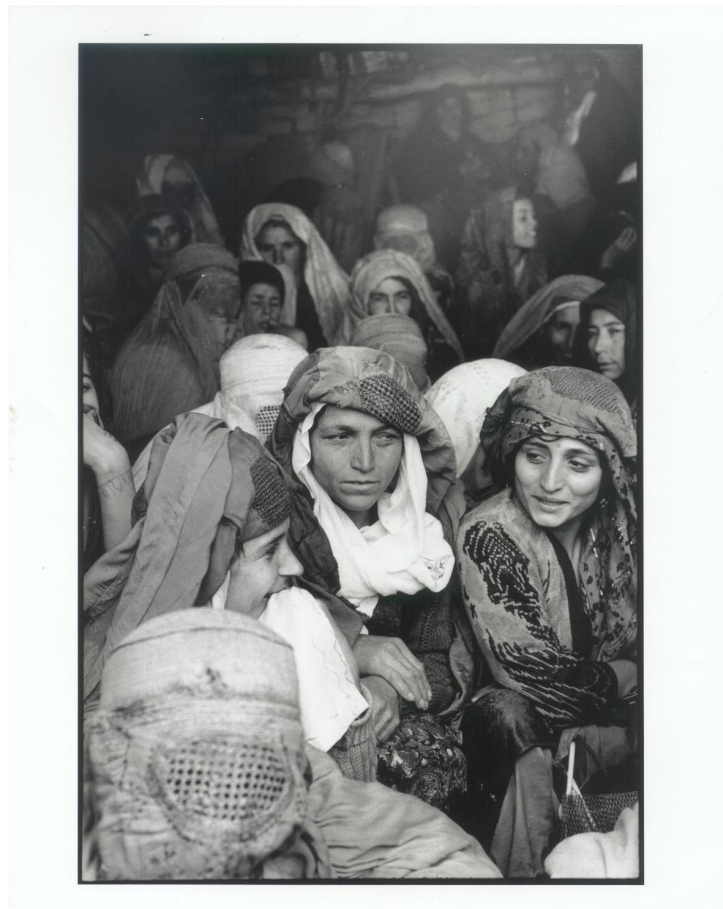




Taking Stock Update: Afghan Women and Girls Five Years On



WOMANKIND Worldwide
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Taking Stock: Afghan Women and Girls Five Years On

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About WOMANKIND Worldwide:

WOMANKIND Worldwide is an international women's rights and development charity working in partnership with organisations around the world.

Our aim is to enable women in developing countries to voice their concerns and claim their rights and to work globally for policies and practices which promote equality between men and women.

The main focus of our work is to:

- Advance women's status and wellbeing, through increasing their political and civil participation
- Reduce violence against women
- Inform and influence policy and practice at local, national, regional and international levels.

WOMANKIND Worldwide's work in Afghanistan:

WOMANKIND Worldwide has been working on women's issues in Afghanistan since 2003, following the events of September 11th 2001, the subsequent war in Afghanistan and a sense of the urgent need to address women's human rights at the first stage of the reconstruction process. We currently provide technical and financial support to three partner organisations in the country including the Afghan Women's Network (AWN), the Afghan Women's Resource Centre (AWRC) and the Afghan Women's Educational Centre (AWEC). We focus on promoting women's equal participation in governance, building awareness among civil society and policy makers of women's human rights, as well as providing educational, health, community and psycho-social support to those women affected by violence and conflict.

For more information about the work of our partners, please visit

<http://www.womankind.org.uk/afghanistan.html>

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“The fact that a climate of impunity reigns throughout Afghanistan regarding the violence of the past encourages violence in the present. In this vein, scant progress has been made in holding individual perpetrators of war crimes and crimes against humanity, including gender crimes, accountable for their actions. Nor have there been effective challenges to many of the structural and systemic factors that conspired to create a framework of collective gender apartheid. The reality of life for Afghan women remains one of segregation and struggle within a climate of fear.”¹

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¹ Mark A. Drumbl, p. 1, “Rights, Culture, and Crime: The Role of Rule of Law for the Women of Afghanistan”, Vol. 42, No. 2, Columbia Journal of Transnational Law, 2004.

