

# Security Council Resolution 1325: Civil Society Monitoring Report

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## Afghanistan

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A Project of the Global Network of Women Peacebuilders

# Islamic Republic of Afghanistan

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## I. Women, Peace, and Security Profile

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The Afghan Women's Network has prepared this report as contribution to the Global Network of Women Peacebuilders (GNWP) monitoring project on the state of UN SCR 1325 in the world. We hope to serve as a voice on the current situation facing women and girls in the ongoing conflict environment of Afghanistan. Data compiled for this report is based on the indicators developed by GNWP.

### A. Nature of Conflict

Violent conflict in Afghanistan has sustained on for over thirty years, taking a toll on every aspect of the Afghan economy, socio-political infrastructure and civilian life. While the conflict can be posited as either a continuing internal clash of interests, values, or needs of conflict parties, or the central crux of regional and international war of ideas, values and economic and security needs, it remains to be seen on what terms the warring parties will come to an agreement on the terms for peace.

The Afghan people however continue to suffer as they have for years, both in violations of their human rights and protections given to civilians under international humanitarian law. While all of Afghanistan continues to feel the impact of war as well as its deprivations and insecurity, the ongoing conflict has been most deadly in the south and southeast, areas bordering Pakistan, where the majority of the fighting and Taliban and other militant activity continues to occur.

On the national level, impunity is the rule rather than the exception, with the government failing to prosecute criminals and human rights violators, especially those who hold high posts. Ensuring this attitude are laws like the Amnesty Law, essentially forgiving all human

rights violators from government prosecution.

Supporting the conflict is the ever-growing drug trade, where Afghanistan ranks as the number one producer of opium to the world.

Afghans continue to feel stuck between fire and the frying pan, as Taliban activities harm and threaten civilians on one hand, and the government's lack of resolve on investigating, prosecuting, and protecting civilians from criminals and human rights violators. Insecurity, lack of jobs, and violence continue to promote a paradigm of life in Afghanistan that serves to keep the social fabric of the country weak.

## **B. Impact of Conflict on Women**

The environment in Afghanistan is certainly one in conflict and women fare not much better than they have in the past. While no laws decree Afghan women remain invisible and silent as they did during the Taliban rule, women still in large part live in Afghanistan knowing their security and their own bodies are at risk of violence. At the root, the same problems remain for Afghan women as they have for decades. These include a lack of economic power, criminal impunity, violence due to war as well as sexual and gender violence against women, lack of or inadequate access to education, cultural practices such as *badal kardan* and *baad dadan*, where girls are exchanged to settle disputes among families, and general cultural attitudes towards women and girls that make it hard for women to seek help.

Physical and psychological abuse, sexual and gender based violence (SGBV), domestic and physical violence, cultural and social restrictions on women's space, voice, and movement dot the landscape of a gender discussion in Afghanistan. Women continue to face social or family restrictions on their right to work, to choose their spouses, or to continue their education. Women who do work face the threat of violence against themselves or their families, or they face a very small space from which to continue working.

Quotas reserve political seats for Afghan women in order to get them involved in the Afghan public sphere. However, quotas go a very small distance in terms of improving the situation for women. While some reach the seat of ministries and Parliament, and face the possibility of violence by Taliban or other groups, most Afghan women continue to face violence, SGBV, forced marriage, and inadequate access to education and the right to work.

The situation of women has certainly made great strides since 2001, and women and girls have found access, albeit limited, to both education and work. Based on quotas, women serve in Parliament, as lawyers and judges, and have managed to gain seats in the ministries of government. In cities, women are very much a visible part of the daily life, and on the television screen. Based on these superficialities, life is normal and to a degree free for women. However, underneath these strides, Afghan women continue to face discrimination and violence at the hands of their own society. Both the history and current environment of war violence play a role in the dehumanization and violence towards women. Data collected thus far indicates that despite the great strides, women in Afghanistan have many more to take in order to live a secure and violence-free life.

## **C. Relevant Policies**

The report examines the United Nations Security Council Resolution (UN SCR) 1325 implementation in Afghanistan using a set of indicators developed and selected by the GNWP. Of major concern is women's participation in areas of governance, justice, security, and peace as well as prevention programs and policies in government, education, and media. In Afghanistan, **144**

national efforts toward inclusion and mainstreaming of gender into political and social sectors of life include a number of government documents ensuring space, equality, and protection against harm of Afghan women. These documents include the Afghan Constitution, the National Action Plan for Women of Afghanistan (NAPWA), and components of the Afghan National Development Strategy (ANDS).

