

CHAPTER FIVE

GENDER IN MILITARY OPERATIONS

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ABSTRACT

The The International Security Assistance Force (henceforth, ISAF) operation in Afghanistan has revealed many facets of gender in military operations. Afghanistan is witnessing the greatest cooperation to date on gender issues among military forces, affecting every aspect of operations: Security, Governance and Development. In this chapter we briefly describe the state and progress of each of these aspects, including current efforts to improve them. We detail the achievements and successes in a number of areas, whilst also looking at problems and challenges for the future.

Key words:

Gender, operations, governance, security, development, ISAF

■ INTRODUCTION

It is important that the reader realises that this chapter focusing on current experiences in the Afghanistan theatre of operations deals with a highly complex and extensive subject. Indeed, it is perhaps the most complete and complex in terms of *gender* in military operations. Although every operation is different, many of these experiences will also be useful in other theatres.

In Afghanistan, we are facing a strong, stubborn resistance that is convinced of the inevitability of its ultimate victory and which receives external support. There are multiple versions and degrees of insurgency on the ground, with varying levels of motivation, ranging from merely financial and the search for local power, to a desire to retake control over the whole of Afghanistan, which the insurgents from 1996 to 2001.

The Government of the Islamic Republic of Afghanistan (GIROA)⁽¹⁾ is supported by the international community and the allied military forces deployed in the country (the ISAF and Operation Enduring Freedom). However, it is tasked with both fighting the insurgency and with overcoming some serious issues affecting its own operations and legitimacy in the eyes of the Afghan population. As Katzman told the US Congress:

"The formal power structure, as established through elections in the post-Taliban era, coexists with an ancestral structure of informal power. The informal power structure consists of the informal and frequently arbitrary influencing of government by faction leaders, who are well funded, locally popular and, sometimes, well-armed. In some cases, these faction leaders have been elected or appointed to official posts through constitutional processes, but their influence extends beyond these formal roles"⁽²⁾.

The *faction leaders* (also known as *power brokers*), together with the ill-preparedness of public servants, very widespread corruption, the unprofessional attitude of the police and deficiencies in the rule of law, undermine the legitimacy of the GIROA and foster the insurgency⁽³⁾.

Afghanistan offers some of the worst conditions in the world for women. Women suffer from terrible restrictions on their freedom of movement, access to justice, education, healthcare and participation in public life. But, more significantly, they are also subject to cultural taboos based on pre-Islamic

⁽¹⁾ Acronym list attached.

⁽²⁾ KATZMAN Kenneth, *Afghanistan: Politics, Elections, and Government Performance*. Report for Congress. United States Congressional Research Service. RS21922. 12 December 2011, p. 27.

⁽³⁾ DALE, Catherine. *War in Afghanistan: Strategy, Operations, and Issues for Congress*. Report for Congress. United States Congressional Research Service. R40156. 9 March 2011, p. 12.

patriarchal ideologies that contradict the fundamental principles of Islam, denying women many of the rights that Islam granted them to ensure their freedom and emancipation⁽⁴⁾. The ancestral origins of these practices⁽⁵⁾ long predate the Taliban taking power, and their survival, particularly in rural areas, has been reinforced by ignorance and lack of education⁽⁶⁾. The situation for women in Afghanistan is also inextricably linked to the general situation in the country⁽⁷⁾; this impacts in particular on women, as one of the weakest sectors of the population.

Promoting the rights of women is presented by the Taliban - although not exclusively - as a Western import into Afghanistan, which they say is anti-Islamic. This message is concise and clear, and is very much in line with the damaging and inhuman practices of Afghanistan's traditional culture, particularly in rural areas. This is one of the reasons for increasing resistance to progress on women's rights⁽⁸⁾.

The International Community (IC) has not had the same success in promoting its message. The Taliban message is difficult to counter, as the reality is - as we explain in this chapter - that the IC has been supporting Afghan women in many aspects of their lives, whilst always respecting Islam.

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Despite the clear official commitment of the GIROA and President Karzai, who has made some strong statements on the subject of women's rights, some key members of the Government and the Parliament have expressed their hostility to the development of women's rights. This lack of real commitment to the law and official positions exists at all levels of the Administration, including the Police, particularly in rural areas.

It should be remembered that the ISAF commander (COMISAF) must fulfil the mission and ensure *the success of the operation*, achieving the objectives set by the international community and NATO in the *comprehensive civilian-military counterinsurgency strategy* (COIN). One of the component parts of this comprehensive strategy is the incorporation of gender perspectives and

⁽⁴⁾ AMOR, Abdelfattah. UN Special Rapporteur on Freedom of Religion or Belief. *Study on freedom of religion or belief and the status of women in the light of religion and traditions*. UN. E/CN.4/2002/73/Add, April 2009, p. 7.

⁽⁵⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. 9 December 2010. See http://unama.unmissions.org/Portals/UNAMA/Publication/HTP_REPORT_ENG.pdf As of 28 January 2012.

⁽⁶⁾ SHORISH-SHAMLEY, Zieba, PhD. *Women's Position, Role, and Rights in Islam*. See <http://www.afghan-web.com/articles/womenrights.html> As of 28 January 2012.

⁽⁷⁾ *The International Afghanistan Conference in Bonn 5 December 2011. Conference Conclusions*. See http://www.auswaertiges-amt.de/cae/servlet/contentblob/603686/publicationFile/162627/Konferenzschlussfolgerung_engl.pdf As of 3 February 2012.

⁽⁸⁾ OXFAM. *A Place at the Table: Safeguarding Women's Rights in Afghanistan*. 3 October 2011, page 9. See <http://www.oxfam.org/sites/www.oxfam.org/files/bp153-womens-rights-afghanistan-03102011-en.pdf> As of 31 December 2011.

application of UN Security Council Resolution 1325, together with all NATO directives on the implementation of this resolution and related resolutions⁽⁹⁾. The ISAF considers that women are an integral part of the *human terrain*⁽¹⁰⁾ (around 77% of the Afghan population consists of women and children aged under 14⁽¹¹⁾), and as such they are essential to the success of the operation.

Since 2010, the ISAF has been further incorporating gender mainstreaming into every theatre of operations and every level in the planning, execution and assessment of its activities. This has resulted in fuller knowledge of the current situation and the expansion of areas for relations and cooperation, with myriad benefits for all parties and for the operation. The ISAF has issued a number of specific directives and orders to all of its general commands in Kabul and all regional commands to promote and coordinate gender mainstreaming throughout Afghanistan. It has done this through the chain of command, making the commander of each Unit responsible for gender issues, with an obligation to report all such activities and the resulting situation. Furthermore, the roles of certain specific capabilities - such as the Gender Advisors (GA) and Female Engagement Teams (FET) - have been boosted. This has been done in close coordination and cooperation with all bodies involved in gender issues in Afghanistan.

Gender is just one component in ISAF's comprehensive counterinsurgency strategy; it cuts horizontally across all three lines of operations: security, governance and development. *Security* includes aspects such as freedom of movement and the presence of women in the Army and the Police, *Governance* includes the participation of women in politics and access to the rule of law and *economic and social development*, includes economic development, education and healthcare. In all of these areas, the ISAF is involved in specific activities relating to gender, working actively on the planning and execution of such activities with all of those involved, providing all the support it is capable of offering in a number of areas, including security, liaison, intelligence, coordination and relations with multiple parties in each area. The Provincial Reconstruction Teams (PRTs) are particularly involved in this, with ISAF

⁽⁹⁾ Bi-SC Directive 40-1 Integrating UNSCR 1325 and gender perspectives in the NATO Command Structure, including measures for protection during armed conflict (Sept 2009); NATO Action Plan on Mainstreaming UNSCR 1325 into NATO-led missions and operations (Nov 2010), revised NATO/EAPC Policy on the Implementation of UNSCR 1325 and Related Resolutions and an Implementation Plan to underpin that Policy (Jun 2011). The current situation is set out in the NATO Secretary General's report: *NATO Secretary General's Report on Implementing United Nations Security Council Resolution 1325 on Women, Peace And Security, and Related Resolutions* (11 Nov 2011).

⁽¹⁰⁾ The phrase "human terrain" is becoming increasingly common in NATO and ISAF circles, perhaps to reinforce its central role and importance and the overwhelming need for it to be incorporated into the planning and execution of all activities. General Petraeus has said that "in counterinsurgency operations, the human terrain is the decisive terrain".

⁽¹¹⁾ Afghan Public Health Institute, Ministry of Public Health, *et al. Afghanistan Mortality Survey 2010*. November 2011, p. 19.

nations funding multiple projects and activities, whether directly through cooperation agencies such as USAID, through financial organisations such as the World Bank or the Asia Development Bank, or through multinational organisations such as the European Union.

This work is based on the latest documentation, the author's experience and interviews in Afghanistan with a range of Afghan and non-Afghan men and women in 2011⁽¹²⁾.

■ GOVERNMENT GENDER-RELATED ARRANGEMENTS AND STRUCTURES IN AFGHANISTAN

Afghanistan is governed by a mixture of civil law, Islamic law, or *sharia*, and tribal customs, which are still used in resolving many conflicts.

Afghanistan approved a new Constitution in 2004⁽¹³⁾. The preamble to the Constitution states that it observes the UN Charter and Universal Declaration of Human Rights. Chapter Two on the "Fundamental Rights and Duties of Citizens" aims to implement this declaration. Article 22 states "Any kind of discrimination and distinction between citizens of Afghanistan is forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law". Article 43 guarantees education for all Afghans whilst Article 44 establishes that the "state shall devise and implement effective programs to create and foster balanced education for women". Article 54 recognises the family as "the fundamental pillar of the society", urging the Government to adopt the measures required to "attain the physical and spiritual health of the family, especially of the child and mother, the upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam".

However, some articles of the Constitution are open to contradictory interpretations. Article 3 declares that "No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan". Application of this article may contradict other laws and even articles in the constitution. Two further points need to be noted. Article 121 of the Constitution establishes that the Supreme Court (*Stera Mahkama*) is responsible for determining how civil laws in the *Islamic Republic of Afghanistan* are interpreted in accordance with the religious principles of Islam. The Court's decisions in this regard therefore condition the status and rights of women in the country. The concept of *sharia*

⁽¹²⁾ The author was deployed in Afghanistan during 2011 as the DCOS Operations Support for ISAF Joint Command.

⁽¹³⁾ The *Constitution of Afghanistan*. 3 January 2004. Translated by Sayed Shafi Rahel for the Secretariat of the Constitutional Commission. Available at <http://supremecourt.gov.af/en/Documents?DID=126> As of 21 December 2011

is not understood or applied in the same way in all Muslim countries⁽¹⁴⁾. The Afghanistan Constitution does not make clear which specific sources of *sharia* should be used by the Supreme Court, nor how the law should be taken from these sources.

These discrepancies hinder progress on the subject of women's rights, dependent as they are on how future governments and courts interpret Article 3. This article can be used not only to counter other articles in the Constitution, but also to avoid compliance with international obligations.

The Afghan Government, GIROA, has stated the importance of achieving *gender equality* in several important documents. One of these is the *Afghanistan National Development Strategy*⁽¹⁵⁾ (ANDS). This is a significant document reflecting the Government's commitment to resolving the problems and challenges of Afghanistan, with the support of the international community. This is based on the UN Millennium Development Goals and aims to reduce poverty and build a stable and prosperous Afghanistan. The Afghanistan National Development Strategy is based on 3 pillars, which are the same as those of ISAF: 1. *Security*, 2. *Governance, Justice and Human Rights* and 3. *Economic and Social Development*. It also deals with a number of other wide-ranging issues, such as *gender equality*, detailing "the *cross cutting* strategy to achieve gender equality" through actions to "revert the historic inferiority of women in Afghanistan".

The main tool for implementing the objectives of the Afghanistan National Development Strategy in relation to gender is the National Action Plan for the Women of Afghanistan⁽¹⁶⁾ (NAPWA). This was drafted in 2005, and, after almost four years of consultations between the Ministry of Women's Affairs, other ministries, the international community and the NGO Coordination Group⁽¹⁷⁾, was finally approved by Karzai in May 2008⁽¹⁸⁾. This was the first key document dedicated entirely to gender equality. It seeks to achieve "A nation of peace and progress, where men and women enjoy security and equal

⁽¹⁴⁾ SEGURA, Antoni. *El malentendido de la 'sharia'*. See http://www.mundoarabe.org/islam_y_sharia.htm As of 23 December 2011.

⁽¹⁵⁾ Islamic Republic of Afghanistan. *Afghanistan National Development Strategy*. 1387-1391 (2008-2013). *A Strategy for Security, Governance, Economic Growth & Poverty Reduction*. See <http://www.imf.org/external/pubs/ft/scr/2008/cr08153.pdf> As of 28 January 2012.

⁽¹⁶⁾ National Action Plan for the Women of Afghanistan (NAPWA) 2008. See [http://webapps01.un.org/vawdatabase/uploads/National Action Plan for the Women of Afghanistan 2007 to 2017.pdf](http://webapps01.un.org/vawdatabase/uploads/National%20Action%20Plan%20for%20the%20Women%20of%20Afghanistan%202007%20to%202017.pdf). As of 27 December 2011.

⁽¹⁷⁾ The NGO Coordination Group is made up of the Afghan Women's Network (AWN), the Agency Coordinating Body for Afghan Relief (ACBAR) and the Afghan NGO Coordinating Body (ANCB).

⁽¹⁸⁾ HAMID Zarin, *Afghan Women's Network report on UN 1325 Implementation in Afghanistan*. 31 Oct. 2011, pp. 15-16. See <http://www.afghanwomensnetwork.af/LatestUpdates/1325English.pdf> As of 15 December 2011.

rights and opportunities in all spheres of life" with two overall objectives of *gender equality*⁽¹⁹⁾ and *empowerment*⁽²⁰⁾ of women⁽²¹⁾:

The National Action Plan for the Women of Afghanistan is a ten-year plan that develops the three pillars of the Afghanistan National Development Strategy in six areas: security, legal protection & human rights, leadership & participation, politics, economics, work & poverty and health & education. In addition to strategies, it also sets out specific plans, programmes and activities for Ministries, with timescales for their implementation and measurable indicators of progress. All ministries must set up a gender working group with representatives of key departments to ensure implementation⁽²²⁾.

