



# WOMEN, PEACE AND SECURITY IN AFGHANISTAN

## *IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325*

Six Years On: Post-Bonn Gains And Gaps

*medica mondiale*  
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## Acronyms

ANBP	Afghanistan New Beginnings Programme (ANBP)
AIHRC	Afghan Independent Human Rights Commission
ANP	Afghan National Police
ANDS	Afghanistan National Development Strategy
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CLJ	Constitutional Loya Jirga
CRC	Convention on the Rights of the Child
DDR	Disarmament, Demobilization and Reintegration
DPKO	Department of Peacekeeping Operations (UN)
DoWA	Department of Women's Affairs (provincial MoWA units)
FRU	Family Response Unit
IARCSC	Independent Administration Reform and Civil Service Commission
IDP	Internally Displaced Person
INGO	International Non-Governmental Organisation
ISAF	International Security Assistance Force (in Afghanistan)
MoPH	Ministry of Public Health
MoWA	Ministry of Women's Affairs (Afghan government)
MP	Member of Parliament
NAPWA	National Action Plan for the Women of Afghanistan
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
PRT	Provincial Reconstruction Teams
UNAMA	United Nations Assistance Mission to Afghanistan
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNIFEM	United Nations Fund for Women
UN	United Nations

## **Executive Summary**

It has been six years since the United Nations (UN) Security Council unanimously adopted Resolution 1325 and five years since the fall of the Taliban and the drafting of the Bonn Agreement, the international agreement which set the stage for initiating Afghanistan's peace process, democratization and reconstruction. Over these years, what steps have been taken to protect women from a war which continues to rage in many parts of the country? Have the principles of Resolution 1325 been realized to any degree for Afghan women?

UN Security Council Resolution 1325 on Women, Peace and Security was unanimously adopted by Security Council members on October 31<sup>st</sup>, 2000. This report attempts to briefly analyze these questions, and make recommendations to further the implementation of Resolution 1325 in Afghanistan.

This landmark piece of international law resulted from over 20 years of advocacy and lobbying by women activists from war zones and post-conflict states around the world<sup>1</sup>. The Resolution recognizes that women and children constitute the majority of victims of armed conflicts that women and girls are affected by conflict differently from men and boys and that women have a role to play and a right to participate in all levels of a peacebuilding process. Resolution 1325 calls attention to the consequences of war on women's lives - including sexualized violence, the spread of HIV/AIDS, the prevalence of landmines and among others, the displacement of women and girls as refugees and internally displaced. Resolution 1325 recognizes the importance of women's place at the decision-making table and their positive contribution to conflict prevention, conflict resolution and the promotion of peace and security.

As a Security Council Resolution adopted under Chapter 6 of the UN Charter Resolution 1325 creates obligations applicable to all United Nations Member States, including the Government of Afghanistan. As a state with a large UN mission, Afghanistan hosts several UN agencies - many of which are members of the 22 member Inter-Agency Task Force on Women, Peace and Security that has contributed to developing the UN system-wide Action Plan on Resolution 1325. These UN agencies are each tasked with covering specific areas of responsibility for the implementation of Resolution 1325 in Afghanistan. The United Nations Assistance Mission to Afghanistan (UNAMA) in particular has a leadership role in carrying out the mandate of the Bonn Agreement and overseeing many of the key political processes such as election monitoring which are relevant to Resolution 1325.

Resolution 1325 evolved from, and builds on, previous international commitments to protect and promote the rights of women in war zones and (post-) conflict contexts around the world. It builds on the work of the Beijing Declaration and Platform for

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<sup>1</sup> The complete text of the resolution can be found in the Annex at the end of the paper.

Action resulting from the Fifth World Conference on Women and the General Assembly Resolution entitled "Women 2000: Gender Equality, Development and Peace in the Twenty-first Century" (A/55/341) which incorporated *Further actions and initiatives to implement the Beijing Declaration and Platform for Action*.

While Resolution 1325 is not specifically referred to in key documents that guide the reconstruction and peacebuilding process in Afghanistan, its provisions are nevertheless echoed in many of these documents, such as the Berlin Declaration that followed the meeting of donors to Afghanistan's reconstruction (Berlin 2004). This Declaration clarified commitments previously made by donors concerned with Afghanistan's reconstruction process (Tokyo Conference, 2002). Both documents pledge to assist the Afghan government with security and peace needs – including entrenching the rule of law, implementing DDR processes, realizing women's rights and political participation and developing the capacity of an independent civil society, among other issues. More recently, in January 2006, the *Afghanistan Compact* was produced as a result of the London Conference on Afghanistan. This *Compact* outlines the cooperation between Afghanistan and the international community. It is organized around four key areas of activity: security; governance, rule of law and human rights; and economic and social development. The *Afghanistan Compact* makes references to women's participation in development processes, specifically recognizing that *in all policies and programmes...men and women have equal rights and responsibilities*<sup>2</sup>.

Resolution 1325 is an action document. It is a framework for bringing change to the lives of women and girls affected by war. The resolution puts women at the centre, articulating the unique ways in which war affects women and the measures needed to integrate women's voices into peace processes and reconstruction. In Afghanistan, 1325 represents a commitment on the part of the State of Afghanistan and the United Nations that women's rights and peace activists can use as a reference point in assessing progress to date. It is a tool for accountability that obliges the Afghan government, UN agencies and the international community in Afghanistan to answer for failures to protect women and girls, ensure their participation in peace processes, and promote their fundamental human rights.

The provisions of Resolution 1325 can be organized under the rubric of what has come to be known as the '3 Ps':

- **Participation** of women in peace processes: Calling for the increased representation of women in institutions and processes for the prevention, management and resolution of conflict, at all decision-making levels in national, regional and international institutions
- **Promotion** of women's human rights: mandating the promotion of women's human rights – paying attention to international standards of human rights that are reflected in national laws, creating accountability mechanisms within the law, and striving to end impunity.

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<sup>2</sup> P.2, The Afghanistan Compact.

- **Protection** of women in war and peace: the resolution emphasizes the responsibility to protect women and girls from gender-based violence, in particular from rape and other forms of sexualized violence.

Afghanistan presents a particularly challenging environment for the implementation of Resolution 1325 and the full realization of the obligations it imposes on States. A long series of violent wars, the recent extreme misogynous regime of the Taliban, and the pervasive insecurity that continues in many parts of the country have left many Afghans – both men and women - traumatised and in need of psychosocial counselling. Healing after trauma is one aspect of post conflict recovery that is missing from the otherwise very comprehensive support embodied in the principles set out in 1325. medica mondiale has written extensively on, and produced a handbook for different professional groups on the trauma and other psychosocial effects which result from violence against women in war and crisis situations – including in Afghanistan.

The pervasive insecurity in contemporary Afghanistan has not been conducive to the actualization of the commitments set out in 1325. The recent negotiations between the Taliban and NATO/ISAF in the South – raises many concerns – not least why women were excluded from the Qala Musa agreement (November 2006). While the NATO-led ISAF has slowly expanded to the provinces and provides some protection where it operates, much more needs to be done to provide the basic protection to women and girls mandated by the Security Council. While some awareness of 1325 exists among the international community in Afghanistan, coordination for the Resolution's implementation is only just beginning. In order to effectively implement 1325, in Afghanistan, all stakeholders will have to work clearly and explicitly within its framework and ally this with strong political will from all stakeholders.

The unpredictable tensions between the will of Afghans to build peace and the complex forces still at play against peace in Afghanistan, make real change for the women of Afghanistan seem illusory and even unobtainable. Yet the foundations are in place which can be built upon, provided there is a sustained effort towards meeting the security needs of women and the demands of a lasting peace in a country tormented by war for over a quarter of a century.

## **Introduction**

### **The war against the women**

Much has been said about violence against women under the Taliban regime. The treatment of women under the Taliban was definitely an almost unprecedented institutionalization of gender based terrorism. But the fact is that violence and especially sexualized violence was already a common means of oppression of the female population under the communist regime, as well under the Mujahiddin. The armed conflicts of the last 27 years, have masked another war which has to be clearly mentioned - the continuing war against Afghanistan's women of today. Restricted, humiliated and

intimidated before, during and after these armed conflicts women have to face and to cope with special kinds of gender-based violence – aggravating the generally miserable and dangerous conditions in post-war Afghanistan dramatically. Domestic violence occurs frequently. Rape has been commonplace through all stages of the conflict and throughout every warring faction. Child- and forced marriages, the traditional conflict resolution method *baad*, the still mostly denied access to health, education, justice, employment and public appearance, the necessity of bearing many and preferably male) children and of serve the family of their husbands, these are some of the most important types of structural, political and personal violence deeply rooted in the Afghan social and political system. Also even taking into account the differences within the ethnic groups the life of the overwhelming majority of Afghan women and girls is affected by patriarchal, clan-controlled violence of a male dominated and deeply traumatized society. Suicide, often in the form of self-immolation for women and girls has become an increasing phenomenon in response to the inescapable gender-based violence in Afghanistan. This growing trend among young Afghani women has to be seen as a last resort from and protest against a life of violence and family/male dependence without a possibility of a more self determined and peaceful life. The life of Afghan women is therefore, at best, highly insecure and dangerous - not only from the security perspective of those living in a conflict zone but also from the point of view of individuals caught in a violent and inescapable social system..

### **Insecurity and Conflict in Afghanistan**

*Those who ought to be prosecuted before anyone else for their crimes against our nation are going to legislate to the Afghan people! The rule of private armies of the warlords in different parts of the country and infighting between different groups of them has resulted in the loss of innocent lives.*  
[RAWA October 2006]

Afghanistan remains a volatile environment for civilians, soldiers, civil servants, women activists and other Afghan civil society as well as the international humanitarian community working in the country. The year 2006 has witnessed heightened hostilities in Afghanistan and the highest number of conflict-related deaths since 2001. Afghanistan's geographic diversity and difficult terrain make it seem a larger country than it is and the security situation can differ drastically from one area to another. Some areas - such as the Southern provinces have been consistently dangerous, while others -such as Bamiyan and Badakhshan were relatively safe in previous years. The resurgence of the Taliban, the rise of criminal elements, and the activities of former commanders perpetuate pockets of instability – little short of an overall conflict in the country at large. In some areas, Afghans perceive the impending return of a full-scale civil war.

**Urban communities in the South and East of Afghanistan – witness violent incidents and homicide (suicide) bombings almost on a daily basis. In rural areas, insurgents carry out combat operations against government and multinational forces-in which thousands of innocent people are held hostage, injured killed, and/or forced to leave their homes.**

Despite the presence of NATO-led ISAF troops in Kandahar, Helmand and other parts of the South – this deteriorating situation over the last five years has forced the population to live in constant fear and further restricted women's mobility.



NATO's presence offers little protection to women, whether ordinary civilians or women in public office.

Women in public positions, such as the representatives of the Ministry of Women's Affairs (MOWA), the regional Departments of Women's Affairs (DOWAS) and female parliamentarians or just teachers or nurses are the focus of more and more threats and armed attacks, often through such insidious means as the murder of the DOWA-representative of Kandahar or the "night letters", promising the imminent death of an employed nurse or teacher if she does not quit her job. These open assaults do not receive much attention by international and local actors and authorities. The recent murder of the daughter of a parliamentarian (she wore the clothes of her mother) was not covered by the media. Nor was it viewed by government as of political concern. There are no public statements by politicians and representatives of state institutions condemning such attacks or showing solidarity with the women, nor are there any plans to provide security trainings and other security measures to make sure that women can continue to carry out their work. The attacks and murders are successfully intimidating women and their families and prevent them from going to work. The climate of silence and impunity is feeding a culture of violence against women which promises to continue and to spread and will ultimately have a negative impact on building peace and stability.