The Afghan Constitution, approved through a national jirga in 2004, keeps international human rights norms and values in mind, including freedom from torture, and right to life and liberty, due process, expression and speech, and peaceful assembly. Women stand equal under the law according to the constitution. Greater due is given to Islamic law in the constitution, however, whether it goes against human rights principles or not.

Despite the existence of gender tolerant and progressive documents in Afghanistan, the Afghan government has been slow in producing major improvements in the inclusion and protection of women, and it has not provided a report or analysis of where the country has headed regarding UN SCR 1325. Despite the presence of a constitution friendly toward women, there are laws on the books that ultimately sacrifice the rights of women and girls in Afghanistan. The few years, Afghanistan's Parliament and President Hamid Karzai raised the concern of many both in Afghanistan and internationally with the acceptance of the Shia Personal Law, the National Reconciliation, General Amnesty and Stability Law, or amnesty law, and negotiation and possibilities of compromise with elements who would deny Afghan women any recognizable rights.

Other relevant policies supportive of women's role and inclusion in the political and social process include the following:

### **The Afghan Constitution:**

The Constitution of Afghanistan clearly defines the equality of men and women in both rights and duties under the State, prohibiting discrimination and privilege based on gender and ethnicity. Article 22 states this explicitly, ideally making principles of gender equality and non-discrimination a key component in policies set by the government and in the attitude of Afghan society. Article 44 seeks to promote women's education, while Article 53 promises State financial support to women-headed households (women without 'caretakers'). Article 54 commits the State to supporting the well being of children and mothers, as well as eliminating harmful traditions contrary to Islamic principles. Articles 83 and 84 collectively are concerned with the Afghan National Parliament, reserving two seats from every province in the House of People, and half of one third in the House of Elders for women.

### **National Action Plan for Women of Afghanistan (NAPWA):**

The National Action Plan (NAP) for Women of Afghanistan is the Afghan government's (GoA) effort to help in the advancement of women through gender equality in all social and political sectors of the country. Its two pronged approaches are gender equality and empowerment of women. The plan has come about based on the guidelines and commitments of the Afghanistan Compact and Afghan National Development Strategy (ANDS). Its implementation fulfills

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benchmarks set within the Compact and the ANDS. The GoA sees this as major component of driving gender equality and mainstreaming through a systemic and sustainable method of implementation at a variety of government ministries, agencies, and provincial government bodies. The overall goal of NAPWA is to create, within institutions, both a concern for gender issues and the inclusion of women when creating budgets, policies, services, recruitment, promotion, and opportunities. The Convention on Elimination of all forms of Discrimination Against Women (CEDAW) is included in NAPWA as key obligation to follow through by the GoA in implementing gender equality and women's empowerment.

### **Afghan National Development Strategy (ANDS):**

The Afghan National Development Strategy is in support of the Afghanistan Compact benchmarks and the Millennium Development Goals (MDGs) set by the international community. The components of the ANDS implementation include equitable development and poverty reduction, security, gender equality, macroeconomic stability, private sector development, and employment. Gender policy in the ANDS is both cross-cutting sectorally, where implementation of gender mainstreaming themes is mandatory upon all government ministries and agencies, as well as the key to the whole process of development in Afghanistan.

While all the components of the ANDS impact women in one way or another, the gender equality component is key to addressing the gender imbalance in many areas of social, political, and cultural life of Afghanistan. The ANDS shares with NAPWA the goal of elimination of discrimination against women, approaching its work through a ten-point strategy.

Afghan women's participation in the areas of governance, security, peace and justice has certainly expanded since 2001. However, there are extensive gaps in how much access women have to positions with influence and decision making power, to safety and security at the most basic level. Similarly, protection from and prevention of violence and abuse against women and girls has been incorporated into the body of the Afghan Constitution. Despite this, women and girls continue to face violence and abuse at the hands of family, community members and or people affiliated with the parties in conflict.

In order to improve the situation of Afghan women, priorities must be set that are relevant and mindful of the needs and concerns of a wide range of women and girls. Most importantly, the focus cannot be on just one area concerning women. Instead, vulnerable women, educated, uneducated, rural, and urban women must be brought into the fold of social life through opened space for their voices and needs. Key to this is women's participation in decision and policy making, approaches to peace and governance, and legislation. Protection and prevention of violence against women and girls must be made a real priority, including tough stance on impunity against those who violate and abuse women and girls. The inclusion and transmission of a gender perspective through the curriculum, as well as through informal means of education, also stand as the key to improving the gender issues landscape of Afghanistan.

Indicators for UN SCR 1325 established by the Global Network of Women Peace-builders (GNWP) are broken down into three main pillars, namely Participation, Prevention and Protection, and Promotion of a Gender Perspective. Below is a brief breakdown of data on UN SCR 1325 indicators followed with analysis of implications.