The Ministry of Women's Affairs (MoWA) is responsible for promoting the interests of women. This was created at the Bonn Conference on 5 December 2001, immediately following the fall of the Taliban regime, as part of the interim administration. The MoWA coordinates and works towards implementation of the National Action Plan for the Women of Afghanistan. To this end, it manages and coordinates the annual approach to gender of Ministries, where at least 30% of the budget should go to plans, programmes and activities to promote the position of women, coordinating the sending of reports for each ministry with the results of implementing the National Action Plan for the Women of Afghanistan. In addition, each province has a Women's Affairs Department, which is responsible for the policies and actions of the Ministry of Women's Affairs at the provincial level.

Another key instrument for defending human rights is the Afghanistan Independent Human Rights Commission⁽²³⁾ (AIHRC), which was also created at the 2001 Bonn Conference. Although this is an official GIROA body, it operates outside the structure of the Government. Article 58 of the Constitution establishes that any person whose basic rights have been breached can lodge a complaint with the Commission. The Commission may send cases of human

⁽¹⁹⁾ *Gender equality*: a situation in which men and women can fully enjoy their rights, contributing equally to development and equally enjoying the benefits thereof, and where nobody may impede another from trying to achieve what is fair, good and necessary to live a full and satisfactory life.

⁽²⁰⁾ *Empowerment* is not a term found in the Spanish Royal Academy Dictionary, but it is widely used in this context. . See Diccionario de Acción Humanitaria y Cooperación al Desarrollo. <http://www.dicc.hegoa.ehu.es/listar/mostrar/86> As of 16 December 2011.

⁽²¹⁾ *Empowerment of women*: a situation in which women control and determine the directions of their lives, developing their full potential and exercising a positive influence on the processes, mechanisms and decisions that affect their wellbeing.

⁽²²⁾ Most ministries and independent bodies have a specific Gender Unit. Independent Administrative Reform & Civil Service Commission (IARCSC). *Legal Workshop for Gender Units*. January 2011. See http://www.csc.gov.af/index.php?option=com_content&view=article&id=59&Itemid=79 As of 29 December 2011.

⁽²³⁾ Afghanistan Independent Human Rights Commission (AIHRC). Available at <http://www.aihrc.org.af/en> As of 28 January 2012.

rights breaches to the competent authorities and assist in upholding human rights. It has a Women's Rights Unit, which works on five priority areas and strategic objectives: leadership, education, empowerment, active support, monitoring and research⁽²⁴⁾.

Therefore, some important structural and legal elements are in place that would, at first sight, seem ideal for ensuring that Afghanistan progresses resolutely towards equality for women. But, due to the problems mentioned in the introduction, the reality is very different.

■ ISAF CAPABILITIES SPECIFICALLY DEDICATED TO GENDER

Gender in the ISAF is not exclusively an issue for the gender advisors and female soldiers. Gender orders and guidelines are issued to the commanders of all general commands and ISAF forces. Every ISAF member is involved, actively responsible for issues related to gender in missions. The interaction between the "ISAF woman-Afghan woman" is a first step. There is however much greater potential for man-to-man contact between ISAF and the Afghans.

Gender issues are gradually being incorporated into the education of all groups and organisations involved in operations, particularly training and development in the military sphere, where gender must be treated like any other aspect of operations, forming part of the human terrain. In particular, it is essential that the various levels of the ISAF command and contingents from other participating countries, with their commanders in the lead, include gender issues in preparing deployments for each specific scenario and each rotation, just as they prepare other essential aspects of each operation. It is also extremely important to have codes of conduct in place for how to react in specific situations, with appropriate and inappropriate verbal responses, gestures and attitudes for interacting with the local population.

The ISAF has specific capabilities for this through gender advisors in its General Command in Kabul and in its regional commands⁽²⁵⁾ (RCs) and Provincial Reconstruction Teams (PRT), Female Engagement Teams (FET) in the PRT and in its *Task Forces* (TF).

■ Gender advisors (GA)

There are currently gender advisors in practically all ISAF general commands, although very few of these are dedicated full-time to the role. The remaining gender advisors (sometimes known as Gender Focal Points) normally divide

⁽²⁴⁾ AIHRC Women's Rights Unit. Available at <http://www.aihrc.org.af/en/women-rights/486/women-rights.html> As of 28 January 2012.

⁽²⁵⁾ There are six RCs (Capital, North, East, South, Southwest and West).

their time between these responsibilities and other areas of human rights or civil-military cooperation.

As advisors on their specific area within the general commands, gender advisors should help ISAF commanders and their general commands in operational planning, implementation and assessment activities, ensuring that gender information and aspects are taken into account and coordinating gender activities throughout the theatre of operations, particularly the work of gender advisors in subordinate units.

Gender advisors also interact with many other bodies, with liaison, advice and support functions. This is mainly with the GIRoA and the Ministry of Women's Affairs and other Ministries in Kabul, with Women's Affairs Departments in the Provinces and with the United Nations Mission in Afghanistan (UNAMA), UN Women and other international bodies, and finally with NGOs working in the area of gender and women's issues, such as the Afghan Women's Network (AWN).

In practice, gender advisors are faced with a wide-ranging and complex task. For example, the ISAF Joint Command (IJC) has a full-time gender advisor charged with providing support for ensuring simultaneous planning, whilst at the same time coordinating the work of gender advisors in the regional commands and maintaining a close relationship with many different bodies.

The gender advisors at ISAF's General Commands in Kabul regularly take part in the activities and meetings of the Ministry of Women's Affairs⁽²⁶⁾. ISAF Joint Command's gender advisor passes information received in these meetings to gender advisors in regional commands and the Provincial Reconstruction Teams (PRT), who, in turn, complete the circuit by communicating with the 34 Women's Affairs Departments. One of the problems in Afghanistan is that the flow of information and finance between Kabul and the provinces is very weak, and this system is a way of detecting inefficiencies and helping to find a solution; the solution is then developed in cooperation with the donors and organisations working in each zone, including the Provincial Reconstruction Teams, PRT⁽²⁷⁾.

Outside Kabul, in the regional commands and particularly the Provincial Reconstruction Teams, gender advisors are in close contact and collaboration with *important* women with public functions in the province, such as the Director of the Women's Affairs Department, women elected to the Provincial Council and the Upper and Lower houses of the Parliament in Kabul, women

⁽²⁶⁾ The ISAF does not contribute funds to this Ministry and its GAs are therefore not invited to policy and planning coordination meetings. The ISAF General Command GA had to open up her own path in 2010 by demonstrating her usefulness. Now she is invited regularly.

⁽²⁷⁾ GROOTHEDDE Stephanie Major RNLA. GA of the HQ ISAF Joint Command. Conversation with the author. May 2011.

in the Afghanistan Independent Human Rights Commission (AIHRC) and national aid agencies working on the ground and other organisations. At this level, the work of gender advisors often overlaps -frequently with no continuity- with that of the Female Engagement Teams in the Provincial Reconstruction Teams and the Task Forces (TF)⁽²⁸⁾.

■ Female Engagement Teams (FET)

The FETs are an initiative that has been developed and formalised in Afghanistan; they are now well-established, existing in nearly all ISAF units, following the guidelines from ISAF General Command. The need for these Teams and their value arises from areas in Afghanistan where security is not well established and ISAF personnel are the only people who relate to the local population; given the partial or total segregation of Afghan women, there would be no communication with half of the population, if it were not for the FETs. Given the limited number of women in ISAF forces and that some nations do not include female soldiers in their postings or direct combat activities, many ISAF nations select and deploy teams of women soldiers specifically designed and prepared for this function.

The initiative behind the FETs is attributed to the US Marines, based on their experience with "Lioness" marine teams in Iraq in 2006, checking whether Iraqi women were carrying hidden weapons⁽²⁹⁾ (Iraqi Women's Engagement Team). The term FET was first used by Captain Pottinger and the head of the FET team, Lieutenant Johannah Shaffer, in February 2009⁽³⁰⁾. The concept of how FETs should be used has evolved from simple searches to effective, planned interaction with Afghan women, usually in their own homes.

FETs have specialised in interaction with Afghan women in order to create a relation of confidence and understanding of needs and concerns, passing on information that may be of use in possible opportunities or health issues, using this information to benefit the operation and to provide advice on potential development projects. This is carried out with full respect for local customs. These interactions have multiple benefits and once established, they are usually welcomed by the women and their husbands. Many women (and men, for that matter) are not aware that there is a Constitution and laws to defend their rights, that the Muslim religion grants them rights that they are denied by traditions and

⁽²⁸⁾ In addition to the FETs, the TFs also have other GAs, who at this level are often called *Gender Field Advisors*.

⁽²⁹⁾ Website for *Female Engagement Teams* for the South East Regional Command. See <http://regionalcommandsouthwest.wordpress.com/about/female-engagement-team-usmc/> As of 5 January 2012.

⁽³⁰⁾ FUREY, Eric T. *A Comprehensive Approach to Local Engagement in Afghanistan, That may also mitigate IEDs. Annex E: Female Engagement Teams. p. 26. Small Wars Journal.* 24 October 2010. See <http://smallwarsjournal.com/jrnl/art/a-comprehensive-approach-to-local-engagement-in-afghanistan> As of 5 January 2012.

that there is a Ministry of Women's Affairs and a Women's Affairs Department in their own province, as well as women's associations such as AWN.

The best results with these visits have been obtained when male ISAF soldiers first approach Afghan males, starting with local community leaders or *elders* and earn their trust, then asking for authorisation and support for the FET to meet their women and children. By behaving in this way, ISAF soldiers are demonstrating their knowledge of, and respect for, local customs. Afghan men do not feel that their honour is being undermined in public or private, whilst Afghan women can take part in such interaction without fear or threats.

FETs have a difficult job to do and must therefore be dedicated fully to this role with specific training. Interpreters have a fundamental role to play. They are not just interpreters: they are the most important part of the FET and the key to success when trying to enter a house and speak to the women. Some older participants have dared say to the husband "don't get involved in women's discussions".

The FETs have enormous potential. Unlike ISAF men, who can only deal with Afghan men, women from the FETs can interact with both Afghan men and women, who respect them but are not intimidated by them or uncomfortable in their presence. These conversations with Afghan men can take place with less friction and better communication. The marines say that the Afghans consider them a *third sex*. This shows Afghan males and their families - very directly - that there are cultures different to their own, where women have great independence.

However, the FETs are not trying to change Afghan culture or customs. If they were to do so, they could be firmly and immediately rejected, with dreadful consequences for the women they speak to. The sole purpose of this interaction with these women is to contribute to the success of the operation; if carried out tactfully, this can and should be beneficial for both the operation and the Afghan women and their families.

It is usual for Provincial Reconstruction Team and Task Force FETs to forge relationships in each province or zone with important women and the authorities in general. They coordinate this work and overlap with the work of the gender advisors, who are usually responsible for the FET's actions in the Provincial Reconstruction Teams. This interaction extends and empowers the role of the FET.

Some of the activities organised by the FETs include *Women's Shuras*. Despite the restrictions that Afghan traditions impose on women, they are allowed to meet in a *Shura*, as the men do; however, following years of war and Taliban domination, this practice is no longer very widespread. These *Women's Shuras*

have been revitalised by the National Solidarity Program (NSP) of the United Nations Development Program (UNDP) and the Rural Development and Rehabilitation Ministry at the local level, in the context of the Community Development Councils. The gender advisors and FETs have encouraged new *Women's Shuras* both locally and by district and province, involving the Women's Affairs Department and the district, provincial or even regional authorities. The Northern Regional Command organised two of these *Women's Shuras* at a regional level in 2011.

■ GENDER AND SECURITY

■ Women in the Afghan National Security Forces (ANSF)

- *Operational needs*

There are women in the ranks of both the Afghan National Army (ANA) and the Afghan National Police (ANP), as women can perform tasks that men should not. However, the Army and Police have differing needs for women in their units.

Having women in the Afghan Army and Police ensures that nobody can pass through a checkpoint or security controls at the entrance to a facility, a road block or frontier post without being searched in a respectful way. It is becoming ever more frequent for male insurgents to escape or get through checks by disguising themselves with a *burka*. One attack that achieved great media impact took place on 13 and 14 September 2011 in Kabul, when a group of insurgents launched grenades and fired on a number of buildings in the centre of Kabul from a building site; the building's attacked included the US Embassy and the ISAF HQ. The Kabul police chief said that the insurgents had arrived disguised, wearing *burkas*, taking advantage of the lack of police women to search them⁽³¹⁾.

Furthermore, women in the Afghan National Security Forces (ANSF) can interact with other women in any situation and can interrogate female witnesses, gathering more detailed information on events and the situation in general.

The Police (ANP) work more closely with the population and women police officers are crucial for providing women with access to justice. Male police officers frequently get involved when a woman breaches a social norm (not even a law), but they take no action when women report violent behaviour or forced marriages of girls, arguing that these are private affairs⁽³²⁾. Many offences against women are not even reported, because women must not

⁽³¹⁾ This information was reported in the media. See <http://www.bbc.co.uk/news/world-south-asia-14897358> As of 6 January 2011.

⁽³²⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. Op. cit. Executive Summary, p. iii.

speak to men outside their family circle and because police stations are not considered safe places for women. Justice is therefore almost impossible for women. Female police officers are indispensable in cases of women accused of offences such as drug trafficking and kidnapping children⁽³³⁾.

To give Afghan women access to the police, in 2005, the Interior Ministry created Family Response Units (FRU), including female police officers, to "deal with a wide range of offences related to the family, including: divorce filings, promissory notes, forced/arranged marriages, fleeing the home, sexual violence, domestic violence, self-immolation, suicide attempts, forced virginity tests, property disputes affecting women, child custody, abandonment and family financial affairs"⁽³⁴⁾.

Family Response Units try to resolve disputes in the traditional way: talking to the parties involved and proposing an agreement that, if accepted, resolves the problem. When violence which has left visible traces is involved, or when the agreement is not accepted, the case is sent to the law courts⁽³⁵⁾. The Family Response Units are a good idea, although they need more development and resources. There are very few of them - in 2011 there were just 83 for the whole of Afghanistan - and very few female police officers for them. Furthermore, these officers are not normally very well-trained⁽³⁶⁾.