As a result of the security situation, initiatives in Southern Afghanistan focused on improving the status of women are limited. Afghan women activists operate in fear of their lives and many foreign NGOs are either unwilling to work in the South, or have currently withdrawn their presence due to security incidents. Conservative norms coupled with insecurity mean there is very little mobilization among women's groups in Southern provinces such as Helmand and Uruzgan, and consequently fewer relief and social services are available to women in the South. For example, it has been stated that some aid agencies have banned female staff from travelling due to the additional security risks [that] they face.<sup>3</sup> Such conditions constitute major barriers to the implementation of UNSCR 1325 in the South.

*Box 1 – List of UN Agencies with a presence in Afghanistan*

<b>FAO</b>	<b>Food and Agriculture Organisation</b>
<b>ILO</b>	<b>International Labour Organisation</b>
<b>IMF</b>	<b>International Monetary Fund</b>
<b>IOM</b>	<b>International Organisation for Migration</b>
<b>OCHA</b>	<b>Office for the Coordination of Humanitarian Affairs</b>
<b>OHCHR</b>	<b>Office of the High Commissioner for Human Rights</b>
<b>UNAMA</b>	<b>United Nations Assistance Mission to Afghanistan</b>
<b>UNDP</b>	<b>United Nations Development Programme</b>
<b>UNEP</b>	<b>United Nations programme for the Environment</b>
<b>UNESCO</b>	<b>United Nations Educational, Scientific and Cultural Organization</b>
<b>UNFPA</b>	<b>United Nations Population Fund</b>
<b>UNHCR</b>	<b>United Nations High Commissioner for Refugees</b>
<b>UNHCS</b>	<b>United Nations Centre for Human Settlements (HABITAT)</b>
<b>UNICEF</b>	<b>United Nations Children Fund</b>
<b>UNIFEM</b>	<b>United Nations Development Fund for Women</b>

<sup>3</sup> Acbar Brief to United Nations Security Council mission to Afghanistan

<b>UNIRIN</b>	<b>United Nations Inter-Regional News</b>
<b>UNMACA/ UNMAPA</b>	<b>United Nations Mine Action Centre/Mine Action Programme for Afghanistan</b>
<b>UNODC</b>	<b>United Nations Office for Drugs and Crime</b>
<b>UNOPS</b>	<b>United Nations Office for Project Services</b>
<b>UNV</b>	<b>United Nations Volunteers for Afghanistan</b>
<b>WFP</b>	<b>World Food Programme</b>
<b>WHO</b>	<b>World Health Organisation</b>
<b>World Bank</b>	<b>World Bank Group-Afghanistan</b>

Previously considered comparatively secure, the Northern region has also seen worsening security, with increased attacks including suicide bombings, a phenomenon formerly relatively unknown in Afghanistan. The Eastern region has fared little better, and insecurity there is aggravated by drug trade activities and misdirected policies intended to curb poppy cultivation, without creating the conditions for alternative livelihoods for the tens of thousands who survive off the industry.

According to the AIHRC, abductions have occurred in various parts of the country. There were at least 150 cases of child abduction recorded in 2005. Women are trafficked as forced or bonded prostitutes within Afghanistan as well as to destination countries in the region, including Pakistan, Iran and the United Arab Emirates.

Humanitarian workers, journalists and photographers have also been the victims of abductions in many areas of the country. It has been reported that over 3 000 people have been killed this year alone.<sup>4</sup>

## **Education**

Afghanistan's education sector has undergone an unrelenting assault, particularly directed at girls' education. The right to education in general but particularly for girls and women remains more aspiration than actual. For example – since 2005 – there have been more than 200 attacks on educational institutions and teachers. Most of these attacks were reported in the first half of 2006 while 200,000 students have been reportedly denied access to schools<sup>5</sup>. The burning of schools, the murder of teachers and the distribution of the notorious *night letters* (flyers with threatening messages left in schools or other public places at night by the Taliban) have contributed to the closure of hundreds of schools throughout the country. Most schools are targeted simply for teaching girls. These acts – combined with the generally low number of schools for girls disproportionately affect their education. Continuing security concerns contribute to many parents withdrawing permission for their daughters to attend school.

## **Refugees and IDP's**

Internal migration has continued as Afghans flee from less secure areas of the country to larger cities such as Kabul. Gender-specific security threats contribute to increased

<sup>4</sup> BBC reports in Acbar brief to the UN Security Council

<sup>5</sup> Acbar Brief to the UN Security Council

internal displacement as families flee to safer areas due to the threat of rape. At the same time some refugees have returned to find their homes destroyed or occupied by new “owners”. Refugee camps outside of Afghanistan offer women little protection, restricted access to employment and other opportunities, and continue to be poverty-stricken, easy recruiting grounds for the Taliban.

## **Local Government**

Warlordism is a fairly entrenched parallel system of governance in Afghanistan, operating through complex networks of alliances and loyalties and co-existing uneasily with the central government led by President Hamid Karzai. It will take time and effort to dismantle this stubborn legacy of Afghanistan’s wars. While President Karzai took the brave step of removing several powerful warlords from power in the provinces, he has granted other warlords positions as cabinet ministers or governors of provinces. Many, if not a majority of the members of the parliament are affiliated with warlords, and are former , - contributing to an intimidating political environment for the small number of women MPs. In the provinces, beyond the reach of the central government, warlords and former commanders operate with impunity, many threatening women who challenge the status quo.

Most critically, basic services remain elusive for the vast majority of Afghans, who wait for the large international presence in the country to have some impact on their lives. Services such as clean water, sanitation, and basic healthcare still remain absent in many districts in what is currently the fourth poorest country in the world. Opportunities for employment, entrepreneurship, vocational training and tertiary education are distant dreams for far too many Afghans. Services that can address the healing of Afghans are missing in most parts of the country. Trauma counselling for both men and women, for example, could make critical headway in disrupting the cycle of violence permeating Afghan society.

Aid has been distributed disproportionately and slowly, and large portions have been lost along the way to heavy overhead budgets of large administrations receiving the bulk of the donor dollars. In fact very little of the pledged aid has actually resulted in positive change in Afghanistan. This is happening despite a worsening security situation that depends on *more* aid and development spending reaching the people, and not less.

This combination of persistent insecurity with a very low standard of living overall (e.g. lack of access to education, employment, healthcare, etc.) contribute to the instability and chaos characterizing the daily life of Afghan women in 2006 and impeding the effective implementation of Security Council Resolution 1325 on Women, Peace and Security.

## The Implementation of 1325 in Afghanistan

### I. Promoting Women's Rights

#### *Gender Perspective in the Implementation of the Bonn Agreement: Gains made Post-Bonn and existing gaps*

*In the bazaars of Kabul women are heading some of the businesses and engaging in transactions. And if you look in your rear view mirror you just might see an Afghan woman running a red light driving in her vehicle. However, despite five years of progress and support from the International Community, Afghan women are still struggling for their simplest rights. [ARIANA OUTREACH BRINGS AFGHAN WOMEN'S ISSUES TO CAPITOL HILL]*

The Bonn Agreement provides the framework for the establishment of democracy in Afghanistan. At Bonn, the international community committed itself to stand by a comprehensive peace process in Afghanistan. The Government of Afghanistan, in turn made certain commitments, including women's participation in key events such as the Emergency Loya Jirga and the creation in good faith – of the Afghan Ministry of Women's Affairs. There was widespread agreement by international donor governments and their citizens that the treatment of women and girls under the Taliban was unacceptable and that reinstating the rights of women must be a priority within the reconstruction and peacebuilding agenda. Commitments were made again at a donors' conference in Tokyo in 2001 and in Berlin in 2004.

In January 2006, the international community, the Afghan government and Afghan civil society met again in London to discuss and agree on the *Afghanistan Compact*. This document outlines Afghanistan's anticipated development and security goals over the next decade with specific benchmarks and deadlines for outcomes. *The Compact* clearly states that there is a need to promote and protect women's equal rights and build their capacities to participate in the development and democratization of the country.

These events and their declared deliverables are critical steps in establishing frameworks for action in post-conflict Afghanistan. They put in writing promises made to the people, including the women, of Afghanistan. Crucially, they take account of the special needs of women. *But are the promises made to women in these documents being realized on the ground?*

While the quota system put in place in 2002 is critical in facilitating women's access to political representation, getting in is only a beginning. Women in politics face formidable barriers, including threats

**Steps have been taken to ensure women's representation in key political processes since Bonn. In the Emergency Loya Jirga in 2002, 12 percent of delegates were women. Women were better represented in 2004 in the Constitutional Loya Jirga, with 20 percent of delegates. A quota system was put in place, guaranteeing women 25 percent of the seats in the Wolesi Jirga (Lower House) and (33 percent of delegates) in the Meshrano Jirga (Upper House).**

and intimidation from powerful men, including warlords, their affiliates and religious extremists. For example, one MP, Malalai Joya, has needed round-the-clock protection

because of the many threats she has received as a result of her outspokenness on critical issues affecting Afghans in general and Afghan women in particular. During the Constitutional Loya Jirga, some women faced more obvious threats – one woman who took the microphone and spoke against warlords was threatened, and a female Afghan staff member of an Embassy was physically attacked. This has affected their ability to organise effectively. The most outspoken female delegates told medica mondiale that they felt largely alone in their struggle to see the Constitution reflect democratic and progressive principles.

Other women in parliament practice self-censorship due to fears of retaliation from other MPs or powerful regional figures in their home provinces if they speak candidly or promote women's interests. Women MPs in the provinces have less protection from threats and most return to areas where the power of local, independent warlords and their militias far exceeds that of the central government.

Afghanistan's new Constitution is another example of praise-worthy principles that fail to be implemented with any rapidity. The Constitution is ambiguous on the precise role and interpretation of shariah law in government, which, without clarification, can work to the disadvantage of women. However, Article 22 does highlight the principle of equality and equal rights for men and women. This inclusion was a major victory for women's organizations, women delegates to the CLJ, and the Afghan Independent Human Rights Commission, who fought vigorously for international standards of women's equality to be reflected in the text of the Constitution. However, the constitutional provisions for women's rights are still a long way from full implementation. In fact, it is widely believed among Afghan women civil society leaders, that the vast majority of women and men are unaware of the rights afforded to women in the Constitution.

### ***The Justice Sector and Legal Reform***

*Violence against women is a huge problem in Afghanistan and it is not being recognized as such, neither in civil society as represented by the international communities nor by the Afghan Government. Only those organizations specifically working in this area are trying to campaign for solutions to this important issue. [Women's Problem[s] and Five Years Strategic Plan – Interview with AWN November 2006]*

The rebuilding and development of the justice sector is pivotal to the entrenchment of women's rights.. The realisation of the principles enshrined in Resolution 1325 depends to a great extent on the advent of the rule of law and the equal application of justice for women. However, the justice system in Afghanistan post-2001 remains unfavourable to the protection of women's most basic rights.

The judiciary overwhelmingly tends to hold women responsible for crimes even when they themselves are the victims and cases are judged employing tribal law or traditions instead of codified law. In particular, accusations of *zina*, or sexual intercourse outside of marriage are often prosecuted and the woman sentenced to prison, even when she was the victim of rape. As a result, most women avoid going through the courts altogether rather than face the humiliation it will bring them and the perceived dishonour to themselves

and their families. In general, there is a serious lack of professionalism within all levels of the judiciary, with widespread accusations of corruption at all levels and a systematic failure to apply the law in a standardized fashion, particularly with respect to family law cases.