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Acronyms

AIHRC	Afghan Independent Human Rights Commission
ANDS	Afghanistan National Development Strategy
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLJ	Constitutional Loya Jirga
CRC	Convention on the Rights of the Child
DFID	UK Department for International Development
DoWA	Department of Women's Affairs (provincial MoWA units)
IDP	Internally Displaced Person
INGO	International Non-Governmental Organisation
MoWA	Ministry of Women's Affairs
NGO	Non-Governmental Organisation
PRT	Provincial Reconstruction Teams
UNIFEM	United Nations Fund for Women
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund

The citizens of Afghanistan -- whether man or woman -- have equal rights and duties before the law²

SUMMARY

This research shows that five years after the fall of the Taliban regime the gains made on paper for women and girls are not matched in reality when you look at what is happening on the ground. It is continuing the work started in “Taking Stock: Afghan Women and Girls Six Months On”, published in July 2002, and “Taking Stock: Afghan Women and Girls Sixteen Months On”, published in April 2003. Set in a table format around key women’s rights issues, this balance sheet draws together a wide range of research and anecdotal evidence collected from national and international sources. In doing so, *‘Taking Stock: Afghan Women and Girls Five Years On’* not only aims to provide a resource for agencies working on women’s rights in Afghanistan, but also hopes to raise awareness of the current situation and as such call the International Community to urgent action.

Background

It has been five years since the fall of the Taliban government in late 2001 and the re-opening of Afghanistan to the international community. The treatment of women under the Taliban was suddenly catapulted to the front pages of newspapers throughout the world and the status of Afghan women became a cause célèbre overnight among the media and Western governments alike. A large ex-patriot community descended upon Kabul, as embassies, multilateral organizations, and international NGOs opened offices, many launching programmes designed to benefit Afghan women. US Coalition troops moved into Southern Afghanistan with the intention of weeding out remnants of the Taliban and NATO countries contributed thousands of troops to form the International Security Assistance Force in Kabul, gradually moving out into the provinces through the deployment of Provincial Reconstruction Teams (PRTs).

In 2001, a window of opportunity had swung wide open for the international community to turn Afghanistan around and enable foundations to be laid for a lasting peace in this country which had endured nearly a quarter century of violent conflict. In particular, women’s rights were at the fore of discussions around a new Afghanistan, as the Bonn Agreement was coming together in December 2001. Since then, 102 women delegates participated in the Constitutional Loya Jirga of December 2003 where a new Constitution was debated over and approved, granting Afghan women equality with men (Article 22). One year later, presidential elections were held, in the country’s first ever direct election. In 2005, Afghanistan’s new parliament was formed, with a 25% quota exceeded by women MPs. Using the provisions of the Bonn Agreement as benchmarks, it would appear that progress has steadily been made, and women are occupying central roles in the country’s political life. In reality; however, ‘paper rights’ have not equalled rights in *practice*.

Balance of changes

An important measurement of progress in Afghanistan is Security Council Resolution 1325 on Women, Peace and Security. The Resolution calls for the participation of women in

² Article 22, Chapter II, Constitution of Afghanistan (2004).

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decision-making in peace processes at the national, regional and international levels, and for “measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary” (#8). While such guarantees have made their way into key peace building processes since 2001, including loya jirgas and elections, they have not translated into real change for the millions of Afghan women and girls who continue to face systematic discrimination and violence in their households and communities.

In fact, some forms of violence against women, such as honour killings, have been on the rise; while security for women living in many provinces is worse now than it was in 2001. The last two years have witnessed the murders of women aid workers, attacks on women elections workers, the continuation of severe forms of domestic abuse, trafficking and prostitution of women, an astronomical rise in cases of self-immolation, high rates of child marriage, the kidnapping of young women, and minimal protection from rape and assault. The education sector currently faces an unprecedented and unrelenting assault, with attacks by the Taliban and groups associated with Gulbuddin Hekmatyar carried out regularly. The true scale of violence experienced by women has not been reported in the Western media, precisely at a time when interest (and therefore funding) in Afghanistan is beginning to steadily dissipate.