- *The Afghan National Army (ANA)*

The Ministry of Defence has set an objective of 10% of the army being women - in other words, 19,500 female police officers - although no timescale has been set for achieving this. In September 2011, the ANA had just 320 women (215 officers, 3 generals and 105 others), unchanged since 2010. Approximately 75% of officers are in healthcare posts, with 50% of those in other occupations being in logistics. Female officers also cover posts in intelligence, human resources, communications, finance, cultural and religious issues and the air force.

- *Situation of the Afghan National Police (ANP)*

In November 2011, the ANP had 1,112 female members (183 officers, 500 junior officers and 429 troops). These were distributed regionally as follows:

⁽³³⁾ WAFA Shogufa, head of recruitment for the Herat Police, according to information from Sharif Sayidi, Institute for War & Peace Reporting. See <http://iwpr.net/report-news/afghan-police-struggle-recruit-women> As of 6 January 2012.

⁽³⁴⁾ NASH, Ray; WARD, Robert (2011). *Afghan National Police Family Response Units and Women's Police Corps*, Bureau of International Narcotics and Law Enforcement (INL), US

⁽³⁵⁾ CRAMER, Sarah. *Women's Perceptions of the Afghan National Police Gender Dynamics of Kabul Women And Police. Preliminary Draft*. Appendix 3, November 2011, Heinrich Böll Stiftung, Afghanistan.

⁽³⁶⁾ BASHIR, Maria, Provincial Prosecutor in Herat. Conversation with the author, 9 September 2011.

Kabul (city) 338, Kabul (province) 250, Central 61, East 26, South 95, South East 31, West 132 and North 179. Therefore, although many are in Kabul, there is some territorial coverage⁽³⁷⁾.

The Interior Ministry has set a target of 5,000 women by 2014⁽³⁸⁾, representing around 3% of the total ANP and increasing by one thousand women each year. Despite this objective being less difficult to achieve than that of the ANA, the Ministry not only failed to achieve its recruitment objective for 2011, but numbers have actually fallen compared to the end of 2010, when there were some one thousand three hundred women.

Unlike the ANA, ANP personnel are usually recruited locally; this makes it easier to recruit women as they can return home every day. They are often widows or married to a very poor or invalid husband; in other cases, they might have the support of their close family. Women police officers often hide their profession from the rest of their family, going to work wearing a *burka* for their own safety.

The presence of female police officers for searches of women and for interaction with other women is a need identified by many police chiefs. Acceptance of these roles by society will be more likely to the extent that they do not interfere with the principles of segregation that are inherent to Afghan traditions.

Recruitment and retention of women by the ANP is difficult for a number of reasons. One of these is the lack of prestige of the Police. Over the last two years (2010 and 2011), with an intense campaign against the insurgency, the key function of the ANP has been to fight the insurgency, whilst growing rapidly, often with illiterate recruits with limited training. It must be recognised that the ANP has achieved this mission with increasing effectiveness and bravery and with numerous casualties. Nevertheless, this focus has hampered its role as a servant and protector of the public. Whilst "protecting the freedoms and rights of the population"⁽³⁹⁾ is certainly one of its functions, it is also charged with "combating moral deviation", providing few guarantees for women, as it does not make clear what is regarded as moral and immoral. The public service functions are part of their agenda, promoting both literacy and general education, together with specific education relating to human rights and the rights of women. However, there is still much to do to reduce corruption and abuses by the ANP, among other reasons because they reflect the attitudes and behaviour of its leaders. For the ANP, as with so many other organisations, having well-prepared, competent and honest leaders makes all the difference.

⁽³⁷⁾ In Qala i Naw there were 20 female police officers in September 2011. Visit of the IJC GA to the Badghis PRT.

⁽³⁸⁾ Afghanistan. Mol Decree 55, of September 2010, set a target of 5,000 women over the following five years, with an annual objective of 1,000 women each year until 2014.

⁽³⁹⁾ GIRoA; Ministry of Justice Official Gazette Police Law, Issue 994, 27 August 2009. *Islamic Republic of Afghanistan Ministry of Justice Official Gazette Police Law*. pp. 7-10.

The result is that many families believe that serving in the Police is undignified and shameful, particularly for women.

Other reasons are the lack of adequate facilities and equipment for women (separate toilets), the fact that 85% of women aged 16 or over are married with children, and, most importantly, local traditions that do not allow women to perform functions regarded as being masculine and which do not allow women to spend the night away from home. If a woman spends two days outside her home, she may be accused of adultery and rejected by her family and community⁽⁴⁰⁾. Moreover, policewomen are often subject to sexual aggression or harassment by their colleagues. Even around the capital Kabul, where traditions are less strict, policewomen are subject to job discrimination and do not have real authority; in many cases they are not assigned to police work, but are given work in the kitchen⁽⁴¹⁾.

- *Progress of women in the Afghan National Security Forces (ANSF)*

The Defence and, in particular, Interior Ministries, assisted by the NATO Training Mission Afghanistan (NTM-A) and the ISAF Joint Command, are redoubling their efforts to increase recruitment and retention of women in the ANSF. This requires facilities that are suitable for Afghan customs.

In late 2011, one of the objectives of the NATO Training Mission was for the Afghan army to send: 1) 60 women to the *Officer Candidate School (OCS)* for a 20-week course - a simplified version of the full officer-training course - with the Malalai Company at the Kabul Military Training Centre, 2) 60 women to the Afghanistan National Military College, also in Kabul (a more complete officer-training course, lasting four-years), starting in March 2012 and 3) 75 women to a simplified junior officer course from December 2011 to March 2012⁽⁴²⁾.

The Interior Ministry's Department of Gender, Human Rights and Children, led by General Shafiqha Quraishi, began a campaign in 2011 involving new

⁽⁴⁰⁾ US Department of Defense. *Report on Progress Toward Security and Stability in Afghanistan*. October 2011, p. 107. See http://www.defense.gov/pubs/pdfs/October_2011_Section_1230_Report.pdf As of 1 January 2012.

⁽⁴¹⁾ In some cases, when a crime is reported and a patrol has to search a house, policewomen are not allowed to use the police car and have to go on foot or pay for a taxi. Men wait for women to arrive and then make them enter the house - out of courtesy or respect for customs, they claim - whilst they remain outside. The women search the home or building and if they find any weapons or drugs, they give them to the men, who take them to the police station and receive the credit and the promotions. Conversation with Joke Florax. Mentor/ Advisor Role of Law, Human Rights & Gender Kabul City Police Justice Projects at EUPOL, Kabul. September 2011.

⁽⁴²⁾ *Special Inspector General for Afghanistan Reconstruction. Quarterly Report to the United States Congress*. October 2011, p. 67. See <http://www.sigar.mil/pdf/quarterlyreports/oct2011/Lores/Oct2011Web.pdf> As of 22 November 2011.

recruitment, training and posting strategies for policewomen, improving infrastructure to provide acceptable living conditions in the workplace, improving the quality of the Police, increasing the proportion of police officers - both men and women - with basic education and human rights, increasing institutional support for the presence of women in Interior Ministry commands and improving information campaigns by explaining that joining the police is an honourable profession and that policewomen have high professional and moral standards.

Many Afghan women, particularly police officers, understand their presence in the Afghan security forces as a genuine and culturally acceptable vocation that is self-affirming in the service of the country and its women.

Progress of women in the Afghan National Security Forces will be slow and will take one or more generations. Nevertheless, the possibility of serving in the Security Forces and a conspicuous female presence will provide a visible and culturally-acceptable model for Afghan women and be a source of inspiration for further education and development. As the transition progresses, combat operations will reduce and women in the ANSF will make an increasing contribution to a more secure and stable Afghanistan.

In 2011, young male and female officers were occasionally seen together at Kabul airport (North area), acting totally normally and talking and even laughing, just like the young people or officers of any country. It must be remembered that young Afghans seldom speak to members of the opposite sex, except within their families. In July 2011, they travelled to the USA⁽⁴³⁾ to complete their training as pilots in the Afghan Air Force. Examples such as this are an inspiration and reinforce the hope that more women will be able to join the ANSF.

■ Freedom of movement for women

Freedom of movement (FoM) is very limited for women in Afghanistan, having reached its nadir under the domination of the Taliban.

There are some restrictions on freedom of movement that affect everybody, not just women, for example, *improvised explosive devices* (IEDs). There is a degree of freedom to move around the streets of Kabul and other major cities where there is a significant police presence and the insurgents have focused their activities on an occasional suicide attack on an important facility or a high-profile assassination. The areas with the tightest security have been extended and the insurgents no longer take on the Afghan National Security Forces (ANSF) or the ISAF there. They now limit themselves to planting

⁽⁴³⁾ SABO, Tracy. *Afghan women hope to break new ground in the sky*. 22 July 2011. See <http://edition.cnn.com/2011/US/07/22/texas.afghan.students/index.html?iref=obnetwork>. As of 5 January 2012.

improvised explosive devices on roads or other routes and carrying out occasional attacks on ANSF facilities, whether through suicide attacks or long-range harassing fire.

In the areas that they still control, or where they can exercise control, the insurgents establish *check-points* where they search everyone passing. If they find anyone with documentation or anything else indicating they are collaborating with the Government, the ANSF or the ISAF, they kill them immediately. These activities seriously curtail freedom of movement and are also often complemented by other threatening activities, such as *night letters*⁽⁴⁴⁾.

However, the most important aspect from the point of view of gender is the lack of freedom of movement, which affects women more than men. This is more complicated and difficult to resolve, as the restrictions on freedom of movement proposed by the insurgents are in line with certain traditional Afghan practices⁽⁴⁵⁾. These affect women and their freedom to leave the home, their freedom to use the roads and freedom to send girls to school. Women were deprived of these rights during the Taliban period, and they remain very restricted even now.

There is a huge difference between rural and urban areas. The freedom of women to leave the home and use the streets has increased considerably and it is common to see women walking around without being chaperoned by a male family member (*mahran*). However, in rural areas, limitations based on ancestral traditions of segregation are much more difficult to overcome and progress will require education, development and time.

Attacks on girls who go to school and on teachers and schools have decreased considerably since late 2010, in parallel to the increase in security. Nevertheless, Antonio Giustozzi and Claudi Franco, of the Afghanistan Analyst Network (AAN), have identified other causes. The local population has reacted angrily to Taliban attacks, and following negotiations with the Education Ministry, the Taliban have agreed to suspend the attacks in exchange for a promise to adapt curriculums to Taliban teachings⁽⁴⁶⁾.

However, in the city of Kandahar, attacks on women in the street have multiplied and now only a few women are seen in the street, all of them wearing the *burka* for their own protection. The Taliban have carried out a campaign of killings against Afghan government workers and anyone else with relationships with

⁽⁴⁴⁾ *Night letters* are posted in public places to impede collaboration with the GIRoA or ISAF and to dissuade any insurgents who might be considering reintegration. These are sometimes posted on the door of someone's home, threatening to kill their entire family, having an immediate and profound effect.

⁽⁴⁵⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. *Op. cit.*

⁽⁴⁶⁾ GIUSTOZZI Antonio and FRANCO Claudio. *The Battle for Schools: The Taleban and State Education*. 13 December 2011. See <http://aan-afghanistan.com/uploads/2011TalebanEducation.pdf> As of 5 January 2012.

foreigners, a move which particularly affects women. Hundreds of people have been killed, all by the same procedure: two people on a motorbike, one driving and the other shooting.

In September 2008, one of the most prominent policewomen in the country, the head of the Department of Crimes Against Women, Malalai Kakar, was shot by Taliban militants as she was setting off for work by car. Her son was seriously injured in the attack. In 2009, Sitara Achakzai, a member of the Provincial Council, was killed. On 24 July 2011, at six in the afternoon, two killers on a motorbike killed a twenty-year-old student called Reena with three shots to the head and neck as she was returning home by her usual route through the centre of Kandahar, close to the mansion of the provincial governor⁽⁴⁷⁾. Three weeks later, on 16 August 2011, twenty-two-year-old Rabia Sadat was killed in her car on her way to work, when leaving home at 8:30 am. Her driver was injured to stop him taking her to hospital⁽⁴⁸⁾⁽⁴⁹⁾.

- *Development*

Despite these occasional incidents and thanks to the continuing efforts of ISAF and the Afghan National Security Forces, security and freedom of movement gradually increased in Afghanistan in 2010 and 2011, particularly in the south and south-east - the provinces of Helmand and Kandahar - the heartland of the Taliban insurgency⁽⁵⁰⁾, enabling and sustaining the transition.

However, lack of freedom of movement due to criminality is difficult to eradicate⁽⁵¹⁾. Progress requires movement on many fronts on which the international community, ISAF and the Government are combining their efforts: implementation of the law on the elimination of violence against

⁽⁴⁷⁾ Reena had worked for six months for an Afghan NGO, The Organization for Human Welfare. Her work involved visiting the Dand and Daman districts of Kandahar to teach women about best practices for health and the value of living in peace. MARS DEN William. *Postmedia News*. "Idealistic woman teacher, 20, among latest Afghan victims". 28 July 2011. See <http://www2.canada.com/news/canada-in-afghanistan/idealistic+woman+teacher+among+latest+afghan+victims/5173163/story.html?id=5173163> As of 30 July 2011.

⁽⁴⁸⁾ Rabia worked for the Ministry of Rehabilitation and Rural Development in the National Solidarity Program, to improve the lives of people in rural communities. *ToLoNews*. 16 August 2011. Available at <http://tolonews.com/en/afghanistan/3686-female-worker-shot-dead-in-kandahar> As of 8 January 2012.

⁽⁴⁹⁾ BERNABÉ Mónica. «Asesinada en Kandahar». *El Mundo*. 17.08.2011. See <http://www.elmundo.es/yodona/2011/08/16/actualidad/1313509955.html> As of 8 January 2012.

⁽⁵⁰⁾ US Department of Defense. *Report on Progress Toward Security and Stability in Afghanistan*. October 2011, p. 3, *op. cit.*

⁽⁵¹⁾ Rangina Hamidi (point 5.1), director of "Kandahar Treasure" and daughter of the mayor of Kandahar, returned to the USA in December 2011, a few months after the murder of her father, who, at the urging of Rangina, had left the USA in 2007 to become the mayor of Kandahar, undertaking to fight corruption, irrespective of the threats. Rangina feared for her life and that of her mother and daughter. BERNABÉ, Mónica. "Historia de un desengaño". *El Mundo*, 5 October 2011. See <http://www.elmundo.es/elmundo/2011/10/05/internacional/1317801656.html> As of 16 January 2012.

women; building really effective police and justice systems, including sufficient numbers of suitably trained women; and continuing to foster education and development, two powerful drivers of transformation in society.

