

# A place at the table

## Safeguarding women's rights in Afghanistan

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Participants from the Women for Women programme, Afghanistan. © Women for Women International.

Women in Afghanistan have achieved real progress in areas such as political participation, the rule of law, and education since 2001, but these hard-won gains remain fragile. With the imminent withdrawal of international forces, there is a risk that the government may sacrifice women's rights in order to secure a political deal with the Taliban and other armed opposition groups. The government and its international partners must do much more to support Afghan women's efforts and uphold their rights while ensuring that women have a strong voice in any future negotiations and political settlements.

# Summary

*'Women want peace but not at the cost of losing our freedom again.'*  
Noorjahan Akbar, co-founder of Young Women for Change.<sup>1</sup>

Ten years on from the start of the Western intervention in Afghanistan, Afghan women are facing an uncertain future. Women have strived for and made important gains since the fall of the Taliban in 2001, including in political participation and access to education, but these gains are fragile and reversible.

The precarious situation for Afghan women is set against a backdrop of spreading insecurity across Afghanistan. Civilian casualties are increasing, with May 2011 the deadliest month of the war for civilians since 2007.<sup>2</sup> As security deteriorates across the country, violence against women is also on the rise.

Both the Afghan and US governments are attempting to engage in parallel talks with the Taliban to reach a political solution to the conflict before international military forces withdraw by the end of 2014. These preliminary contacts are matched by peace processes at the national level aimed at reconciling former Taliban fighters with the government.

The assassination of the government's top peace broker, former Afghan President Burhanuddin Rabbani, in September 2011 underscores how difficult peace and reconciliation will be to achieve in Afghanistan. Time is running out to reach a political settlement to deliver an end to the fighting and sustainable long-term peace that will create a better life for all Afghans.

Today millions of girls are back in school and women are working once again as doctors, lawyers, judges, and police officers. These rights have been hard won over the past ten years. Major challenges remain and immense disparities between rural and urban areas persist. Women's rights are being eroded by spreading insecurity and a lack of political will to protect and promote them. At the same time, women are being sidelined in the reintegration and reconciliation process.

Afghan women, no less than their husbands, fathers, sons, and brothers, want peace. But they also fear that their rights will be traded off for the sake of peace at any price.

However, there are no short cuts to peace in Afghanistan. The only way forward is a transparent and inclusive peace process involving representatives from all parts of Afghan society, including women. The more that women feel involved in and committed to a political settlement which safeguards their rights, the more likely they are, within their families and communities, to promote changes in attitude and genuine reconciliation – essential for a lasting peace.

Western leaders have a responsibility toward Afghan women, not least because protection of women's rights was sold as a positive outcome of the international intervention in October 2001.<sup>3</sup> Ten years on, however, time is running out to fulfil these promises.

On the 10<sup>th</sup> anniversary of the intervention, we are calling on world leaders not to sacrifice the hard-won gains that Afghan women have made. Afghan women want peace – not a political bargain that only serves the interests of a few. In addition, helping women to have a strong voice in these political processes, to consolidate the advances they have made, and continue to build on their gains, is an important way for the international community to fulfil its agenda of setting Afghanistan on its own feet.

The Bonn Conference in December 2011, a decade after the first Bonn Conference, which laid the groundwork for the reconstruction of Afghanistan, is an important opportunity for both the Afghan government and the international community to signal their continued commitment to the peace process and to women’s role both in peace and reconciliation, and in Afghan society.

The Afghan government must publicly reaffirm its pledges to women’s rights, particularly if and when formal peace talks move forward. This means not just ensuring that women are represented in negotiations, but also renewing efforts to ensure they are able to actively participate at all levels of government and society. One important step would be to ensure that the Afghan delegation to the Bonn Conference is diverse and includes a strong contingent of women.

The international community, for its part, must offer specific guarantees of its long-term commitment to Afghanistan, including women’s rights and their needs, well beyond 2014. Both the government and the international community, supported by religious leaders, must seek to better promote women’s interests at the community level with the involvement of men and boys to ensure a lasting change. But, most of all, they must ensure that women are at the negotiating table to speak for themselves.

## Key recommendations

### *The Afghan government and the international community must:*

- Ensure women’s rights are not sacrificed, by publicly pledging that any political settlement must explicitly guarantee women’s rights;
- Make a genuine commitment to meaningful participation of women in all phases and levels of any peace processes.

### *The Afghan government must:*

- Enhance efforts to increase representation of women in elected bodies and government institutions at all levels to 30 per cent;
- Encourage religious leaders to speak out on women’s rights in Islam;
- Intensify efforts to promote female access to education, health, justice, and other basic services.

*The Ministry of Interior and Ministry of Defence must:*

- Improve awareness of women's rights and human rights law in the justice and security sector, and ensure effective implementation of these laws;
- Increase substantially women recruits in the security and justice sectors.

*The international community must:*

- Support expanded civic education programmes to raise awareness of women's rights at community level;
- Support efforts to improve female leadership;
- Intensify support to promote access to education and other key services, and ensure this support will continue at current or increased levels even as international military forces prepare to withdraw.

*The UN must:*

- Continue to monitor all government actions including the peace processes and provide increased support to the Afghan government on all negotiation, reconciliation, and reintegration processes.

# Introduction

In October 2010, Afghanistan's President Karzai confirmed 'unofficial contacts' between his government and the Taliban in a bid to end the long-running insurgency.<sup>4</sup> In June 2011, the then US Defence Secretary Robert Gates confirmed that the USA was also in direct talks with the Taliban.<sup>5</sup> Just weeks after the US announcement, the UN Security Council took the names of a number of former Taliban leaders off the sanctions list, opening the way to formal negotiations.<sup>6</sup> In September 2011, it was reported that the US had agreed to support the opening of a Taliban office in Qatar as an important step to formal talks, although there was no official confirmation of this.<sup>7</sup>

At the national level, the summer of 2011 saw the start of the process of transition begin, as international military forces started to hand over responsibility for security in Afghanistan to national forces. Meanwhile, the Afghanistan Peace and Reintegration Programme (APRP) – the latest initiative aimed at national reconciliation, funded by international donors – began to be rolled out nationwide. The state-run programme is aimed at reintegration – persuading low-level fighters to give up their arms and return to their local communities – and reconciliation – persuading insurgent commanders to reconcile with the government.<sup>8</sup>

These significant if early moves towards peace talks took place against the backdrop of increasing insecurity. The summer of 2011 saw a series of high-profile assassinations of allies of President Karzai designed to weaken his position and bolster that of the Taliban. The head of the High Peace Council, former Afghan President Burhanuddin Rabbani, was assassinated in September 2011, although it was unclear who carried out the attack. While it was a blow to the peace process, both President Karzai and US Secretary of State Hillary Clinton insisted that peace efforts would continue.<sup>9</sup>

However, while Afghan women want peace, many fear the worst. Research by the Asia Foundation in six provinces of Afghanistan, including Helmand and Nangrahar, in Summer 2011 found that many women, including those from rural and poor backgrounds, considered that their lives had improved, albeit slowly, since 2001, but that they 'now live in fear that if the Taliban is given a share of power then life will become miserable again'.<sup>10</sup>

Both the Afghan government and the international community say that the preconditions for negotiations are that armed opposition groups must renounce violence, sever links with Al Qaeda and respect the constitution. But this offers women little protection. Some claim that the Taliban have changed their attitudes towards women,<sup>11</sup> but there is little evidence to support this. Instead, the Taliban have continued to attack girls' schools, restrict women's movements in areas they control, and prevent them from working outside the home.<sup>12</sup> Since 2007, high profile women have increasingly been targeted. The country's top female police commander Malalai Kakar was assassinated in Kandahar

in 2008 with the Taliban claiming responsibility.<sup>13</sup> As security deteriorates across the country, violence against women is also on the increase. The Afghan Independent Human Rights Commission (AIHRC) registered 1,026 cases of violence against women in the second quarter of 2011 compared to 2,700 cases in total in 2010.<sup>14</sup>

While the Afghan Constitution itself enshrines the primacy of Sharia law<sup>15</sup>, research conducted with armed opposition groups in the south of Afghanistan for the United States Institute for Peace suggests that these groups may demand the introduction of an extremist interpretation of Sharia law as a condition for such groups joining the government. The report concluded these groups would likely 'seek to restrict girls' access to secondary and higher education, limit women's opportunities for certain types of jobs or public roles, strictly enforce social codes affecting women, curtail their access to public spaces and require a *Muharam* (male relative) to accompany them [when outside of the home]'.<sup>16</sup>

Noorul Haq Oloomi, leader of the political party Hezb-e Mutahid-e Milli, says: 'The price we pay for peace should not undermine the gains from the past decade. Women constitute half of our population. They are important contributors to the overall development of the country and as such their rights are as important as that of the men. They should be protected – but the Taliban doesn't believe in civil society and democracy, and so it is possible that women's rights will be compromised if a deal is made.'<sup>17</sup>

This paper argues that the protection of women's rights must be a top priority in any peace talks and as international military forces prepare to withdraw. It shows that there is support among Afghans for women's rights in an Islamic context. It highlights some of the significant gains made by women in political participation, education, and rule of law over the past decade, while acknowledging the major challenges they still face. But it warns that these gains are under increasing threat, and that women are already being sidelined in the peace processes that are underway. It concludes by outlining a number of ways in which women's rights must be urgently protected in any negotiation, reconciliation, and reintegration processes, and makes recommendations to enforce the rights of women and to strengthen their role in Afghan society.