Five years down the road, the rhetoric of gender equality and the apparent interest in women’s issues in Afghanistan among the international community and with donors is not reflected in the realities of ordinary women. Programming has been marred by short-term perspectives, inappropriate projects for the Afghan context, and ‘workshop fever’ oriented at Afghan women leaders. The Ministry of Women’s Affairs operates at low capacity and with minimal influence on government policy. Most critically, the practical needs of women and girls remain unmet as basic services—such as access to clean water, education, healthcare and livelihoods—remain at bay. The women activists interviewed for this report expressed deep frustration at the little voice they had in setting the aid and reconstruction agenda in their country. Insecurity remains the overwhelming challenge characterizing all aspects of daily life for Afghan women. Alongside insecurity is grinding poverty, the two perpetuating each other.

The failure of the realization of international standards of human rights for Afghan women, at its root, is about the lack of rule of law in Afghanistan. There are few places in Afghanistan where women enjoy the protection of the law. Customary law, well entrenched as the de facto legal system after the absence of a legitimate, functioning state since the beginning of hostilities in the 1970s, rules without any semblance of women’s rights and little challenge from the central government in Kabul.

Until fundamental, basic rights are granted to Afghan women in practice as on paper, it cannot be said that the status of Afghan women has changed significantly in the last five years, and therefore, that the objectives set in 2001 have been met.

No peace process, in Afghanistan or elsewhere, stands a chance at success without the full participation of women. It is imperative that the media, donor governments, international organizations and the Afghan government acknowledge the lack of progress in the domain

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of women's rights and immediately take action in key areas (education, legal system, security services, healthcare, and livelihoods) to transform paper rights to *rights in practice*.

Conclusion

Whilst there have been some legal, civil and constitutional gains for women in Afghanistan over the last five years, there remains a great number of serious challenges to women's safety and protection; realisation of civil and political rights; and social and economic status that need to be urgently addressed.

Key recommendations to protect women, provide security, end impunity and raise awareness should be implemented without delay to stop the current levels of violence against women. In addition, women's representation in civil society and politics should be supported and women's existing civil rights protected within Afghanistan.

On the sixth anniversary of UN Security Council Resolution 1325, it is absolutely crucial that more is done by the International Community to ensure that they fulfil their obligations to protect and empower the women and girls of Afghanistan.

I urge both the Afghan authorities and the international community to recognize that sacrificing respect for human rights, in particular women's rights, to the claims of stability not only falls short of the United Nations' founding principles, but is also politically short-sighted.¹

RECOMMENDATIONS

Based on the findings of this research, we call upon Donor Governments and the International Community to:

➤ **Protect the Women and Girls of Afghanistan:**

- Prioritize the building and maintenance of women's shelters, rehabilitation, trauma counselling and livelihood training programmes for women and girls escaping violence;
- Support rehabilitation and rescue services (including shelters, a hotline, and research initiatives) for victims and women at risk of trafficking and prostitution. Ensure that all the above-mentioned such programmes include budget line items for guards and other security measures for the premises;
- Fund training programmes to professionalize the security sector in Afghanistan, including sensitivity and investigations training for responding to reports of sexual violence, and support the recruitment of female police officers;
- Address the rampant impunity for gender-based violence by supporting measures which push through the implementation of existing laws intended to protect women, including provisions of the Afghan Constitution, the Family Law Code and International law which Afghanistan is signatory to, such as CEDAW. In particular, provide training programmes for judges of family law courts in sensitization around sexual violence and in international standards of women's human rights;

