



## Transforming Development Beyond Transition in Afghanistan: Women's Rights Position Paper

*"There have been many improvements at the policy level, however, these improvements need to be at the grassroots, so that all Afghan women can benefit. The international community should keep their commitments to women's empowerment in Afghanistan, in order to sustain progress."* Hasina Safi, Director, Afghan Women's Network

### Overview

This paper is one of a series highlighting civil society actors' concerns in the lead up to the 2014 London Conference on the Tokyo Mutual Accountability Framework (TMAF). Other papers in the series focus on aid effectiveness, governance and service delivery.

The TMAF recommendations for donors on women's rights highlighted two key guiding principles that still need to be prioritized. Firstly, the realization of women's rights must be embedded within all aid to Afghanistan; and secondly, the important role of civil society in delivering good quality services, promoting and protecting women's and girls' rights and monitoring and holding governments to account for promises made.

### Progress since 2012

Significant gains have been made for women and girls in relation to education, access to health services, political participation and employment, and increasing awareness of women's rights. Though substantial headway has been made, progress is still needed across Afghanistan, particularly in rural and remote areas. Moreover, transforming these gains into the reality of women's and girls' daily lives, in a sustainable way, has been a challenge.

In sectors where there has been coordinated and collaborative action and efforts among different key actors, progress has been achieved and support garnered from communities to create a more enabling environment for women and girls to access services and exert their rights. In 2013, of the 15,169 Afghan schools in existence, 2,267 were allocated to girls, and among the 8.6 Afghan students, 3.4 were girls.<sup>1</sup> In the healthcare sector, the maternal mortality ratio dropped from 1,000 in 2000<sup>2</sup> to 327 deaths per 100,000 live births in 2013. Afghan women's presence in the workforce ranges from 5 per cent in the security sector to at least 50 per cent of those working in the country's independent media and civil society groups.<sup>3</sup>

*Women's participation in public life:* Women have been participating in the political process at unprecedented rates, both by turning out for voting, and by running as candidates in presidential, parliamentary and provincial elections. Women's participation in unofficial local governance and development bodies has also increased. An electoral law gives women equal voting rights and a quota system that provides that there must be at least two women represented in the *Wolesi Jirga* (Lower House) per province (68 of 250 members or 27 per cent). Women must also comprise at least 16 per cent of the *Meshrano Jirga* (House of Elders). The president, who appoints one-third of the membership, is required to make 50 per cent of his selection women. Thirty per cent of seats are reserved for women in parliament as are 20 per cent of provincial councils according to the new electoral law passed on July 15, 2013 by the *Meshrano Jirga*, as opposed to the earlier quota of 25 per cent.<sup>4</sup>

## Challenges

Although change is happening, cultural norms are among the most pervasive and resistant to change in any society. Women's rights abuses are endemic in Afghanistan, with harmful traditional practices and violence against women persisting despite being illegal as a result of national policies, laws and international treaties. For progress to be made, donors must support organisations to implement holistic programmes that work at national, provincial and community levels. To secure and expand gains made in gender equality and women's rights, it will be necessary to reach out to rural and urban Afghans – both women and men – and to create an enabling environment.<sup>5</sup>

There has been a tendency to focus on the practical needs of women such as access to schools, income generation schemes, clinics and other infrastructure. This has resulted in providing access to services but has not resulted in positive change in status or position. It is therefore important to address service provision and rights-based programming. For women's rights organisations to continue to lead this change on the ground they need more than programmatic funding, they need core funding to support their existence and overhead costs so their long term sustainability is secured.