The judiciary is not seen as an institution dedicated to the equal application of justice nor one that upholds the rights of all citizens. The courts have a backlog of cases that will take years to clear and an inadequately staffed and resourced court system. The law that currently governs Afghanistan's court system is the 1967 Law on the Organization and Jurisdiction of the Courts. There are supposed to be family courts in each district of the country<sup>6</sup>. However, there is currently only one family court, located in Kabul.

The Government of Afghanistan, in cooperation with international partners involved in the reform of the judiciary is seeking to decentralize the court system and to establish family courts in key provinces. This process should be accelerated and more emphasis placed on updating the legal education of court officials and judges so that they have more awareness and sensitivity to women's human rights. This work has begun to some degree with the Italian Justice project and others integrally involved. medica mondiale has been requested by the Supreme Court to provide training on international norms governing human rights to some of the central level and district court officials involved in the registration of marriage process. One element of this training will take place in January 2007. The approach to medica mondiale reinforces a finding from its 2004 evaluation of its Legal Aid programme that the role and contribution of NGOs in the area of legal aid and assistance to prisons are substantial and in many ways successful because NGOs are able to be more flexible and respond faster as they are less encumbered by bureaucracies and political agendas<sup>7</sup>.

Donors supporting legal reform activities are providing the necessary financial and technical assistance to the Afghan government. Italy in particular has supported legal reform activities, alongside several independent organizations working in specific areas. These activities should continue and be of a long-term nature. Afghanistan currently uses the Family Law Code of 1976. However, many judges are ignorant of the rights afforded to women under this domestic law, as well as international standards governing women's human rights. Reform of the Family Law, including nation-wide sensitization activities has already begun and must continue to be a top priority for the Afghan Government and the International community.

### ***Security Sector Reform***

Reform of the police has been led by Germany and is a priority involving other countries such as the United States and Norway. In 2005, the United States contributed close to US\$1 billion to police reform. Emphasis has been placed on restructuring and training. Germany has rebuilt the police training academy in Kabul for middle and higher level

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<sup>6</sup> Max Planck Institute, "Family Structures and Family Law in Afghanistan: A Report on the Fact-Finding Mission to Afghanistan" (March 2005).

<sup>7</sup> medica mondiale 2004. Legal Aid for Women and Women in Prisons. Final report

police recruits, and the US has built a central training centre in Kabul – in addition to six regional police training centres in the provinces for the training of entry-level recruits. The training curriculum has been re-designed and the police administration in the Ministry of the Interior (MOI) has been restructured. Funds are also being made available for setting up a gender mainstreaming unit in the MOI.

Germany, Norway and Canada have contributed financial and technical assistance to these endeavours, as well as international trainers and equipment to work with the recruits. Training on human rights standards takes place in the police academy. Approximately 2,000 senior police have been trained in human rights over the past three years at the Police Academy and 50,000 junior police have received some training in human rights. Up to this point, however, the training has been insufficient. Many police are uncertain as to which body of law takes precedence (e.g. shariah, or the domestic codified law of the 1960s and 1970s approved as the temporary law in place under the Bonn Agreement) and continue to believe that some former crimes such as elopement are still arrestable offences.

### **Training of the Afghan police – still no gender perspective**

“The federal government (of Germany) correctly sees the building up of a multi-ethnic police force as an important element in the development of a new Afghan state. And we welcome the arduous and costly integration of women into the police classes. But a problem that needs to be addressed is the lack of any gender perspective in this training. The Germany government contends that the future police women are being trained to deal with domestic and sexualized violence, forced marriages, and so-called “deaths to restore family honor.” Yet, in 2003, when a group of Afghan police women came to Germany at the invitation of the federal government, it turned out that the women in this regard had not been adequately trained, if they had been trained at all. From our perspective, the training programs being used so far are not suitable to equip the officers to adequately tackle the problem of sexualized violence. If the social peace process in Afghanistan is to be successful, the wide-spread practice of either not punishing sexualized violence or of punishing the victim must be stopped.

However, the recruiting of female police offices is also problematic given the current popular perception of police in Afghanistan as corrupt, violent, and immoral. As a result, only a few families allow their daughters to enter this profession. At this point, 33 police women have been trained and all of them are doing deskwork so they are not present in public. medica mondiale was obliged to report that prison personnel hired women criminals as future policewomen so that excesses by the guards would not become known and the victims could be kept quiet with the offer of a job. A female echelon in the police force must be built up, which would then help give the police a better image among the populace and make the profession more attractive to women.

In other areas as well, the advancement of Afghan women leaves much to be desired. For example, in 2002, young Afghan diplomats, the next generation, were in Berlin for training – they were almost exclusively men. Here as well the opportunity was missed to incorporate concepts of gender equality into the training program.”<sup>8</sup>

There are currently nine police Family Response Units in Afghanistan staffed by police women who have been trained in dealing with family violence and how to respond to women victims of crime. The United States, the donor responsible for coordinating the initiation and functioning of the Family Response Units, has plans to have set up twelve FRUs by the end of 2006.

**Gender sensitivity training is included in the human rights training, but is of only two hours duration for the entry-level police and less than one day (about five hours) for more senior level police. Funds are now being made available to ensure that all police receive gender sensitivity training in the near future and that a gender sensitivity module is introduced into the regular police recruit training curriculum.**

There are currently approximately 160-180 female police officers in Afghanistan. Germany has built a women's residence at the Police Academy in Kabul to provide secure accommodation for women, but to date-despite efforts by the MOI to recruit more women into policing- there has not been a substantial response.

The sum of USD\$475 000 has been allocated for a recruitment campaign for women. No senior level police women have graduated from the Academy, although approximately 60 middle level police women have graduated over the past five years. Some illiterate women have also been recruited within the provinces and have been trained at the regional training centres. In general, women police are limited to tasks such as searching females, including female suspects, or searching buildings where there are women. Until recently there were two females at the level of General within the MOI however, one has recently retired and the other now heads the Passport Office. Generally, women staff in the Ministry of the Interior occupy mainly entry-level positions.

Some efforts have been made to provide training to women who were denied opportunities under the Taliban regime. For example, a class of illiterate women was begun at the Academy in 2003, in an attempt to educate the recruits while simultaneously training them to be middle level police officers. The experiment seems to have been cancelled or postponed and it is not known if any women graduated from the class.

It is imperative that more women police be professionally trained and posted to all parts of the country. More trained gender aware and gender sensitive policewomen would contribute to diversity within the police force, provide better representation of the population and make policewomen available to deal with women in detention, women suspects, and women victims of crimes and violence - including sexualized violence.

Until there is both a critical mass of women and more gender-aware men in policing, it will be difficult to provide effective security services to women in the population. More women must be recruited and trained and must be given the autonomy to perform responsible police functions. While it is clear that there are obstacles to recruiting women - such as parental disapproval of daughters entering a low-status profession, low police salaries that do not attract literate women who can earn far more in other occupations, women's lack of mobility (for example, women are often unable to leave their provinces



in order to be trained in Kabul), and the lack of overall security for women which also affects police women - these must be overcome. A concrete strategy needs to be developed and implemented to ensure that this takes place.

### ***Disarmament, Demobilization and Reintegration (DDR) and Demining***

Progress in the process of Disarmament, Demobilization and Reintegration of ex-combatants and illegal combatants (DDR) is critical to women's security. The UN leads the DDR process through the Afghanistan New Beginnings Programme (ANBP). This process has been criticized for only decommissioning rank and file soldiers, while not affecting the real power-holders who wreak havoc on the lives of civilians.

As of 2006, more than 14,000 militia members have been demobilized in eight major cities and up to 60,000 have been demobilized around the country. Demobilization teams staffed by NATO countries have reportedly carried out house searches of suspected combatants, without using female officers to search houses with female residents. The house searches are disruptive to communities that observe strict gender segregation between men and women who are neither married nor related.

The collection of heavy weapons in the capital is complete and weapons collections have taken place in other areas throughout the country. However, in a country where guns are still available in excess and acquiring a weapon is still an easy thing to do, many more weapons remain to be collected.

Mines have led to deaths and disabilities among a very high percentage of the population, generally perpetuating instability and underdevelopment and undermining an already precarious security situation. The destruction of such anti-personnel landmines continues steadily, but it will still be years and possibly decades, before Afghanistan is mine-free. For now, it remains one of the most heavily mined countries in the world. Men and boys are the primary victims of mines due to women's already inhibited mobility and limited presence outside the home; however, the threat of exploding mines further restricts women's mobility and limits their participation in the country's economic life.

### ***Respect for International Law Protecting Women's Rights***

*Box 2: Full list of International Law to which Afghanistan is a party*

<b>Date of Accession/Ratification</b>	<b>Treaty/Convention</b>
March 1956	International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
January 1983	The International Covenant on Civil and Political Rights (ICCPR)
January 1983	The International Covenant on Economic, Social and Cultural Rights (ICESCR)
July 1983	Convention on the non-applicability of statutory limitations to war crimes against humanity
February 1983	Convention on the Prevention and Punishment of the Crime of

	Genocide
April 1987	Convention against Torture and other cruel treatment, Inhuman or Degrading Punishment
March 2003	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
February 2003	International Criminal Court (ICC)
March 1994	Convention on the Rights of the Child (CRC)
1949 various dates	The Four Geneva Conventions

*medica mondiale Afghanistan 2006*

Customary law in Afghanistan is a complex mix of tribal law built around ethnic allegiance such as *Pashtunwali*, traditions and rules believed to have religious origins. These vary in interpretation and practice from one region to another. Customary law has been greatly legitimized by the long years of war and the current instability, as it is the law people turn to when they cannot depend on the central government for protection. Unfortunately, any recognition of women's rights, whether with reference to those rights guaranteed to women in Islam or to international standards of women's human rights, is largely absent from localized systems of governance operating within the framework of customary laws. Justice continues to be dispensed in Afghanistan within a transitional legal system which is still largely dependent on a traditional base that fails to protect women's rights, and routinely victimizes women and girls.

A disturbing example of the ways in which Afghan customary law is often harmful to women, is the practice of *baad*, or exchange among families of girls or women as restitution for a crime, debt or dispute between households, communities or tribes. *Baad* remains widely practiced, particularly in Southern and Eastern Afghanistan.

**Honour crimes are on the rise in Afghanistan - perpetuated by the general acceptance in society of men's right to murder or harm women in the name of preserving honour. A culture of impunity reigns around honour crimes, with murders rarely being reported. In those rare cases where crimes are tried in court, male perpetrators often enjoy leniency and are rarely prosecuted. [AIHRC]**

There is a lack of statistics on this practice and general impunity remains the norm for those complicit in arranging such exchanges. *Badal* – another type of exchange – involves a girl being exchanged with a family that has a son. The practice is that two families exchange a boy for the daughter of the other family or even a daughter and a son with a family that can reciprocate. These practices are upheld by village and district authorities as legitimate ways to marry a son or a daughter. Little has been done by the central government to counter this practice. The AIHRC's future research on forced marriages promises to yield gender disaggregated data and evidence on the prevalence of this practice and thus enable them to recommend strategies to address the issue.