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- Shift the overall strategy in Afghanistan to a ‘war on poverty’ approach from the current ‘war on terror’ approach. Re-assess and re-balance the amount of donor funds spent on military as opposed to development and poverty relief;
- **Support Women in Civil Society and Politics:**
 - Allocate a higher proportion of donor funds to go directly to competent Afghan women’s organisations for service provision, rather than through intermediary foreign organisations and international financial institutions. This reduces overhead costs, builds the capacity and experience of local civil society, and ensures projects are being designed and implemented by local organisations which have a much-needed understanding of Afghan culture, religious expectations, and the political environment;
 - Fund projects which create access to cultural activities for women, such as libraries, museums and continuing education courses, as well as projects which increase women’s participation in recreational activities, such as sports, parks and gardens;
 - Provide specialists and technical assistance to women members of the Standing Committees of the Afghan National Assembly;
 - Plan and allocate funding to projects from a long-term perspective as much as possible, avoiding short project cycles and ensuring the sustainability of donor funds.
- **Ensure Women’s Civil Rights:**
 - Provide technical assistance to the relevant ministries and the court system to register female citizens, and to ensure births, marriages and divorces are systematically registered at the district level in all parts of the country. An awareness campaign for registration should be put into action to sensitize the public to the need to register births, marriages, divorces and deaths.
 - Support the independent Afghan media, including women journalists, to cover human rights and women’s rights issues candidly through training, technical assistance, capacity-building and funding;

We further call upon the UK Government to:

- **End Impunity:**
 - Push the Afghan government to propose for legislation of criminal laws with punishment for those complicit in arranging child marriages, and in the sexual abuse of minors. In the reform of the Family Law code, polygamous marriages should require court approval;
 - Urgently call upon, and support the Afghan government to immediately develop and implement a policy specifically designed to monitor, prevent, and respond to attacks on teachers, students and schoolsⁱⁱ;
 - Support the Afghan government to immediately enact an anti-trafficking law;
 - Allocate specific funding to the Afghan Ministry of the Interior to raise the salaries of men and women police officers, to reduce corruption and attract more recruits to the police academy, including incentives to attract more female recruits.

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➤ Support Women's Representation in Politics:

- Use diplomatic relations with the Afghan government to call for quotas for women to be introduced for the Standing Committees in Afghanistan's National Assembly;
- Sponsor study tours for Afghan women MPs in the U.K. and E.U. countries;

➤ Mainstream a Gendered Approach to Development:

- Reassess the UK's approach to curbing the drug trade in Afghanistan, including re-examining the tactic of poppy eradication, which has led to starvation, increased violence, and the vulnerability of women in many areas. Prioritize programmes, rather, which emphasize alternative livelihoods and replacement crops, and job training;

We call upon NATO/ISAF in Afghanistan to:

➤ Provide Security:

- Make the realization of basic human rights of ordinary Afghans a benchmark of success in the NATO-led mission in Afghanistan. In particular, prioritize protecting the education system in Afghanistan, focusing especially on the vulnerability of girls' schools in the South. In line with Human Rights Watch's recommendationⁱⁱⁱ, children's access to school, including girls' equal access, should be a critical benchmark in the success for the mission;
- Provide security for women members of parliament when they travel to and from their electoral districts and throughout the country as part of parliamentary activities;
- Provide security for legal aid clinics assisting women escaping violence and for women's shelters.

We call upon the International Media to:

➤ Raise Awareness

- Focus attention on the issue of trafficking of women and the use of girl children labourers in Afghanistan, recount the personal stories of victims of trafficking, and carry out investigative reporting into internal (within Afghanistan) and regional destinations' (Saudi Arabia, Pakistan and Iran) trafficking networks and markets;
- Expose the poverty and underdevelopment facing the vast majority of Afghans, particularly outside of major urban areas such as Kabul, and investigate the links between the lack of improvement in this regard and the growth of the current insurgency.

The obligations of states under international law are not limited to ensuring that their agents do not commit violations. In the case of Afghanistan, the state must take effective steps to prevent and punish such acts by non-state actors, for example abuses by a violent husband; or by an opposition group or by a parallel justice system that exerts informal authority within the community. The term non-state actors may also encompass armed political groups.³⁰