■ GENDER IN GOVERNANCE

There are very serious *governance* issues in Afghanistan affecting all Afghans, particularly women which must be addressed in order to build a state that functions and which are therefore essential to the success of the operation. The solutions to these governance issues include making public appointments on merit, a balance of powers, a justice system that works, reduction of impunity, corruption, nepotism and clientelism, good budget management, correct functioning of the rule of law and dealing a power structure of regional and faction leaders and warlords that, though informal, is very real with a direct bearing on everyday life⁽⁵²⁾. For many, transitional justice is a fundamental aspect of the solution⁽⁵³⁾, but expectations of achieving this were frustrated by publication of the Amnesty Act⁽⁵⁴⁾.

This would give Afghan women access to justice and enable them to participate in politics; this is known as *political empowerment*.

■ Access to justice for women

- *Harmful traditional practices in Afghanistan*

The problem of access to justice for women is not just a problem of Afghanistan's justice system or its administration. It is also, and above all, a complex cultural and social problem entwining many factors, including pre-Islamic patriarchal ideologies, combined with lack of education and ignorance⁽⁵⁵⁾.

⁽⁵²⁾ KATZMAN Kenneth. *Afghanistan: Politics, Elections, and Government Performance*. Congressional Research Service. 12 December 2011, p. 27, *op. cit.*

⁽⁵³⁾ Peace, Reconciliation and Justice in Afghanistan Action Plan of the Government of the Islamic Republic of Afghanistan 6-7 June, 2005, also known as the Transitional Justice Action Plan. This Plan was approved by the Afghan government in 2005 to take responsibility for past actions and to start a national reconciliation process, including "truth-seeking, victim recovery, re-integration of the deceived and perpetrators in the society, reparations, the preservation of peace and stability, the strengthening of democracy and the rule of law and the administration of justice". This was never carried out. <http://www.norway.org.af/NR/rdonlyres/C9F4CAA24814924BA760231E37D9BC5/72001/070109TJHandlingsplanenpdf.pdf> As of 22 January 2012.

⁽⁵⁴⁾ The National Reconciliation, General Amnesty and National Stability Act was published in the *Official Gazette* in December 2009, providing a total amnesty for all crimes in past and present conflicts. KUOVO, Sari. AAN. *After two years in legal limbo: A first glance at the approved 'Amnesty law'*. 22 February 2010. See <http://aan-afghanistan.com/index.asp?id=665> As of 22 January 2012.

⁽⁵⁵⁾ SHORISH-SHAMLEY, Zieba, PhD. *Women's Position, Role, And Rights In Islam*. See <http://www.afghan-web.com/articles/womenrights.html> As of 22 January 2012.

Zarin Hamid (of the *Afghan Women's Network*) explains that "Cultural taboos and values objectify women in much of Afghanistan as inanimate objects in an overwhelmingly patriarchal, clan based, male owned and male dominated society, where they should not speak their minds or think for themselves, where they are expected to serve the family and later the husband's family, without a protest"⁽⁵⁶⁾.

Harmful traditional practices in Afghanistan have been well described and documented by the United Nations Mission in Afghanistan (UNAMA) and by the Office of the High Commissioner for Human Rights (OHCHR) in the document mentioned previously: *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*, 9 December 2010⁽⁵⁷⁾. Simplifying somewhat, these include

- forced marriages and marriages of girls, including obliging women and girls who have been raped to marry their rapist, and widows to marry a relative of their husband so as not to harm their inheritance rights and those of their children.
- The giving of girls in compensation to settle disputes (*baad*) and the exchange of girls.
- The payment of a price for giving girls in marriage and buying and selling girls with the pretext or for the purposes of matrimony⁽⁵⁸⁾.
- Killings of women and girls to protect the *honour* of males⁽⁵⁹⁾.
- Restrictions on freedom of movement and participation in public life.
- Finally, and as a result of all of the above, negation of access to education and healthcare.

It is important to highlight the terrible and permanent harm caused by the marriage of young girls: "Child marriage is the most lasting and destructive of these practices in the scale of its consequences. A girl married at 12 years will be unable to continue her education, and may become pregnant when she is a young teenager, physically and mentally unprepared for motherhood"⁽⁶⁰⁾.

⁽⁵⁶⁾ HAMID Zarin. *Afghan Women's Network report on UN SCR 1325 Implementation in Afghanistan*. October 2011, p. 10, *op. cit.*

⁽⁵⁷⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. *Op. cit.*

⁽⁵⁸⁾ These payments can reach \$9,000, in a country where GDP per head is only \$528. Parents prefer to marry their daughters to men with high purchasing power, who are normally much older, as they must have worked for many years to be able to pay such a high price, which they then take out on the girls.

⁽⁵⁹⁾ Women and girls who have been victims of rape or sexual abuse, or who have fled from forced or violent marriages, may be killed or horribly mutilated by their husbands, parents or brothers.

⁽⁶⁰⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. p. 39, *op. cit.*

According to UN Women 70% to 80% of marriages are forced on the women, and 57% of girls are married before the legal age of 16 (figures for 2008). These girls - many of whom are married before reaching puberty - are expected to start having children immediately this happens, with a high risk of maternal and child mortality, and destroying any prospects for their education.

- *Development*

According to the UN Assistance Mission in Afghanistan (UNAMA), one of the ways of ending such harmful practices is to educate and train *mullahs*, *imams*, *ulemas* and other religious leaders in their knowledge of *sharia* and human rights. These people have great influence and can explain to local communities that these practices discriminate against women and are contrary to the law of Islam, helping to change society's attitudes towards and perceptions of these harmful practices⁽⁶¹⁾.

The international community has focused its efforts in this direction, as described in the *United Nations Development Programme's Afghanistan Gender Equality Project* report⁽⁶²⁾. Amongst other initiatives, in 2010 training was provided to five hundred religious leaders in Herat and Balkh provinces; this included visits to two Muslim countries - Malaysia and Turkey - to increase the course members' understanding of gender issues. On completion of the training, a network was set up with these *mullahs*. The Mullahs then began to preach in their sermons about the Islamic concepts they had learnt about, helping to change the way that their communities think about the status and role of women in society. In addition, a collaboration was organised with the Ministry of the Hajj and Religious Affairs so that its main publications will include articles on Islam and gender, so as to continue training religious leaders in other provinces⁽⁶³⁾.

- *Legal Framework, the Elimination of Violence Against Women (EVAW)*

In general, Afghan men tend to believe that subordination of women to their will is based on the Koran. However, more educated members of the community know that Islam sought to protect women from Pre-Islamic practices⁽⁶⁴⁾ and

⁽⁶¹⁾ *Ibid.* p. 50.

⁽⁶²⁾ United Nations Development Programme. *Afghanistan Gender Equality Project (GEP). Annual Progress Report-2010*. See <http://www.undp.org.af/Projects/Report2011/gep/2011-03-08-AnnualReportofGender2010.pdf> As of 28 January 2012.

⁽⁶³⁾ United Nations Development Programme Afghanistan. *Institutional Strengthening for Gender Equality Project (GEP) Second Quarter Project Progress Report (April 1 to June 30, 2011)*. August 2012. See <http://www.undp.org.af/Projects/Report2011/gep/2011-08-04-SecondQuarterProgressReportofGender.pdf>. As of 12 January 2012.

⁽⁶⁴⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. p. 1, *op. cit.*

that many of these harmful practices and breaches of rights directly contradict the principles of Islam⁽⁶⁵⁾ and are therefore illegal under *sharia*.

The current Criminal Code⁽⁶⁶⁾ has been in force since 1976, but contains no prohibitions on rape or other offences against the rights of women. The first law under the Constitution defending the rights of women is the Law on Elimination of Violence against Women⁽⁶⁷⁾ (EVAW). Article 2 of the Law declares that its objectives include "Maintaining Sharia and legal rights and protecting the human dignity of women [...] fighting against customs, traditions and practices causing violence against women and which are against Islamic Sharia".

Article 5 lists twenty-two activities that are considered to be offences: "Rape, Forcing into compulsory prostitution, Recording the identity of the victim and publicizing the identity of the victim, Setting into flames, Spraying chemicals or other dangerous substances, Forcing into self immolation or suicide or using poison or other dangerous substances, Causing injury or disability, Battery and laceration, Selling of women for the purpose of marriage, *Baad* (retribution of a woman for a murder, to restore peace etc.), Forcing into compulsory marriage, Prohibiting from the right of marriage, Marriage before the legal age [16 years old], Abusing, humiliating, intimidating, Harassment or persecution, Forced isolation, Forcing into drug addiction, Dispossessing from inheritance, Prohibiting access to personal property, Deterring from education and work and access to health services, Forced labour, Marrying more than one wife without the observance of Article 86 of the Civil Code and Denial of relationship".

This law was a huge step forward for the rights of women. However, it does have some problems, such as not including violence and killing in the name of "honour" and there being no distinction between rape and consensual sexual relations⁽⁶⁸⁾. However, the most serious problem is that its implementation is still very limited.

Somewhat surprisingly, a few days prior to the EVAW Law being approved, and in the face of objections from the international community, in July 2009 Karzai approved the Shia Personal Status Law. This contains a number of articles which directly contradict Afghanistan's international human rights

⁽⁶⁵⁾ SHORISH-SHAMLEY, Zieba, PhD. *Women's Position, Role, And Rights In Islam*. See <http://www.afghan-web.com/articles/womenrights.html>. As of 1 January 2012.

⁽⁶⁶⁾ See <http://www.asianlii.org/af/legis/laws/clc1976ogn347p1976100613550715a429.txt/cgibin/download.cgi/download/af/legis/laws/clc1976ogn347p1976100613550715a429.pdf> As of 1 January 2012.

⁽⁶⁷⁾ The *Law on Elimination of Violence against Women (EVAW)* was published in the *Official Gazette* (No. 989) of the GIRoA on 1 August 2009.

⁽⁶⁸⁾ UNAMA and OHCHR. *A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan*. November 2011, p. 7, section 2.2 "Weaknesses in the EVAW Law". See http://www.ohchr.org/Documents/Countries/AF/UNAMA_Nov2011.pdf As of 15 January 2012

commitments, the Constitution and various national laws, including the EAW⁽⁶⁹⁾.

- *Development*

ISAF and the international community are supporting implementation of the EAW Law. UNAMA/OHCHR has carried out a range of activities, including monitoring its implementation and has published a number of reports. It has also organised training courses and seminars to promote the Law, providing support and assistance to the Ministry of Women's Affairs, which is led by the High Commission for Prevention of Violence against Women, also assisted by UN Women. The International Development Law Organization (DLO) has provided technical assistance and advice to the Prosecutor's Office's Special Violence Against Women Unit, and has also provided training courses for prosecutors in Helmand, Kabul, Kandahar, Kunar, Logar, Nangarhar, Uruzgan and Zabul provinces⁽⁷⁰⁾.

Other organisations involved, including the NATO Training Mission in Afghanistan (NTM-A), the USA's Afghanistan Justice Sector Support Program (JSSP)⁽⁷¹⁾, DynCorp⁽⁷²⁾ and the European Union Police Mission in Afghanistan (EUPOL) have also organised a wide-range of seminars and courses on the EAW Law for people involved in legal services and the police, and for Family Response Unit personnel. Other activities to promote awareness of the EAW Law include discussions and seminars on Islam and human rights with local authorities and community and religious leaders, as well as radio programmes providing information on women's rights and offences under the new law⁽⁷³⁾.

According to a UN Assistance Mission in Afghanistan (UNAMA) November 2011 report judges, prosecutors and the police have started to use the EAW Law in twenty-eight Afghan provinces, but only in a very small number of cases. Herat province is in the lead in this implementation, due to the notable exception of having a woman Provincial Prosecutor, Maria Bashir. The report finds that action was only taken in 26% of all cases to which the EAW Law would be applicable in these twenty-eight provinces, with formal accusations only being made for 7% of incidents (with 44% of these in Herat) and the courts only based their decision on the EAW Law in 4% of the incidents (35% of these in Herat). It would seem clear that prosecutors are more proactive than

⁽⁶⁹⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. op. cit. p. 4.

⁽⁷⁰⁾ UNAMA and OHCHR. *A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan*. November 2011, p. 7, op. cit.

⁽⁷¹⁾ A Department of State Bureau of International Narcotics Control and Law Enforcement Affairs (INL) programme.

⁽⁷²⁾ US army contractor.

⁽⁷³⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*, 9 December 2010, p. 52, op. cit.

the courts in applying this Law. The report concludes that "there is a long way to go to fully protect women from violence through the EVAW law"⁽⁷⁴⁾.

These efforts will continue in future, as the Law is designed to be one of the basic pillars in the respect of women's rights. It should be remembered that progress in this area requires a constant effort and commitment on the part of key individuals. Maria Bashir, the competent and committed provincial prosecutor for Herat, has rejected offers of a political career in Kabul, because she believes that her activity as a prosecutor in Herat - although dangerous and with slow results - is the key to a real transformation in society, and a better country for her daughters. To this end, she is encouraging women who complete legal studies at Herat University to join her Prosecutor's Office⁽⁷⁵⁾.

- *The formal justice system*

Justice is a basic component of a functioning state, and has been one of the priorities of the international community in Afghanistan since the 2001 Bonn Summit. Substantial progress has been made and justice has been spread to the provincial capital level and to the centre of most districts. However, serious deficiencies and problems remain for women to access formal justice.

District capitals are a long way from local communities, making them almost inaccessible for women, whose freedom of movement is seriously constrained by traditional practices. Legal personnel do not have the necessary training. Most districts lack some of the infrastructure required, with a quarter of all districts not having a judge, prosecutor or even a *huquq*⁽⁷⁶⁾ or some combination thereof. The danger faced by judges and prosecutors and their low pay makes it difficult to fill posts, making people susceptible to corruption, increasing impunity and decreasing the public's confidence in the formal justice system. Justice has been described as being "slow, corrupt, inaccessible and administered by unqualified people"⁽⁷⁷⁾. In areas outside Government control, many Afghans were in the past obliged to accept the harsh justice of the Taliban and *faction leaders*⁽⁷⁸⁾.