## 2

# Moving forward, then back and forward again

Some important steps in favour of women's rights in Afghanistan were taken during the early 20<sup>th</sup> Century. The first female school was built in 1921, the first women-only hospital was established in 1924<sup>18</sup>, and women were given the right to vote in 1964. On the whole, however, these reforms tended to benefit urban elites and not rural women. Following the collapse of the pro-Soviet regime in 1989, women suffered greatly throughout the 1990s civil war at the hands of all warring parties. Nevertheless, before the Taliban took over in 1994, women in Kabul made up 70 per cent of teachers, 50 per cent of civil servants, and an estimated 40 per cent of doctors.<sup>19</sup>

*I could hear the shouts of a woman being beaten on her legs with a thick metal cable. The crowd was quiet – they were just watching them. She was wearing a blue burqa and white pants with a long shirt. The 'vice and virtue' man kept saying – 'will you do this again?' She said over and over – 'no, no, I won't.' I asked someone why they were beating her and they said it was because she was wearing white. For the Taliban it was the colour of their flag and nobody should wear it. Also, she didn't have socks on so she had naked feet. A woman was being beaten on the street by a government institution. That's the most frightening thing.*

Wazhma Frogh, female activist

## The Taliban in power

Once the Taliban came to power, women were banned from working outside the home; they were forced to wear the *burqa* and had to be escorted by a *muhamam* (a male relative). Girls' schools were closed down all over the country. In 2002, only five per cent of women were literate,<sup>54</sup> per cent of girls under the age of 18 were married, and the maternal mortality rate was the second highest in the world, with an estimated 15,000 women dying each year from pregnancy-related causes.<sup>20</sup>

## Steps forward

Despite facing enormous challenges under the Taliban, women were still active, organising underground schools and community-based health work. After the Taliban were ousted in 2001, a number of important steps were taken to restore and promote women's rights, with the support of Western leaders, including US President Bush and then US Senator Hillary Clinton.<sup>21</sup>

The Bonn Agreement led to the establishment of the first Ministry of Women's Affairs (MoWA) and the Afghan Independent Human Rights Commission. In 2003, Afghanistan acceded to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) without reservations. Largely thanks to campaigning by Afghan women, supported by international allies, the country's 2004 constitution guaranteed a number of important rights for women, including the right to equality before the law (Article 22), the right to an education (Articles 43 and 44), and the right to work (Article 48).<sup>22</sup> The government also developed a ten-year National Action Plan for Women (NAPWA), launched in 2008, which outlined plans to realise women's rights under the twin goals of 'women's empowerment' and 'gender equality'.<sup>23</sup>

Ten years after the fall of the Taliban, however, women's rights remain controversial in Afghanistan. 'Many mistakenly consider women's

rights as a foreign product imported into Afghanistan,' says Noorjahan Akbar, activist and co-founder of Young Women for Change. 'Part of the problem is that often the approach hasn't been appropriate for this country. The result is that people have become sensitive in a negative way about women's rights.'

### Asserting rights in an Islamic context

A long-term, bottom-up approach that focuses on communities and takes account of both the Afghan and the Islamic context is essential to ensure real progress on women's rights. Habib ur-Raehman, 47, a father of six from Parwan province, is typical of many people, both men and women, when he says: 'Women do have rights in Afghanistan. But we have two different parallels: culture and religion. Both need to be respected.'<sup>24</sup>

The AIHRC is one of a number of organisations that works closely with Mullahs to emphasise progressive interpretations of Islamic law and to encourage them to speak out regularly in defence of women's rights. Zaki, a trainer with the AIHRC, says: 'Islam places great emphasis on education and makes it mandatory for both men and women. Women are encouraged to learn, as they are the cornerstone of a family. As for employment, women are not only given the right to work but also the privilege to keep the income.'<sup>25</sup> Samira Hamidi, director of the Afghan Women's Network (AWN) explains: 'We just want respect as equals in accordance with Islam. Look at other Islamic countries. Iranian women are educated separately from men but they still become doctors.'<sup>26</sup>

Crucially, some religious scholars are supportive of women's rights. HojjatoullIslam Mohammad Sajjad Mohseni, a leading religious scholar, says: 'Both men and women are quintessentially complete and equal before the law. The fact that women are called weak or feeble-minded dates back to the age of ignorance, which has been passed on to us. There are women whose ideas are better than men's.'<sup>27</sup>

In practice, however, the extent to which Afghan women are able to access these rights depends on a number of factors, including awareness by women and communities of these rights as expressed in Islam, and the prevailing interpretation of Islam, whether conservative or progressive.

A September 2010 report from the influential Afghan organisation Human Rights Research and Advocacy Consortium (HRRAC) concluded that 'conservative Islamic teachings that use Islam as a political tool to intimidate and repress women' are one of the key obstacles to female leadership in Afghanistan. The report went on to say: 'While politicised Islam and conservative religious voices are on the rise in Afghanistan, and definitely dominate public debate, their interpretation of Islam and Qur'anic teachings are fundamentally flawed and should be challenged more frequently.'<sup>28</sup> Instead, HRRAC called for 'moderate Islamic voices' to be given greater 'space and authority... so that the true Islamic perception of women can be promoted and understood.'<sup>29</sup> However, the report concluded there is



an 'extreme shortage of progressive Muslim clerics and thinkers in Afghanistan' because these were 'weeded out' by the Marxists, then by extreme jihadists, and, finally, by the Taliban.<sup>30</sup>

As a result, important Muslim figures outside Afghanistan also have a vital role to play in echoing the need to respect and promote women's rights. In June 2011, Ahmed El-Tayeb, Grand Imam of Al-Azhar University in Cairo, historically the world's most respected centre of Islamic scholarship, stressed that both male and female Egyptians had an equal right to affordable and decent education and health care services.<sup>31</sup>

## Change at the community level

*'You can't overturn a patriarchal society in ten years. Positive changes take a long time – but negative changes happen quickly,'*  
Palwasha Hassan, activist<sup>32</sup>

Women need the support of both their families and the wider community. 'We teach women that they have a right to education or to choose who to marry. But we also want to reach the boys so they will not accept the ideas of their parents when it comes to their sisters and wives,' says Latifah Sultani, women's rights co-ordinator at the AIHRC.<sup>33</sup>

But some say that both the Afghan government and the international community have tended to focus on the policy level in Kabul without taking into account the reality on the ground, particularly in rural areas where literacy levels are low and cultural attitudes are more conservative. One woman working in Kandahar City, Kandahar Province, says: 'They [Afghan officials and donors] still don't understand that we need to talk about women's rights very basically. The people in the villages are illiterate so you need to take it to them in a way they will understand. For example, if you're trying to work out what people need then you take them some pictures of water, a home, a school, or a road and ask them to circle which is important to them – first need, second need, and so on.'<sup>34</sup> Wazhma Frogh, an activist and human rights expert, adds: 'We're not fighting for the same rights as women in the West. In a remote area in Afghanistan, the definition of education for a girl is that she can read and write enough that she can read the Qu'ran. That is enough for her to be a mother.'<sup>35</sup>

The role of religious leaders is vital in raising awareness and acceptance of women's rights, especially at the community level. For instance, in November 2008, Afghan clerics issued a declaration which called on women to participate in the 2009 presidential and provincial council elections and on men to encourage women's participation, 'taking into consideration the principles of Islam'.<sup>36</sup> Latifah Sultani says 'Mullahs have a great deal of influence among our communities, especially in rural areas. We talk to them and we say, why kill women? The Qu'ran says everyone has the right to be alive. All have equal rights before the law. Women have the right to education. The wife of our prophet was a businesswoman. Where is the difference between this opinion and Islamic law? We ask them to go to the Madrasah and tell the people this.'<sup>37</sup>

Support has come even from unexpected corners. In September 2010, singer Farhad Darya, one of Afghanistan's most famous musicians, staged the country's first ever concert for women in the city of Mazar-e-Sharif, playing to more than 15,000 women and girls. He opened the concert saying: 'I have the greatest respect for Afghan women who have suffered so much. They didn't cause war, but they are suffering because of us men!'<sup>38</sup>

But there is still a long way to go. After female parliamentarians recently proposed directly engaging with the Taliban, Ataullah Luddin, deputy director of the High Peace Council, said: 'They (women) want to go as a group of women to meet with Mullah Omar. But that's just not possible. If they go, they will be killed... And anyway, we all know that women can't keep a secret for more than 34 hours.'<sup>39</sup>

# 3

## Rights in Reality

As discussed, the Afghan government has taken some important if still limited steps towards women's rights, which have been vital in paving the way for progress. This section looks at three key areas in which women's lives have changed over the last ten years: political participation, the rule of law, and girls' education. It highlights gains in these areas, acknowledges the challenges that still remain, and outlines some ways in which these could be practically addressed to help women to continue to move forward.