I. Violence Against Women

Legal Provisions ³	Improvements	Areas of Concern	Security Challenges
<p>a) Domestic Abuse</p> <p>Article 24, 54 (Ch. II) Constitution of Afghanistan</p> <p>Afghan Code of Civil Procedures 1976</p> <p>Afghan Law on the Organisation and Jurisdiction of the Courts, 1967</p> <p>UN Declaration on the Elimination of Violence against Women</p> <p>Afghanistan Compact, Section on Governance, Rule of Law and Human</p>	<ul style="list-style-type: none"> ▪ Reporting of Honour Crimes in Afghan media increasing slightly.^v ▪ Afghan Interior Ministry recently announced the creation of a special commission to address honour killings. ▪ The practice of documenting cases of violence against women is slowly beginning, with cases recorded by the Afghan Independent Human Rights Commission, MoWA and some NGOs. ▪ On June 6, 2005, an Inter-Ministerial Task Force to Eliminate Violence Against Women was established by presidential decree, after a long campaign by the Ministry of Women's Affairs and UNIFEM. ▪ A small number of international organisations have 	<ul style="list-style-type: none"> ▪ Violence against women, including physical, sexual and psychological, is pervasive within Afghan society, affecting an overwhelming majority of women and girls. The violence is usually committed by a direct family member, sometimes female family members (10% of cases), and consistently by someone the victim knows.^{vi} ▪ Honour crimes on the rise (47 documented murders in 2005 and 20 in 2006 to date^{vii}, with estimates of unreported cases as high as 5,000^{viii}), committed by male family members often with implicit support of community leaders.^{ix} ▪ Violence against women and honour crimes considered taboo subjects and thus not widely reported to police, AIHRC or other official bodies. ▪ There are insufficient international and local programmes addressing domestic violence. In particular, there are no known projects or programmes at all in Southern Afghanistan.^x 	<ul style="list-style-type: none"> ▪ Shelters for women escaping domestic abuse and other forms of violence non-existent in most provinces. Establishment and support of women's shelters a low priority among most donors. ▪ Police not trained to be sensitive to crimes of domestic abuse. Reporting domestic abuse to the police can often further endanger women.

³ See Appendix A: Links to Full Text of Relevant Laws Referred to in this Report

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Legal Provisions ³	Improvements	Areas of Concern	Security Challenges
<p>Rights (p.3 & Annex I, p.7 on Benchmarks)</p> <p>International Covenant on Civil and Political Rights Article 7</p>	<p>begun addressing the issue of domestic violence, including Global Rights, UNIFEM and WOMANKIND.</p> <ul style="list-style-type: none"> In 2005, the UN Special Rapporteur on Violence Against Women carried out a fact-finding mission to Afghanistan 		
<p>b) Violence in the Community</p> <p>Article 54, (Ch. II) Constitution of Afghanistan.</p> <p>Afghan Code of Civil Procedures 1976</p> <p>Afghan Criminal Code, 1976</p> <p>Afghan Law on the Organisation and Jurisdiction of the Courts, 1967</p> <p>UN Declaration on the Elimination of Violence against Women</p> <p>Convention on the Elimination of</p>	<p>In contrast to the state-sanctioned violence against women under the Taliban regime, laws officially exist to protect women and children from “harmful practices”. However, in reality these laws are rarely reflected in practice by the security sector or judiciary.</p>	<ul style="list-style-type: none"> In September 2006, Safia Amajian, the head of the Dept. of Woman’s Affairs (DoWA) in Kandahar, was shot by two men on a motorbike outside her home. <ul style="list-style-type: none"> At least one case documented of a woman stoned to death by the community. Amina, a 29-year-old, was stoned to death in Badakhshan province in May 2005. Murders of women aid workers continued in 2005. Three women raped and killed in Baghlan province in May 2005.^{xi} The courts are failing to protect women under Afghan and international law, and cases where the victim is a woman are unlikely to make it past resolution in a local jirga (tribal council) to a court. Jirga members and court officials generally accept harm to women as ‘punishment’ for actions viewed as crimes under customary law, such as infidelity or ‘zina’ (sex outside of marriage). 	<ul style="list-style-type: none"> Weak capacity, lack of training, insensitivity to women’s rights, and deeply entrenched norms of women’s subordination make the Afghan police a hindrance rather than help to Afghan women facing any form of violence. <ul style="list-style-type: none"> Women who work outside the home, particularly in the humanitarian field, are at particular risk with no mechanism of protection offered by the international community. Women have little to no protection from violence or the threat of violence in their communities. They can easily be sought out in other communities and cannot depend on the police for protection. Services offered by women’s organisations or MoWA for women at risk of violence or death in their communities are