## II. Data Presentation and Analysis

### A. Participation

Active participation in areas of policy and decision making is the key to improving the situation of women in Afghanistan. While decisions and policies deeply affect the lives of women and girls, they are often made without adequate acknowledgement or understanding of women's needs, concerns and priorities.

#### Indicator 1 - Index of women's participation in governance

Table 1.1 Balance of Women and Men in Senior Positions in Government (1384/2005)

Ministry	Number of Women employees	%	Number of Men employees	%
Ministry of Women's Affairs	20	90.0	2	9.1
Independent Board	5	50.0	5	50.0
Ministry of Education	9	14.1	55	85.7
Parliament Secretariat	2	8.0	23	92.0
Ministry of Refugees & Repatriation	2	7.4	25	92.6
Ministry of Justice	5	4.8	99	95.2
Ministry of Public Health	1	3.3	29	94.7
Administrative Dept of Ministry of Interior- Riasat e Omor	1	3.2	31	96.9
Ministry of Interior	1	2.9	34	97.1
Ministry of Agri & Trade and Food	1	1.3	77	98.7
Office of the Vice President	0	0	1	100
Ministry of Urban Planning	0	0	25	100
Ministry of Finance	0	0	25	100
Ministry of Higher Education	0	0	30	100
Ministry of Rural Development	0	0	2	100
National Olympics Commission	0	0	2	100
Directorate of Audit and Investigation	0	0	4	100
Directorate of Disaster Control	0	0	3	100
Ministry of Communications	0	0	14	100
Kabul Municipality	0	0	1	100
Total	51	9.0	517	91.0

SOURCE: Esayeh Markazi (Central Statistics Office) (2005-2006) Zanan wa mardan dar Afghanistan (Report: Men and Women in Afghanistan). p. 23-24 Data Taken from Independent Civil Service and Administrative Reform Commission and Ministry of Women's Affairs.

In 2005, women filled senior positions in 10 or 43% of ministries or department out of the 23 in total. The highest percentage of women can be found in the Ministry of Women's Affairs with over 90 % women working in senior positions in 2005, with men holding just two senior positions in the ministry (9.1%). However, in approximately 10 ministries or departments, women have no presence at all in senior positions. In the Ministry of Higher Education, out of 30 senior positions, women hold not even one post. In 2005, the balance of men and women in senior positions in government was grossly tilted in favor of men, where out of approximately 568 positions, women held 51 overall while men held 517 throughout the government (or 9.0% women in total, and 91.0% men).

Table 1.2 Senior positions In Ministries and departments for men and women 2009/1388  
(Esayeh Markazi--- 2009)

Ministries & Offices	Total employees	Number of Men	Number of Women
Administrative Affairs- Presidential Palace	5	3	1
Ministry of Economy	87	86	1
Ministry of Justice	76	74	1
Ministry of Finance	90	89	1
Ministry Tribal Affairs and Border	49	49	0
Ministry of Transport	34	33	1
Ministry of Water and Energy	111	107	4
Ministry of Mines	90	86	4
Ministry of Agri, Irrigation & Livestock	75	73	2
Ministry of Higher education	164	106	4
Ministry of Customs and Revenue	43	38	5
Ministry of Commerce	41	41	0
Ministry of Public Health	112	100	12
Ministry of Communications and ICT	43	43	0
Ministry of Hajj	43	43	0
Ministry of Education	144	138	6
Ministry of Labor and Social Affairs	102	94	8
Ministry of Culture and Youth Affairs	154	150	4
Ministry of Refugees and Repatriation	47	46	1
Ministry of Urban Development	70	64	6
Ministry of Women's Affairs	56	9	47
Ministry of Rural Development	52	50	2
Ministry of Foreign Affairs	68	66	2
Ministry of Counter Narcotics	27	27	0
Ministry of Parliamentary Affairs	43	37	6
Central Statistics Office	51	50	1
Attorney General's office	306	296	10
Directorate of Environment	14	13	1
Independent Directorate of Local Governance	708	686	22
High Office of Oversight	16	13	3
Directorate of Audit and Investigation	65	65	0
Independent Administrative Reform and Civil Service Commission	199	163	36
Independent Elections Commission	15	14	1
Directorate of Health and Sports	19	16	3
Office of Kuchi's	27	27	0
Office of Disaster Control and Emergency Preparations	18	18	0
Supreme Court	217	214	3
Municipality of Kabul	58	58	0
Da Afghanistan Bank	24	23	1
Academy of Social Sciences- Oloom	78	72	6
Afghan Committee for Red Cross	62	59	3
Lower House and Senior Staff of parliament	266	207	59
Provincial Shuras	186	126	60

SOURCE: Central Statistics Office Report: Men and Women in Afghanistan 2008-2009

In 2009, senior positions in ministries and departments for men women totaled 4,393. Men held 4,034 (91.8%). Women held 359 (8.2%). While more ministries and departments were accounted for in 2009 compared to 2007, the disparity between men and women can be seen just the same. Women hold less than 10% of all senior positions available in government.