While the violations against women's human rights in Afghanistan are commonplace, there are few places women can go for help or protection. Police are largely unaware and insensitive to women's rights and a woman reporting a crime risks being arrested as a criminal herself, particularly in cases of running away or of sexualized violence. Authorities do not habitually investigate women's complaints of violent attacks, rape, murders or alleged suicides of women and their attackers thus enjoy impunity. In some

cases, the police themselves have sexually abused, raped and beaten women in custody. NATO-staffed PRTs are not mandated to assist women at risk of abuse or injustice, nor do they maintain lists of services to make referrals for women at risk.

Most women in the prison system are being held for offences against the customary law such as running away from a forced and abusive marriage, eloping or escaping from domestic violence. Judges, police or prison officials are largely unaware of Afghanistan's commitment to international law standards regarding what constitutes a crime, the right to a fair trial, conditions for arrest, and minimal basic standards of imprisonment and often are not even aware such standards exist. . Isolated cases of wrongful imprisonment or denial of justice are reported to the Afghan Independent Human Rights Commission, occasionally the Ministry of Women's Affairs, and sometimes to local women's organizations. However, the vast majority of women in prison or those vulnerable to unlawful imprisonment have no recourse to justice or services that can assist them. In addition the psychological condition of these women may prevent them from seeking the help that is available. medica mondiale's Doctors of Hope staff report that many women in the prisons are depressed and mentally disturbed and in need of psychological support. In addition, the psychosocial staff report that many women counselled by them present with either a history of suicidal thoughts or a history of attempted suicides.

During an inter-provincial workshop on Resolution 1325 held in Kabul in 2004, women highlighted the importance of implementation of their rights and the belief that 1325 has the potential to make this possible. Participants in the workshop felt that Resolution 1325 could be used to encourage the Afghan government to formulate policies that support women's human rights and to define policies that protect rather than discriminate against women.<sup>8</sup>

Afghan women's organizations have joined with the Ministry of Women's Affairs to create the *Gender and Law Working Group* that lobbies on legal reform needs from a women's rights perspective. The Ministry of Women's Affairs, with technical assistance from UNIFEM to the Ministry's Legal Department, is actively advocating for changes in the family and penal codes that would protect the rights of women and girls. UNIFEM is also lobbying for more women judges to be appointed to the Supreme Court and assisting parliamentarians to address this issue. Additionally, UNIFEM is also providing technical assistance to the Ministry of Women's Affairs and the Ministry of Foreign Affairs to draft the forthcoming CEDAW Report of the Afghan government. The AIHRC is addressing legal reform and women's rights, focusing on preventing and seeking justice for victims of violence against women.

The current situation facing women and girls in Afghanistan is in violation of the international human rights law instruments which Afghanistan has signed and ratified. In particular, the current rights situation with which Afghan women are faced is in violation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to which Afghanistan is a Party. Afghanistan's legal reform process must

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<sup>8</sup> Pg 9-10 Shadow Report on the implementation of UN SC 1325 in Germany, October 2004.

<sup>8</sup> Pg.20. UNSC Resolution 1325, Women, Peace and Security: Issues and Instruments – The Afghan Context -2005

prioritize the incorporation of the principles of international law into domestic law, ensuring that international legal standards protecting women are integrated into domestic legislation. As a state member of the United Nations, the Government of Afghanistan is obligated to meet the obligations of Security Council Resolution 1325.

**From an Afghan women's perspective the weakness of the justice sector, the lack of a gender perspective in the police, court system and army are major contributory factors to the pervasive insecurity. For now, the rights guaranteed to Afghan women in their own national Constitution, under Islam, and under international law are rights on paper.**

### *Transitional Justice*

The language of Resolution 1325 is very clear with regard to transitional justice. The resolution emphasizes the responsibility of states to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes. It specifically includes sexualized violence and violence

against women and girls and stresses that, wherever possible these crimes should be excluded from amnesty provisions. In 2005, the Afghan Independent Human Rights Commission (AIHRC) released its report, *A Call for Justice*, the result of country-wide consultations with Afghan women and men on the issue of transitional justice. The report made it clear that Afghans want and expect justice for crimes of war and crimes against humanity perpetrated during all phases of the Afghan conflicts from the time of the Soviet invasion in 1979 onwards. The report's recommendation for a transitional justice process seeking accountability for the crimes of the past has been controversial within the international community, some of whom view transitional justice as an initiative that would disturb what little stability Afghanistan has gained since the fall of the Taliban in 2001. Others believe it is a non-negotiable step in any peace and reconciliation process. As such, it is heartening that the Action Plan associated with the AIHRC's report *A Call to Justice* has recently been officially launched by the president of Afghanistan.

Without a genuine, systematic and context-specific process of truth and reconciliation that addresses the human rights violations Afghans experienced during the last 27 years – there can be no resolution. Without justice and accountability, war crimes will be legitimized and perpetrators currently integrated within the new governance regime will have their crimes silently forgiven, leading to a culture of continuing impunity. This will ultimately encourage instability and renewed conflict, fueling resentment and discontent among the public.

Since 2003, Afghanistan has been a signatory to the Rome Statute of the International Criminal Court. That Statute defines rape and sexual violence in the context of war or civil unrest as crimes against humanity. The extremely high occurrence of sexualized violence in Afghanistan, within a climate where there is an ongoing failure to enforce rule of law means that there has been significant sexualized violence against women and girls during the wars. Without a context-specific transitional justice process approved by

Afghans and supported internationally, the prosecution of crimes of sexual violence against women is unlikely to occur.

### **The Amnesty Law for War Criminals**

In December 2006 President Karzai adopted the Actionplan on Peace, Justice and Reconciliation. Later, the Meshrano Jirga (Council of Elders) passed the controversial "National Stability And Reconciliation" resolution by a 50-16 majority on February 20<sup>th</sup> 2007. That vote came three weeks after the lower house - the Wolesi Jirga (People's Council) - approved it on January 31, causing protest at home and abroad for Afghan President Hamid Karzai to reject it. This amnesty law disburdens the state from the legal persecution of war criminals from the different conflict periods. Single individuals who are courageous enough to stand up against powerful warlords have still the possibility to seek justice- but with the severe consequence to endanger their lives.

The amnesty law is a contradiction to the Afghanistan Compact, the Afghan National Development Strategy and international conventions like the Rome Statute, the Hague and Geneva Conventions and the Pact on Civil Rights.

Our experiences show that sexualized violence has occurred throughout every conflict decade in Afghanistan. Also war related rape happened on a high scale – though women are not speaking about it loudly. If they disclosed the rape they would have to bear foreseeable consequences like being threatened with death, physical and psychological violence, exclusion from their families and communities.

Rape in general could only be pardoned by God and neither by human beings nor by the survivor herself. Regarding shariah law, to prove a rape case it needs 4 male witnesses. If a woman has the courage to put a charge against her perpetrator(s) she has to face allegations of having encouraged her perpetrator for unmoral behaviour. As a consequence she will be beware of putting charges against the perpetrator to protect her own life and that of her family. In the future, when the process of reconciliation starts in Afghanistan, women have to take care that the atrocities committed against them do not go unpunished - due to the stigmatization of sexualized war crimes against women and girls.

Parliamentarians like Shukria Barakzai, Ghraghasta Sulimanshail und Malalai Joya are prominent part of the amnesty law opponents within the parliament. Also the *Civil Society Statement*, a document signed by 100 civil society organisations, which was handed over to President Karzai one day before he signed the law, shows that many Afghans are strictly against the amnesty. It is essential that courageous parliamentarians and NGO activists are supported through official statements by donor countries. Finally, it will be essential for the peace-process that the documentation of war crimes starts in Afghanistan – under the strong protection and promotion of the international community.

## II. The Responsibility to Protect

### *Protection of Women and Girls in Conflict Zones*

*The security situation in Afghanistan is critical. It is like a ticking bomb, and it is very possible that at any time a civil war will break out. Women and girls have been particularly affected by the insecurity. There are hundreds of attacks on teachers, students and schools across Afghanistan, with girls' schools being particularly hard hit. In most remote villages there are not even any signs of schools for girls. Hundreds of Afghan women have committed suicide due to these intense pressures and hopelessness. When the entire nation is living under the shadow of guns and warlordism, how can its women enjoy their basic freedoms? [RAWA – October 2006]*

Resolution 1325 imposes a direct duty on all parties to an armed conflict to take special measures to protect women and girls both from the conflict itself and from gender- based and sexualized violence. In 2003, the UN Security Council voted to expand the Chapter 7 mandated ISAF beyond Kabul, an important step in providing increased protection to civilians, including women in unstable and violence-ridden provinces. ISAF soldiers have extremely limited interaction with ordinary Afghans. At the same time, prevailing gender norms in Afghanistan restrict ISAF's interaction with Afghan women and limit the ways in which ISAF can offer protection from violence to Afghan women.

Provincial Reconstruction Teams (PRTs) are being used in Afghanistan to provide security and small-scale development and reconstruction simultaneously. There are PRTs in nine provinces, each under the leadership of a different NATO member state. PRTs have more interaction with Afghan civilians, but the low number of women represented in PRTs means there is little direct interaction with local women. PRTs need to find ways in which to provide further support to women and girls.

In September 2006, the head of the Kandahar Department of Women's Affairs (DoWA) was murdered outside her home by three men on a motorbike. Safia Amajan was leaving to go to work at the Department. Her death highlighted the danger that women in high profile government positions face. The lack of protection she had in conducting her duties as head of the Kandahar DoWA, particularly in the conflict-ridden South indicates the level of government indifference to the safety and security of these women. She herself recognised her precarious situation – when – in a private conversation she said *'how can I protect other women when I cannot protect myself'* [conversation with *HOM medica mondiale*, 2005].

Increasing the number of women police and professionalizing the police service would contribute to the protection of women in the civil service. However, special security measures must also be taken to protect women working for the government, particularly in volatile provinces in southern Afghanistan. Women Members of Parliament are currently provided with a bodyguard, car and driver at least in theory, measures that are recognized as necessary by the Afghan government and that are supported by the international donor community. These resources may make the difference to whether women MPs can actually participate in politics or not.

Clearly, more attention to the security of women in the civil service is needed. Government offices should always have security personnel on the premises, with additional guards in departments facing a higher level of threat, including the provincial DoWAs. All government offices also need security procedures in place that are practiced and understood by all staff for their protection in the event of violent attacks of any kind. Better protection is also needed along routes that women frequently travel to access government services, such as health centres or DoWA Women's Resource Centres in the provinces.

Social norms in Afghanistan make it preferable that women victims and suspects be dealt with by women police. Often women victims are treated as suspects and have even been abused by the male police officers whose protection they sought.<sup>9</sup> Recruiting and training more women police officers is thus necessary to protecting women from violence and enforcing women's rights more generally. A report researched and written by the Gender Advisor to the Afghan Ministry of Interior found that organizational inertia "is perhaps the underlying cause of all the other problems associated with gender inequity" in the Ministry of the Interior and the Afghan National Police (ANP)<sup>10</sup>. It suggests therefore, that the Ministry requires stronger leadership on this issue and a genuine commitment to transforming the ANP in such a way as to effectively protect women. One strategy would be to appoint more qualified women to decision-making positions within the Ministry of the Interior.

In addition to acceding to international legal obligations such as CEDAW, the Afghan government has made commitments, reflected in documents such as the ANDS, to address discrimination against women in the workforce. The enforcement of these provisions is necessary, not only to give women their equal rights but also to increase the number of skilled police women throughout the country who can serve and protect women. Further, to increase recruitment and professionalize police behaviour, the perception of police work must be improved so that women and their families can view the job as an acceptable one which involves, service to the public and protection of human rights. This shift in perception can be achieved in a number of ways, including through nation-wide awareness campaigns undertaken by, among others, the MOI.