There have also been some significant problems with the application of the EVAW Law. Judges frequently reject the prosecutor's request to apply the

⁽⁷⁴⁾ UNAMA and OHCHR. *A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan*. November 2011, p. 1, *op. cit.*

⁽⁷⁵⁾ Conversation with the author. 9 September 2011.

⁽⁷⁶⁾ The *huquqs* report to the Ministry of Justice's Huqooq (rights) Department and are involved in settling disputes over debts, ownership and contracts.

⁽⁷⁷⁾ FEARON, Kate. *Grappling with Legal Pluralism in Afghanistan*. Conference on Customary Justice and Legal Pluralism in Post-Conflict and Fragile Societies. Hosted by: United States Institute of Peace, George Washington University and World Bank. Washington, DC 20052. 17-18 November 2009.

⁽⁷⁸⁾ INTERNATIONAL CRISIS GROUP. *Asia Report N°195 – 17 November 2010. Reforming Afghanistan's Broken Judiciary*. Executive Summary. p. i.

EVAW Law and prefer to apply the Criminal Code or other laws. Furthermore, judges and prosecutors often regard themselves personally as being the law, rather than any written law, and they therefore do not apply the EVAW Law⁽⁷⁹⁾. Police officers are often a woman's first contact with an official of the state. However, they normally lack information on the EVAW Law and the training and awareness to recognise and identify offences against women. Just like the rest of the population, women are not aware of their rights under this law and when they try to escape mistreatment or forced marriages they are charged with "offences against morals and *zina*" (adultery), without being aware of how to defend themselves⁽⁸⁰⁾.

The percentage of cases being settled by mediation and through traditional means, frequently involving local *elders*, after being passed by the police to prosecutors remains too high. Women are generally in an inferior position when negotiating a settlement. In such cases, women tend to withdraw their complaints. The EVAW Law permits mediation for 17 of the 22 crimes. Here again, Herat is a positive exception, with a high number of cases not going to mediation⁽⁸¹⁾.

- *Development*

This situation may deteriorate in future, as the Supreme Court recently repeated its official stance that "if the woman goes to a stranger's house, although the reason for running away may be to escape abusive treatment, she exposes herself to crimes such as "adultery (*zina*) and other associated offences"⁽⁸²⁾.

Latifa Sultani, the commissioner of the Afghanistan Independent Human Rights Commission (AIHRC) responsible for women's rights has stated that the number of cases of violence against women recorded in the regional and provincial offices of the AIHRC has increased significantly (around 50% higher in the three months from May to July 2011 than in the same period the previous year). Latifa states that "Women are increasingly resorting to women's rights defence institutions and civil society and justice organisations", as going to the offices of the AIHRC, or one of the few available *shelters* for women⁽⁸³⁾, offers a better chance of not ending up in prison⁽⁸⁴⁾.

⁽⁷⁹⁾ INTERNATIONAL CRISIS GROUP. *Asia Report N°195 – 17 November 2010. Reforming Afghanistan's Broken Judiciary*, p. 17, *op. cit.*

⁽⁸⁰⁾ UNAMA. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*, p. iii, *op. cit.*

⁽⁸¹⁾ UNAMA and OHCHR. *A Long Way to Go*, pp. 21-24, *op. cit.*

⁽⁸²⁾ *Ibid.* p. 17.

⁽⁸³⁾ In 2011 there were only 14 *shelters* in Afghanistan.

⁽⁸⁴⁾ *ToloNews*. «Violence against Women on the Rise: AIHRC». 4 August 2011. See <http://tolonews.com/en/afghanistan/3574-violence-against-women-on-the-rise-aihrc> As of 5 January 2012.

The international community, particularly the USA, in coordination with ISAF is contributing financially and through assistance and advice to offsetting the deficiencies mentioned in infrastructure, personnel, security, training and remuneration.

ISAF has at its disposal the NATO Rule of Law Field Support Mission-Afghanistan and the USA's Rule of Law Field Force, two highly specialist units dedicated exclusively to supporting the GIROA and international organisations responsible for developing the formal justice system⁽⁸⁵⁾.

In July 2011, a draft Afghan National Priority Program (NPP) 5 was circulated: Law and justice for all. This included a strategy to reform the justice sector over the coming three years. The objective of this is to increase the scope of formal justice in the provinces and districts and is expected to be approved by the Joint Management Coordination Board (JMCCB) in March 2012. National Priority Program 5 requires increased compliance with the ERAW Law by the Public Prosecutor, the Supreme Court and the Ministry of Justice.

In May 2011, 140 new judges graduated from the Supreme Court's two-year training programme, with another 57 applicants awaiting acceptance as judges⁽⁸⁶⁾. By November 2011, the USAID Rule of Law Stabilization Program had trained 670 judges, over half of the total, and had extended the Supreme Court training programme to new judges; it also provided support for relations between the traditional justice system and the formal justice system⁽⁸⁷⁾. From 2005 to the end of 2010, the US Justice Sector Support Program trained over 2,000 legal professionals, including judges, prosecutors, legal police, defence attorneys and lawyers for victims of gender offences⁽⁸⁸⁾.

Furthermore, USAID and other agencies from various countries have been working with universities to prepare textbooks and bulletins for law teaching staff and students and to launch *legal clinics* to provide students with practical experience. USAID's support for the Supreme Court has significantly increased the number of judges - particularly women judges - taking part in the Court's two-year training programme⁽⁸⁹⁾.

⁽⁸⁵⁾ US Department of Defense. *Report on Progress Toward Security and Stability in Afghanistan*. October 2011, p. 84, *op. cit.*

⁽⁸⁶⁾ USAID Press Release. 16 May 2011. "Afghanistan's Judicial Training Program Graduates 140 New Judges". See http://afghanistan.usaid.gov/documents/document/Document/1460/20110516_Press_Release_Judicial_Stage_Graduation_English As of 20 January 2012.

⁽⁸⁷⁾ KATZMAN Kenneth, *Afghanistan: Politics, Elections and Government Performance*. Congressional Research Service. 12 December 2011, p. 46, *op. cit.*

⁽⁸⁸⁾ WYLER, Liana Sun; KATZMAN, Kenneth. *Afghanistan: U.S. Rule of Law and Justice Sector Assistance*. 9 November 2010. Report for Congress. United States Congressional Research Service. R41484, p. 29.

⁽⁸⁹⁾ *Special Inspector General for Afghanistan Reconstruction. Quarterly Report to the United States Congress*. October 2011, p. 93, *op. cit.*

- *The traditional system of justice and resolution of disputes*

This is based on the deliberations of a council of *elders*, *jirgas* and *shuras*. It has been estimated that they handle 80% of cases (95% in rural areas). The way they work varies significantly from place to place. Nevertheless, they do share a rapid response time and tend to be restorative rather than retributive, unlike the formal system. The system is based on a request for forgiveness and compensation to the victim for the damage caused, followed by a pardon and reconciliation⁽⁹⁰⁾.

The problem is that this system often breaches Afghan law and seriously violates the rights of Afghan women. Women are excluded from the decision-making processes and are treated as property with a monetary value to be given in marriage to members of the victim's family as payment or compensation to achieve reconciliation and stability in the community⁽⁹¹⁾. The result is that girls are condemned to a miserable life of mistreatment, beatings and hatred for a crime previously committed by others, as the victim's family often takes out its resentment and hate on these girls.

However, the problem does not arise from the traditional justice system itself, but rather from the role assigned to women in the prevalent beliefs and traditions in Afghanistan. In some areas controlled by the Taliban, they provide dispute resolution using the traditional model, whilst in areas disputed with the Government, the Taliban offer their dispute resolution services in competition with formal justice and some people prefer this, particularly if this involves being judged by members of their own tribe or tribal confederation⁽⁹²⁾.

- *Development*

These traditional systems are so widespread and the deficiencies of the formal justice system are so apparent, that the traditional system will last a long time, meaning that we cannot ignore it. Efforts are being made to improve the way it works and make it fairer and, more challengingly, to increase respect for women's rights.

The Afghanistan National Development Strategy stated that the objective was for "the role of traditional dispute resolution in the rule of law [to be] defined and the decisions consistently meet international human rights standards"⁽⁹³⁾.

⁽⁹⁰⁾ *Afghanistan National Development Strategy* (ANDS). (2008-2013), p. 64, *op. cit.*

⁽⁹¹⁾ International Legal Foundation. *The Customary Laws of Afghanistan*. September 2004. *The Customary Laws of the Southern and Eastern Regions*. p. 8-10. See http://www.usip.org/files/file/ilf_customary_law_afghanistan.pdf As of 5 January 2012.

⁽⁹²⁾ WYLER, Liana Sun; KATZMAN, Kenneth. *Afghanistan: U.S. Rule of Law and Justice Sector Assistance*. 9 November 2010, p. 14.

⁽⁹³⁾ *Afghanistan National Development Strategy* (ANDS). (2008-2013), p. 66, *op. cit.*

USAID is leading efforts to improve the traditional justice system through its Rule of Law Stabilization Program, an initiative that helps local councils to improve the way that they work. Amongst other things, this is supporting the creation of a system for written communication of council decisions at the regional level, with sharing of information and promotion and awareness of Afghan laws⁽⁹⁴⁾.

To this end, USAID sponsored 245 events attracting over 10,000 participants between October 2010 and July 2011. These events included conferences with university lecturers in Law and Islamic Law, discussion groups and meetings with groups of *elders* to establish relationships and promote collaboration⁽⁹⁵⁾. According to USAID, these activities have been fruitful and have increased community trust in the Government, creating a good relationship between the formal and traditional justice systems. Furthermore, the *elders* have increased their knowledge of Afghan law and now send cases to court. And likewise, the courts have sent more disputes to the *elders for settlement*.

USAID has organised specific education programmes for *elders*. In these seminars, experts in *sharia* have explained to them that *baad* is illegal under Islamic law. These seminars have been well received and are helping in the suppression of *baad*⁽⁹⁶⁾.

- *Women in prison*

There are around 700 women in prison in Afghanistan, with around 280 of their children sharing prison life with them as they have no other support for their subsistence or education⁽⁹⁷⁾. Of these, around 350 (50%) are accused of adultery, which can just consist of being out of the home for over 48 hours. In the case of girls aged 12 to 18 (around 115), this percentage increases to 80%⁽⁹⁸⁾. These figures could increase rapidly after the Supreme Court took a very conservative position on women fleeing their homes (section 4.1.3.).

⁽⁹⁴⁾ US DoD. *Report on Progress Toward Security and Stability in Afghanistan*. October 2011, p. 86, *op. cit.*

⁽⁹⁵⁾ USAID. "Two Justice Systems Work Together". USAID promotes dialogue between district elders and the state to streamline justice systems. 24 July 2011. See http://afghanistan.usaid.gov/en/USAID/Article/2311/Two_Justice_Systems_Work_Together As of 5 January 2012.

⁽⁹⁶⁾ USAID. *USAID educates elders on finding alternatives to dispute resolution*. 27 November 2011. Nangarhar, Afghanistan. See http://afghanistan.usaid.gov/en/USAID/Article/2423/Education_Helps_Eliminate_Baad As of 1 January 2012.

⁽⁹⁷⁾ Based on a number of sources, including HUMAN RIGHTS WATCH. *Afghanistan: A Decade of Missed Opportunities*. 4 Dec 2011. <http://www.hrw.org/news/2011/12/03/afghanistan-decade-missed-opportunities> and UNODC. <http://www.unodc.org/unodc/en/frontpage/2012/January/house-of-hope-helps-kabul-female-prisoners-to-reintegrate-into-society.html> As of 7 January 2012. Other sources increase the total number of women to 1,500, of whom 620 are girls aged from 12 to 17, with the percentage in prison for adultery or *moral crimes* being up to 95%.

⁽⁹⁸⁾ <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/8934132/Afghanistans-women-languishing-in-prisons-10-years-after-fall-of-Taliban.html> As of 8 January 2012.

Women's security even in prison is precarious. They are subject to sexual exploitation and abuse⁽⁹⁹⁾. Many of these women do not even know why they are in prison. The living conditions and facilities are, in general, very poor⁽¹⁰⁰⁾. Only a few provincial capitals have prisons exclusively for female inmates - in the rest, they share buildings with male inmates and are not even safe when they go to the bathroom.

There are no places for temporary detention of women. In many districts, female suspects detained by the police must stay in places considered a priori to be safe, such as the homes of influential people, the *elders* of the tribe or the governor's house. In addition to exposing them to the hazard's of this situation, this can make them into criminals, even if they are not. Fauzai Nawabi, of the The Afghanistan Independent Human Rights Commission has stated that if women and girls are found innocent and released after being detained for two days, in some sectors of society they are rejected by their parents and family⁽¹⁰¹⁾.

- *Development*

The utmost effort must be made to ensure that women and girls who are simply fleeing from terrible situations or forced marriages do not end up in prison. The priority option must therefore be to call on President Karzai to release all female detainees (pre-trial and convicted) charged with committing "moral crimes", as demanded by the UN Assistance Mission in Afghanistan (UNAMA)⁽¹⁰²⁾.

The Afghanistan Independent Human Rights Commission (AIHRC) visits the prisons regularly, As a result of this activity, between March 2010 and March 2011 it secured the release of 55 women who were illegally detained⁽¹⁰³⁾.

Furthermore, ISAF countries are working together financially on the provision of prison infrastructure that meets minimum habitability requirements and training courses for prison staff. For example, the UK has already given £2 million for Lashkar Gah prison and will donate a further £900,000 to building blocks for women and children⁽¹⁰⁴⁾. Kabul, Herat and Khost already have

⁽⁹⁹⁾ Radio Free Europe. Radio Liberty. 31 May 2011. See http://www.rferl.org/content/afghanistan_women_prisons/24211153.html?s=1 As of 8 January 2012.

⁽¹⁰⁰⁾ NEIL, Beth. "Inside Lashkar Gah prison". 22 February 2009. See <http://www.mirror.co.uk/news/top-stories/2009/02/22/tragic-story-of-prison-girl-forced-to-wed-at-10-and-beaten-every-night-115875-21145002/> As of 8 January 2012.

⁽¹⁰¹⁾ "Lack of Female Detention Facilities Cause Social Problems". Sunday, 30 October 2011. See <http://bostnews.com/print.php?id=3631> As of 8 January 2012.