Table 1.3 Balance of Men and Women Presence in Parliament in 2007/1386

Parliament	Total Women	Women %	Total Seats
Lower House- Wolesi Jirga	68	27.3	249
Upper House- Mishrano Jirga	23	22.5	102

SOURCE: Afghanistan Parliament, 2007

In 2007, the Afghan Parliament consisted of 68 women, or 27.3% and 181 men, or 72.7% (out of 249) in the House of the People (Wolesi Jirga), and 23 women, or 22.5% and 79 men, or 77.5% (out of 102) in the House of Elders (Meshrano Jirga).

Despite quotas set by the Afghan constitution reserving seats for women in policymaking and government, women in Parliament face extreme insecurity in what ideas they can support. It is not surprising that women in Parliament may shy away from controversial gender issues in order to protect themselves from being labeled culturally or religiously subversive. Member of Parliament Malalai Joya faced threats against her life and was eventually ousted out of her position after voicing her concerns and views on the rampant impunity and inclusion of individuals many Afghans see as criminals in the Parliament and government. Women who have stood up strong against criminal impunity have faced severe censure and threats against their own safety or that of their families. 4 others, such as Malalai Kakar and Sitara Achikzai who continued to work despite threats against their lives, have faced death.

The lack of significant improvement in women's representation and participation in political office may be due to a number of reasons, including threat of violence, worsened security, lack of adequate capacity for women at the senior level, lack of support in Parliament and by the leadership, and culture.

Since 2007, violence and threats against women have increased on at an alarming scale. Threats against women and girls who attend school or work outside the home have not only increased, but has resulted in attacks and deaths of a number of victims. The Taliban and other elements seek to limit not only women's movement, but also voices for speaking out against what ails Afghanistan. Zakia Zaki, a radio journalist at Sada-e Solh (Voice of Peace) radio, was shot dead in her sleep in Jabal as-Siraj, Parwan Province in 2007. Her criticisms were both against the Taliban and former mujahideen. Women like Zakia Zaki who dare to have their voice in the public sphere earn threats of violence and death.

As with the increase in violence and threats against women, overall security in the country has worsened in recent years. As the conflict has worsened, women have especially been affected as they are among the most vulnerable of groups in the country. With any increase in violence, the most vulnerable groups bear the brunt of violation and abuse. Further more, the lack of opportunities or programs focused on capacity building of Afghan women to work in senior positions in government severely limits the pool of women to choose as leaders in high positions. The lack of support in Parliament for women in senior positions and the lack of serious support by the Afghan leadership also contribute to a lack of significant change in women holding senior positions in governance. Recently, President Karzai nominated three women among his choices for ministers, where Parliament accepted only one of the women, Amena Afzali as Minister of Labour, Social Affairs, Martyrs and the Disabled.

Women have taken at least one seat in each of Karzai's cabinets, mostly heading the Ministry of Women's Affairs. Former women cabinet ministers have included Dr. Sohaila Siddiqi, as then Health Minister, and Dr. Sima Samar as then Minister of the Ministry of Women's Affairs

(MoWA) in the Interim and transitional Afghan government. In the current Cabinet, besides Amena Afzali, Dr. Husn Banu Ghazanfar, who served as Minister of Women's Affairs in Karzai's first term, is the acting Minister of MoWA and Dr. Suraya Dalil is the acting Minister of the Ministry of Public Health.

We do not yet have statistical data on the participation of women at the senior level in local governance.

## **Indicator 2 - Percentage of women in peace negotiating teams**

The last peace negotiation efforts in Afghanistan took place in 1988 with the Geneva Accords. Afghanistan has neither a Truth and Reconciliation Commission (TRC) nor other post-conflict organs to address the violence and forms of repression against women in Afghanistan. On June 2, 2010, for the first time ever, women took part in a peace forum along with men on the future of Afghanistan and peace.

The peace jirga aimed to build consensus on the approach to resolving the conflict in Afghanistan. The National Consultative Peace Jirga consisted of 20% women (about 334) and 80% men (about 1334) in total. Women spread themselves out across the many clusters formed during the Peace Jirga, managing to participate and voice out their concerns and ideas on the inclusion of gender as Afghanistan works out a roadmap to peace. At the Peace Jirga, women activists introduced their list of concerns and demands, to the acceptance of those present in the clusters. Items on the list include demands for protection of the gains women have made the past nine years in the event of reconciliation with the current parties in conflict; national programs must contain 30% women; participation and inclusion of women in national policy and programs must be allowed; women participant voices must not be negated based on gender; and decisions and policies without social justice and gender justice are unacceptable.