### Political participation

*'They (women) want to move forward, they want to move, they want to participate. They want to be involved'.*

MP Fawzia Kofi<sup>40</sup>

#### Key gains

Before 2001, women were kept hidden at home. Just ten years later, Afghanistan has 69 female MPs, which, at 28 per cent of the total, is one of the highest rates of female representation in the world, albeit as the result of a quota system which guarantees women 25 per cent of seats at the district, provincial, and national level.<sup>41</sup> In 2005, Habiba Sarabi was appointed Afghanistan's first female governor for Bamiyan province, and in 2008, Azra Jafari became the first woman mayor in Nili, Daikundi province. In addition, about 30,000 women are members of mixed Community Development Councils (CDCs) established since 2003 under the state-run National Solidarity Programme (NSP), giving women a formal voice at the community level for the first time.<sup>42</sup>

The government has pledged to 'increase female participation in elected bodies at all levels of governance to 30 per cent by 2020' under the Afghan Millennium Development Goals. It has also set a target of 30 per cent of all government employees to be women by 2013 and, in 2009, established the Gender Directorate within the Civil Service Commission to help achieve this.<sup>43</sup> All ministries have been tasked with establishing gender units: a majority, including the Ministry of Health and Ministry of Agriculture, have now done so.<sup>44</sup>

### Box 1: Working towards equality

Nargis, 23, and Chaman, 42, are female members of the Oxfam-supported Manbar-e Myanay Qochanqi Community Development Council in Daikundi province.

'In the past, we didn't have permission to talk about the problems of women in public, we had no right to make decisions and we didn't participate in meetings. The number of girls going to school was less than that of the boys and we didn't have proper information about women's rights, health, and hygiene. We spent most of our time on household activities. When the CDC was established, 11 women and 11 men were elected as members. Now we are equal with men.'<sup>45</sup>

## Challenges

Despite these significant advances, women in public life still face major obstacles. Women leaders 'have been almost completely ignored' in the country's key decision-making mechanisms.<sup>46</sup> There is now just one female minister compared to three in 2004. High profile women leaders face persecution, violence and death threats. MP Elay Ershad was elected to parliament in September 2010 and says: 'I received many telephone calls warning me not to run because I am a woman. They would say, 'we know where you live, we will kill you, we will kill your daughters.'<sup>47</sup> Despite the government pledge, the number of women in the civil service dropped from 31 per cent in 2006 to 18.5 per cent in 2010.<sup>48</sup>

Part of the problem is that quotas have been important in establishing a public role for women, but they have had limited impact. Widely seen as empty and symbolic gestures, they have not been matched by sufficient investment in women's leadership skills or by challenging the inequality of women in other areas including education and economic opportunities.<sup>49</sup> Female parliamentarians are disunited; many are elected with the support of warlords and are answerable to them.<sup>50</sup> One result of this is that female politicians do not necessarily work to support women's rights. For example, the 2009 Shia Personal Status Law was passed by a parliament with over 25 per cent female representation despite the fact that it drastically restricts the rights of Shia women and violates the constitution.<sup>51</sup>

In addition, women still do not actively participate in local-level decision-making. While the CDCs broke new ground in establishing a formal role for women at the community level, women are still struggling to make their voices heard. A June 2011 report from the Afghanistan Research and Evaluation Unit (AREU) on local governance concluded that, while NSP and the CDCs have 'contributed to the process of changing male attitudes' to women,<sup>52</sup> female participation is still 'nominal' with women having 'little control over resources'.<sup>53</sup>

**Table 1: Female/male participation in the public sector (2010)**

	Men (%)	Women (%)
<i>Population</i>	51.2	48.8
Judges	95.3	4.7
Prosecutors	93.6	6.4
Attorneys	93.9	6.1
Police	99.5	0.5
Army	99.4	0.6
Parliamentarians	72.7	27.3
School teachers	71.5	28.5
University teachers	84.8	15.2
Civil servants	81.5	18.5
Agricultural workers	56	44

Source: Unifem Factsheet 2010<sup>54</sup>

## Going forward

Much more needs to be done if women are to participate meaningfully in public life from the community level to the provincial and national level. They need to be educated, particularly at the community level, about their rights, including the legal right to vote; they need the opportunity to gain the necessary skills to reach political decision-making positions at all levels of government; and they need the barriers stopping them from exercising their rights, whether cultural, religious, or economic, to be addressed. As discussed, religious leaders have a vital role to play in breaking down some of these barriers, particularly at the community level. Those who threaten or abuse women in public life must be prosecuted.

In addition, women's groups, while highly effective in providing services and lobbying both the government and the international community, are sometimes criticised as representing only a small number of educated, urban-based women. They need to be supported to communicate better with women at the grassroots level to ensure a diversity of voices and opinions.

One positive sign is that both the government and the international community are making efforts to learn from past experience. For example, the third phase of the donor-funded NSP, expected to be rolled out from late 2011, will consist of only two types of committee in an effort to increase female participation: a mixed committee composed of equal numbers of men and women, or separate a male and a female committees of equal level and but overseen by a mixed committee.<sup>55</sup> It

*I plan to stand in the next presidential elections. I want women to no longer be second class citizens – but to be front seat drivers.*

Shukria Barakzai, MP for Kabul since 2004.

is also expected to provide a per diem for *Muharams* to allow women to move around more freely, gender specific training for participants, and sex-disaggregated data collection.<sup>56</sup>

## Rule of law

### Key gains

Over the past decade, the Afghan government has introduced a number of important legal instruments to protect women, including the 2009 Elimination of Violence Against Women (EVAW) law, which criminalised many harmful traditional practices.<sup>57</sup> Family Response Units have been established in the police force to help abused women. There are currently about 1,000 female police officers with a target of 5,000 by the end of 2014. Victims of violence can seek refuge in 14 safe houses around the country, including four in Kabul.<sup>58</sup>

Mary Akrami from the Afghan Women's Skills Development Centre says that attitudes have noticeably changed in the country's capital. 'In the past, the police sent women back to their family or to jail. Now they will refer them to our shelter in Kabul. I came across a badly beaten woman. She had been beaten several times before by her family and nobody had helped her. Now when a woman has the courage to leave her house she can get help.'

### Challenges

Outside major cities the formal justice system does not function effectively. Even in places where it is functional, women have far too little access to it.<sup>59</sup> There are few female lawyers, judges, or police officers. Authorities often don't know the law or are unwilling to implement it, especially in rural areas.<sup>60</sup> Despite the welcome creation of the EVAW Commission, the EVAW law is only being enforced in 10 out of 34 provinces.<sup>61</sup> The informal justice system - Taliban courts or traditional dispute resolution mechanisms such as Shuras - are male-dominated and typically discriminate against women.<sup>62</sup> There are still too few safe houses across the country.

