of all forms of Discrimination against Women (CEDAW) on 14 August 1980, however, the conflicts in the country did not allow for the ratification of the Convention until 2003. Having in mind the violations of rights of women during the years of war, The Government of Afghanistan ratified CEDAW on March 5, 2003 without any reservations.

Afghanistan's ratification of CEDAW was an important milestone for women's rights not only in Afghanistan, but across the Muslim world. Afghanistan made history by becoming the first Muslim state to ratify CEDAW without reservations. By ratifying the Convention, Afghanistan committed itself to fulfilling the objectives of the Convention by, for example, incorporating the principles of equality of men and women in their legal system, abolishing and replacing all discriminatory laws, establishing tribunals and other public institutions to protect women against discrimination, and eliminating all acts of discrimination against women by persons, organizations, and enterprises.

According to article 18 of CEDAW, the Government of Afghanistan must have submitted a compliance report on the constitutional, legal and administrative measures for implementation of the Convention to the CEDAW Committee a year after ratification. Unfortunately, due to lack of working capacity in the reporting entities of the government, budgetary problems and government's involvement in preparing reports to other treaty bodies, the initial report could not be prepared in 2004. In 2009, however, the Government decided to prepare the combined initial and second periodic report and submit it to CEDAW Committee. The Afghan Government was supported by UN Women in the process of drafting the report.

Since ratification of CEDAW in 2003, the Government of Afghanistan has obligated itself for implementation of it and has endeavored necessary measures in this regard. Establishing specific entities for improvement of women's rights, ratifying laws that directly affect women rights, ratification of work plans that consider different areas of Afghan women's lives and amendment of those laws that violate women's rights have been done as part of implementation of this Convention in recent years.

After consulting with different social groups particularly women, the Afghan Constitution was drafted, at which maximum efforts were exerted to explicitly crystallize women's rights. The Constitution was ratified after 20 days of discussions in early 2004.

The articles of the Afghanistan Constitution refer to human rights as the following:

- i. In the preface of the Constitution, compliance to the United Nations Charter and respect to the Universal Human Rights Declaration is approved and the ratification of the Constitution is deemed to create a civil society devoid of tyranny, autarchy, discrimination and violence where

lawfulness, social justice, human rights and dignity, and basic rights and freedoms of people are protected.

ii. Article 4 forbids deprivation of the Afghan citizen from the right of nationality.

iii. Article 6 obligates the government to establish a leisured and developed society on the basis of social justice, preservation of human dignity, support of human rights, realization of democracy, equality among all ethnic groups and tribes and balanced development in all areas of the country.

iv. According to article 7, the government has the obligation to comply with UN Charter, international treaties, conventions to which Afghanistan is a party and Universal Declaration of Human Rights.

v. Article 22 forbids all forms of discrimination and distinction among the citizens of Afghanistan. Likewise, all nationals of Afghanistan, both men and women are treated equally before the law and have equal rights and obligations.

For more protection of women rights, Afghanistan governments ratify and implement an especial Law by name of the law on the Prohibition of violation and discrimination against women.

The Impact of CEDAW on Protecting and improving Women Rights in Afghanistan as Follow:

Education

According to this first periodic report of Afghanistan government to CEDAW, the percentage of women in universities is increasing year-by-year reaching 20 per cent of the university population in 2006, and 24.8 percent by 2009. The report states that the last eight years have also seen a “tremendous increase in the overall number of educational institutions in the country and women have benefited substantially.” It specifically mentions English language courses, computer classes, and preparation classes for university entrance exams provided by private educational institutions.

The primary school in Afghanistan enrollment expanded nearly seven-fold, from 900,000 students in 2000 to 6.7 million in 2009. For girls, the improvement was even more dramatic: enrollment increased from an estimated 5,000 under Taliban rule to 2.4 million. Some 120,000 Afghan girls have now graduated from secondary school, and more than 15,000 are enrolled in universities.