⁽¹⁰²⁾ UNAMA. *Harmful Traditional Practices*, p. 56, *op. cit.*

⁽¹⁰³⁾ Afghanistan Independent Human Rights Commission. *Annual Report 1389* (2010/2011), p. 13. See http://www.aihrc.org/2010_eng/Eng_pages/Reports/Thematic/AIHRC_Annual_Report_1389.pdf As of 8 January 2012.

⁽¹⁰⁴⁾ FARMER, Ben. "Afghanistan's women languishing in prisons 10 years after fall of Taliban". *The Daily Telegraph*, 4 December 2011. See <http://www.telegraph.co.uk/news/worldnews/>

women's prisons. Despite the hardships of prison life, the new women's prison in Kabul -Badam Bagh, which houses 160 inmates (as of May 2011), is clean and, above all, the inmates do not live in continuous fear, as they did in the previous prison at Pul-e Charkhi which they shared in atrocious conditions with 5,000 male inmates⁽¹⁰⁵⁾. However, much remains to be done to improve prison infrastructure.

Meanwhile, the US Corrections System Support Program (CSSP) and various NGOs, such as the Afghan Women's Education Center (AWEC), are working to improve the lives of women and girls in prison. The CSSP is working in eight provinces, repairing buildings and improving standards, whilst training prison employees. AWEC and other NGOs are also working to improve the lives of women in prison, providing education, professional training, healthcare, childcare services, relationships with the family, psychological assistance and legal aid⁽¹⁰⁶⁾. This project is financed by the ASDHA⁽¹⁰⁷⁾.

According to Heather Barr of Human Rights Watch, there is a paradox that "many of the women said they were happy in prison because they were temporarily protected from vengeful relatives threatening murder to erase the stain left on their family's honour"⁽¹⁰⁸⁾ and it is true that, after completing their sentences, there are very few *shelters* for women and no safe places for them to go.

■ Participation of women in politics (Political Empowerment)

The quotas established in the Constitution have improved the situation enormously compared to the Taliban period and the presence of women in public life and the media is undeniable, although this presence equates to very limited power.

The Constitution reserves 17 of the 102 seats in the Upper House (Meshrano Jirga or "House of the Elders") and 68 of the 250 seats in the Lower House (Wolesi Jirga or "House of the People") for women. The Wolesi Jirga currently has 69 women members⁽¹⁰⁹⁾ (one more than the quota), almost 28% of the

asia/afghanistan/8934132/Afghanistans-women-languishing-in-prisons-10-years-after-fall-of-Taliban.html As of 10 January 2012.

⁽¹⁰⁵⁾ NAJIBULLAH, Farangis and DIWA Maneesha. *Afghan Women's Prisons Seek To Make Life Behind Bars Less Horrific*. Radio Free Europe. Radio Liberty. 31 May 2011. See http://www.rferl.org/content/afghanistan_women_prisons/24211153.html?s=1 As of 10 January 2012.

⁽¹⁰⁶⁾ AWEC. *Annual Report 2009-2010*. <http://www.awec.info/?page=annualreport2009&language=en> As of 10 January 2012, and author's interview with Hasina Safi.

⁽¹⁰⁷⁾ Associació per als Drets Humans a l'Afghanistan. ASDHA is the only Spanish NGO working in Afghanistan. <http://www.afgancat.org/>

⁽¹⁰⁸⁾ FARMER, Ben. *Afghanistan's women languishing in prisons 10 years after fall of Taliban*. *Op. cit.*

⁽¹⁰⁹⁾ Interparliamentary Union. *Afghanistan Wolesi Jirga ("House of the People")* See http://www.ipu.org/parline-e/reports/2381_A.htm As of 12 January 2012.

total, 8% higher than the global average (20%)⁽¹¹⁰⁾. The Meshrano Jirga has 28 women, 11 more than the quota (27% of the total). In the Provincial Councils⁽¹¹¹⁾ 124 of the 420 seats (29.5%) are reserved for women.

However, this significant presence does not translate into influence. Activists have noted that many congress women are aligned with *Mujahedeen* warlords (who consider women's rights a western import) and vote in accordance with their sectarian interests⁽¹¹²⁾. The women's rights lawyer and member of the Afghanistan Independent Human Rights Commission, Soraya Sobhrang has stated that in some cases female members of parliament have voted against the interests of women: for example, when they had to vote for two candidates for ministerial posts. However, she believes that the quotas have had a positive effect. At least, many Afghans have become used to seeing female members of parliament who appear daily on television screens. This is one way of reducing prejudices and encouraging parents to send their daughters to school⁽¹¹³⁾. Ahmad Behzad, a congress woman from Herat, considers that a significant number of the women in Parliament are better organised and better managers than many of their male colleagues and political leaders and that they are taking advantage of the opportunity to make their voices heard⁽¹¹⁴⁾.

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In February 2012, there were three female ministers in the Government: Husn Bano Ghazanfar, minister for Women's Affairs; Soraya Dalil, Public Health Minister, and Amena Safi Afzali, Minister of Work, Martyrs and Social Affairs. Other women with important positions include Sima Samar, president of the Afghanistan Independent Human Rights Commission (AIHRC), a body of the utmost importance for promoting the rights of women and Habiba Sarabi, governor of Bamyán province. Both of these women had previously held the position of Minister of Women's Affairs

The GIROA has set itself a target of 30% of posts in the administration to be filled by woman by 2013. According to 2009-10 data from the Central Statistics Organization, 25.4% (66,572) of all civil servants (328,977) were women; however, this percentage varied considerably throughout the country,

⁽¹¹⁰⁾ Figures from the Interparliamentary Union. See <http://www.ipu.org/wmn-e/world.htm>. As of 12 January 2012. By way of example, the percentage of women in other parliaments is: Egypt 2%, US Congress 16.8%, Sweden 45%, Finland 42.5%, Holland 39.3%, Spain 36%, Germany 32.8%, Italy 21.3%, the UK 22% and France 18.9%. European average 22.3%.

⁽¹¹¹⁾ There are no regional government bodies in Afghanistan, with the exception of the Military Commands of the Army Corps and Regional Chief of Police Commands.

⁽¹¹²⁾ CORTRIGHT, David; PERSINGER, Sarah Smiles. *Afghan Women Speak. Enhancing Security and Human Rights in Afghanistan*. University of Notre Dame's Kroc Institute for International Peace Studies. October 2010, p. 6. See <http://www.nd.edu/~jfallon2/WomenAfghanistanReport.pdf> As of 12 January 2012.

⁽¹¹³⁾ IHSAN, Fawzia. "The woman factor". *Afghanistan Today*. 11 Dec 2010. See <http://www.afghanistan-today.org/helper/articleprint.php?id=52> As of 12 January 2012.

⁽¹¹⁴⁾ *Ibid.*

from 30% in Kabul, Herat and Balkh to 1-3% in Paktika, Uruzgan Khost, Kunar and Gohr⁽¹¹⁵⁾.

Given the limitations on the power of women in public bodies, the role and influence of women in civil society takes on even greater importance: this includes organisations and groups focusing on a range of issues, including women's rights, law and justice, freedom of the press, business and economics and the environment. Some of the most important of these are organisations of Afghan women, with the most significant of these being the Afghan Women's Network (AWN), a confederation of 880 NGOs for Afghan women.

- *Development*

The improvements achieved are threatened by justice and governance issues and could be lost in any clumsy reconciliation negotiations with the Taliban that might give priority to harmful traditional practices, undermining the Constitution. The key idea is that changes to traditions and culture cannot be imposed on any country from outside. Particularly not Afghanistan. For this reason, as a general rule, ISAF acts with respect towards the culture and the Islamic religion, strongly supporting implementation of the GIRoA's official policy, which, as we have mentioned, contain instruments that enable progress in respect for, and defence of, the human rights of all Afghans, particularly the weakest: women.

What we could and should do is to support Afghan civil society initiatives, including those from women's organisations. In this regard, the main donor countries, with the USA at their head, have the greatest capacity. Progress over the last decade has been due to the combined efforts of Afghan civil society and the international community, supporting the GIRoA. This effort must be continued. When the tenth anniversary of the new political order was celebrated with a second Bonn Conference (4-5 Dec 2011), civil society reiterated its messages and presented options and actions for the future meriting the support of the international community. The donor countries have extended their commitment to a sovereign, independent, democratic, safe and stable Afghanistan.

The Afghan Women's Network led Afghan women in generating initiatives. A few days prior to the Bonn conference, it consulted 500 women, representing 500,000 women in 20 provinces and as a result issued a declaration on 5 December 2011⁽¹¹⁶⁾. These proposals from women in the world of politics, provided the international community and ISAF with specific options for the

⁽¹¹⁵⁾ HAMID Zarin. *Afghan Women's Network report on UN 1325 Implementation in Afghanistan*. 31 Oct 2011, p. 21, *op. cit.*

⁽¹¹⁶⁾ AWN. *Afghan Women's Declaration International Conference on Afghanistan in Bonn*. 5 December 2011. <http://www.afghanwomennetwork.af/Latest Updates/AFGHAN WOMEN'S DECLARATION FINAL-Eng.pdf>. As of 13 January 2012.

future and should be a clear reference point for activities in support of the GIROA, for associations of women and civil society⁽¹¹⁷⁾.

Among other things, Afghan women are demanding stronger measures against corruption and misappropriation of funds in the government; ending the abuses of *tribal commanders* and personal appointees, who control provincial governments and who have a history of violating the rights of women. They are also requesting that security for women should be used as an indicator for assessing the transition process in each zone, and that women should be consulted systematically, both before and during these processes. They are also demanding aid to train more women and increase their participation in legal bodies, a country-wide dialogue and the building of a consensus among all Afghans for *peace and reintegration*, making reintegration a community-based initiative. For the future, they want the Afghan National Security Forces to extend their capabilities as a public service, upholding the laws of the land and the security of the community, whilst protecting women and children against abuse. They are also seeking the support of the international community and protection for groups of women and civil society, who are the main champions of the rights of women, and agents for change for an inclusive democracy that is increasingly threatened.

It is clear that greater political participation by women, particularly in transition processes and peace building and reintegration, as demanded by the Afghan Women's Network, will increase opportunities for peace and stability in Afghanistan.

■ GENDER IN ECONOMIC AND SOCIAL DEVELOPMENT

Social and economic development is a prerequisite for Afghanistan becoming stable and sustainable and is essential for the future work of the boys and girls who are studying today. This is obviously a key factor for both the success of the operation and to improve the economic situation of women and boost their respect in the family and community. Lack of economic and social development affects the weakest in society and therefore women.

An Afghan government that provides health, education, electricity and communications services will earn legitimacy and the support of the public. The Taliban are very efficient at providing order and rapid, brutal justice, but they have not been able to ensure economic development, thus emphasising the value of development to the success of the operation.

⁽¹¹⁷⁾ GIL RUIZ, José Luis. *The Commanders' perspective. NATO Workshop on Gender Perspectives Training in the Context of Mainstreaming UNSCR 1325 in NATO-led Operations and Missions*. Rome, 4 November 2011.

■ Participation of women in the economy (Economic Empowerment)

This brings us up against a cultural problem. Traditionally, men should *support* and *protect* the family, whilst women should remain at home.

However, the reality is very different. Around 56% of women in rural areas work⁽¹¹⁸⁾, with women accounting for 36% of all workers. This percentage is so high because of female participation in agricultural tasks, both in the field and in the home and because 80% of households depend on agriculture to some extent⁽¹¹⁹⁾. Moreover, in many parts of Afghanistan, women work as much as men, if not more so, in activities such as embroidery, crafts, weaving rugs, cleaning Kashmir wool, sewing and even domestic service⁽¹²⁰⁾. These are all activities that tend to take place in the home.

There are a number of key aspects that strongly influence the country's economy. The presence of the international community (including ISAF) accounts for an inflow of funds equal to 97%⁽¹²¹⁾ (World Bank) or 60%⁽¹²²⁾ (Chamber of Commerce) of Gross National Product; therefore, withdrawal of ISAF could result in a serious recession. Budget management is opaque and unsatisfactory, with funds not reaching the project to which they are assigned. Afghanistan is a long way from sustainability and is heavily dependent on funds from the international community. Donors assign the largest part of their funds outside the budget; even so, in 2011 international aid contributed 55.4% of the GIRA budget⁽¹²³⁾. Around 85% of rural areas lack electricity⁽¹²⁴⁾, with 60% being imported. However, 17 million Afghans (around 63% of the population) have mobile phones, with coverage in around 80% of the country⁽¹²⁵⁾.

⁽¹¹⁸⁾ Excluding unpaid domestic work. MALETTA, Hector. *Women at work: Gender, Wealth, Wages and Employment in Rural Afghanistan*. 2002-2003, p. 9. See http://papers.ssrn.com/sol3/papers.cfm?abstract_id=575026 As of 12 January 2012.

⁽¹¹⁹⁾ The World Bank. *Afghanistan National Reconstruction and Poverty Reduction - the Role of Women in Afghanistan's Future*. March 2005, p. 54. See <http://siteresources.worldbank.org/AFGHANISTANEXTN/Resources/AfghanistanGenderReport.pdf> As of 12 January 2012.

⁽¹²⁰⁾ "Although women make up 35.8 percent of the country's labor force, less than one percent has access to financial services. Many women work in the informal sector and are denied access to their own income". USAID. *Gender Fact Sheet December 2010*. See http://afghanistan.usaid.gov/documents/document/Document/1266/Gender_Fact_Sheet2142011 As of 12 January 2012.

⁽¹²¹⁾ Report for the US Committee on Foreign Relations. *Evaluating U.S. Foreign Assistance to Afghanistan*. 112th Congress. 1st Session. 8 June 2011, p. 24. See <http://foreign.senate.gov/download/?id=E8637185-8E67-4F87-81D1-119AE49A7D1C> As of 14 January 2012.

⁽¹²²⁾ HAQJO Mohammad Qurban, Chief Executive Officer of the Afghanistan Chamber of Commerce. Article by FARAMARZ, Abdol Wahed. *Afghans alarmed by economic impact of troop withdrawal*. The Institute for War & Peace Reporting. See <http://mjuneauem.pire.com/opinion/2011-08-28/afghans-alarmed-economic-impact-troop-withdrawal>. As of 12 January 2012.

⁽¹²³⁾ Islamic Republic of Afghanistan. Ministry of Finance. 1390 Budget.