The result is an enduring culture of impunity for crimes against women and abuses of women's rights. For example, the case of Bibi Aisha came to international attention in 2010 when her nose and ears were cut off with the approval of a local Mullah after she fled her marriage to a Taliban fighter but was captured and returned to her husband. In July 2011, it was revealed the only suspect to have been arrested - her former father in law - had been released.<sup>63</sup> In the second quarter of 2011 alone, the AIHRC reports that it registered 1,026 cases of violence against women. In 2010, by contrast, there were 2,700 cases in total.<sup>64</sup> More than 87 per cent of Afghan women have experienced at least one form of physical, sexual, or psychological violence, or forced marriage.<sup>65</sup> According to a July 2011 report by the AIHRC, out of 1,889 cases of human trafficking, most of them involving women and children, just 13 per cent of respondents said that they knew of

*There was a recent rape case in Takhar province. The girl is 13 and says she was raped by six or eight men in her house. Two of them were wearing police uniform. They had a gun; they hit and beat her, then raped her. Rape is very difficult in Afghan society; at first the parents tried to hide it. When they came forward, our people went to see the police and asked them to arrest these people. Nothing has happened. This is down to the lack of rule of law. Those in uniform are not responsible people.*

Latifah Sultani, AIHRC

perpetrators being punished.<sup>66</sup> Many women feel desperate as a result: the government estimates that some 2,400 women commit self-immolation each year.<sup>67</sup>

## Going forward

There is an urgent need for the Afghan government to ensure proper implementation of the rule of law to improve women's access to justice.<sup>68</sup> While the government has recently taken welcome steps to increase gender and human-rights training for the police, ongoing awareness-raising of women's rights and key laws, including the EVAW law, among security forces and judiciary, especially in rural areas, is essential. Greater awareness of women's rights must be matched with an enhanced determination to properly investigate and prosecute allegations of abuses. Violence against women must be closely monitored, particularly in areas which are being transitioned to the control of national forces. The government should make publicly available information about investigations and prosecutions of abuses against women. More women must be attracted into the police, army, and judiciary, both to break down barriers to participation and to encourage other women to come forward to report crimes.

### Box 3: Female police officers as positive role models

Parliamentarian Elay Ershad explains: 'Women don't want to become police officers. It's a low salary and involves night shifts. That is bad because sometimes people spread stories about these women having affairs because they are away from home overnight. When I worked at the Ministry of Interior, we suggested offering women transport, accommodation, or kindergarten for their children, as well as female-only police stations. These measures would make a big difference. But they haven't happened. There is still a strong prejudice in the government against female police – it's for men only.'

But, says Shafiqa Mojahid, 26, a police officer in Kabul, things are changing. 'Girls tell me they want to be like me and I encourage them to join the police. There are more police officers now but it is still not enough. It makes women more comfortable to report crime if they can talk to another woman. We also need more women in managerial positions who can support us and take us seriously.'



Shafiqah Mojahid in police training. © Oxfam/Elissa Bogos

## Female education

### Key gains

While the vast majority of girls' schools were closed down under the Taliban, education has been a top priority for both the Afghan government and donors. In 2002, they launched the Back to School campaign, aimed particularly at girls, and, in 2004, girls' rights to education were enshrined in Article 43 of the Afghan constitution. As a result of these efforts, there are now 2.7 million girls enrolled in school,<sup>69</sup> 38 per cent of the 7.3 million total students.<sup>70</sup> Forty-two per cent of all primary school-age girls are enrolled in school – up from 29 per cent in 2005 – and the literacy rate for girls aged 12–16 is now 37 per cent. The Ministry of Education (MoE) has built over 9,000 new schools, a number of which are girls-only schools.<sup>71</sup> Two hundred-thousand new teaching and support staff have been recruited and deployed to schools over the past nine years.<sup>72</sup>

### Challenges

Improving girls' access to education is one of the major success stories of the past decade. Nonetheless, girls still face immense challenges, including poverty, early or forced marriage, cultural attitudes, and insecurity, together with a chronic lack of trained female teachers, female-only schools, and basic materials which continue to restrict their access to education.<sup>73</sup> Those in school represent only 28 per cent of school-aged girls,<sup>74</sup> with enrolment lowest in insecure and rural areas. Because of the focus on primary education, girls in secondary and higher level education face the greatest challenges: by age 18, just 18 per cent of girls are still in school compared to 42 per cent of boys.



## Going forward

The MoE, supported by donors, has made significant progress since 2001 in getting girls back into school. It has recognised the obstacles girls still face and has developed a number of important initiatives as part of its overall plan to try to improve both the enrolment and retention rates for girls, including a focus on recruiting more female teachers and relocating them to rural areas.

But Afghanistan faces particularly severe challenges in meeting the UNESCO Education For All goals, resulting in a recent agreement to extend the target date from 2015 to 2020. To address these challenges the MoE must urgently develop a gender-specific strategy that specifically targets the barriers facing girls, which are different to those facing boys. The international community must ensure a sustained commitment to education, with particular emphasis on girls. A continued focus on – and expansion of – community-based schooling is vital. A woman from Kandahar City in Kandahar, one of the most conservative provinces, puts it simply: ‘Girls *are* going to school, even in Kandahar. Sometimes though the distance and lack of availability of female teachers are problems. So a community-based school close to them helps, as girls going out of the house every day is sometimes seen as shameful. It also establishes the idea in people’s minds that girls can leave the house.’<sup>75</sup>

## 4

# Gains under threat

Despite these important advances, women are increasingly caught between a spreading insurgency, a government that is willing to sacrifice women's rights, and an international community focused on rapidly reducing its military presence in Afghanistan.

## The Taliban and women's rights

In a January 2011 interview, Farooq Wardak, Afghanistan's education minister, claimed that the Taliban had changed their stance on women. He said: 'It is attitudinal change, it is behavioural change, it is cultural change. What I am hearing at the very upper policy level of the Taliban is that they are no more opposing....girls' education.'<sup>76</sup>

But Afghan politician Noorul Haq Oloomi says: 'We cannot trust that they will allow women and girls to go to school and have no problem with their employment. That person cannot be a Taliban if he says so, as they don't consider women as equal to men. Whatever we hear about Taliban having changed is just propaganda.'<sup>77</sup> A Kabul-based embassy official agrees: 'The Taliban's view of women's rights is not progressive. They're only in favour if it works for them. They could possibly be pressured to create space for women to work in certain sectors, or for girls to be educated to a certain age, under a specific curriculum and segregated from boys. But more than that is impossible.'<sup>78</sup>

Instead, there is evidence to suggest that, as insecurity has spread and armed opposition groups move into more areas, women's rights are increasingly being abused. Research carried out by Human Rights Watch in 2010 found women suffered 'threats, restrictions, and violence' in areas where armed opposition groups had gained some control. These included assassinations of women in political positions, honour killings, and various forms of threats telling women to give up their jobs or stop sending their daughters to school.<sup>79</sup>

However, armed opposition groups do have an obligation under international law to respect human rights. A UNAMA report in July 2011 on the protection of civilians concluded: 'The extent to which international human rights law obligates non-State actors remains unresolved in international law; however, it is increasingly accepted that where non-State actors, such as the Taliban, exercise de facto control over territory, they must respect the fundamental human rights of persons in that territory.'<sup>80</sup>

## The Afghan government

The Afghan government has already demonstrated its willingness to sacrifice women's rights for political ends. In 2009, President Karzai approved the Shia Personal Status Law ahead of the presidential elections, in exchange for the support of Shia hardliners. The law heavily restricted the rights of Shia women, and, in its original form, legalised marital rape. Following a national and international outcry, and a sustained campaign by Afghan women, the President ordered a review and the law was amended. However, it still allows Shia men to deny their wives food if they refuse to obey their husbands' sexual demands; grants exclusive custody of children to fathers and grandfathers in the event of divorce and requires women to ask their husbands for permission to work.<sup>81</sup> It therefore still violates women's rights as enshrined in the Afghan constitution and in international human rights standards, including CEDAW, to which Afghanistan is a signatory. It clearly shows there remains insufficient protection for women.