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Legal Provisions ³	Improvements	Areas of Concern	Security Challenges
<p>Discrimination Against Women, Recommendation 19</p> <p>Afghanistan Compact, Section on Governance, Rule of Law and Human Rights (p.3 & Annex I, p.7 on Benchmarks)</p> <p>International Covenant on Civil and Political Rights, Article 6, #1, 7</p>			<p>unavailable in most areas.</p>
<p>c) Under-age Marriage and Forced Marriage</p> <p>Article 54, (Ch. II) Constitution of Afghanistan.</p> <p>Afghan Code of Civil Procedures 1976</p> <p>Afghan Law on the Organisation and Jurisdiction of the Courts, 1967</p>	<ul style="list-style-type: none"> ▪ Family law currently in place makes legal marriage age of girls 16, and boys 18, though this law is routinely violated. ▪ In 2005, the Afghan government included in one 3-month work plan the need to establish a registration process for marriages and divorces. No updates on progress were available at the time of writing. ▪ The Afghan Independent 	<ul style="list-style-type: none"> ▪ In Afghanistan, 70% of men and 85% of women are unaware of rights afforded to women in Islam.^{xiii} ▪ It is estimated that between 60 and 80% of all marriages in Afghanistan are forced.^{xiv} ▪ 57% of girls are married before the age of 16.^{xv} Some are married as young as 6 years old. Many girls, if not married, are betrothed without their consent and sometimes without their knowledge during childhood. ▪ Practice of “baad”, or exchange of girls or women in marriage as restitution for a crime, debt 	<ul style="list-style-type: none"> ▪ Economic insecurity, the lack of rule of law, and feuding between tribes and villages are perpetuating the practice of “baad” and forced marriages in general. ▪ Insecurity prevents travel to specialized courts. Currently, there is only one family court, in Kabul, which is inaccessible to most women. Threats and intimidation from family members or tribal councils prevent most women

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Legal Provisions ³	Improvements	Areas of Concern	Security Challenges
<p>UN Convention on the Rights of the Child (CRC)</p> <p>Afghanistan Compact, Section on Governance, Rule of Law and Human Rights (p.3 & Annex I, p.7 on Benchmarks)</p> <p>International Covenant on Civil and Political Rights Articles 8, 9, 23, 24</p>	<p>Human Rights Commission responded to the rise in self-immolations in Western Afghanistan by sponsoring research, hosting seminars and publishing findings on the problem in Herat, which engaged the medical community, lawyers, scholars and women’s organizations.</p> <ul style="list-style-type: none"> President Karzai has made public statements on several occasions condemning harmful traditions, such as “baad”, and violence against women.^{xii} Under the terms of the Bonn Agreement, Afghanistan’s family law, within the Civil Procedures, will be reformed. This will be an opportune period to ensure that progressive Muslim norms and international standards of women’s human rights are reflected in the reformed Family Law code, which can better protect Afghan women. 	<p>or dispute between households, communities or tribes remains widely practiced, particularly in Southern and Eastern Afghanistan. There is a lack of statistics on this practice and general impunity for those complicit in arranging such exchanges. District officials generally uphold “<i>badal</i>”, or the practice of exchange, as a legitimate way to resolve disputes. The lack of rule of law and strength of local power holders (e.g. warlords) also contribute to the prevalence of forced marriages of all kinds.</p> <ul style="list-style-type: none"> Couples who marry without the consent of their families are almost without exception caught and usually only the woman is jailed.^{xvi} Self-immolation cases rose dramatically since 2003, particularly in Western Afghanistan, largely as a result of abusive and forced marriages imposed on women. Bride-price, or <i>mahr</i>, is still widely exchanged in marriages making marriage in Afghanistan primarily an economic transaction.^{xvii} Under Afghan law, brides are entitled to <i>mahr</i>, or a payment from the family of the husband to the bride directly (consisting of money, property and/or valuable items). However, <i>mahr</i> is rarely paid to women and most women are not aware of their right to <i>mahr</i>.^{xviii} While Afghan law requires that there be family courts in each district, there is currently a single family court, in Kabul. A woman bringing a case to court, instead of settling it through a jirga (local council, consisting exclusively of men), is 	<p>from seeking justice through the court system in the first place.</p> <ul style="list-style-type: none"> Warlords exercise particular power over marriages. If a warlord identifies a girl as a marriage candidate, her family would not think of refusing on the basis of the girl’s right to choose, her being under-age or for any other reason, due to fear and intimidation. The more powerful a warlord is over a certain area, the less likely it is that women will enjoy any form of justice or security.