### ***Protection of Women and Girls from Violence***

As we have said, violence against women and girls in Afghanistan is gender based and pervasive. It is both domestic and structural and takes place in both the public and private spheres. The prevalence of gender based violence in the society results from, among other factors, pre-existing cultural roles which allow the abuse of women, a tribal structure that largely co-modifies women, and deeply entrenched patriarchal norms. These factors have been further aggravated by war, militarization, poverty, and the lack of social services.

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<sup>9</sup> Case Files, medica mondiale Legal Aid Fund Project, 2006.

<sup>10</sup> p.5, Tonita Murray, *Report on the status of women in the Afghan National Police* (2005).

The AIHRC reports that more than 50 percent of women have experienced violence within the family.<sup>11</sup> Pervasive violence has led to hundreds of women committing suicide by self-immolation, a problem prevalent across the country but particularly acute in Western Afghanistan. This trend is a testament to the perception by women victims of violence that they have no hope of escape from abuse. Afghan women's organizations have reported that in the past year, several deaths of women as a result of violence have gone uninvestigated by authorities.

Forced marriage is considered a major cause of domestic abuse. The practice of *baad* in which women or girls are traded to settle blood feuds continues virtually unchallenged. The hostile circumstances under which many women enter into marriages heightens the likelihood that they will face violence. Those who instigate or arrange forced marriages are not punished and the practice continues to be widely accepted. Forced marriage contravenes CEDAW and the International Covenant on Civil and Political Rights as well as the new Afghan Constitution.

Women are also threatened with violence outside the home. Afghan women aid workers were murdered in 2005 and women election workers were attacked during the presidential elections in 2004, as a result of which some of them committed suicide by self-immolation.

The *UN Special Rapporteur on Violence Against Women, Its Causes and Consequences* conducted a fact-finding mission to Afghanistan in 2005 and a full report was released shortly thereafter. The report found that violence against women in Afghanistan is excessive and pervasive. It highlighted trends such as self-immolation, the continuation of *baad*, sexualized violence, and the lack of services to respond to victims of violence. Key recommendations for the Afghan government, the United Nations and bilateral donors were included in the report and it was hoped that these would serve as a guide for immediate action to be initiated by these stakeholders.

Governmental initiatives on addressing violence against women, however, have been uneven. President Karzai in June 2004, at the instigation of the MOWA, decreed a committee at Deputy Ministerial level to address the elimination of violence against women. It is not clear to what extent the Committee has been adhering to its defined workplan. However, A Protocol on Forced and Child Marriages elaborated in 2005 as a result of an international conference on the elimination of violence against women has been signed and a special task force appointed to oversee its implementation. This will form part of the future activities of the Committee on the Elimination of Violence against women.<sup>12</sup>

The Attorney-General recently convened a committee with the Supreme Court and several scholars to draft a law on violence against women. This came after women's organizations criticized the Attorney General for general inaction on the issue. The

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<sup>11</sup> p.4, Afghan Independent Human Rights Commission, "Assessment of Women's General Situation in Afghanistan".

<sup>12</sup>Private communication between medica mondiale and UNIFEM staff



Ministry of Women's Affairs has initiated awareness-raising programmes on violence against women, using television, radio and print media. Under the leadership of a previous Minister, the Ministry has also initiated a working group to discuss the possible elaboration of a law to address family violence. Additionally, the Ministry has organized several conferences, seminars and workshops with various actors including women's organizations, mullahs, the international community, police, and other governmental departments. MoWA's awareness-raising efforts are a necessary first step in countering the silence surrounding violence against women and its tacit acceptance in Afghan society. Provincial authorities in the provinces of Jawzjan, Herat, Balkh and Sar-e-pol are said to have established Violence against Women Commissions at their own initiative.

The AIHRC, which exists independently of the Government, but which cooperates with relevant ministries and officials, carries out research and actively investigates cases of violence against women. The Commission has also been documenting causes of violence against women such as forced marriages, child marriages, polygamy. It has also documented some of the societal results of the violence such as women's drug addiction, suicide, and running-away from home. In October 2003, the AIHRC convened a meeting to address the high rate of self-immolation taking place in Herat. In November 2006, medica mondiale together with the AIHRC organised the first joint conference on self-immolation of Afghan women (November 2006). The AIHRC plans to conduct research on forced marriages and domestic abuse in the next phase of its work. The collection of such data can be used to lobby the government to enact legislation that better protects women from domestic abuse as well as to inform future NGO and government projects addressing the issue through programming, awareness-raising, and service provision.

In general, the judiciary is deemed to have an institutional culture and structure that is insensitive to the results of violence against women. When cases are heard in court, judges are often lenient towards the perpetrator, and if sentenced, the abuser is likely to receive minimal punishment. The reporting of domestic abuse or other forms of violence is rare, however, and even when reporting does occur, police often fail to investigate complaints. There is a tendency to prioritize the preservation of the family over the protection of women, as if the two were mutually exclusive. Justice for women is sacrificed for "peace" in order to maintain the family. Women victims are often urged by police to settle the matter with their abuser and not to press charges. Domestic abuse is considered to be a 'family issue' and not a crime per se. When police fail to investigate complaints of abuse, women can complain to the Ministry of the Interior. Few women take this step however.

One area of progress has been the establishment of Family Response Units (FRUs), set up in some provinces, including Kabul, Herat and Balkh where women victims of domestic abuse can seek assistance. The FRUs are discrete sections of the police units with separate entrances for women and an emergency cellular phone number that women and girls at risk of violence can call. However, emergency procedures are still being established. In view of the low rate of reporting of cases of violence against women and girls - the initiation of FRUs needs to be supported by a concerted awareness campaign in the communities where they are currently based. They also need to be expanded to other communities and provinces and the role of the police further changed from that of a

punitive facility to a more protection-oriented service. Women's lack of mobility and the tendency for women to be relegated to the home further decreases their accessibility to this new service.

Several Afghan and foreign organizations have launched awareness-raising campaigns on violence against women, using media designed for illiterate audiences to spread messages condemning domestic abuse, child abuse and other forms of violence. Public information tools have included banners and posters. The issue has also been addressed in the Afghan media and in newsletters and other literature produced by national and international NGOs. Women's organizations have participated actively in annual campaigns of the 16 Days of Activism on Violence against Women, a platform from which to launch sensitization initiatives. The Afghan Women's Network (AWN), a coalition of women's organizations, has conducted gender-based violence case studies and has formed a additional network of organizations focused on addressing violence against women.

Since the beginning of 2006, Global Rights has been engaged in a nation-wide domestic violence report based on data from a survey of 4,700 households in 16 provinces around the country. The report will be published in March 2007. According to the preliminary data, violence against women in families is widespread across Afghanistan. Over 50 percent of women surveyed – reported that they were subjected to violence at home. The data suggests that the most important causes of domestic violence are forced marriages, illiteracy – especially women's lack of knowledge regarding their rights under Shari'a and Afghan statutory law, and poverty.

Some women's organizations have begun reaching out to religious leaders, asking them to speak out on violence against women. For example, a women's organization in Balkh has worked to create dialogue with mullahs around the issue of violence against women. The Ministry of Women's Affairs brought together 150 mullahs in Kabul to discuss violence against women in the context of Islam. Identifying cooperative religious leaders is an important strategy in spreading messages condemning violence against women, as mosques are key sites where the values and norms of Afghan society are shaped and communicated. Other women's organizations have been working with women's shuras to assist them to better address cases of violence against women and to seek justice for women victims.

International NGOs such as Oxfam have provided trainings on violence against women. medica mondiale provides psychosocial and trauma counseling and medical support as well as free legal defense representation and advice and is also engaged in issue specific research on violence against women. The Afghanistan Research and Evaluation Unit (AREU) is currently engaged in research on family dynamics and its interface with family violence. The USAID-funded organization, Counterpart International, has supported an array of programmes addressing violence against women and women's rights more generally.

Shelters and safe houses have been supported by UNHCR, the Danish Embassy, UNIFEM and medica mondiale. There are two shelters in Kabul, one in Herat and one in Mazar-i-sharif. However, women in remote provinces, away from larger cities generally do not have access to shelters. This is in part due to a lack of awareness that such shelters exist and in part due to the cultural and security restrictions around women's freedom of movement. There are, in addition, simply not enough shelters. There is an urgent need to finance full-service shelters in other parts of the country and to communicate the existence of such shelters to women throughout the country. UN agencies, including UNAMA, UNIFEM, UNFPA, UNHCR, UNICEF and UNDP – among others, have been supportive of violence against women campaigns, providing financial and other forms of assistance as well as directly implementing programmes. UNIFEM hosts consultative meetings on violence against women and has played a coordinating role, linking women's organizations, INGOs, UN agencies and Afghan government ministries working on the issue. UN agencies are also developing support services to women victims of violence, such as legal assistance and are promoting the establishment of transitional houses for women.

It is too early to determine the impact such initiatives have had overall in reducing violence against women in Afghan society, and little research has been conducted on which strategies are proving to be effective and which are not. In response to this, UNIFEM's Gender and Justice Unit has recently begun compiling the activities of Afghan women's organizations, INGOs, and UN agencies on violence against women in order to better track the number and impact of such activities and learn from each other's efforts as well as coordinate and prevent duplication.

### ***Protection from Rape and Sexualized Violence***

Resolution 1325 specifically calls on all member states to take special to protect women and girls particularly from rape and other forms of sexualized violence. Yet, in Afghanistan, institutional and state protection for women and girls remains weak. Sexualized violence is an ever-looming threat. Women and girls are vulnerable to rape outside their homes by insurgents, warlords' henchmen and men unknown to them. They are equally vulnerable to sexualized violence at the hands of men known to them. Sexualized abuse is very common and often starts at a young age. Girls might be abused in their birth homes, and may also experience sexualized violence in their marriage homes at the hands of their husband or other male family members. The pervasiveness of child marriage makes girls much more vulnerable to sexual abuse and rape, often leaving long-term physical and emotional damage.

Sexualized violence has in some cases been systematized. In some families, multiple family members may participate in the abuse of a girl or woman. Wives have been `rented-out` by their husbands to other men for money. The persistence of the practice of *baad* described earlier leads to conditions of sexual abuse and the rape of women trapped in forced, violent marriages. Additionally, a widow is often forced to marry her brother-in-law, irrespective of her own wishes.

Sexualized violence in Afghanistan is often perpetrated by local commanders and men affiliated with private militia factions under the authority of warlords. The impunity warlords enjoy and the fear they exercise over communities in the regions they control greatly exacerbates the occurrence of sexualized violence and the extremely low rate of reporting rape as a crime, and subsequently, of prosecutions taking place. Rape continues to be used as a weapon against women. Since 2001, there have been documented rapes of women based on their ethnicity in ethnic reprisals. The ever-present threat of rape curtails women's mobility, resulting in reduced participation in the public, social and economic life of their country.

Sexualized violence impacts women's psychological and physical health, their quality of life and well-being, often leaving them with life-long trauma and emotional scars. There is a general lack of responsive programming available for victims of sexualized violence, such as trauma counseling and medical treatment. medica mondiale is one of the few organizations providing psychosocial and trauma services to victims of sexualized violence, working with doctors from Germany of Afghan origin, and training medical personnel in Afghanistan.