*President Karzai is not against women – but he has to make the warlords happy. Therefore he has to forget about women.*

Elay Ershad, MP

## The role of the international community

Publicly, Western politicians are still backing Afghan women. In July 2011, US Secretary of State Hillary Clinton reiterated her commitment to women, saying: 'Any potential for peace will be subverted if women and ethnic minorities are marginalised or silenced...And so when we look at what will happen in Afghanistan, the United States will not abandon our values or support a political process that undoes the progress that has been made in the past decade.'<sup>82</sup>

But behind the scenes it is less clear what will happen if the Taliban make demands that require compromise on women's rights, as the US government prepares to withdraw the majority of its troops by the end of 2014 and seeks a political settlement to bring an end to the fighting. In July 2011, a *Washington Post* article reported one USAID official as saying 'gender issues are going to have to take a back seat to other priorities'.<sup>83</sup> This reflects 'growing realism' tempering expectations of what they can achieve on the ground after ten years. As one analysis puts it, 'On this list of priorities, 'gender' is generally seen as a luxury to be left aside until the supposedly gender-neutral objectives in the domains of security and governance have been achieved.'<sup>84</sup>

# 5

## Empowering women will empower Afghanistan

*'There is no tool for development more effective than the empowerment of women. No other policy is as likely to raise economic productivity, or to reduce child and maternal mortality... No other policy is as powerful in increasing the chances of education for the next generation. And I would also venture that no policy is more important in preventing conflict, or in achieving reconciliation after a conflict has ended.'*

Former UN Secretary General Kofi Annan<sup>85</sup>

### Women: driving development

After ten years and \$57bn in aid, Afghanistan is still one of the poorest countries in the world.<sup>86</sup> But studies have shown that if women have the right tools – including education, job opportunities, and a voice in decision-making – they can help to break the cycle of poverty. A recent TrustLaw Women report concluded: 'In the developing world when a woman works, her children are better fed and better educated because they spend their money for their family.'<sup>87</sup>

Women still have significant untapped potential in driving economic development in Afghanistan. The 2008 National Risk and Vulnerability Assessment (NRVA) found that 47 per cent of Afghan women were officially in the labour force, but concluded that that figure disguised major disparities between rural and urban areas, and between poor and wealthy families.<sup>88</sup> While many Afghan women work, their role in both the house and the national economy is often invisible, undervalued, and unpaid.<sup>89</sup> Yet a 2005 World Bank report stated: '...improvements in women's situation are essential for the reconstruction of the country – and sizeable investments in this regard will yield large benefits.'<sup>90</sup>

### Women: agents for peace

*'We believe peace is not the absence of war. Peace for Afghan women is also about access to health care, educational facilities and socio-economic opportunities.'*<sup>91</sup>

The vital role of women in peace-building at the national level and in peace negotiations has been recognised in UN Security Council Resolutions 1325 and 1889, applicable to all UN member states, including Afghanistan.<sup>92</sup> The Afghan government reaffirmed its support for women's role in peace-building in its national peace plan, the donor-funded Afghanistan Peace and Reintegration Programme (APRP), which began to be rolled out nationwide in early 2011.<sup>93</sup>

Yet women are currently under-represented or not represented at all in the APRP, which augurs poorly for female participation in any future formal peace talks with the Taliban. There are just nine women on the 70-member High Peace Council (HPC), which was created to lead the peace process. Many of the male members are former warlords and powerbrokers who do not take their female counterparts seriously.<sup>94</sup> The APRP has also established provincial peace councils under the HPC, composed of between 20 and 35 members, with a minimum of three women, one of whom must be a representative from the Department of Women's Affairs (DoWA). However, no council as yet has more than three female members.<sup>95</sup> Women at the community level have little understanding of APRP; their formal role, at the moment, is unclear but is likely to be limited to involvement in community development programmes.<sup>96</sup> According to a provincial DoWA head, 'although women have great potential as negotiators and peacebuilders, the will and commitment from Kabul to involve them is almost nil.'<sup>97</sup>

A senior member of the team working with the HPC acknowledges the criticism but says they are trying to address some of these issues: 'We have made strong recommendations to the governors to have more women on the provincial councils. As for the women on the High Peace Council, they have participated in government in different positions so there is the necessary calibre and capacity. But there is a need to further increase understanding and co-ordination between men and women involved in the peace processes at every level. It is difficult to deal with conservative people when it comes to the rights of women.'<sup>98</sup>

However, Afghan women are relying on these women to speak for them in the APRP and, potentially, to represent them at the negotiating table. It is unclear whether the HPC, or another body or individual, will lead negotiations with the Taliban leadership. But it is critical that women can speak effectively for themselves because it is likely that neither the Afghan government nor the international community will prioritise women's rights, if and when direct talks with the Taliban begin. Behind the public pledges of support, the international community is caught between its promises to women over the last ten years and the reality of dealing with ultra-conservative armed opposition groups. One Kabul-based embassy official says: 'We do recognise the need for protection of women's rights. But we can't impose this as a pre-negotiation red line because that will be counter-productive in getting to talks. Women's issues are important but they are not our top priority.'<sup>99</sup>

Women's groups disagree. 'We should be a top priority and we should be at the negotiating table - we're 50 per cent of the population,' says Mary Akrami. 'But we will need the support of the international community to get there. When the government only offered us 5 per cent representation at the Peace Jirga, we fought and fought. We sent a letter to the US government and when President Karzai went to Washington they put pressure on him: as a result, he announced an increase to 20 per cent. But no-one was listening to us until the international community got involved.'<sup>100</sup> In addition, one Afghan

official working on APRP added: 'Involving women in the formal process would send an important signal to the Taliban and others that they will have to work with women in the future.'

Support for women to have a greater role in these processes must be matched by the capacity building necessary for them to carry out this role effectively. The Joint Secretariat, which oversees the APRP, is running workshops to train women on how to inform other women in communities about the peace programmes, as well as distributing posters, billboards, radio programmes, and documentaries designed to motivate women to encourage male relatives who are Taliban fighters to join the APRP process, although it is unclear how effective this has been.<sup>101</sup> But much more remains to be done. In particular, women's organisations at the national level need to be supported to link more effectively with women at the community level, to ensure that their needs and concerns are raised and that those women seated around the negotiating table have a strong support base.

## Conclusion and recommendations

Afghan women want peace, but not at the expense of their hard-won rights. Life has improved for many Afghan women, who have fought for their rights over the last decade, often with the support of international donors, Afghan officials, Afghan activists, and non-governmental organisations. But this is not yet enough; there is a long way to go and many women have yet to benefit from the changes in Afghanistan since 2001. Nonetheless, there has been significant progress and that is worth protecting and building on.

The responsibility to ensure the protection and promotion of women's rights lies primarily with the Afghan government. But women also need the support of the international community. Calls for armed opposition groups and any political settlement to 'respect the constitution' are not enough. The failure to deliver on promises made so far; the lack of political will at the highest levels to protect women; and the increasingly urgent drive for a political settlement to end the conflict show that words must be matched with action and firm guarantees. Above all, Afghan women must be involved in any peace talks to end the conflict, so that they can speak out on their own behalf and protect the valuable gains they have made.

### ***The Afghan government and the international community must:***

**Ensure women's rights are not sacrificed, by publicly pledging that any political settlement must explicitly guarantee women's rights.**

They must continue to insist on the acceptance of the rights enshrined in the constitution as a key precondition of talks. Any peace deal must include benchmarks to guarantee these rights, such as monitoring the number of girls in school, the number of women in public life, and the fulfilment of obligations under CEDAW and other human rights conventions. Mechanisms must also be put in place or improved to ensure that human rights will be properly monitored and abuses will be effectively dealt with. The women's unit at the AIHRC may be the most appropriate mechanism to do this, but would likely need to be substantially expanded and strengthened.

The Afghan government must ensure it fully and consistently funds the AIHRC as per its commitments. The international community should also increase its funding to the AIHRC and support capacity-building, especially of middle management, to improve links between field offices and Kabul.<sup>102</sup>

**Make a genuine commitment to meaningful participation of women in all peace processes and at all levels.**

This includes the nationwide rollout of the APRP, including the HPC and the provincial peace councils, and any upcoming informal and formal contacts with the Taliban and other insurgent groups. While meaningful participation may depend on the context, it should ideally match the government's existing pledge of 30 per cent of women in government bodies. The Joint Secretariat should prioritise increasing the number of women in the provincial peace councils, possibly by establishing a new minimum for female participation. The existing campaigns to inform women about the APRP should be expanded nationwide with a particular focus on community level activities. Attention must be paid to developing women's leadership at the local, national, and international level, so they are able to participate effectively as active negotiators. Women's groups need to be supported to create better links between the national and community level to ensure broad representation of women's interests and voices in these processes.

***The Afghan government must:***

**Enhance efforts to increase representation of women in elected bodies and government institutions at all levels to 30 per cent.**

The Afghan government must expand community-based awareness-raising campaigns to ensure that women know their rights and to generate support among men and boys. They must also expand training programmes to improve female leadership. High-profile women need greater assurances of security and the government should provide special protection to women involved in leadership positions at all levels, particularly in high-risk areas. They must ensure those responsible for attacks on female leaders are prosecuted.

**Encourage religious leaders to speak out on women's rights in Islam.**

Training programmes for jurists and clerics have been running for several years, but these should be expanded and rolled out nationwide with the support of the Ministry of Religious Affairs. Leading religious scholars should be encouraged to speak out regularly in defence of women's rights, especially on religious occasions. The government must support the training of more women religious scholars and investigate ways to bring their voices to the fore.

**Intensify efforts to promote female access to education, health, justice, and other basic services.**

Those ministries that have not yet developed gender strategies or established gender units to tackle the specific challenges still facing women must urgently do so. The gender units in place inside ministries must be better supported to do their work, with appropriate authority, resources, and capacity.