Table 2: Afghan Women's Concerns & Demands

- National Consultative Peace Jirga, June 2010
- Each resolution that is against women's rights, and human rights in the peace jirga the women Afghan women are collectively against.
- The peace jirga should not reject the achievements Afghan women have made in the past 9 years.
- The participation of women in creating national policy and programs is important and must be allowed.
- The decisions and opinions of women regarding national policies and processes must not be negated.
- Each national program must contain 30% women. Each decision and national decision made without the participation of women is unacceptable.
- Policies and laws without social justice and gender justice are unacceptable.
- Effective participation of women in the National Peace Jirga and Kabul Conference is necessary.
- After the Peace Jirga, effective participation of women of every ethnic group must be included in every discussion.
- Participation of women at 30% is mandatory in every cluster.
- Women should participate in organizing every national program.

The Afghan Women's Network, member organizations, and a few others hailed the Peace Jirga as a milestone in women's efforts for equality and a platform for their voices in Afghanistan.

The Afghan Women's Network, member organizations, and a few others hailed the Peace Jirga as a milestone in women's efforts for equality and a platform for their voices in Afghanistan. While the number of women in no way measured up to men's inclusion in the meeting, 334 women out of 1,668 participants in an important national event is a victory for many. Prior to this, Afghan women activists fought hard for this inclusion by stepping up advocacy and lobbying efforts with national and international stakeholders and the National Peace Jirga Commission to increase the participation of women from 12% to 24%. In the end, 21% of women participated in the Peace Jirga.<sup>1</sup>

### **Indicator 3 - Index of Women's Participation in the Justice & Security Sector (% women in military, police, judiciary, at all levels)**

In the justice and security sector, women make up an even smaller proportion of those in senior positions or positions of power. In 2007, out of 17,314 police officers, only 93, or 0.53% were women. Data obtained from the Ministry of Interior was not available when requested for 2009. Data on the justice sector reveals that out of 217 judges on the bench are women in 2009. This means that women make up about 1.38% of judges in Afghanistan. In 2007, women held 4.7% of the seats out of 1,547 positions. The large drop in percentage however is relative to the increase in number of total seats counted in 2007 versus 2009. Therefore, it is unclear based on figures from the Ministry of Interior and Supreme Court whether judgeships of women have declined or reporting has not counted all available positions in 2009.

We do not yet have data on the exact percentage of women at all levels in the military.

### **Indicator 4 - Percentage of women in peacekeeping missions, disaggregated at all levels**

Afghanistan does not contribute troops and police to peacekeeping missions.

### **Indicator 5 - Number and percentage of women participating in each type of constitutional or legislative review**

While data on this indicator is still inconclusive, we know that on laws such as Elimination of Violence against Women and the Shia Personal Status Law, women have participated more than men in reviewing and reforming. On the reform of the family, Medica Mondiale reports that 7 men and 11 women participated in reviewing and recommending reform of the law. Similarly, 11 women and 7 men in committee participated in reviewing the Shia Personal Status Law, while an average of 7 women and 4 men participated in the committee reviewing the Elimination of Violence against Women Law.

### **Indicator 6 - Percentage of CSOs in Task Forces on SCR 1325 and 1820 (out of total TF members)**

We do not yet have data on the exact percentage of civil society organizations on task forces concerned with UNSCR 1325 and 1820.

## B. Prevention and protection

The end of sexually and gender based violence and discrimination begins with prevention and protection of women and girls by the overall Afghan society. Through responsive mechanisms, such as gender sensitive laws and policies, equal access to education and economic progress between men and women should serve to improve the situation of women in Afghanistan.

### Indicator 7 - Number of SGBV cases reported & percentage of cases investigated, referred, prosecuted & penalized (out of total reported)

Sexual Gender Based Violence (SGBV) cases in Afghanistan are often faceless and voiceless. Women and girls who are victims of SGBV often do not approach authorities out of fear and shame. Many who do complain often end up blamed for their victimization. Police and the justice system inadequately pursue and prosecute perpetrators. In August 2008, President Karzai showed just how the highest office in Afghanistan views violence against women and illustrated how inadequate the effort by authorities is. After the Supreme Court convicted and sent to prison three men for the rape of a woman in the northern province of Samangan, Karzai quietly pardoned the three. Often, the burden of proof rests on the victim and both the attitude of authorities and society forces women to keep silent or receive no justice. Cases of rape are often hard to prove since in Afghanistan, a victim needs four witnesses to the crime. Often, women are accused of zina, or adultery, when they lodge complaints of rape, or they are ignored or abused by authorities.