Lack of security and violence also remain one of the main barriers to women's access to services, realization of active and effective participation and improved quality of life. In a situation of prolonged armed conflict, violence seeps into all layers of society. Violence against women has continued to be a prominent concern for the last decade. Efforts have focused on raising awareness and building policy and legal frameworks, but the Afghan government's outreach and monitoring capacity cannot effectively deal with the scale of the problem, and women continue to face human rights violations and abuse.<sup>6</sup>

*Women's access to justice and the security sectors:* Afghanistan's justice system remains weak and human rights abuses are endemic within traditional justice systems. Despite Afghanistan having laws and legislation in place to protect the rights of women, such as the Elimination of Violence Against Women (EVAW) law, many discriminatory practices persist. Violations of women's rights are under-reported due to a range of factors, including social stigma, exposure to further violence/sexual harassment and a limited knowledge of rights. Reported violations are often handled through local systems, largely applying customary laws. For example, law enforcement and justice officials, including judges and prosecutors, often choose to resolve cases through mediation. Women also struggle to exercise other rights including housing, land, property and economic rights.<sup>7</sup>

The First Report by the Ministry of Women's Affairs on the EVAW law in Afghanistan was released in 2013. The report is a major step forward on monitoring violence

against women and represents the Afghan government's firm commitment towards implementing it. The report noted progress and continuing gaps in the enforcement of the law by police, prosecutors and courts. Commissions on elimination of violence against women (CoEVAW) have been established in 32 out of 34 provinces in Afghanistan and their terms of reference developed. Although they need to be further strengthened, their establishment in itself is an achievement.<sup>8</sup>

Women's presence in rule-of-law institutions has increased however this remains an area where attention is needed. There are now nearly 2,000 policewomen, compared to fewer than 500 in 2007. In 2003, when the Afghan Women Judges Association was created, there were 50 female judges; in 2012, membership had increased to 150, although the geographical spread is limited. These efforts have resulted in enhanced legal protections for women and should be built upon and embedded into Afghan governance structures and systems.<sup>9</sup>

*Strengthening women's participation:* Women have been participating in the political process, both in voter turn-out and by standing as candidates. Women's participation in local governance and development bodies has also increased. Women's participation in public life is at risk due to insecurity and threats against women's rights activists. Female candidates need more support and protection in order to stand for these reserved seats. Women's participation at grassroots level has increased, largely through the efforts of women's rights organisations, this work should be supported and fostered.

Afghanistan has developed a National Action Plan for the Women of Afghanistan (NAPWA) and is developing the National Action Plan (NAP) for the United Nations Security Council Resolution 1325 (UNSCR 1325). The Government of Afghanistan's NAP has been prepared and is being tested at the provincial level. Many donor countries have also referenced Afghanistan in their own NAP's, however more needs to be done in terms of coordinating the different commitments within NAP's to ensure that this translates into meaningful implementation of UNSCR 1325 in Afghanistan.

Although there has been progress in women's participation, only 9 out of 80 High Peace Council Members are women, and there have also been sideline discussions on the peace process organised without any women present. There is a need for women to be involved in each step of the transition process, especially concerning issues of security, peace and reconciliation. A holistic approach to women's political and socio-economic participation is needed to enable real change.

*Supporting women's organisations to promote women's rights:* Women's rights organisations are the vehicle through which meaningful change on women's rights will be achieved. These organisations should meaningfully

participate in the design, delivery and monitoring of relevant elements of the TMAF. It should be recognized that women's rights organisations are essential for Afghanistan's peaceful transition and that core funding should be available to them to ensure sustainability. Any initiatives should also build security and protection elements into their funding.

*"The protection of Afghan women must be prioritized. Afghan women's rights activists should feel safe raising their voices and concerns", Mary Akrami, Director, Afghan Women's Skills Development Centre (AWSDC)*

## Recommendations

### Improving women's access to justice and the security sectors

- Conference participants should commit to the creation of an implementation plan for the EVAW law including a clear timetable for implementation, and set out an analysis of current funding shortfalls and how these will be met. This commitment should include the development of a comprehensive, coordinated and decentralized data-capturing, processing and analysis system.
- The Afghan government should recommit at the Conference to:
  - Increase the number of women in Afghanistan's security and justice mechanisms;
  - Build the capacity of police, prosecutors, lawyers, judges on gender equality/protection of women; and
  - Establish an independent mechanism to assess progress on this. Space for discussion of how this should be achieved should be made in the main conference agenda alongside other priorities
- The Afghan government and the international community should report annually on measures they are taking to fulfil obligations towards Afghan women and girls enshrined in international mechanisms, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Afghan National Action Plan on Women Peace and Security in implementation of UNSCR 1325.
- The Afghan government and the international community should examine the root causes of gender inequality and violence faced by Afghan women and commit to implement culturally sensitive solutions which are contextually acceptable.