### ***The Ministry of Interior and Ministry of Justice must:***

**Improve awareness of women's rights and human rights law in the justice and security sector, and ensure effective implementation of these laws.**

This must include those laws enshrined in the constitution and the international human rights conventions to which Afghanistan is a signatory, as well as domestic laws such as the EVAW. Recent increases in gender and human rights training for police should be matched in other parts of the justice and security sector. Ongoing awareness-raising programmes should be established or expanded, together with effective monitoring of the investigation and prosecution of violence against women, with special emphasis on rural areas and those undergoing transition to the control of national security forces. Data on these investigations and prosecutions should be made publicly available. The possibility of more Family Response Units should be investigated. Investment must be made in the formal justice sector to improve women's access to justice, including more family courts and more female judges, especially at the sub-national level.

**Increase substantially women recruits in the security and justice sector.**

The government has pledged to increase the numbers of female police five-fold to 5,000 by 2014. In order to achieve this, women should be offered incentives such as transport, accommodation, and childcare. The possibility of female-only units should be investigated. Women need to be promoted into senior management positions, given appropriate support, and the authority to carry out their roles effectively.

### ***The international community must:***

**Support expanded civic education programmes to raise awareness of women's rights at community level.**

This should include gender training for boys and men, including sensitisation training, coaching, exchange programmes, and innovative capacity-building. To educate women about their rights, there needs to be more community awareness-raising campaigns which, for example, publish and disseminate the exact numbers of seats guaranteed in law to women in parliament and in provincial and district councils.

**Support efforts to improve female leadership.**

The international community must provide sustained support for female parliamentarians, members of provincial councils, as well as other councils and other female leaders, through skills training and capacity building. There should be a renewed effort to create a female parliamentary caucus, and exchange visits and campaigns should be organised at the community level to ensure women are informed about the peace processes and how they can participate.

**Intensify support to promote access to education and other key services, and ensure this support will continue at current or increased levels even as international military forces prepare to withdraw.**

***The UN must:***

**Continue to monitor all government actions including the peace processes and must provide increased support to the Afghan government on all negotiation, reconciliation, and reintegration processes.**

This should include speaking out publicly and strongly as appropriate about the need for women's rights to be protected and for women's involvement in all peace processes, as per UN Security Council Resolutions 1325 and 1889.

# Notes

- <sup>1</sup> Interview with Noorjahan Akbar, activist and co-founder of Young Women for Change, Kabul, July 2011.
- <sup>2</sup> UNAMA Mid-Year Report 2011: Protection of Civilians, July 2011, accessed via <http://reliefweb.int/node/425795>
- <sup>3</sup> For instance, the then US First Lady Laura Bush gave a radio interview in November 2001 condemning 'deliberate human cruelty' to women. Her interview coincided with a US State Department report on conditions for women and children under the Taliban. See report in the Los Angeles Times, 18 November 2001, <http://articles.latimes.com/2001/nov/18/news/mn-5602>
- <sup>4</sup> BBC (online), 'Afghan President Karzai confirms Taliban 'contacts'', 11 October 2010, <http://www.bbc.co.uk/news/world-south-asia-11511866>
- <sup>5</sup> 'Robert Gates says Taliban contact 'very preliminary'', Reuters article accessed via *The Guardian* (online), 19 June 2011, <http://www.guardian.co.uk/world/2011/jun/19/robert-gates-taliban-contact-preliminary?intcmp=239>
- <sup>6</sup> BBC (online), 'Afghanistan: UN drops Taliban names from sanctions list', 16 July 2011, <http://www.bbc.co.uk/news/world-south-asia-14171925>
- <sup>7</sup> Catherine Philip, 'Taliban office in Qatar approved by US', *The Times* (accessed via *The Australian* online), 13 September 2011, <http://www.theaustralian.com.au/news/world/taliban-office-in-qatar-approved-by-us/story-e6frg6so-1226135168019>
- <sup>8</sup> See for example, 'Peace at All Costs? Reintegration and Reconciliation in Afghanistan,' Tazreena Sajjad, August 2010, Afghanistan Research and Evaluation Unit (AREU), p1 and throughout, for background information on previous attempts on peace and reintegration.
- <sup>9</sup> AP, 'Clinton: Killing won't stop peace efforts', AP via CBS News (online), 22 September 2011, <http://www.cbsnews.com/stories/2011/09/22/ap/business/main20110313.shtml> and Al Jazeera, 'Karzai vows to continue Afghan peace effort', 23 September 2011, <http://english.aljazeera.net/news/asia/2011/09/201192353426282400.html>
- <sup>10</sup> The Asia Foundation organised consultation workshops in six regions (Herat, Nangrahar, Balkh, Bamiyan, Helmand and Kabul) in summer 2011 with support from the Belgian government and the European Union. These were designed to provide a platform for people to share their view on the peace process, the international community, the Afghan Government, High Peace Council, APRP, and Civil Society organisations. Interview with Amanullah Loden, Peace Unit Programme Coordinator with Asia Foundation, 18 July, 2011
- <sup>11</sup> See, for example, Jon Boone, 'Taliban ready to lift ban on girls' schools, says minister', *The Guardian* (online), 13 January 2011, <http://www.guardian.co.uk/world/2011/jan/13/taliban-lift-ban-girls-schools>
- <sup>12</sup> There has been no study of conditions for women living in areas controlled by the Taliban or other armed opposition groups. However, a July 2010 report from Human Rights Watch, "'Ten-Dollar Talib'" and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation', documented a number of anecdotal stories from women who had experienced threats and intimidation. See, for instance, p24.
- <sup>13</sup> BBC (online) 'Top Afghan policewoman shot dead', 28 September 2010. <http://news.bbc.co.uk/2/hi/7640263.stm>
- <sup>14</sup> Interview with Latifah Sultani, national women's rights co-ordinator, Afghan Independent Human Rights Commission, Kabul, July 2011.
- <sup>15</sup> Article 3 of the Afghan Constitution, ratified in January 2004, establishes the supremacy of Sharia law: 'No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.' Constitution accessed August 2011 via <http://www.afghanembassy.com.pl/cms/uploads/images/Constitution/The%20Constitution.pdf>
- <sup>16</sup> Matt Waldman, "Dangerous Liaisons with the Afghan Taliban: The Feasibility and Risks of Negotiations," United States Institute for Peace Special Briefing, October 2010, , p6. The report can be downloaded at: <http://www.usip.org/publications/dangerous-liaisons-the-afghan-taliban>
- <sup>17</sup> Interview with Noorul Haq Oloomi, Kabul. August 2011.
- <sup>18</sup> Human Rights Research and Advocacy Consortium (HRRAC), 'Women and Political Leadership: The Problems facing Women Leaders in Afghanistan', Nasrat Esmaty and Asadullah Ahamdi, September 2010, p 24
- <sup>19</sup> U.N. Special Rapporteur of the Committee of Human Rights, "Final Report on the situation of human rights in Afghanistan submitted by Mr. Choong-Hyun Paik, Special Rapporteur, in accordance with Commission resolution 1996/75" E/CN.4/1997/59, February 20, 1997, para 71. Accessed August 2011 via <http://www.unhcr.org/refworld/country,,UNCHR,,AFG,4562d8cf2,3ae6b0d34,0.html>
- <sup>20</sup> 'The Situation of Women in Afghanistan', UN, 2002, <http://www.un.org/events/women/2002/sit.htm>
- <sup>21</sup> See for example a piece written by then US Senator Hillary Clinton, 'New Hope for Afghanistan's Women', *Time*, 24 November 2001. <http://www.time.com/time/nation/article/0,8599,185643,00.html>
- <sup>22</sup> The Afghan Constitution, ratified January 2004, establishes a number of important rights for women, including Article 22, which states that men and women are equal before the law; Article 43, which guarantees