Now women are able to achieve education in all part of Afghanistan except in some cases because of insecurity and culture, now women are lecturers in a lot of schools and universities and they are very successful than men, the government of Afghanistan build schools for women in all villages without any exception and girls are able to go to school without any problem, day by day Afghans culture are in change and now they prefer Islamic teaching that allowed women to have access to education, CEDAW and other international convention for protection of women than

culture and some other un-Islamic Values and Encourage their women to achieve Knowledge.

Government and politics

Any Afghan, whether man or women, who has completed the age of 18, has a voting card and is not prohibited from voting by law, can take part in elections and there is not any discrimination against women. The Election Law emphasizes on the equal rights of men and women to vote. Article 4 clarifies that all legible men and women have the right to vote. Article 5 stresses out on the free will of voters and prohibits any relationship orientated policy for voting. This article prohibits direct or indirect imposition of any kind of restrictions on voters based on their ethnicity, language, sex, status, employment, etc.

In seven elections of presidency, parliament, provincial councils, district councils, village councils, mayors, and municipality councils in Afghanistan, women can take part both as voters and candidates. Women have also the equal right to participate in referendums as men. Election Laws of Afghanistan impose no discrimination on women.

Two women are members of the leadership committee of the Independent Election Commission of Afghanistan. Besides, two out of nine secretaries of Independent Election Commission of Afghanistan are women. In total, 240 temporary and 15 permanent female Employees are working in this commission which makes 7% of all staff.

Karzai's first cabinet after being elected president of Afghanistan in 2004 contained three women ministers and he had a female vice president, until now 4 women are minister in new government of Afghanistan that elected on 2014, and also 1 member of the Supreme Court of Afghanistan is a woman, on 2001 Afghanistan Government establish a special ministry only for women and for protection of women rights by name of Ministry of Women affairs, since this ministry establish until now lead by a women.

The Afghan parliament uses a quota system to ensure that at least 25 percent of seats are given to women. This issue clearly indicates that Afghanistan government recognized positive discrimination for women, otherwise women are not able to achieve 25 percent seats of parliament.

However, the first female Governor and city mayor of Afghanistan was appointed to work in the province of Bamyan and Daikundi, very remote and impoverished central Afghan provinces.

Now there is no discrimination and Limitation against women in politics and Government System, women can be President, Minister, Member of Parliament, opposition leader of government and etc.

Women's rights activists in Afghanistan and their partners abroad responded by seeking to strengthen the women's movement in Afghanistan. They initiated awareness campaigns and sought to generate wide spread grassroots support for CEDAW and SCR 1325 in public and legal discourses. By becoming familiar with these international instruments, it was assumed that Afghan women's organizations would be able to contextualize their own struggles and activism from within these

political frames and diligently monitor Government accountability and compliance.

Family life

Now women in Afghanistan has full rights to choose their future family and enjoy from marriage right, it is not allowed for no one to enforce any women for marriage without consent of women, now married women can work and able to decide about their marital life without any pressure, women are able to achieve their inherent rights and Dowry according to Islamic Law, without any limitation by domestic law and culture.

Economic participation

Equality in the workplace helps lift people out of poverty and contributes to higher GDP levels, but around the world women continue to represent an untapped economic potential. Globally, the gender gap in the workplace is on the decline, with women-owned businesses an increasingly important driver of change in the private sector for broader economic development.

Now more than ever before, an unprecedented number of afghan women are participating in the formal private sector economy as entrepreneurs, business owners, and employees.

Women in Afghanistan, because of their remarkable strength, courage and vision, are a smart investment, The Afghan graduates of 10,000 Women are building businesses, creating jobs, becoming leaders in their community and giving hope to a nation.

Less than a decade after being banned from schools and offices by the Taliban government, Afghan women are helping to create a next generation of entrepreneurs determined to support their families and give a boost to their nation's economy. In a desperately poor country in which unemployment estimates top 40 percent, the jobs they create make a difference.

Women found out that when they do business, they have more money and they get more decision-making power in their family they are more independent. For instance, Malalai Jawad, an entrepreneur whose silk products generated \$8,400 in sales last year. Ms. Jawad is now helping her 19-year-old daughter, one of her six children, with her own business plan to start a women's gym.