⁽¹²⁴⁾ United Nations Development Programme. National Area-Based Development Program. May 2011. See http://www.undp.org.af/whoweare/UNDPinAfghanistan/Projects/psl/prj_nabdp.htm As of 15 January 2012.

⁽¹²⁵⁾ GIRA. Ministry of Communications & Information Technology. Telecom Statistics End of March 2011. See <http://mci.gov.af/en/page/12> As of 15 January 2012.

In order to prepare for and offset the effects of this recession, the USA and many other donors are planning for a long-term commitment and a reorientation of investment and efforts⁽¹²⁶⁾⁽¹²⁷⁾. This is being used to help the GIRoA to generate revenues and to improve its human capital and budget management, with increased transparency and responsibility, also improving conditions for the private sector to flourish, as well as improving electricity supply and infrastructure⁽¹²⁸⁾.

- *Programmes specifically aimed at women*

A large number of initiatives are specifically targeted at the women of Afghanistan; these initiatives are designed to be compatible with the current situation and to provide subsistence resources and a degree of economic independence. The ISAF is contributing through security and information and by occasionally providing funds specifically for such programmes. Some examples of this are given below.

USAID sponsors the AGSP (Ambassador's Small Grants Program), providing funds to civil organisation contributing to the economic development of women in Afghanistan's 34 provinces. Some programmes provide practical training in how to run a small business, with training in administration, management and other techniques required to run the business. Other programmes help women in rural areas to identify, plan, manage and control their own development projects, training them to make decisions affecting their lives and communities. By June 2011, 1,000 grants had been awarded, totalling 17.2 million dollars, and benefitting 400,000 women in 34 provinces⁽¹²⁹⁾. In November 2011, USAID thoroughly revised its programme to improve its results⁽¹³⁰⁾.

There are a number of programmes focusing on commercialisation of activities that can be carried out in the home, such as embroidery, sewing and

⁽¹²⁶⁾ *The International Afghanistan Conference in Bonn 5 December 2011. Conference Conclusions. Op. cit.*

⁽¹²⁷⁾ World Bank, Islamic Republic of Afghanistan Ministry of Finance. *Transition in Afghanistan. Looking Beyond 2014*. November 21, 2011. See <http://siteresources.worldbank.org/INTAFGHANISTAN/Resources/AFBeyond2014.pdf> As of 3 February 2012.

⁽¹²⁸⁾ For example, TOLONews.com. 20 September 2011. *The Asian Development Bank (ADB) agreed to give Afghanistan \$754 million to help rebuild the country's roads and rail network*. See <http://tolonews.com/en/business/3973-afghanistan-gets-754m-from-bank-for-roads-railway-> As of 15 January 2012.

⁽¹²⁹⁾ USAID. *Ambassador's Small Grants Program (ASGP) to Support Gender Equality in Afghanistan. Fact Sheet*. June 2011. See afghanistan.usaid.gov/documents/document/Document/1735/Fact_Sheet_ASGP_June_2011 As of 16 January 2012.

⁽¹³⁰⁾ USAID. *Evaluation of the USAID/Afghanistan Ambassador's Small Grants Program to Support Gender Equality in Afghanistan*. September 2011. See http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/USAID_Afghanistan_ASGP_Evaluation_Nov_2011.pdf As of 16 January 2012.

tailoring, rug weaving, wool processing etc. For example, in 2003, Rangina Hamidi returned from the USA to fund and manage the company Kandahar Treasure, giving work to more than 370 women⁽¹³¹⁾ in *khamak*, one of the oldest and purest forms of embroidery in the world⁽¹³²⁾.

The Fundación ARZU is another significant programme⁽¹³³⁾ (hope in *Dari*), providing women in Bamyán and Faryab provinces who weave rugs and their families with some fixed income and better access to education and health care. ARZU visits villages and negotiates with local leaders and the heads of each household, offering to pay weavers the market price plus a 50% bonus, if the work is high quality. In exchange, the families must agree to send all their male and female children aged under 15 to school, freeing women to go to the literacy classes organised by ARZU since 2004. Women must receive prenatal and postnatal care and give birth in a clinic or receive assistance from one of ARZU's midwives⁽¹³⁴⁾.

Microfinance, the main source of credit for many Afghans, has been an important instrument in the most secure zones in the Centre, North and West. A high percentage of microfinance clients are women⁽¹³⁵⁾. The Finance Ministry's Microfinance Investment Support Facility for Afghanistan (MISFA) controls all the microfinance in Afghanistan, through a number of implementation partners. This sector has grown rapidly, with 230,195 active loan customers (67% of whom are women) having borrowed a total of 112 million dollars as of October 2011. Since the outset, 1.6 million loans have been granted, totalling one billion dollars. There are 3,191 Afghans working in these institutions, 40% of whom are women⁽¹³⁶⁾.

Development programmes to reduce poverty and improve the resources of families implemented by the United Nations Development Program (UNDP) in cooperation with the Rural Development and Rehabilitation Ministry have made a significant contribution to *empowerment* of women in villages and

⁽¹³¹⁾ Presentation by Rangina Hamidi at the conference on *Afghanistan. contradictions of the withdrawal*. Madrid: 31 January 2012.

⁽¹³²⁾ See <http://kandahartreasure.com/> As of 16 January 2012.

⁽¹³³⁾ ARZU website. See <http://www.arzustudiohope.org/content/arzu-story.aspx> As of 16 January 2012.

⁽¹³⁴⁾ CARTER, Carol. *ARZU Changes Lives of Afghan Rug Weavers*. Womenetics. 26 October 2011. See <http://www.womenetics.com/Social-Innovation/arzu-changes-lives-of-afghan-rug-weavers> *ARZU STUDIO HOPE - Empowering Afghan Women Through Innovative and Sustainable Job Training and Market Solutions*. See <http://www.changemakers.com/es/economicopportunity/entries/arzu-studio-hope-empowering-afghan-women-and-their-fami>. As of 16 January 2012.

⁽¹³⁵⁾ CORTRIGHT, David and PERSINGER, Sarah Smiles. *Afghan Women Speak*. p. 15, *op. cit.*

⁽¹³⁶⁾ Website of The Microfinance Investment Support Facility for Afghanistan (MISFA). See <http://www.misfa.org.af/?page=overview&lang=en#> As of 16 January 2012.

regions⁽¹³⁷⁾. The first of these was the National Solidarity Program (NSP), which focused on villages, whilst the National Area Base Development Program (NABDP⁽¹³⁸⁾) was based on the NSP, but replicated one level higher at district level.

Under this programme, facilitators help the people of the village to elect a Community Development Council (CDC) by secret ballot. Equal numbers of men and women must be elected; however, this is often difficult to achieve and sometimes requires the creation of separate subcommittees for men and women. The people elected receive training and discuss and agree upon the projects or work most needed by the community. At least one project per community must have been proposed by a woman. The Council manages and supervises the project, with the money going directly to the people bringing it to fruition. This works in a similar way at the district level, although here the Council is replaced by a District Development Assembly⁽¹³⁹⁾ (DDA), whose members are elected from among the councils, with two from each council, ideally one man and one woman.

This system has a number of advantages: all council and assembly members are elected democratically and the obligation to elect women has resulted in 37% of assembly members being women⁽¹⁴⁰⁾, with a similar number of women in the councils participating actively in decision making processes⁽¹⁴¹⁾. The procedure is very immune to corruption, with the councils and assemblies being non-official local government bodies. The NSP and NABDP are promoting female participation in community activities and increasing the respect in which they are held⁽¹⁴²⁾. This demonstrates that, even in a difficult and complicated environment, such as Afghanistan, progress can be made if the instruments and procedures are chosen well.

⁽¹³⁷⁾ CORTRIGHT, David and PERSINGER, Sarah Smiles. *Afghan Women Speak*. p. 15, *op. cit.*

⁽¹³⁸⁾ UNDP. National Area Base Development Program. Phase 3: 2009-2014. See <http://www.undp.org.af/Projects/Report2011/nabdp/Project-NABDP-May2011-factsheet.pdf> As of 28 January 2012.

⁽¹³⁹⁾ 96% of districts have a DDA.

⁽¹⁴⁰⁾ In reality, this is a very high number, as it is very difficult for a woman to have the time and resources to travel to the district capital. UNAMA *Making Their Voices Heard*. 24 May 2011. See <http://unama.unmissions.org/Default.aspx?ctl=Details&tabid=1783&mid=1882&ItemID=13703> As of 17 January 2012.

⁽¹⁴¹⁾ AZARBAIJANI-MOGHADDAM, Sippi. *A Study of Gender Equity through the National Solidarity Programme's Community Development Councils*. Final Report. May 2010. See [http://www.nspafghanistan.org/Files/NSP Gender Study Report.pdf](http://www.nspafghanistan.org/Files/NSP%20Gender%20Study%20Report.pdf) As of 1 February 2012.

⁽¹⁴²⁾ World Bank. *Independent Impact Evaluation: National Solidarity Program Enhances Local Governance and Increases Involvement of Women*. 8 May 2010. See <http://www.worldbank.org.af/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/AFGHANISTANEXTN/0,,contentMDK:22573708~menuPK:305990~pagePK:2865066~piPK:2865079~theSitePK:305985,00.html> As of 16 January 2012.

■ Access to education for women

In 2001, girls were not permitted to go to school, with fewer than one million children enrolled. The number of students has multiplied eightfold and there are now over 7.3 million students, 38% of them girls⁽¹⁴³⁾.

This is without doubt one of the major success stories in Afghanistan, a country where 50% of the population is under 15 years old. In 2010, 68% of the population rated the availability of education for children as good or very good⁽¹⁴⁴⁾. ISAF and the international community are aware of the value of education in achieving a stable and sustainable country.

Many donors and organisations have contributed to this success story and must be highly satisfied with the results. However, there is still much to do. Demand for school places is increasing at 700,000 per year; almost half of all children and adolescents (over 60% of girls) are not in school and there are huge disparities between boys and girls, between provinces and between urban and rural areas⁽¹⁴⁵⁾. Education is totally dependent on foreign aid. On average, adults aged over 25 have only had 3.3 years of schooling⁽¹⁴⁶⁾. And the quality of education continues to be limited. Investment has mainly focused on primary education, where the percentage of girls is higher. However, this percentage falls sharply in secondary education, due to girls being married, their limited mobility, the lower value placed on female education in rural areas and shortages of female teachers, who are not attracted by working in the poorest rural areas⁽¹⁴⁷⁾.

It is obvious that educating girls produces numerous public and private benefits: girls marry later and have fewer, but healthier, children; maternal and child mortality decreases, boosting female participation in the world of work⁽¹⁴⁸⁾.

⁽¹⁴³⁾ Ministry of Education of GIROA. *EFA Global Monitoring Report 2011*. May 2011. pp. 1-2. See http://english.moe.gov.af/attachments/077_GMR_ResponseV_English.pdf As of 17 January 2012.

⁽¹⁴⁴⁾ The Asia Foundation. *A Survey of the Afghan People*. October 2010, p. 61. See <http://asiafoundation.org/resources/pdfs/Afghanistanin2010survey.pdf> As of 22 January 2012.

⁽¹⁴⁵⁾ World Bank, press release, *New ARTF Grant Aims at Further Improving Education Quality and Infrastructure*. See <http://www.worldbank.org.af/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/AFGHANISTANEXTN/0,,contentMDK:22968400~menuPK:305990~pagePK:2865066~piPK:2865079~theSitePK:305985,00.html> As of 18 January 2012.

⁽¹⁴⁶⁾ UNDP. International Human Development Indicators. Afghanistan. See <http://hdrstats.undp.org/en/countries/profiles/AFG.html> As of 18 January 2012.

⁽¹⁴⁷⁾ JACKSON, Ashley. Joint NGO Briefing Paper. *High Stakes. Girl's Education in Afghanistan*. 24 February 2011. Various chapters. See <http://www.oxfam.org.uk/resources/policy/education/downloads/bp-high-stakes-girls-education-afghanistan-240211-en.pdf> As of 18 January 2012.

⁽¹⁴⁸⁾ CORTRIGHT, David and PERSINGER, Sarah Smiles. *Afghan Women Speak*. p. 13, *op. cit.*

The extension of education to secondary level reduces domestic violence and increases income *per capita*⁽¹⁴⁹⁾.

It is noteworthy that 71.8% of girls who are receiving education wish to continue, with 64.1% wanting to go to university, and that 50.8% of parents share these views. 47% of education centres lack sufficient facilities, a percentage which is much worse in rural areas⁽¹⁵⁰⁾. The biggest obstacles to education for girls, limiting the length of their education, are social and economic. Poverty (the largest obstacle, 41.2%) and early matrimony for girls (the second largest obstacle, 39.4%) often combine, with destructive results⁽¹⁵¹⁾.

Other problems include shortages of female teachers, with the added problem that 80% of these are in urban areas, where just 25% of girls live⁽¹⁵²⁾ and the lack of education centres reasonably close by. This distance, together with attending mixed classes and interaction with male teachers, increases the problem as girls approach adolescence⁽¹⁵³⁾.

The decision on whether to send girls to school depends on a complex combination of these factors, which vary depending on the province, district and even family. Social pressures and traditions have a major influence on these decisions and it is not enough to improve just some of these factors⁽¹⁵⁴⁾.

An initiative has been launched for communities without schools (usually located in the most remote and disadvantaged areas), based on identifying and training male and female volunteers who have received an education to work as local public teachers⁽¹⁵⁵⁾.

The Ministry of Education has 98 teacher training institutes in the 32 provinces, with 26,000 students, 16% of which are women⁽¹⁵⁶⁾. There are 19 public universities and some private universities, with 78,000 students, 19.4% of whom are female. University education provides the highest return on investment⁽¹⁵⁷⁾, and is of critical importance in a country that has lost its best

⁽¹⁴⁹⁾ JACKSON, Ashley. Joint NGO Briefing Paper. *High Stakes. Girl's Education in Afghanistan*. 24 February 2011, p. 7, *op. cit.*

⁽¹⁵⁰⁾ *Ibid*, pp. 10-19.

⁽¹⁵¹⁾ *Ibid*, p. 5.

⁽¹⁵²⁾ *Ibid*, p. 21.

⁽¹⁵³⁾ *Ibid*, p. 14.

⁽¹⁵⁴⁾ *Ibid*, pp. 5-16.