Police stations and hospitals are not equipped with forensic laboratory services which would enable them to assess physical evidence collected in rape cases. Too often a physical examination is conducted merely to confirm that sexual intercourse has taken place, a finding that can then expose the woman herself to criminal charges. A proper rape protocol could be used, not only to gather evidence against a perpetrator but also to put in place a procedure which would guarantee the victims referral by the police to the available service providers so that she could get help in healing. In this respect, a Protocol on Rape should be elaborated by the MOPH.

Access to hospitals and clinics is limited for women needing medical attention after experiencing sexualized violence as a result of poor medical facilities, cultural barriers to women traveling to a hospital, and insensitivity to women victims of violence. The lack of access to health services is particularly acute in Southern Afghanistan, where the AIHRC reports that only 5-7 percent of women have any access to health care.<sup>13</sup>

### ***Women Refugees and IDPs***

As Resolution 1325 recognizes, women and girls have special needs during repatriation and resettlement and for rehabilitation and reintegration as well as post conflict reconstruction. In addition, the needs of women and girls must be considered in the design of refugee camps and in the implementation of humanitarian measures. Over the last 25 years Afghanistan has had the world's largest refugee population. While Afghanistan is not a state party to the 1951 Refugee Convention, the UN High Commission for Refugees (UNHCR) has a long-time presence in Afghanistan. The 2004 work plan of the Government of Afghanistan includes a strategy for the development and implementation of an affordable social policy that attends to the needs of internally displaced persons (IDPs) and refugees. Assisting refugees and IDPs is also mentioned in

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<sup>13</sup> P.4, Afghan Independent Human Rights Commission, "Assessment of Women's General Situation in Afghanistan".

other key frameworks for Afghanistan's development such as the ANDS and the *Afghanistan Compact*, and was highlighted at the outset in the Bonn Agreement. As of January 2006, there were just under 2 million Afghan refugees throughout the world<sup>14</sup>. UNHCR estimates that there are less than 160 000 people world wide who remain internally displaced. UNHCR also estimates that between eighty and ninety thousand Afghans have been displaced since July 2006, in addition to the estimated 110,000 IDPs already displaced during past conflicts. Given the prevailing insecurity, conditions on the ground are conducive to the return neither of refugees nor of IDPs to their place of origin within Afghanistan.<sup>15</sup> Escalating insecurity results in continuous refugee and IDP movements from unstable areas such as the south as people seek refuge within the comparative safety of Kabul or Pakistan.

Afghans continue to immigrate overseas as well as the reconstruction process fails to materialize and makes little impact on the lives of ordinary people. Many women continue to live as refugees in Pakistan, where conditions are only marginally better than in Afghanistan. The one million Afghans still in Iran face discrimination and economic challenges although many women have received an education and vocational training in Iran which they would never otherwise have received. UNHCR and other agencies have been providing education and other services among some refugee populations and many girls have been educated while in exile in Pakistan.

The refugee camp lifestyle in Pakistan and Iran and on the borders of Afghanistan and the large numbers of women, including widows without protection in the refugee population, have made these women particularly vulnerable to crimes such as rape, and to the threat of abduction. Illiteracy and poverty further increase the odds against refugee women, making justice and protection less accessible to them when they face human rights violations or threats to their security. Unstable living conditions and migration also mean they have less access to basic services, such as clean water and healthcare or to opportunities such as education or skills training for employment.

### ***Peacekeeping in Afghanistan***

A traditional UN peacekeeping force has not been deployed in Afghanistan, the current international operation in Afghanistan is a field operation within the meaning of Resolution 1325. The International Security Assistance Force (ISAF) is a NATO-led multi-national force under UN Chapter VII mandate.<sup>16</sup> Its aim is to provide the security and stability Afghanistan needs to create conditions for representative government, peace and self-sustaining security. As of October 2006, there are 32 000 foreign troops in ISAF on the ground in Afghanistan representing 37 nations. There are ISAF Regional Commands for each part of the country - North, South, East and West, and ISAF has a presence in at least 13 provinces across the country.

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<sup>14</sup> UNHCR Statistics (January 2006). <http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=afg>

<sup>15</sup> Acbar Brief to the UN Security Council – November 2006

<sup>16</sup> Chapter VII mandates UN forces to take Action with respect to threats to the peace, breaches of the peace and Acts of Aggression. It is comprised of 12 articles.

Calls for additional troops from ISAF member nations have elicited a slow response compared to other recent NATO missions, such as Bosnia. Nevertheless, ISAF's presence is an important indication of the will of the international community to bring permanent peace to Afghanistan. ISAF has been heavily criticized in many countries which are contributing troops to the mission, for choosing a combat mission over a traditional peacekeeping mission and because of the cost in the lives of ISAF soldiers. While it is imperative that the international community remain actively involved in bringing peace to Afghanistan, it seems clear that some changes need to be made in the structure and approach of the NATO mission. One such change urgently needed is improved direct protection for Afghan women. Within the general terms of its mandate ISAF could provide the kind of protection which would facilitate women's mobility so as to enable them to access water, healthcare and markets and to create the conditions for safe participation in the public and political life of the country.

In a January 2005 briefing, NATO declared that a core part of its mission is to 'help build a multi-ethnic, gender-friendly and stable Afghanistan, capable of looking after its own security needs'<sup>17</sup>. However, the ISAF mission has no clearly defined strategy and approach to protecting women and girls in particular. Of the seven Security Council resolutions related to ISAF's mandate<sup>18</sup>, none make reference to Resolution 1325,<sup>19</sup> despite mention of the importance of respect and protection for women's rights. While protection of civilians, including women, is highlighted as an inherent part of the ISAF mission, there is no explicit gender perspective –a gap which - ultimately could be detrimental to the rights and security of women and girls.

ISAF troops receive pre-deployment training in their home countries. Some countries such as the United Kingdom and Germany provide gender sensitivity training. For others gender training is optional or occasional, and still other countries do not include this element in pre-deployment orientation. NATO headquarters has recently hosted a two-day pre-deployment gender workshop at its headquarters in Brussels. However, no ISAF commanders to date have been women. The ISAF website presents a generous amount of data about the structure, roles, member nations and mandate of the mission, but does not include gender-disaggregated data of troops.

### **III. Participation**

#### ***Women's representation at decision-making levels in institutions for the prevention, management, and resolution of conflict***

The Government of Afghanistan developed an ambitious work plan in 2004, endorsed by donors and partners at the Berlin Conference of the same year. One pillar of the work plan involves the building of political institutions and the major reform and restructuring of most ministries and the government administration. This includes retraining and rebuilding the civil service, as well as establishing recruitment and hiring procedures that

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<sup>17</sup> NATO Briefing *Helping Secure Afghanistan's Future* (January 2005).

<sup>18</sup> UNSC Resolution 1386 mandated ISAF in 2001. The most recent extension has been through UNSC Resolution 1659, February 2006

<sup>19</sup> UNSC resolution 1325 is a Chapter VI mandated Resolution which allows for the pacific settlement of disputes.

are transparent and inclusive and open to women as well as to men. It also calls for the implementation of management training programs to ensure that those men and women who have been excluded from educational opportunities because of war have access to administrative positions. The Afghanistan Compact, already mentioned above further calls for the creation of a lasting Afghan capacity and effective state and civil society institutions, with particular emphasis on building up the human capacities of both men and women.

In general, Afghan women enjoy at least modest representation in those institutions that exercise authority over the prevention, management, and resolution of conflict, with the exception of the Ministry of Defence. There are an estimated 38,000 women employed in the national government, which represents approximately 25 percent of civil servants. Women are more strongly represented in some Ministries, such as the Ministry of Rural Rehabilitation and Development (40 percent female staff), or the Ministry of Women's Affairs and the Ministry of Higher Education and Vocational Training which have more female than male staff.<sup>20</sup> However, women rarely occupy strategic or senior level positions with real power to influence and change government policies. The participation or presence of women does not necessarily equate to their *meaningful* engagement, or to women's leadership. The National Development Framework (NDF) refers to the key role that gender equity will have in rebuilding the civil service. It states that "the total exclusion of women for the past several years also means that the concerns of women are less likely to be promoted or protected [thus] the presence in the civil service at all levels – including the top – will be a critical influence in making progress towards the international human rights standards to which we [Afghanistan] have made a commitment."<sup>21</sup> Ensuring women are fairly represented in the civil service – especially at decision-making levels of rank and seniority- will better ensure sensitivity to women's needs in government policy and to practice in all aspects and at all levels.

Education and training for female government workers and recruits is vital to increasing women's representation and opportunities for upward mobility. Ministries find recruitment challenging, particularly for senior level positions, due to the lack of professionally trained women and the much higher salaries that women can command from the NGO sector. Providing incentives will also help in attracting more women to the civil service.

All cabinet posts in the current Afghan administration are filled by men with the exception of the Minister of Women's Affairs. In the last administration, there were three female Ministers but no politically sensitive cabinet posts were held by women. In the 2003 cabinet however, a woman occupied the post of Minister of Health. The Ministry of Information, Culture and Tourism has had two women Deputy Ministers and employs women in senior positions. Out of the seven hundred to one thousand Afghans working in Afghan embassies, consulates and missions around the world, only 40 staff members are women. However, Afghanistan has women Ambassadors in Bulgaria and Germany and six women secretaries in foreign missions. At the provincial level, there is a single female

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<sup>20</sup> p. 20, medica mondiale. Women in the Afghan Civil Service: Undervalued & Underused (January 2006).

<sup>21</sup> National Development Framework, pg.11

governor, Habiba Sorabi, the governor of Bamiyan province. Women are rarely represented in any senior positions at the district level. Yet, it is at the provincial and district levels that low-level conflicts first need to be addressed and these are places where women can really make a difference.

A positive step in women's political participation and gender equity in the Government has been the establishment of Gender Focal Points within the Ministries. While the work of the Focal Points is still under development and some ministries treat this unit more seriously than others, it represents a first step towards addressing gender at an institutional level across the government. Nevertheless, most Ministers tend not to be aware of female recruitment, training and retention activities within their ministries.<sup>22</sup> Some Ministries have separate programmes to target women specifically, such as the Ministry of Agriculture, which runs professional courses and training for women staff.

Similarly, while women's presence in parliament is facilitated by the quotas – 23 percent for the lower house and 33 percent for the upper house - their presence does not necessarily mean that they hold the same degree of power as male MPs. The large presence of warlords and their affiliates in parliament silences many women, intimidating them from arguing against legislation adverse to the interests of women. For example, in 2006 legislation that would have required women MPs to be accompanied by a male chaperone, or *mahram-e sharai* according to a conservative interpretation of shariah, when travelling within or outside Afghanistan, was only narrowly prevented from being presented to parliament.

Such a law would have severely restricted women's freedom of movement and would have further discriminated between male and female MPs. A committee was organized to support women MPs by researching interpretations of Islamic law and identifying other arguments against the proposed discriminatory legislation and in support of the promotion of gender equality in Afghanistan's legal reform process.

The Ministry of Women's Affairs has so far been unable to prioritise women's security issues. Instead, they have concentrated on resolving cases of abuse and elopement of girls, conducting trainings, and opening women's resource centres in the provinces. Recently, there has been a shift from welfare oriented activities to more policy oriented strategies, but in general the Ministry still requires a significant amount of capacity-building, clearer objectives for implementing its mandate, and especially, strong vision and leadership. Frequent changes of Ministers and high level officials within the Ministry as well as threats to disband the institution have further exacerbated the problems. The constant threats by the government to eliminate the Ministry of Women's Affairs undermine the ability of MOWA to work effectively in the policy area. In so doing the government is failing to honor its commitment in the Bonn agreement to address gender issues in good part through the active participation of MOWA in government.