Now women are able to participate in all economic matters and play important role, Afghanistan government is responsible for protecting this rights according to Islamic law and CEDAW, until now the government of Afghanistan is successful in this part of rights for women, they only problem that limited women to have access to this rights is Culture and Insecurity and Afghanistan government try to solve it, now the women are able to make temporary markets in public places and sell their own products without any problems in the cities, a lot of women has big business and companies, and the government effort to make easy the process of making companies by women, by reducing the tax. This issue

clearly indicates that the Afghanistan Government by Recognizing Positive Discriminations wants to help and encourage women's that they can be able to make their life by their own effort, and also the Afghanistan Government wants to do their obligation under CEDAW and Afghanistan Constitution, that is based on Islamic Law and Oblige the government of Afghanistan to do Their International Obligations or Commitments.

CHALLENGES IN FULL IMPLEMENTATION OF THE CEDAW IN AFGHANISTAN

The most important challenge confronted by the implementation process is lack of security, because as of now more than 30 percent of Afghanistan Areas are under the control of Terrorists (Taleban, Al-Qaeda and etc.) That the fights against the government of Afghanistan for this reason Afghanistan Government do not have Full control over that Areas that controlled by Terrorists. In insecure areas, women cannot fully enjoy their rights. In addition, the unappealing customs and traditions are added to these restrictions, From the past until now some afgans follow Un-Islamic Custom for example some customs prevent from women rights to education, rights to inheritance and also some other fundamental human rights. The government, however, has established a number of entities and ratified laws especially the law on prohibition of violation against women to eliminate such customs, the law on the prohibition of women was very effective for grant of women human rights and still it has their own effective and implement on Cases belong to women's human rights, but until now this law is not ratified by Afghanistan Government, and only signed by Afghanistan president.

Although misunderstandings of CEDAW abound, the following discussion of key articles of CEDAW illustrates that international human rights need not be incompatible with Islamic customary and legal discourse and that dialogue and education would serve to bridge the gap and benefit women in Afghanistan. The most challenged CEDAW articles include: article four on special measures, Article 4(1) State: Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. This paragraph of article 4 seems contrary with Islamic law, Article five on sex role stereotyping and prejudice, this article state on its paragraph (a): To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women, and Article 16 (a) (C) (f) (h), these paragraphs of article 16 are totally contrary with Islamic Law because Afghanistan is an Islamic Country and only Islamic Law can

apply in Afghanistan the international convention must not be against Islamic Law otherwise it will never implement, Articles 1 and 2 of the Afghanistan constitution Recognize and state that Afghanistan is an Islamic Country and Article 3 of Afghanistan state: No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan. This Article Clearly indicates that Islamic Law is the only implementable Law in Afghanistan.

It is true that Afghanistan government ratify CEDAW without any Reservation, but It is not possible that without putting reservation to the mentioned articles of CEDAW the government of Afghanistan will be able to implement all articles of the CEDAW, now nearly all Islamic States put Reservation on CEDAW specially on the above mentioned Articles, for full implementation of and International Convention Especially on this Issues it is Important that the Convention be acceptable for people and it will not be against Religion and other important values of people.

CONCLUSION

To conclude, there are a number of areas where the state and informal institutions can be encouraged and assisted to take a stronger role. Women can only truly stand on their own two feet if they are secure from public and private violence. In line with the state's commitment to CEDAW, there is a need for state and local leaderships to take a stronger position on issue of violence against women and to improve women's access to formal and informal justice.

Afghanistan has always had elite and middle class women who asserted their rights and marched towards modernization. But despite these examples, the lot of most Afghan women in rural areas has been one of oppression through tribal customs and dictates. Those women who were publicly visible throughout the history of Afghanistan belonged to the royalty or elite and represented a very tiny population of the country. In Afghanistan, women are organizing to push for the promotion and protection of their rights as guaranteed in the Afghanistan constitution and Afghanistan's international human rights obligations. Women's organizing is not a new phenomenon in Afghanistan. Afghan women have a long tradition of activism and resistance in the face of insecurity and grave human rights abuses.