### Strengthening women's participation

- The main Conference agenda should include space for discussion of Afghan Government compliance with targets laid out in NAPWA, along with how funding shortfalls will be met by conference participants.
- The conference communique should commit all participants to the promotion of the effective participation of women at international, national and regional levels where the future and development of Afghanistan is to be discussed. Women should comprise at least 30 per cent of Afghan delegates at international gatherings.
- Conference participants should commit new funding to build the awareness and capacity of government officials and community leaders at all levels to promote women's political and economic participation. The conference communique should recognize and support additional programming to increase women's political, social and economic participation.

### Supporting women's organisations to promote women's rights

- Conference participants should pledge significant new funding to Afghan women's rights organisations to directly support their vital lifesaving efforts. This should include new funding to support women's Civil Society Organisations to extend their pivotal role in providing information on and raising awareness of women's rights and legal protections in areas where illiteracy and poverty restrict women's access to information. Both project based and core funding is needed to ensure the essential role of women's rights organizations is sustainable.

### Mainstreaming

- In addition to dedicated space in the Conference agenda for discussion of Afghan women's rights priorities, the agenda should ensure that issues affecting women, their concerns and perspectives, are raised across the entire agenda of the conference.
- Conference participants should commit to specific women's rights and gender equality policies and programmes in addition to committing to integrating women's rights and gender equality into all policy and programming.
- The Afghan government and the international community should conduct a coordinated assessment on gender mainstreaming efforts to track progress, to reflect on lessons learnt and to replicate good practices such as disaggregated data and gender-sensitive budgeting with a particular focus on the most vulnerable groups.

# Endnotes

- 1 United Nations Human Rights Council (2014): *Report of the Working Group on the Universal Periodic Review Afghanistan*. [http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2FSession18%2FAF%2FA\\_HRC\\_26\\_4\\_Afghanistan\\_E\\_IDrits.doc](http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2FSession18%2FAF%2FA_HRC_26_4_Afghanistan_E_IDrits.doc)
- 2 World Health Organization (2012) Trends in maternal mortality: 1990 to 2010. WHO, UNICEF, UNFPA and World Bank estimates. <http://www.who.int/reproductivehealth/publications/monitoring/9789241503631/en/>
- 3 United Nations Human Rights Council (2014): *Report of the Working Group on the Universal Periodic Review Afghanistan*. [http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2FSession18%2FAF%2FA\\_HRC\\_26\\_4\\_Afghanistan\\_E\\_IDrits.doc](http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2FSession18%2FAF%2FA_HRC_26_4_Afghanistan_E_IDrits.doc)
- 4 Afghanistan Analysts Network (2013) *Afghanistan's New Electoral Laws: Changes and red flags*. <https://www.afghanistan-analysts.org/afghanistans-new-electoral-laws-changes-and-red-flags/>
- 5 Afghanistan Research and Evaluation Unit (2013) *Women's Rights, Gender Equality, and Transition: Securing gains, moving forward*. <http://iareu.org.af/uploads/EditionPdfs/Transition.pdf>
- 6 *Ibid.*
- 7 Samuel Hall and NRC (2014) *Strengthening Displaced Women's Housing, Land and Property Rights in Afghanistan*. <http://womenship.nrc.no/wp-content/uploads/2014/03/GlobalReportWHLP.pdf>
- 8 Ministry of Women's Affairs (2014): *First report on the Implementation of the ERAW Law in Afghanistan, Islamic Republic of Afghanistan*. [http://mowa.gov.af/Content/files/EVAW%20Law%20Report\\_Final\\_English\\_17%20%20March%202014.pdf](http://mowa.gov.af/Content/files/EVAW%20Law%20Report_Final_English_17%20%20March%202014.pdf)
- 9 *Ibid.*

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