Available data from the Ministry of Interior reveals that the largest number of cases of gender based violence is physical violence. In 2005 and 2006, the Ministry of Interior recorded 2,133 cases of gender based violence that were reported, investigated, prosecuted and punished, of which 1,011 were cases of physical violence against women. For this time period, only 33 cases of rape, 10 cases of baad dadan and badal kardan of girls, 5 cases of trafficking, and 87 cases of murder were recorded.

Table 2.1: Number of SGBV cases reported & percentage of cases investigated, referred, prosecuted, & penalized (out of total reported).<sup>2</sup>

Types of Cases	Total Women involved	% of Women
Physical violence	1011	47.4
Forced Marriage	769	36.1
Woman works and husband does not help and supporting or earning	100	4.7
Murder-Death	87	4.1
Abuse	69	3.2
Sexual Abuse-Rape	33	1.5
Kidnapping	24	1.1
Husband's relatives take away property from wife	20	0.9
Baad wa badal dokhtaran	10	0.5
Trafficking of women and girls	5	0.2
Accusation of stealing against women	3	0.1
Not giving inheritance to girls or women	2	0.1
Total	2133	100.0

Similarly, data from 2008 (Table 2.2) and 2009 (Table 2.3) reveal the most cases of SGBV cases

<sup>2</sup> This data table (2.1) contains information from the Ministry of Interior. The way the information is provided in the tables is how it was provided by the Ministry of Interior upon request for information from AWN.

are zina, followed by murder and physical violence. Rape cases in both years are under 100. This data may be telling of the way rape cases are handled and viewed in Afghanistan. Not only is it hard to prove rape in Afghanistan, where four witnesses are required in a court, but women and girls also fear speaking out due to the cultural taboo on extra marital sex. When rape cases cannot be proven, women may be punished for zina, or adultery, instead. Available data shows the highest number of reported, investigated, and punished cases to be of adultery.

Tables 2.2 and 2.3 contain information obtained from the Ministry of Interior on official figures of SGBV in 2008 and 2009. However, based on the information AWN obtained from the ministry, it is unclear whether many reported cases have single or multiple perpetrators. Often it is possible that many cases involve single or multiple victims, as well as single or multiple perpetrators.

Table 2.2: Data on SGBV against Women According to Ministry of Interior 1387/2008

Year	Type	Number of Cases	Victim Woman	Victim Girl	Total	Perpetrator arrested	Outcome
1387 2008	Rape	56	40	18	58	101	All the cases were investigated and handed over to Supreme Court
	Zina	314	394	0	394	406	
	Murder	130	90	0	90	275	
	Kidnapping	37	40	0	40	60	
	Physical violence	120	103	18	121	158	
	Trafficking	1	1	0	1	1	
	Self-immolation	8	8	0	8	9	
	Total	693	676	36	712	1010	

SOURCE: Information obtained from Gender Unit of Ministry of Interior by AWN

Table 2.3: Data of SGBV against women according to Ministry of Interior-2009

Year	Type	Number of Cases	Victim Woman	Victim Girl	Total	Perpetrator arrested	Outcome
1387 2009	Rape	71	43	28	71	95	All the cases were investigated and handed over to Supreme Court
	Zina	404	740	0	740	938	
	Murder	230	179	19	198	259	
	Kidnapping	70	38	0	38	90	
	Physical violence	131	106	25	131	163	
	Trafficking	0	0	0	0	0	
	Self-immolation	72	59	0	59	22	
	Total	979	1169	72	1237	1567	

SOURCE: Information obtained from Gender Unit of Ministry of Interior by AWN

In the cases recorded by the Afghan Independent Human Rights Commission (AIHRC) (Table 6.4), physical violence is again the most frequent of cases, along with other forms of abuse such as denial of food, and forced marriage. Running away from home is also counted here, though the reasons for running away or if a girl or woman has simply left an abusive home are unclear based on this data. Often, women and girls who go to police stations or other authorities to escape abuse or forced marriages are labeled as runaways, both undermining their own victimization and making it easy for the authorities to do nothing.

