

Fact Sheet: Sexual and Reproductive Health and Rights in Afghanistan



Afghanistan, officially the Islamic Republic of Afghanistan, is a country in South Asia and Central Asia with a population of 32 million.¹ Afghanistan is a multi-ethnic society; the main ethnic groups are Pashtun (42%), Tajik (27%), Uzbek (9%) and Hazara (8%). The official languages are Pashto and Dari (Afghan Persian). Over 99% of the population is Muslim.

¹ <https://en.wikipedia.org/wiki/Afghanistan>

² <http://www.bbc.com/news/world-south-asia-12011352>

³ <https://www.hrw.org/asia/afghanistan>

⁴ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252957>

Current situation in Afghanistan

Due to chronic instability and conflict, Afghanistan's economy and infrastructure are in ruins, and many of its people are refugees.² The Taliban, who imposed strict Islamic rule following a civil war, were ousted by a US-led invasion in 2001 but have recently been making a comeback. The upsurge in violence has had devastating consequences for civilians.³ The government has affirmed its commitment to human rights but fails to address a wide range of violations of women's rights.

Sexual and Reproductive Health and Rights (SRHR)

The findings in this fact sheet are based on various studies and reports, and existing rules and regulations in Afghanistan regarding Sexual and Reproductive Health and Rights (SRHR). This fact sheet is intended as a summary of relevant data gathered from available and reliable sources; it does not claim to be complete.

Sexual violence

Rapes are difficult to document due to social stigma.⁴ Male victims seldom come forward due to fear of retribution or additional exploitation by authorities. Female victims face stringent societal reprisal, ranging from being deemed unfit for marriage to being imprisoned or murdered. Women who walk outside alone or go to work often experience abuse or sexual harassment, including groping.

An inquiry by the Afghanistan Independent Human Rights Commission recorded 406 reported cases of honour killing and sexual assault between March 2011 and April 2013; a much larger number was believed to be unreported.⁵ Of these, 163 cases were identified as cases of sexual assault (including rape).⁶ 17 per cent of sexual assault cases were committed by relatives, around ten per cent by neighbours, four per cent by the victim's father, two per cent by a brother and one per cent by an uncle of the victim.

The Law on Elimination of Violence Against Women of 2009 criminalises violence against women, including rape, battery, or beating.⁷ However, this law's definition of rape does not include spousal rape. The law imposes a prison sentence of 16 to 20 years for rape, and imprisonment of up to seven years for the "violation of chastity of a woman...that does not result in adultery (such as sexual touching)." The law is not widely understood, and some in the public and the religious communities consider the law un-Islamic. Many authorities lack the political will to implement the law and fail to enforce it fully.

⁵ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252957>

⁶ <http://www.aihrc.org.af/en/research-reports/1571/national-inquiry-on-rape-and-honor-killing-in-afghanistan-report-summary.html>

⁷ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252957>

Rutgers is an international centre of expertise on Sexual and Reproductive Health and Rights (SRHR) founded and based in the Netherlands, but operating at both a national and an international level. We envisage a world where all people are able to make their own sexual and reproductive choices, free from discrimination, coercion and violence.

Rutgers uses the definition of SRHR developed by the WHO: "Sexual health is a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled." Sexual rights include: the right to the highest attainable standard of sexual health; to sexuality education; to consensual sexual relations; and to decide whether, and when, to have children.

⁸ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252957>

⁹ <http://bmcwomenshealth.biomedcentral.com/articles/10.1186/s12905-015-0173-6>

¹⁰ <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN?locations=AF>

¹¹ <http://data.worldbank.org/indicator/SP.ADO.TFRT?locations=AF>

¹² <http://www.womenonwaves.org/en/page/4830/afghanistan-abortion-law>

¹³ <http://www.dw.com/en/afghan-women-use-abortion-as-a-way-out/a-17612865>

¹⁴ <http://www.unaids.org/en/regionscountries/countries/afghanistan>

¹⁵ http://www.unaids.org/sites/default/files/country/documents//AFG_narrative_report_2014.pdf

¹⁶ <http://reliefweb.int/sites/reliefweb.int/files/resources/AMICS-Jun24-2012-FINAL..pdf>

¹⁷ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252957>

¹⁸ http://www.mpipriv.de/files/pdf3/max_planck_manual_on_afghan_family_law_english.pdf

¹⁹ https://www.unicef.be/wp-content/uploads/2014/05/UNC_Rapport_Child_Notice_Afghanistan_EN_FINAL_web.pdf

²⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503937/CIG_AFG_Sexual_Orientation_and_Gender_Identity.pdf

Family planning, abortion

Women generally exercise little decision-making authority regarding the timing and number of pregnancies.⁸ Rates of contraceptive use are low: in 2010, a study among married women aged 15-49 found that 22% used any method of family planning.⁹ The breakdown by method was as follows: injectable contraceptives (6.5%), oral contraceptive pills (5.3%); lactational amenorrhoea method (3.6%); male condoms (1.7%); the intrauterine contraceptive device (1.3%); traditional methods such as periodic abstinence and withdrawal (1.9%); and female sterilisation (1.4%). Especially women in rural areas and women with a low level of education were less likely to use a contraceptive method. The total fertility rate (average number of births per woman) was 4.8 in 2014.¹⁰ The adolescent fertility rate (births per 1,000 women aged 15-19) was 77 in 2014, i.e. the number of adolescent women giving birth is relatively high.¹¹

The Afghanistan Criminal Code of 7 October 1976 criminalises abortion except if it is performed to save the life of the mother.¹² However, as contraceptive use is low, many women resort to unsafe illegal abortions to prevent their family from becoming too large.¹³

STDs/HIV

In 2015, the number of people living with HIV was estimated at 6,900; the prevalence rate among adults aged 15-49 was <0.1%.¹⁴ Only 4.2% of all people living with HIV in Afghanistan who are eligible for treatment are receiving antiretroviral therapy.¹⁵ One in four women aged 15-49 (26%) has heard of AIDS; however, only 2% of them have comprehensive and correct knowledge of HIV prevention and transmission.¹⁶

Child marriage, forced marriage

Even though it is against the law, many brides continue to be younger than the legal marriage age of 16 (15 with the consent of a parent or guardian and a court).¹⁷ A survey by the Ministry of Public Health showed 53 per cent of all women in the ages 25-49 had married by age 18 and 21 per cent by age 15. Forced marriages occur; according to the Afghan Independent Human Rights Commission, 60-80% of the marriages in Afghanistan are concluded without the consent or against the will of one of the spouses.¹⁸

Female Genital Mutilation (FGM)

FGM is not a culturally accepted practice in Afghanistan and there are no reports of it being practised.¹⁹ The law does not specifically address FGM.

Sexual orientation

Same-sex sexual acts are prohibited in Afghanistan and punishable with imprisonment or, under Islamic law, a maximum penalty of death, although no known death sentences have been carried out since the end of the Taliban rule.²⁰ Persons identifying as LGBT, and who are open about their sexuality or gender identity, are likely to be ostracised by their family and may face becoming a victim of an "honour" killing. LGBT people also face violence, assault, rape, and arrest.