- education for all, with Article 44 giving special provision for women; and Article 48, which gives all Afghans the right to work. However, Article 3 also establishes the supremacy of Sharia law, as detailed in Note 14. Constitution accessed August 2011 via <http://www.afghanembassy.com.pl/cms/uploads/images/Constitution/The%20Constitution.pdf>
- <sup>23</sup> The NAPWA was developed in 2005 and was launched in 2008 as the Afghan government's main vehicle for implementing its commitments to women. It focuses on six areas: security; legal protection and human rights; leadership and political participation; economy, work and poverty; health and education. However, it has not yet been effectively implemented. Accessed August 2011 via <http://sites.google.com/site/afghanpolicysite/Home/national-action-plan-for-women-in-afghanistan>
- <sup>24</sup> Interview with members of the Women's Human Rights Defence Committee in Parwan province, June 2010.
- <sup>25</sup> Interview with Zaki, a Kabul-based trainer with the AIHRC working to raise awareness of human rights among religious leaders, Kabul, July 2011.
- <sup>26</sup> Interview with Samira Hamidi, Kabul, July 2011.
- <sup>27</sup> Ibid, p 22
- <sup>28</sup> HRRAC, op.cit (2010) p 26
- <sup>29</sup> Ibid, p 7
- <sup>30</sup> Ibid, p 30
- <sup>31</sup> The Grand Imam's statement was made in June 2011 while presenting the Al-Azhar Declaration on Egyptian television. The original declaration text can be accessed at: <http://www.jusur.net/index-Dateien/image/azhar.pdf>. A news article in English was carried by al-Ahram newspaper (in English and Arabic): <http://english.ahram.org.eg/NewsContent/1/64/14672/Egypt/Politics-/AlAzhars-Grand-Imam-declares-support-for-a-constit.aspx>
- <sup>32</sup> Interview with Palwasha Hassan, activist and co-founder of women's organisation AWEC, Kabul, July 2011.
- <sup>33</sup> Interview with Latifah Sultani, AIHRC, op cit.
- <sup>34</sup> Interview with Afghan female aid worker from Kandahar City, Kandahar, December 2010 and re-interviewed August 2011.
- <sup>35</sup> Interview with Wazhma Frogh, Kabul, July 2011.
- <sup>36</sup> European Union Election Observation Mission report ( 2009), op. cit, p38
- <sup>37</sup> Interview with Latifah Sultani, Kabul, July 2011.
- <sup>38</sup> Zedagi Zebaast – Mazaar (A Concert For Women), 21 September 2010, accessed August 2011 via <http://www.daryasworld.com/2010/zedagi-zebaast-mazaar-a-concert-for-women>
- <sup>39</sup> Kevin Sieff, 'Afghan Women opposed by former allies', Washington Post, 17 July 2011, [http://www.washingtonpost.com/world/asia-pacific/afghan-women-opposed-by-former-allies/2011/07/17/gIQCACR0iYI\\_story\\_1.html](http://www.washingtonpost.com/world/asia-pacific/afghan-women-opposed-by-former-allies/2011/07/17/gIQCACR0iYI_story_1.html)
- <sup>40</sup> 'Female candidates risk all for Afghan elections', *PRI's The World* (online), 26 August 2010, <http://www.theworld.org/2010/08/female-candidates-risk-all-for-afghan-elections/>
- <sup>41</sup> Figures from Quota Project, Global Database of Quotas for Women, <http://www.quotaproject.org/uid/countryview.cfm?country=4>. This compares favourably to the average global rate of 18.4 per cent under quota systems. The 2004 Election Law outlines female representation at the provincial and district level. Article 31 refers to the Allocation of Seats to Provincial Councils. Part (c) states: 'The top two most voted female candidates in each provincial council shall be automatically elected. The remaining seats will be awarded to the most voted candidates irrespective of their gender.' Similarly, Article 36, which refers to the Allocation of Seats at the district council level, states: 'The top two most voted female candidates in each district will get automatically elected.' However, district councils have only begun to be established in 2011. Election Law accessed August 2011 at <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN018178.pdf>.
- <sup>42</sup> World Bank (2010), 'World Bank-Supported Work on Gender in Afghanistan' Afghanistan Reconstruction Trust Fund (ARTF) Donors Meeting, 7 December, 2010, provided to Oxfam by the World Bank, July 2011, p10. The NSP was established in 2003. Under the programme, small grants of up to \$60,000 are made to villages for development projects including roads, clinics, schools and small power plants. Over 22,500 CDCs have been established. Nearly 30,000 women are members of mixed CDCs with nearly 60,000 more members of separate women only CDCs. An October 2010 report by Chona Echavez of the Afghanistan Research and Evaluation Unit, 'Does Women's Participation in the National Solidarity Programme Make a Difference in their Lives? A case study in Parwan Province', provides an interesting study of the positive effects of participation in a CDC on female members including an increase in self confidence and respect from others. The report can be downloaded at: <http://www.areu.org.af/Uploads/EditionPdfs/1034E-Gender%20and%20Participation%20NSP%20CS%202010.pdf>
- <sup>43</sup> The Afghan Millennium Development Goals (MDGs) outline a number of targets to promote women's rights under Goal 3 of 'Promote Gender Equality and Empower Women'. These include to 'increase female participation in elected bodies at all levels of governance to 30 per cent by 2020' with the indicator of increasing the 'proportion of seats held by women in national, provincial and district representative bodies'. Afghan MDGs accessed online August 2011 on <http://www.undp.org.af/MDGs/goal3.htm>. In addition, in the

context of civil service reform, the government has pledged to increase the numbers of women in the civil service to at least 30 per cent: 'Afghan women represent at least 30 per cent of all positions and able to influence policy and decision making in government'. See the Gender Policy Overview as part of the Independent Administrative Reform and Civil Service Commission website for more information: <http://iarpsc.gov.af/en/news/1778>

- 44 Independent Administrative Reform and Civil Service Commission (IARSCC) 'Gender in the Civil Service', [http://www.csc.gov.af/index.php?option=com\\_content&view=article&id=59&Itemid=79](http://www.csc.gov.af/index.php?option=com_content&view=article&id=59&Itemid=79)
- 45 Interview with Nargis and Chaman conducted by Oxfam field staff, Daikundi, July 2011,
- 46 HRRAC (2010), op cit p 1
- 47 Interview with Elay Ershad, Kabul, July 2011.
- 48 UNIFEM Factsheet 2010, <http://www.unifem.org/afghanistan/media/pubs/factsheet/10/index.html>
- 49 HRRAC (2010), op cit, p 2
- 50 Afghan female activist Suraya Pakzad told a meeting in the United States Congress that many of the women lawmakers in Afghanistan were elected with 'the support of warlords' and now have to answer to those warlords. She said: 'Those women don't have voices, they don't have the right to raise their voices. They have to have their mobile phone and call the warlord who supported them... and ask them whom they should vote for,' she said. News report accessed August 2011 on <http://www.thejakartaglobe.com/world/afghanistans-female-mps-hamstrung-by-warlords/362249>.
- 51 <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/5790702/Afghanistan-revises-marriage-law-but-women-still-required-to-submit-to-sexual-intercourse.html>.
- 52 Afghanistan Research and Evaluation Unit (AREU), 'Local Governance in Afghanistan: A View from the Ground', Dr Douglas Saltmarshe and Abhilash Medhi, June 2011, p 39. The report can be downloaded at: <http://www.areu.org.af/EditionDetails.aspx?EditionId=543&ContentId=7&ParentId=7>
- 53 AREU (2011), op cit, p 34.
- 54 UNIFEM Factsheet 2010, <http://www.unifem.org/afghanistan/media/pubs/factsheet/10/index.html>
- 55 Interview with World Bank officials, Kabul, July 2011
- 56 Gender Review Report (2011), Royal Norwegian Embassy Afghanistan, p26
- 57 This groundbreaking law criminalises a number of harmful practices including Baad (the exchange of woman to settle disputes), prohibiting a woman's choice of husband, child marriage, and denying the right to education, work and access to health services. See the UNAMA report on Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan, December 2010, for more background on both the report and the challenges in implementation.
- 58 Interview with Latifah Sultani, Women's Rights national coordinator, Afghan Independent Human Rights Commission, July 2011.
- 59 See, for instance, the UNAMA (2010) Elimination of Violence report. Also Dr Douglas Saltmarshe and Abhilash Medhi, 'Local Governance in Afghanistan: A View from the Ground', AREU, June 2011, for a brief description of the state, or formal, justice system and the informal justice system, particularly p24-25.
- 60 UNAMA, (2010), Elimination of Violence report, op cit, p 45
- 61 Report of the Secretary General on The situation in Afghanistan and its implications for international peace and security, UN Doc A/65/873-S/2011/381 (23 June 2011),p 6
- 62 UNAMA, (2010), Elimination of Violence Report', op cit, p48. However, a report by AREU did find that 'the use of more extreme customary practices, such as Baad, are declining' among community dispute resolution mechanisms. AREU (2011), op cit, p2
- 63 Alissa Rubin (2011), 'Suspect in Mutilation of an Afghan Woman Is Freed', *The New York Times*, 11 July 2011.
- 64 Interview with Latifah Sultani, (AIHRC), op cit
- 65 Global Rights, 'Living with Violence: A National Report on Domestic Abuse in Afghanistan', March 2008, introduction to the executive summary.
- 66 Afghan Independent Human Rights Commission, 'Investigation of Causes and Factors of Trafficking in Women and Children', press release, July 2011,
- 67 'Xinhua News Agency (2010), 'Suicide rate soars among Afghan women', 31 July 2010, [http://news.xinhuanet.com/english2010/world/2010-07/31/c\\_13424261.htm](http://news.xinhuanet.com/english2010/world/2010-07/31/c_13424261.htm)
- 68 A UN report concluded that 'little meaningful and sustainable progress for women's rights can be achieved in Afghanistan as long as women and girls are subject to practices that harm, degrade, humiliate and deny them their basic human rights.' These practices are frequently attributed to culture and tradition, but the report went on to say that many of the widespread harmful traditional practices are 'inconsistent with Sharia law as well as Afghan and international law, and violate the human rights of women.' See UNAMA (2010), 'Elimination of Violence', op cit.