Table 2.4: Regarding SGBV against women (January to December 2008)

Total	Types of Cases
84	Suicide
33	Self-immolation
171	Drug Use
12	Attempted Attempt
96	Honor Killing
1542	Physical Violence
33	Baad/Exchange
174	Forced Marriage
193	Infanticide
211	Deprived of food
25	Forced out of home
37	Not allowed to work out of home
21	Taking Women's Property
66	Women initiated divorce/separation
80	Rape
174	Run away from Home
2947	TOTAL

SOURCE: Information obtained from Gender Unit of Ministry of Interior by AWN

### Indicator 8 - Number and quality of gender-responsive laws and policies

Gender-responsive laws and policies exist in a number of documents. One specifically gender-responsive law is the Elimination of Violence against Afghan Women (EVAW), passed through a presidential decree in July 2009 and Parliament in August 2009. This document most importantly makes rape a crime for the first time in Afghanistan.

General policies that are gender responsive can be found in the Afghan Constitution, the National Action Plan for Women of Afghanistan (NAPWA), and the Afghan National Development Strategy (ANDS). These documents and policies reflect the dual nature of the state of women's rights in Afghanistan. Women have rights by some official documents, and are denied them through the lack of mechanisms to enforce or implement these rights.

While the Constitution supports a gender equal perspective in all areas of life, and national plans like NAPWA and ANDS hold the participation and protection of women as the key to rehabilitating Afghanistan. Reality on the ground tells a different story. Women face barriers to their rights, and gender responsive policies and laws go only as far as officials in government, Parliament, the formal justice system and cultural biases allow.

Support for gender responsive policies has been meager in many areas of government, especially in Parliament. Despite the quota presence of women in this national body, women's rights and protections have annually been weakened or attempts have been made toward this goal.

In areas of security and access to justice, women continue to fare badly. The misogyny and indifference of police officials, judges, government and members of Parliament toward the situation of Afghan women are testament to the powerful barriers that women still face in holding on to their rights.

For the lack of clearly implemented gender responsive laws and policies, there are a number that are harmful and reductionist to the rights of Afghan women. Among these laws is the Shia Personal Status Law, which, after much controversy and revision, still marginalizes the

rights of Shia Afghan women, including giving child custody to fathers and grandfathers only and making it legal for a husband to control the movements of his wife, where she must obtain his permission.

### **Indicator 9 - Number and nature of provisions/recommendations in the TRC and other transitional justice reports on women's rights**

The Afghan Constitution holds a fairly gender sensitive and human rights perspective. The use of quotas reserves space in government and parliament for women.

Afghanistan does not have a Truth and Reconciliation Commission (TRC) or other types of transitional justice mechanisms implemented in the country. Furthermore, no meaningful efforts have been made to address and punish the physical and sexual violence women and girls have faced in Afghanistan from the civil war and onward. In 2005, the Afghan Independent Human Rights Commission produced the report, *A Call for Justice*, profiling citizens' desire for national accountability of human rights abusers and violators. Based on the findings of this report, the commission worked with a three-member panel, the Executive office and the United Nations Mission in Afghanistan (UNAMA) to create an action plan for the implementation of a national strategy for peace, reconciliation and justice. This strategy, entitled *Action Plan of the Islamic Republic of Afghanistan for Peace, Justice, and Reconciliation* was adopted by the Karzai cabinet in late 2005. However, it is yet to be implemented despite missing its original deadline of 2008. Not only did this particular action plan expire in March 2009, and President Karzai refused to extend it, but also in total contradiction of the Action Plan, an amnesty bill for crimes committed during the thirty year conflict period in Afghanistan, known as the *National Reconciliation, General Amnesty and Stability Law*, was introduced and approved by the Afghan Parliament and signed by Karzai in 2009. The lack of determination to push through implantation of the Action Plan may be due to a number of factors, including Karzai's own lack of commitment to the plan out of fear of offending too many of his political supporters.

This strategy, entitled *Action Plan of the Islamic Republic of Afghanistan for Peace, Justice, and Reconciliation* was adopted by the Karzai cabinet in late 2005. However, it is yet to be implemented despite missing its original deadline of 2008.

The National Action Plan for Women (NAPWA) is a 10 year plan, beginning in 2007, meant to facilitate the implementation of policies and programs that allows for women's integration and equality in Afghanistan. The plan is supported by both the Afghan Constitution and CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women) and seeks to address key areas of concern, including governance and rule of law, human rights, education, economy and health. Implementation of NAPWA is seen as a pivotal benchmark toward development and women's empowerment in Afghanistan, if it is complete. Its implementation seems to be taken somewhat seriously.

### **Indicator 10 - Extent to which gender and peace education are integrated in the curriculum of formal and informal education**

In the national curriculum, gender has been introduced into the curriculum of grades 1-6. In the remaining grades, a gender perspective or gender concerns have yet to be incorporated into the curriculum.<sup>12</sup> organizations such as Medica Mondiale have ongoing literacy classes for women and girls aimed at empowerment through literacy, knowledge of their basic rights, self care and health education. In other cases, women and girls are trained on concepts of

peace, violence, conflict and sexualized gender based violence in relation to peace building.