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Legal Provisions ³	Improvements	Areas of Concern	Security Challenges
		<p>considered to bring dishonour to the family. However, women's cases are rarely even brought before a jirga.^{xix}</p> <ul style="list-style-type: none"> ▪ During the last 20 years, few marriages are registered with the courts and women are never provided with a copy of the marriage certificate, if there is one. ▪ If an engagement is broken between a man and woman or girl and boy, the woman carries the stigma and takes on the same social status of a divorced woman, becoming virtually unmarriageable and financially destitute. ▪ Polygamy is one of the few options available to divorced women, who have low social status but still require a husband for financial dependence. Afghan law does not require court permission for a second, third or fourth marriage. 	
<p>d) Trafficking and Abduction</p> <p>UN Resolution on Eliminating Demand for Trafficked Women and Girls for All forms of Exploitation (2005)</p> <p>Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000)</p>	<ul style="list-style-type: none"> ▪ Some NGOs are operating shelters for trafficking victims, though no state services exist. ▪ A national anti-trafficking taskforce has been formed by the government, but is not known to be active at present despite the rise in trafficking since 2003. ▪ In 2005, the Afghan government cooperated with the Saudi Arabian government to repatriate Afghan children trafficked for forced begging^{xv}. ▪ Limited police training was 	<ul style="list-style-type: none"> ▪ Women and girls are trafficked internally within Afghanistan as well as to Iran, Pakistan, and Saudi Arabia for forced labour and commercial sexual exploitation^{xxi}. ▪ Rising rates of child labour, including girls, forced to work as beggars or in debt bondage in brick kiln and carpet-making industries. ▪ At least 150 cases of child trafficking documented in 2005^{xviii}. ▪ Many women sold into marriages and prostitution (sometimes both together, with the husband selling the wife's sexual services) within Afghanistan and into Iran, Pakistan and Saudi Arabia through organized trafficking networks. 	<ul style="list-style-type: none"> ▪ Trafficking in women is on the rise in Afghanistan due to the current state of insecurity, porous borders, economic insecurity, and lack of rule of law and legal services available to women at risk of trafficking. ▪ Low pay and tolerance for corruption among border guards facilitates trafficking in women.