- <sup>69</sup> Ministry of Education Response to Education For All Global Monitoring Report, 2011, p3.
- <sup>70</sup> Ibid, p1
- <sup>71</sup> Ibid, p1
- <sup>72</sup> Ibid, p2
- <sup>73</sup> The vast majority of female teachers work in and around urban areas, with more than a third based in Kabul. In contrast, in highly insecure Paktika province, on the border with Pakistan, only one per cent of teachers are female. More than 40 per cent of girls interviewed for the report said their school didn't have a building and they were being taught in the open air or in temporary structures. See *'High Stakes: Girls Education in Afghanistan'*: Oxfam, February 2011.
- <sup>74</sup> World Bank (2010), op cit, p2
- <sup>75</sup> Interview with woman from Kandahar City, Kandahar, December 2010, and re-interviewed August 2011.
- <sup>76</sup> Jon Boone (2011), 'Taliban ready to lift ban on girls' schools, says minister', *The Guardian* (online), 13 January 2011, <http://www.guardian.co.uk/world/2011/jan/13/taliban-lift-ban-girls-schools>
- <sup>77</sup> Interview with Oloomi, Kabul, August 2011.
- <sup>78</sup> Interview with embassy official, Kabul, July 2011.
- <sup>79</sup> There has been no study of conditions for women living in areas controlled by Taliban or other armed opposition groups. However, a July 2010 report from Human Rights Watch, 'Ten-Dollar Talib' and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation', documented a number of anecdotal stories from women who had experienced threats and intimidation. See, for instance, p24.
- <sup>80</sup> UNAMA (2011), 'Afghanistan: Mid Year Report 2011, Protection of Civilians in Armed Conflict' (UNAMA Human Rights Unit, 2011) p iv
- <sup>81</sup> Opponents of the law succeeded in modifying it in three priority areas: raising the legal age of marriage (from "minor", taken to mean 9 for girls, to 16 for girls and 18 for boys) the age at which the father can claim custody of children after divorce (raised from 2 to 7 for boys and 7 to 9 for girls) and giving the wife greater freedom of movement outside the house. The opponents had a much longer list of proposed amendments – a shortlist of 17 and a wish-list of 96 changes, including the conjugal obedience item – but a powerful Sunni leader and ex-mujaheddin, Abdul Rasul Sayaff cut the discussion short. After his intervention, the Lower House voted to approve the bill as a package without further debate on 7 February 2009. So apparently did the Upper House a little later on 12 February and the bill went to President Hamid Karzai for signature." See 'Promoting Women's Rights in Afghanistan: The Ambiguous Footprint of the West', Torunn Wimpelmann Chaudhary, Orzala Ashraf and Astri Suhrke in "A Liberal Peace? The Problems and Practices of Peacebuilding", Susanna Campbell, David Chandler and Meera Sabaratnam (eds.) A national and international outcry led to the amendment of the law but many discriminatory provisions remained. See for example, <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/5790702/Afghanistan-revises-marriage-law-but-women-still-required-to-submit-to-sexual-intercourse.html> <http://www.guardian.co.uk/world/2009/aug/14/afghanistan-womens-rights-rape>
- <sup>82</sup> Gayle Tzemach Lemmon (2011), 'Fighting a 50 percent solution in Afghanistan' Foreign Policy AfPak Forum, 21 July 2011, [http://afpak.foreignpolicy.com/posts/2011/07/21/fighting\\_a\\_50\\_percent\\_solution\\_in\\_afghanistan](http://afpak.foreignpolicy.com/posts/2011/07/21/fighting_a_50_percent_solution_in_afghanistan)
- <sup>83</sup> *Washington Post*, 'In Afghanistan, U.S. shifts strategy on women's rights as it eyes wider priorities', [http://www.washingtonpost.com/world/in-afghanistan-us-shifts-strategy-on-womens-rights-as-it-eyes-wider-priorities/2011/03/02/ABkxMAO\\_story.html](http://www.washingtonpost.com/world/in-afghanistan-us-shifts-strategy-on-womens-rights-as-it-eyes-wider-priorities/2011/03/02/ABkxMAO_story.html).
- <sup>84</sup> Rosan Smits and Steven Schoofs, (2010) 'Aiming High, Reaching Low: Four Fundamentals for Gender-Responsive State-building', March 2010, Clingendael Policy Brief.
- <sup>85</sup> UN News Centre, 'Empowering women the most effective development tool, Annan says', 28 February 2005, <http://www.un.org/apps/news/story.asp?NewsID=13478&Cr=commission&Cr1=women>
- <sup>86</sup> See 'Aid and Conflict in Afghanistan', International Crisis Group, August 2011, for an analysis of aid disbursed in Afghanistan since 2001.
- <sup>87</sup> This was the conclusion of a global survey compiled by the Thomson Reuters Foundation to mark the launch of a website, TrustLaw Woman. It found that targeted violence against female public officials, dismal healthcare and desperate poverty make Afghanistan the world's most dangerous country in which to be born a woman. A news article on the report can be accessed at <http://www.guardian.co.uk/world/2011/jun/15/worst-place-women-afghanistan-india>
- <sup>88</sup> National Risk and Vulnerability Assessment (2008), 'Summary of the National Risk and Vulnerability Assessment 2007/8: A Profile of Afghanistan', p 19.
- <sup>89</sup> World Bank (2005), 'Afghanistan: National Reconstruction and Poverty Reduction – the Role of Women in Afghanistan's Future', March 2005, p 112.
- <sup>90</sup> Ibid, p4.
- <sup>91</sup> Afghan Women's Network, 'Seminar conclusion: Afghan women in the Peace and Re-integration Program', Two-Day Seminar, December 6-7, 2010, Kabul
- <sup>92</sup> UNSCR 1889 outlines how to take Resolution 1325 forward with a proposed set of global indicators to measure

commitments, including a suggested level of participation of women in formal peace negotiations as well as level of women's political participation. This was not endorsed but the October 2010 Presidential Statement (S/PRST/2010/22), a non-binding political statement), expressed support for taking forward the Secretary-General's 26 indicators. [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2010/173](http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/173)

<sup>93</sup> The APRP Program Document, (p22) states: 'that women have a crucial role to play in peacebuilding, both in constructing community-based approaches and in developing strategies for cooperation and dialogue.'

<sup>94</sup> See for instance, Kevin Sieff (2011), 'Afghan Women opposed by former allies', Washington Post, 17 July 2011, [http://www.washingtonpost.com/world/asia-pacific/afghan-women-opposed-by-former-allies/2011/07/17/gIQACR0iYI\\_story\\_1.html](http://www.washingtonpost.com/world/asia-pacific/afghan-women-opposed-by-former-allies/2011/07/17/gIQACR0iYI_story_1.html)

<sup>95</sup> Interview with member of the advisory team for the High Peace Council, Kabul, July 2011.

<sup>96</sup> Interview with Kabul-based analyst, July 2011

<sup>97</sup> Interview with provincial head of DoWa, December 2010.

<sup>98</sup> Interview with member of the advisory team for the High Peace Council, Kabul, July 2011.

<sup>99</sup> Interview with embassy official, Kabul, July 2011.

<sup>100</sup> Interview with Mary Akrami, Kabul, July 2011.

<sup>101</sup> As of June 2011, 1,700 Taliban fighters had joined the APRP. See <http://www.isaf.nato.int/article/focus/afghanistan-peace-and-reconciliation-program.html>

<sup>102</sup> According to an interview with AIHRC, Kabul, July 2011, the women's rights unit currently consists of a women's rights commissioner based in Kabul; offices in 14 provinces and a total staff of 24 people. The Afghan government continues to fail to fund it properly. There is an urgent need for greater funding and capacity building to enable it to properly monitor women's rights and assist those in need.

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