**Indicator 11 - Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes**

There are no specific economic or relief packages distributed by any organization in Afghanistan.

**C. Promotion of a gender perspective**

In order to solve issues faced by women and girls, women's inclusion and a gender perspective must be included in the context of peace agreements, the development of formal education curricula, and production of media content. Many of these areas lack women's voices at the top, where decisions are made and where it makes a difference in the lives of women and girls.

**Indicator 12 - Detailed breakdown of gender issues addressed in peace agreements.**

Despite the inclusion of 21% women, gender issues were not adequately addressed in the National Consultative Peace Jirga. While women's inclusion was discussed, open concerns on rape, sexual and physical violence against women, and the myriad of other issues were not discussed in the Peace Jirga. Furthermore, it is unclear where Afghan women's rights stand as negotiation on peace will certainly require major compromises. Many fear that these compromises will include the sacrifice of not only protected rights of women and girls, but also turn back many achievements and milestones of the past nine years.

**Indicator 13 - Number & percentage of pre-deployment & post-deployment programmers for military & police incorporating SCR 1325, SCR 1820, international human rights instruments and international humanitarian law.**

The Afghan National Police and Afghan National Army train officers and soldiers with a curriculum that includes seminars and workshops with the Afghan Independent Human Rights Commission (AIHRC) and the Ministry of Interior. Curricula include information and training on international human rights, international humanitarian law, UN SCRs 1325 and 1820. This training is extended to police academy units in provinces, where AIHRC helps coordinate similar workshops and training sessions as it does in Kabul and other cities. A department on gender and human rights has been created in the police academy but has not yet been implemented. According to the Ministry of Interior, this department will be in effect soon, though the date is unclear.

In activities of legal aid programs undertaken by NGO trainers, police and lawyers, participants learn about rights and responsibilities towards civilians, the rights ensured for the accused, and women in conflict with the law.

**Indicator 14 - Allocated and disbursed funding to CSOs (including women's groups) marked for WPS projects and programs.**

**Indicator 15 - Allocated and disbursed funding to governments marked for WPS projects and programs.**

There is no data for Indicators 14 and 15 because we have not had adequate time or staff resources to gather this information.

## Indicator 16 - Percentage of women's representation as peace-builders and decision-makers in media content.

The data collected for indicator 16 do not provide the exact information that the indicator calls for which is "Percentage of women's representation in political power & decision-making in media content." GNWP hopes to integrate this indicator again in the next phase of the project and focus on the portrayal of women and men in the media particularly in the coverage of armed conflict.

### III. Conclusion and Recommendations

Afghanistan today ranks among the lowest in the world in human development index, its mortality rate among the highest in the world, and its life expectancy among the lowest. Women account for less than half of the Afghan population, dying at a higher rate than men, whereas in the rest of the world, women tend to outlive men on average.

Of course, the degree of inclusion has left much to be desired. Women's rights advocates have worked tirelessly to bring women's voice and perspective to policy and decision-making,

Since 2001, from the Bonn Conference to the recent Kabul Conference, women's inclusion has been a key concern for international policy and decision makers as they have focused on one or another on rebuilding Afghanistan. Of course, the degree of inclusion has left much to be desired. Women's rights advocates have worked tirelessly to bring women's voice and perspective to policy and decision-making, despite being continually shut out by the same government who applauds to the international community the values and guidelines of human rights, the Afghan Constitution, and women's equality and empowerment spearheaded by programs such as the Afghan government's NAPWA.

and focused on by trainers, government ministries, and individuals, the reality remains as it has been for years for Afghan women. Violence at the hands of relatives, authorities and the warring groups all affect women's lives for the worse. Women's access to education and the inclusion of gender and peace perspective continues to be lacking in the Afghan school curriculum.

We put forth the following brief recommendations on Afghan women's empowerment and improvement of the overall Afghan society:

- Invest in women's (especially rural, non Kabuli) access to education, literacy, and life skills;
- Increase the number of woman police officers and advocates in the Family Response Units;
- Improve the police response to complaints of domestic violence, forced marriage, and rape so that these cases are not simply filed as instances of zina or 'running away';
- Invest in helping women's businesses and women's purchasing power; and
- Produce sexual violence awareness trainings and information for young students, boys

and girls, as well as women and men in a variety of sectors, both within school curricula and through the use of popular media, such as public service announcements on radio and television, especially during programs with large number of viewers or targeted audience (evening shows, children's shows), billboards and posters.

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