The Afghan Independent Human Rights Commission (AIHRC) is one institution critical to the country's peacebuilding process that has women occupying major leadership

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<sup>22</sup> p. 9, medica mondiale. Women in the Afghan Civil Service: Undervalued & Underused (January 2006).



positions. The head of the AIHRC, Dr. Sima Samar, is well-known for her work with girls' schools and hospitals that treated women in defiance of the Taliban's edicts against women's education and healthcare. Women occupy other senior level positions in the AIHRC which has offices at the provincial and sub-provincial levels throughout the country and has taken a lead role in calling for transitional justice, investigating human rights abuses, lobbying the government, conducting research, publishing reports on key issues.

An important part of conflict resolution in Afghanistan is the support of human rights and the rule of law at the provincial and local levels as well as nationally. Women's participation in this process can occur within the shura system if support is provided for women's increased representation in shuras and their equal voice alongside male shura members. Shuras are local village-level councils that make decisions and judgments affecting the community, resolving both criminal and civil disputes. Shura operate within a traditional community based justice system and are often seen as a preferable alternative to the current state judicial system. In 2005, over 80 percent of disputes were sent to shuras,<sup>23</sup> Judgments made by shuras are usually based in shariah and Afghan regional tribal law. There is little consistency in application of the law and senior members of a are often unfamiliar with Afghani codified laws. International standards of human rights are virtually unknown.

The National Solidarity Programme, a country-wide development scheme under the leadership of the Ministry for Rural Rehabilitation and Development and the World Bank, has supported the establishment of women's and mixed-gender shuras in villages, alongside the traditional men's shuras. Men's shuras tend to exercise more power than women's shuras and may not always recognize the authority or decisions taken by women's shuras. With consistent advocacy and support from the Afghan Government and the international community, shuras hold the potential to become mechanisms through which women can more meaningfully partake in conflict resolution and prevention as well as peacebuilding initiatives. At their best, they are a grassroots form of community governance offering an existing structure for contextually-relevant local decision-making and could effectively be expanded to be inclusive of women leaders and protective of women's rights.

As conflict continues to erupt and the South remains unstable, policy-makers and critics are seeking new alternatives to more effectively quell the current insurgency. Recently, some observers have begun calling for negotiations and peace talks with the Taliban. These proposals remain controversial and without popular support. However, stakeholders should be alert to any such negotiations in order to ensure Afghan women are intensively involved at every stage, and at every level of such talks. Further, any negotiations in which women's rights are subject to negotiation or compromised in any way should not take place under any circumstances.

At a more general level, women's participation in civic life in Afghanistan depends to a great extent on opportunities for informal learning. Increasing women's access to

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<sup>23</sup> Fact-Finding Mission to Afghanistan" (March 2005).

knowledge resources is imperative to expanding and increasing their ability to have any meaningful role in peacebuilding. Access to information in their own language is essential to women's effective activism, to their independence, and the capacity development of Afghan civil society. Information must also be made available in forms accessible to illiterate and semi-literate women, such as through role plays, illustrated cards, audio, animation, posters and otherwise. Afghan women's lack of access to information shuts them out of the peace process, so their needs can not be heard.

### ***Consultation with Women Activists***

Afghanistan has a vibrant, fledgling women's movement. There are hundreds of women's organizations in the country, though these are disproportionately based in Kabul. Areas with extreme insecurity, such as the South, have very few local women's organizations. Several Afghan women's organizations work on women, peace and security issues and many are aware of 1325, which has been translated into Dari, Uzbek and Urdu., Women's organizations are a rich resource but are frequently not consulted with regard to peace and security issues at the national, regional and international levels. Such information gathering would enable the government to act from a position of strength in that it would have consulted all the people and not just the powerful male lobby. It would also give women the voice that 1325 mandates.

In October 2003 and again in October 2006 the Security Council mission to Afghanistan included meeting with Afghan women's organizations and the humanitarian community. The decision of the Security Council to gather first hand information about the situation on the ground and to invite Afghan women activists to share their views is a positive step that has been lacking in Security Council missions to other countries emerging from conflict.

The participation of women active in civil society in the discussion and agreement of both the ANDS and *Afghanistan Compact* are further positive steps that should be mandatory for all major decision-making forums regarding peacebuilding, development and reconstruction in Afghanistan.

Women activists networked and collaborated to influence the Constitutional process during 2003, drafting declarations and recommendations that were submitted to the Constitutional Drafting Committee. One of the most resounding successes for women in the democratization process so far has been the inclusion of the article on women's equality and non-discrimination between men and women which appears in the final version of the Constitution. Afghan women's lobbying efforts were supported by the international community. Many international agencies provided training and supported women candidates to participate in the Constitutional Loya Jirga, where women in the end represented 20 percent of the delegates.

Support for local women's peacebuilding and conflict resolution initiatives is necessary to build foundations for lasting peace. Afghan women leaders and the access they have to their communities can contribute to a solid and lasting peace. Strategic support for

local women's peace initiatives and women's shuras, which is geographically and ethnically balanced and support for women's organizing efforts in remote, poverty-stricken regions would contribute significantly to long term stability.

### ***Gender Mainstreaming***

The German Technical Agency (GTZ) is engaged in gender mainstreaming in Afghanistan. It supports the Ministry of Women's Affairs in coordinating internationally financed gender projects. In this, it cooperates with the United Nations Development Fund for Women (UNIFEM), the Japan International Cooperation Agency (JICA), the World Bank, the Scandinavian countries, Italy and Corsica.

the United Nations has developed tools and guidelines on specific areas of Resolution 1325. Agencies such as the UN Population Fund have developed the *IASC Guidelines for Gender-Based Violence Interventions in Humanitarian Settings and Guidelines for Clinical Management of Rape*. These would be useful in Afghanistan. However, they have not been translated into Dari or Pashto or any other commonly spoken Afghan language. The UN's Department of Public Information has also produced several short, simple educational tools on 1325 such as profiles of women active in peacebuilding and reconstruction initiatives, including short booklets. Such tools would be invaluable for an Afghan audience, especially if adapted in consultation with grassroots Afghan women's organizations.

***Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action – including legislation, policies or programmes in any area and at all levels. It is strategy for making the concerns and experiences of women as well as of men – an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres – so that women and men benefit equally and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality [United Nations Economic and Social Council – July 1977]***

Most UN agencies represented in Afghanistan are staffed with gender advisors. In general, gender advisor positions were planned from the beginning of the current mission, rather than integrated later. However within the crucially and politically important UNAMA, an administratively demanding recruitment process has kept the post of Gender Advisor and others in UNAMA vacant for long periods of time, potentially adversely affecting the efficiency and gender representation of the mission.

UNIFEM in Afghanistan actively addresses some of the priority concerns in Resolution 1325, in particular gender mainstreaming in Afghanistan's legal, justice and governance systems and women's economic and security rights. Other core programmes include provision of technical and financial assistance for capacity-building to the Ministry of

Women's Affairs, mobilization of women at provincial and community levels and support for gender equality and gender campaigning in local media institutions. UNIFEM advocated for women's rights to be enshrined in the new Constitution approved in 2004 by the Constitutional Loya Jirga, where 20 percent of delegates were women. UNIFEM regularly undertakes advocacy and educational activities, producing Dari and Pashto newsletters on gender issues, organizing events with civil society, and working with women MPs. The agency also networks with Afghan women's organizations. It has not, however explicitly framed its activities to further strengthen the implementation of Resolution 1325.

## Concluding Comments

Afghanistan has made progress in some key areas since 2001. These include economic growth, the establishment of a democratically elected government, the presence of a quota system for women in parliament, and importantly, a new Constitution that explicitly refers to equality between women and men. More recently, the Afghanistan National Development Strategy resulted from a careful needs mapping and collaboration between the Afghan government, the UN and international donors, and has been favourably received by the international community, reflected in the signing of the *Afghanistan Compact*.

***Real action necessitates resources, which have not always been immediately forthcoming. Supporting women's organizing is an investment in Afghanistan's overall development and stability- and is ultimately an investment in a sustainable long-term peace for Afghanistan. Increasing women's numbers in government, and importantly, their leadership in key positions across all Ministries and at all levels of the civil service is pivotal to providing better protection to women and fostering more gender-sensitive policy in government.***

Afghanistan's women's organizations are playing a pivotal role in bringing attention to taboo issues, mobilizing other women, seeking resources from the international community to further women's rights, and providing essential services to women and girls. In some cases these activities may mean the difference between life and death. The last five years have witnessed women lobbying, organizing and advocating. The many activities taking place under motivated

leaders in the women's movement, UN agencies and some government departments are gradually transforming Afghan society. Such activities must continue to be supported over the next few years, through commitments from international donors and with long-term planning.

While Afghan women and men work diligently towards peacebuilding and reconstruction objectives, insecurity curtails the potential for sustainable development. The security situation in some parts of Afghanistan has deteriorated into renewed conflict, with insurgents appearing to be steadily gaining a stronger foothold. Women have been at the centre of this storm, as they are particularly vulnerable to insecurity and cannot depend on a justice sector that is weak and unmotivated in its ability to protect women.

The recent histories of other conflict and post-conflict states highlight the key vocal role that civil society consistently plays in advocating for the implementation of resolution 1325, and translating its provisions into action. medica mondiale is one international civil society organisation that strongly implements the principles underpinning the resolution. For example, in 2005 medica mondiale's Women's Rights and Lobby programme celebrated the 5<sup>th</sup> anniversary of 1325 by organising a press conference with the former Minister of Women's Affairs, Dr. Masuda Jalal, to discuss positive and negative developments since the Bonn Agreement. Two follow-up video conferences were also organised to link Afghan parliamentarians with other parliamentarians from the European Parliament and with those from the United Kingdom.

Afghanistan has a growing women's movement and some of the more established women's organizations are familiar with 1325 and are working towards its achievement, for example the Afghan Women's Network and Rights and Democracy have also been developing materials in Dari to explain the resolution to the Afghan public. However, Afghan women's organisations that are independent, require the sustained support of international donors and solid partnerships with international civil society. Real action necessitates resources, which have not always been immediately forthcoming. Supporting women's organizing is an investment in Afghanistan's overall development and stability- and is ultimately an investment in a sustainable long-term peace for Afghanistan. Increasing women's numbers in government, and importantly, their leadership in key positions across all Ministries and at all levels of the civil service is pivotal to providing better protection to women and fostering more gender-sensitive policy in government.

UN Security Council Resolution 1325 presents a powerful counterpoint to the violent conflict and human insecurity prevailing in Afghanistan in 2006. Yet, for the Resolution to take effect, immediate action toward its further implementation is required from the key stakeholders in Afghanistan's peace building process. In order to ensure women's peace and security in Afghanistan, this effort needs to be supported by a long term vision, and strong political will led from the top. The following recommendations for strategic action emerging from this report may assist in securing more gains and fewer gaps in the implementation of UN SC Resolution 1325 in Afghanistan.