Despite Afghanistan's efforts to implement CEDAW within governmental policies and culture, the economic activity rate of women remain lower than that of women in other developing countries, while various studies have been undertaken in Afghanistan to understand the impacts changing policies may have on women's employment options, it is worth noting that female participation rates range considerably. Without better awareness from Afghan policymakers and people of how family dynamics consistently advance and arrest the development of women, it will be difficult to translate state policies into reality.

This in turn requires better understanding of the unequal power plays involved in maintaining face and supporting notions of honor that only favor men. This requires sound analysis, carefully stimulated reflection, and healthy debate at the popular and policy level. The extraction of women from the honor equation is absolutely critical for the advancement of women. However, until women understand that they have rights as individuals and a sense of women's solidarity is engendered, it is unlikely that Afghan women will have the political power needed to hold on to strategic gains and to stop the pendulum swinging against them once more.

It will take time for Afghanistan to fully meet its CEDAW obligations. Indeed, the Afghanistan government has already missed a number of opportunities to mainstream women's issues and institutionalize women's rights. To ensure equal rights for men and women, as guaranteed by the 2004 Constitution, Afghanistan must implement both short and long-term measures. Afghanistan Government as I mentioned above is the only Islamic government that ratify CEDAW without putting any reservation to CEDAW articles, According to me it is necessary and vital for implementation CEDAW in Afghanistan that Afghanistan Government must put some reservation with those articles of CEDAW that they are against Islamic Law, Because according to Article 3 of the Afghanistan Constitution the government of Afghanistan must implement only Islamic Law and Prevent from implementation of un-Islamic Law. Otherwise it will not be possible for Afghanistan Government to fully implement CEDAW.

REFERENCES

- Afghanistan Constitution, (2004).
- Ahmed-Ghosh, Huma. (2003). A History of Women in Afghanistan "Lessons Learnt for the Future or Yesterdays and Tomorrow: Women in Afghanistan". Journal of International Women's Studies, Bridgewater Stat University, no. 4(3),.
- Committee on the elimination of discrimination against women. (2011). CEDAW, Consideration of report under article 18 of the CEDAW. " Afghanistan Combined Initial and Second periodic Report".
- Corona, Laurel. (2002). Afghanistan. Tehran: Qoqnoos.
- Farhoumand-Sims, Cheshmak. (2009). CEDAW and Afghanistan. Journal of International Women's Studies, no.11.
- George W. Bush Institute's Women's Initiative. (2013). Invest in Afghan Women, " A Report on Education in Afghanistan".
- Human Rights Watch. (2010). The "ten-Dollar Talib" and women's rights: Afghan women and the risks of reintegration and reconciliation , USA.

Kristen Lee, Jennifer. (2009). Legal reform to advance rights of women in Afghanistan within the framework of Islam. Hein Online.

Telesetsky, Anastasia. (1998). in the shadows and behind the veil: women in Afghanistan under Taliban rule, Hein Online.

Websites

<http://www.un.org/womenwatch/daw/cedaw/index.html>.

<http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>.

<https://www.mtholyoke.edu/~macne20a/classweb/worldpolitics/finalpage4.html>.

<http://www.online.liebertpub.com/doi/abs/10.1089/154099903768248285>.

<http://www.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.AFG.1-2.pdf>.

http://www.nytimes.com/2011/01/29/business/global/29iht-afbiz29.html?_r=0

http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2013/12/u%20women_generic-afgh_brief_us-web%20pdf.ashx.

Acknowledgement

I gratefully acknowledge with special mention Dr. Shahrul Mizan Ismail, Deputy Dean (Student Affairs), Ahmad Ibrahim Kulliyah (faculty) of Laws, International Islamic University Malaysia, my respectable Lecturer for giving me the idea to write a research paper related to impact of CEDW on the rights of women in Afghanistan which developed into this article.