⁽¹⁵⁵⁾ PACKER Steve, *et. al. Afghanistan Education Sector Analysis 2010*. "Chapter 11: Community Based Education". Adam Smith International. June 2010, p. 72-75.

⁽¹⁵⁶⁾ Ministry of Education of GIRoA. *EFA Global Monitoring Report 2011*. May 2011, p. 2, *op. cit.*

⁽¹⁵⁷⁾ Ministry of Higher Education. *National Higher Education Strategic Plan 2010-2014*. http://planipolis.iiep.unesco.org/upload/Afghanistan/Afghanistan_HESP_2010-2014.pdf

educated citizens to emigration. In 2010, over 500,000 (58% women) adults attended 21,000 literacy courses⁽¹⁵⁸⁾.

- *Development*

Foreign aid and projects to improve education will continue and focus on resolving the problems mentioned.

The Ministry of Education wants to increase the number of students, particularly girls, and keep them in education afterwards. To this end, it is seeking to employ more male and female teachers in urban centres and offer them incentives to relocate to rural areas, to improve the training of teachers in the provinces and districts and to campaign to promote education for girls⁽¹⁵⁹⁾.

For example, the World Bank announced a package of measures valued at 50 million dollars in July 2011 to increase access to education, particularly for girls. The objectives of this were: to foster learning environments in an additional 2,413 schools, to refurbish and build over 764 school buildings in participation with the community and to improve teacher training and the skills of 100,000 teachers - particularly female teachers - with 3,500 grants for women trainee teachers⁽¹⁶⁰⁾.

The USA is by a long way the largest education donor, working closely with the Ministry of Education and other donors to implement the National Education Strategic Plan For Afghanistan 2010-2014⁽¹⁶¹⁾, with funding of the Ministry of Education budget. By June 2011, it had been involved in providing special training courses to 53,000 teachers (31% women), education for around 104,000 students (68% women) in communities with no school and printing of text and other books⁽¹⁶²⁾.

■ Access to healthcare for women

Decades of war and destruction have led to huge shortages of qualified medical personnel, equipment, health facilities and pharmaceutical products. Women have suffered the worst of this and local traditions have only exacerbated the situation, as these limit medical care to that provided by female medical staff. Under the Taliban, women doctors were allowed to practise, although women were barred from receiving education, hence the

⁽¹⁵⁸⁾ Ministry of Education of GIROA. *EFA Global Monitoring Report 2011*. Page 2, *op. cit.*

⁽¹⁵⁹⁾ *Ibid*, p. 2.

⁽¹⁶⁰⁾ World Bank, press release, *New ARTF Grant Aims at Further Improving Education Quality and Infrastructure*. *Op. cit.*

⁽¹⁶¹⁾ Ministry of Education of the Islamic Republic of Afghanistan. *National Education Strategic Plan for Afghanistan* (1389-1393/2010-2014).

⁽¹⁶²⁾ USAID. *Fact Sheet June 2011*. See <http://afghanistan.usaid.gov/en/programs/education#Tab=Description> As of 12 January 2012.

current shortage of female medical staff. Another factor is that decisions about providing medical care for women are often taken by the husband and his father (who usually consults the mother-in-law); out of ignorance, they often oppose women giving birth in health centres, which are both expensive and often a long way away⁽¹⁶³⁾. As a result of the limited mobility of women -as both patients and medical service providers - Afghanistan has very high maternal and child mortality rates.

Provision of medical services is important for the operation as this is one of the few interactions between Afghans and their government, as well as providing a source of stability and legitimacy for the Government. Improving the health of mothers saves lives and is an excellent resource for improving quality of life for all Afghans.

Healthcare personnel, particularly women, are in very short supply. The Ministry of Public Health states that there were only 6,158 doctors in the whole of Afghanistan in September 2011, of whom 1,272 were women (26%), and 4,987 nurses, of whom 766 were women (18.1%), in addition to 2,596 community midwives and birth attendants⁽¹⁶⁴⁾.

Vaccination campaigns for measles, diphtheria, hepatitis and tetanus have reached 96% of the population and there is no discrimination between boys and girls aged under 5. 50% of health centres have no female staff, as salaries of 200 to 400 dollars make it difficult to attract qualified medical personnel to rural areas⁽¹⁶⁵⁾.

There were a total of 12,065 health centres in Afghanistan in 2011. From least to highest capacity, there were: 10,277 health posts, 468 health sub-centres, 807 basic health centres, 388 comprehensive health centres, 67 district hospitals, 29 provincial hospitals, 5 regional hospitals and 24 national hospitals⁽¹⁶⁶⁾.

- *Development*

Health service provision has been based on what is known as the Basic Package of Health Services (BPHS), agreed in 2003 by the Afghan Government and the three main donors (USAID, the European Union and the World Bank). The BPHS is the largest programme in both financial and human terms, accounting for 80% of all donor contributions to the Ministry of Public Health, with a network of associated bodies for implementation and supervision. It has been

⁽¹⁶³⁾ COLEMAN, Isobel, *et. al. Maternal Health in Afghanistan Improving Health and Strengthening Society*. The Council on Foreign Relations. September 2011, p. 3.

⁽¹⁶⁴⁾ The author's conversation with the head of the Ministry of Public Health's Gender Unit. 17 September 2011.

⁽¹⁶⁵⁾ *Ibid.*

⁽¹⁶⁶⁾ *Afghanistan Mortality Survey 2010*. p. 7, *op. cit.*

implemented in 34 provinces continuously since 2003. It was most recently updated in 2010⁽¹⁶⁷⁾.

The BPHS sets out in detail the objectives for specific health services agreed by the parties (GIRoA and donors) that finance its implementation. The health of mothers and new-born babies is the first of several elements in the BPHS, setting out in detail all the services to be provided in each type of healthcare centre in terms of: "antenatal, delivery and postpartum care, newborn care and family planning". The other six elements of the BPHS are: "Child health and immunisation, public nutrition, treatment and control of communicable diseases, mental health, disability and physical rehabilitation and regular supply of essential drugs"⁽¹⁶⁸⁾.

Following eight years experience implementing the BPHS, in 2011 there was increasing frustration at the high rates of maternal and child mortality, which did not seem to be improving despite the efforts and investments of the donors. However, following a lengthy preparation period, the *Afghanistan Mortality Survey 2010* (AMS 2010)⁽¹⁶⁹⁾ was published on 27 November 2011. This is an exhaustive and thorough report based on in-depth research by Afghan and international agencies, which found highly significant improvements. As this was so important, the most significant findings are shown in Table 5-1, together with the Millennium Goals for 2015 and 2020 (Table 5-1).

This report shows that the international community's efforts have not been in vain, providing a major fillip to continuing efforts. Life expectancy has increased by 19 years for women, to a level only 2 years below the global average in 2009⁽¹⁷⁰⁾. The fertility rate has fallen considerably, but remains very high (5.1).

Table 5-1. Health indicators in the AMS 2010, compared to the Millennium Development Goals for 2015 (MDG 2015) and 2020 (MDG 2020).

Health indicator	Previous (year)	AMS 2010	MDG 2015 ³	MDG 2020 ⁴
Life expectancy at birth, men	47 (2003)	63.6		
Life expectancy at birth, women	45 (2003)	64.2		

⁽¹⁶⁷⁾ Islamic Republic of Afghanistan. Ministry of Public Health. *A Basic Package of Health Services for Afghanistan – 2010/1389*. Revised July 2010.

⁽¹⁶⁸⁾ *Ibid*. The entire document explains these provisions in detail.

⁽¹⁶⁹⁾ Afghan Public Health Institute Ministry of Public Health Afghanistan, *et. al. Afghanistan Mortality Survey 2010*. November 2011. <http://measuredhs.com/pubs/pdf/FR248/FR248.pdf> As of 18 January 2012.

⁽¹⁷⁰⁾ World Health Organisation. See <http://apps.who.int/ghodata/?vid=710>. As of 18 January 2012.

Health indicator	Previous (year)	AMS 2010	MDG 2015 ³	MDG 2020 ⁴
Maternal mortality per 100,000 births	1,600 (2002)	500	800	400
Infant mortality (1. st year of life) per 1,000 live births	129 (2006)	77	70	46
Mortality of children aged under 5 per 1,000 live births	191 (2006)	97	115	76
Prenatal care (%)	32.3 (2006)	60	25	50
Care during childbirth (%)	18.9 (2006)	34	50	75
Overall fertility rate per woman	7.2 (2008)	5.1	4.7	3.1

⁽³⁾ Millennium Development Goals. Islamic Republic of Afghanistan. Vision 2020. Annual Progress Report 2008. pp. 15-17.

⁽⁴⁾ Ibid

The major decreases in maternal and child mortality rates, together with the increase in prenatal care and care during birth, have been major steps forward for public health, bringing Afghanistan closer to achieving Millennium Development Goals 4 and 5. Afghanistan has already achieved the 2015 mortality goals for mothers and children under 5.

Future challenges should focus above all on providing existing healthcare centres with equipment that can be maintained by Afghans and qualified personnel. The number of healthcare centres is already very high, with a health sub-centre within two hours walk of the majority of the rural population⁽¹⁷¹⁾. Therefore, extending coverage should focus on providing transport, whilst continuing to provide existing centres with staff and equipment.

It is also noteworthy that private health is developing rapidly and increasingly taking responsibility for provision of healthcare services⁽¹⁷²⁾.

■ FINAL COMMENTS

Gender has been integrated into operations as part of the human terrain - "the decisive terrain in counterinsurgency operations" - and will no doubt be essential in future conflicts. For this reason it is gradually being incorporated into the preparation of military forces. There are a number of international courses, such as those organised jointly by Spain and the Netherlands or by Sweden, and there are also a number of national courses.

⁽¹⁷¹⁾ Islamic Republic of Afghanistan. Ministry of Public Health. *A Basic Package of Health Services for Afghanistan – 2010/1389*. p. 3, *op. cit.*

⁽¹⁷²⁾ USAID. *Afghanistan Private Sector Health Survey*. May 2009. See <http://resources.ghtechproject.net/content/afghanistan-private-sector-health-survey> As of 22 January 2012.

The ISAF is working intensively in many areas of gender to help achieve its mission more effectively, working in close coordination with all other parties involved, with the huge volume of international aid being of great importance. Unquestionable progress has been made and the ISAF is very satisfied with the contribution of the achievements made to the success of the operation.

All members of the ISAF General Staff - not just the gender advisors - are responsible for ensuring that all planned activities consider gender questions. The most important aspect in this regard is the involvement of the commander and ensuring they take responsibility for results relating to gender.

The future for gender in Afghanistan will depend on which of the two currently competing models of society finally wins out: the first, the society wanted by civil society and Afghan women's organisations, with the support of the international community and ISAF, seeking a fair society in which the rights of women are respected; or the second, as proposed by the Taliban, the Mujahedeen and ancestral traditions, where women remain at home and are totally submissive to their father, husband and, later, their male children. Without international support, Afghanistan would quickly return to the latter model.

No society will accept a radical change of customs imposed from outside. Progress in legislation on human and women's rights approved by the GIROA and the Parliament has to a large extent, been due to pressure from Afghanistan's civil society, including women's groups such as the Afghan Women's Network (AWN), with substantial support from the international community and the donors. In future, progress on the first model must always be achieved with the support of the official policies of the GIROA and the "initiatives of civil society and Afghan women", so that its advantages are appreciated by the public, minimising resentment or resistance from sectors supporting the second model. Afghanistan's history has several examples of significant regression following progress that was too rapid.

The hoped-for evolution will take time and requires unequivocal commitment from leaders, increased Government legitimacy and improved governance. The international community has announced that it will continue providing financial support for progress in education, health, economic development and justice.

One of the most immediate and most widely advertised risks is the talks with the Taliban on their potential *reconciliation and reintegration*, in which women's rights must not be sacrificed to obtain peace. The opposite is the case. The huge potential of Afghan women must be exploited, supporting the AWN initiatives described above at the end of the section on women's access to justice.

The most important medium and long-term factor is changing the attitudes and improving the training of Afghan leaders, particularly at the highest levels. Education and economic and social development are essential factors in this very necessary transformation, but this will take time, and it is still too early to expect future generations to provide a new way of doing politics.

Meanwhile, current efforts must continue, with the objective of helping to maintain and improve progress in women's rights (and those of all Afghans) following the current redeployment of ISAF forces.

■ ACRONYM LIST

AAN	Afghanistan Analyst Network
AIHRC	Afghanistan Independent Human Rights Commission.
AMS 2010	Afghanistan Mortality Survey 2010.
ANA	Afghan National Army.
ANDS	Afghanistan National Development Strategy.
ANP	Afghan National Police.
ANSF	Afghan National Security Forces.
ASDHA	Asociación para los Derechos Humanos en Afganistán (Association for Human Rights in Afghanistan)
ASGP	Ambassador's Small Grants Program
AWEC	Afghan Women's Education Center
AWN	Afghan Women's Network
BPHS	Basic Package of Health Services.
CDC	Community Development Councils.
IC	international community
COIN	Counter-Insurgency
DDA	District Development Assemblies.
DoWA	Department of Women Affairs.
EUPOL	European Union Police Mission in Afghanistan.
EVAW	Elimination of Violence against Women Law.
FET	Female Engagement Teams.

FoM	Freedom of Movement.
FRU	Family Response Units.
GA	Gender Advisors.
GIRoA	Government of the Islamic Republic of Afghanistan.
IED	Improvised Explosive Devices.
IJC	ISAF Joint Command.
ISAF	International Stability Assistance Force.
KAIA	Kabul International Airport.
MoD	Ministry of Defence
MoE	Ministry of Education
MoI	Ministry of the Interior
MoPH	Ministry of Public Health
MoWA	Ministry of Women Affairs
NABDP	National Area Base Development Program.
NAPWA	National Action Plan for the Women of Afghanistan.
NPP	National Priority Programme.
NSP	National Solidarity Program.
NTM-A	NATO Training Mission Afghanistan.
OHCHR	Office of the High Commissioner for Human Rights.
PRT	Provincial Reconstruction Team.
RC	Regional Commands (Capital, North, East, South, Southwest, West)
TF	Task Forces.
UN Women	UN Women.
UNAMA	United Nations Assistance Mission in Afghanistan.
UNDP	United Nations Development Program.
UNIFEM	United Nations Development Fund for Women.
UNSCR	United Nations Security Council Resolution.
USAID	US Agency for International Development