## Recommendations

### 1. *Based on the findings of this report, we make the following recommendations to the Afghan government*

- ❖ The Afghan government has a responsibility to protect and to provide accountability for its citizens. The government should take action to implement, in full, the recommendations of the Afghan Independent Human Rights Commission's report *A Call for Justice 2005* that outlines an implementation strategy for transitional justice addressing past war crimes and crimes against humanity. All transitional justice mechanisms and initiatives established should consider rape and sexual violence crimes against humanity, and should pay special attention to the demands of Security Council Resolution 1325 relevant to accountability and justice for women affected by war. The Afghan government should take steps to guarantee the protection of its citizens and in particular, female staff in higher institutions and those in the civil service.
- ❖ The Afghan President should issue a decree referencing the Constitution, the ANDS, the NAPWA and the NDF. Such a decree should be applicable to all Ministries ordering them to prioritise gender equality and in this respect, establish clear plans and implement practical strategies towards gender equality and women's leadership within the civil service. High officials should be held accountable for the implementation of the decree.
- ❖ The government of Afghanistan should create a National Action Plan for the implementation of Resolution 1325 in Afghanistan and should appoint a Committee of committed, competent and qualified women and men to oversee the implementation of the Action Plan.
- ❖ All Member States of the United Nations are required to report on the CEDAW. Afghanistan should include a report on the implementation of UN SC Resolution 1325 in its forthcoming CEDAW report to the UN. The government should ensure that CEDAW provisions are fully ratified in Afghan domestic law and that all legal reform activities are based on its considerations as well as those of Resolution 1325.
- ❖ The Afghan Ministry of Defence should be made aware of Resolution 1325 and its relevance to the work of the Ministry. For example, it should provide gender-sensitivity training for the Afghan National Army as part of its responsibility for the protection of women and children and for the realization of DDR. The Ministry should coordinate with the NATO Gender Advisor, UN agencies and any relevant working groups or committees within the international community on the ground in Afghanistan.
- ❖ The Ministry of the Interior should take steps to launch a broader, more strategic nation-wide campaign to recruit women police officers, with assistance from

- international donors. Both the recruitment and deployment of trained female officers should include and prioritize the provinces. Leadership training should be provided for senior female officers. The MOI should also develop and execute a comprehensive gender strategy that includes the creation of a gender unit and gender -mainstreaming principles.
- ❖ The Ministry of Public Health (MoPH) should develop guidelines and standards for the health professionals and institutions to systematically record sexualized violence. A monitoring system should be developed and implemented alongside the guidelines. The MOPH should further develop protocols governing rape. It should introduce psychosocial and trauma counselling in central and key provincial hospitals.
  - ❖ The MoPH should provide access to health care in as many provinces as possible by expanding health clinics to all districts. Major hospitals in Kabul and other large provinces should contain a unit where victims of sexualized violence can discreetly receive treatment and support. Psychological health should also be prioritised in health services provided by the government, and to this end professional training programmes should be organized to train mental health workers.
  - ❖ The Ministry of Women’s Affairs should integrate the implementation of UN SC resolution 1325 into its Action Plan.
  - ❖ The MoWA, the MoI and the Ministry of Justice should collaborate with national and international organisations to initiate facilities providing free legal advice and legal defence services in Kabul and the provinces.
  - ❖ The Office of Statistics should ensure that within the forthcoming census and other data collection exercises – gender disaggregated data is collected and that such data can be relied upon when developing policy affecting women.
  - ❖ Under the leadership of the Independent Administration Reform and Civil service Commission (IARCSC), competent and qualified women should have equal opportunities to be appointed to key management positions throughout the Afghan civil service.
- 2. *Recommendations to the United Nations Security Council***
- ❖ In future visits by the Security Council to Afghanistan, a seminar should be organized in advance with Afghan women’s organizations specifically to discuss gaps in the implementation of 1325 and strategies for realizing the recommendations of the Resolution.
  - ❖ Afghan women peacebuilders should be invited to speak at the Security Council’s next annual Open Debate on Resolution 1325.

- ❖ Security Council members should continue to initiate Arria Formula meetings with Afghan women and experts on the conflict in Afghanistan and its impact on women whenever opportunities for this arise.
- ❖ The Security Council should create a monitoring mechanism for 1325's implementation, within the UN system-wide Action Plan on SCR 1325.
- ❖ The Security Council should establish a Working Group on Women, Peace and Security, with a taskforce on Afghanistan linked to relevant UN staff on the ground in Afghanistan.
- ❖ All future UN SC Resolutions – including on Afghanistan should make explicit mention to Resolution 1325.

### ***3. Recommendations to the United Nations Secretary-General's Special Representative to Afghanistan***

- ❖ The Afghan national DDR programme, the ANBP, should be of a long-term nature and should include mechanisms for monitoring demobilized soldiers to ensure they do not return to illegal fighting, creating a less secure environment for women. Comprehensive reintegration support, including trauma counselling and gender-awareness for ex-fighters that address their perceptions and treatment of women should be provided.
- ❖ DDR programmes should include both medium-term employment and vocational training and education for ex-combatants re-entering the workforce, to reduce the default rate of participants in DDR programmes. Food for work programmes should be developed as an economic incentive to DDR ex-combatants.
- ❖ Senior UN officials in Afghanistan should be held accountable for the implementation of Resolution 1325.
- ❖ Ensure all UN staff are aware of, and receive training in Resolution 1325. This should include wider gender training and needs sensitivity in the context of Afghanistan.
- ❖ Develop and implement a stronger and more strategic mechanism for coordination among UN agencies in Afghanistan

### ***4. Recommendations to UN Agencies***

- ❖ Make monitoring the implementation of Resolution 1325 a central part of UNIFEM's mandate in Afghanistan, including the coordination of Afghan and international organizations and agencies, advocating with NATO, the Afghan



government and other UN agencies to advance the implementation of key provisions of the Resolution.

- ❖ Publish professional Dari and Pashto translations of UN tools and guidelines on key aspects of 1325, such as *IASC Guidelines for Gender-Based Violence Interventions in Humanitarian Settings and Guidelines for Clinical Management of Rape*.
- ❖ Translate and distribute practical training and action tools, such as Women Waging Peace and International Alert's *Inclusive Security: Sustainable Peace – A Toolkit for Advocacy and Action*, a user guide for women peace builders in conflict settings.
- ❖ UNIFEM should carry out trainings in at least six major provinces of Afghanistan to train Afghan women's organizations in using Resolution 1325 as an advocacy tool in their communities, provinces and with the national government.

#### **5. Recommendations to the AIHRC**

- ❖ Produce short, simple educational tools on 1325 for both Afghan men and women, as well as girls and young women. These tools should not be text-based must be appropriate for use among Afghans of different educational and socio-economic backgrounds.
- ❖ Fund a Pashto translation of Resolution 1325, and an accompanying introductory fact sheet for wide circulation in Afghanistan.
- ❖ Identify and highlight the link between 1325 and the transitional justice process with specific reference to the resolution's principles on women, accountability and redress.

#### **6. Recommendations to the NATO-led International Security Assistance Force (ISAF) in Afghanistan**

- ❖ Appoint a Gender Advisor within ISAF. The Gender Advisor should make recommendations to ISAF troops throughout the country aimed at better protecting women civilians, taking special measures for the protection of women activists, civil servants, women educators and girls' teachers, and vulnerable women in high-profile government positions. The Gender Advisor should consult regularly with Afghan women's organizations, UN agencies and international organizations with programming for women and girls in insecure areas. The advisor should be a senior position within the NATO mission in Afghanistan.
- ❖ Appoint a Gender Advisor to NATO. This Advisor should prepare and execute with support – from countries of origin - all pre-deployment gender trainings for NATO troops and these should include exposure to Resolution 1325 and practical strategies for its implementation.

- ❖ Appoint more women to high-level decision-making positions within the NATO mission to Afghanistan.
- ❖ Statistics on the number of women from the 37 nations participating in the NATO-led ISAF mission in Afghanistan should be readily available on ISAF's and NATO's websites.
- ❖ NATO troops should exercise extreme sensitivity in carrying out house searches of Afghan civilians and should only resort to this tactic when necessary. Female personnel should carry out house searches of homes where women are resident, and more women should be recruited by respective NATO member countries to this end.
- ❖ Provincial Reconstruction Teams should maintain an exhaustive list of credible, established government, and non-profit (Afghan and international) services available to women who may be at risk of harm of any kind, such as health services or shelters, and should be empowered to make referrals for such women.

**7. *Recommendations to International Organizations and Donor Governments in Afghanistan:***

- ❖ Include the Resolution 1325 as an essential tool for peace- and state building in capacity-building programmes for state institutions like ministries, the judiciary and police but also for civil society organizations and traditional policy-making organs like shuras and jirgas.
- ❖ Carry out capacity building on sexualized violence against women, traumatised and its consequences as a tool for peace building and reconciliation.
- ❖ Establish awareness raising programs for young men in schools on gender equality and gender roles as a tool of prevention for gender based violence and peace building
- ❖ Support the peacebuilding activities of Afghan women's organizations throughout the country and provide technical assistance and capacity-building for the local implementation of the provisions of Resolution 1325
- ❖ Identify and include women from civil society from the very beginning into the action plan for transitional justice.
- ❖ Create a Working Group on the implementation of Resolution 1325 with balanced representation from major donors and international organizations addressing gender issues in Afghanistan, building on the findings of previous conferences and workshops held on the Resolution's implementation in Afghanistan.

- ❖ Commit funding and resources towards projects and programming aimed at the implementation of Resolution 1325.
- ❖ Funding should be made available directly to Afghan women's organizations, recognizing the critical role that local civil society, including the women's movement, plays in the peacebuilding process of any post-conflict country.
- ❖ Pledge financial and political support for the establishment of a network of transitional safe houses and shelters for women victims of violence as well as Women's resource centres and other initiatives addressing violence against women to all relevant organisations including UN agencies such as UNHCR and UNIFEM.
- ❖ Ensure medical and social services – including psychosocial and trauma services are established in rural areas to address the healing needs of both men and women victims of conflict and to build the capacity of Afghan organizations to eventually provide such services independently.

#### ***8. Recommendations to Afghan Civil Society Organizations***

- ❖ Include both men and women in training programmes designed to transform gender norms and that address issues such as violence against women, women's political participation, women's right to economic participation and education, among other services.
- ❖ Network organizations, such as the Afghan Women's Network, should take a lead role in using 1325 in their trainings and activities and use their network to distribute Dari and Pashto versions of the Resolution and accompanying advocacy tools to women's groups throughout Afghanistan.
- ❖ Women's organizations should use a common peace building agenda to overcome divisions and collaborate on advocacy and service provision activities.
- ❖ Ensure organizations' research activities result in gender-disaggregated data.
- ❖ National agencies such as the newly established Board of the Independent National Commission on Strengthening Peace should be tasked with creating and operating conflict resolution mechanisms.

## ❖ APPENDIX A:

### **Full Text of Security Council Resolution 1325 on Women, Peace and Security**

The Security Council,

**Recalling** its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

**Recalling** also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

**Bearing** in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

**Expressing** concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

**Reaffirming** the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

**Reaffirming** also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

**Emphasizing** the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

**Recognizing** the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

**Recognizing** also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

**Recognizing** that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

**Noting** the need to consolidate data on the impact of armed conflict on women and girls,

1. **Urges** Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. **Encourages** the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. **Urges** the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. **Further** urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. **Expresses** its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. **Requests** the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. **Urges** Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;

8. ***Calls*** on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. ***Calls*** upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. ***Calls*** on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. ***Emphasizes*** the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexualized violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;

12. ***Calls*** upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;

13. ***Encourages*** all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;

14. ***Reaffirms*** its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

15. ***Expresses*** its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

16. **Invites** the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

17. **Requests** the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

18. **Decides** to remain actively seized of the matter.

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