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Legal Provisions ³	Improvements	Areas of Concern	Security Challenges
<p>UN Declaration on the Elimination of Violence against Women</p> <p>International Covenant on Civil and Political Rights Article 8</p>	<p>carried out on trafficking.</p> <ul style="list-style-type: none"> Limited information about some cases of missing children was disseminated through mosques and local media. 	<ul style="list-style-type: none"> Traffickers are rarely prosecuted and most cases dropped.^{xxiii} There has been no national public campaign about trafficking organised to date by either the government or any NGOs. 	
<p>e) Rape and Sexual Violence</p>			
<p>Article 54, (Ch. II) Constitution of Afghanistan.</p> <p>UN Declaration on the Elimination of Violence against Women</p> <p>Afghanistan Compact, Section on Governance, Rule of Law and Human Rights (p.3 & Annex I, p.7 on Benchmarks)</p> <p>United Nations Security Council Resolution 1325 on Women and Peace</p>	<ul style="list-style-type: none"> The UN Special Rapporteur on Violence Against Women, Its Causes and Consequences carried out a fact-finding mission to Afghanistan in 2005 and a full report released shortly thereafter with key recommendations for the Afghan government, the United Nations and bilateral donors.^{xxiv} The European Union made available funds in 2004 for local women's organisations to propose projects addressing violence against women. 	<ul style="list-style-type: none"> Sexual abuse is rampant within families, in both birth households and marriage households where child brides may be victimized by multiple family members. Sexual abuse and rape are taboo subjects within Afghan society, and as a result government officials are loathed to address the problem. Child marriage has led to higher rates of sexual abuse of girls by older males.^{xxv} Women who report rape to authorities further endanger themselves and risk being tried customarily and imprisoned for crimes of 'zina', or sexual intercourse outside of marriage even in the case of rape.^{xxvi} Sexual abuse is reported in custody and in women's prisons. A riot occurred in a detention centre in Herat in 2003 as a result of the abuse systematically experienced by women detainees.^{xxvii} High rates of rape reported among Hazara women in the Central Highlands of Afghanistan, carried out by factional commanders and 	<ul style="list-style-type: none"> Sexual violence in Afghanistan is often perpetrated by men affiliated with private militia factions under the authority of warlords. The impunity warlords enjoy and the fear they exercise over communities in the regions they control greatly exacerbates the occurrence of sexual violence and the extremely low rate of reporting rape as a crime, and subsequently, prosecutions. Rape and sexual violence are also used as acts to punish or retaliate against other ethnic groups, using women as the symbol of a group's honour. Insecurity increases women's vulnerability to sexual violence and the threat decreases their mobility, economic activities and participation in public life.

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Legal Provisions ³	Improvements	Areas of Concern	Security Challenges
and Security International Covenant on Civil and Political Rights, Article 6, #1, 7		<p>affiliates. At least 50 Hazara families have fled to Kabul as a result of the threat of rape against female family members in this region.^{xxviii}</p> <ul style="list-style-type: none"> ▪ Rape has been used against Pashtun women as a weapon of ethnic reprisals after the fall of the (Pashtun-dominated) Taliban regime, particularly in Northern Afghanistan.^{xxix} ▪ There is a general lack of responsive programming for victims of sexual violence, such as trauma counselling and medical treatment. 	

I also believe that just having rights on a piece of paper doesn't guarantee anything. We have to make sure that laws are implemented. What's the use of laws if the courts refuse to implement them?^{xxx}

II. Women's Civil and Political Rights

Legal Provisions	Improvements	Areas of Concern	Security Challenges
a) Women and Public Space Article 47 (Ch. II) on Culture, Constitution of Afghanistan International Covenant on Economic, Social and Cultural Rights Articles 2, 3, 15	<ul style="list-style-type: none"> ▪ Some INGOs and Afghan NGOs are supporting activities which expand public space open to women (e.g. weekly cultural activities in Kabul open to women hosted by the Foundation for Culture and Civil Society, a women's resource centre in Kandahar operated by Afghans for Civil Society, Aga Khan Development Network support to rehabilitation of 	<ul style="list-style-type: none"> ▪ Few public spaces exist for women outside of the home and market. Few recreational activities are accessible to women (sports, parks, organised social activities). This is a result of both restrictive social norms as well as insecurity. ▪ Few cultural activities are available to women (e.g. libraries, museums, arts classes, music, etc), affecting their social integration, access to information, and quality of life. ▪ A large number of women continue to not hold any official identification documents, particularly refugee and IDP women. Women are 	<ul style="list-style-type: none"> ▪ Women's mobility and participation in public is restricted due to lack of protection from security threats. ▪ Insecurity has led to widespread, constant fear among the population, which prevents people from participating in leisure activities, affecting quality of life.

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
	<p>heritage sites and Kabul Museum, proposed project for a National Park to employ women in Bamyan, among others).</p>	<p>more likely than men to not have identification, denying them, for example, the right to vote and restricting their mobility.</p>	
<p>b) Women's Political Participation</p> <p>Articles 33, 38, 39 (Ch. II), Articles 83 (#6), 84 (#5), (Ch. (III), 137 (Ch. VIII), Constitution of Afghanistan.</p> <p>Afghanistan Compact, Section on Governance, Rule of Law and Human Rights (p.3 & Annex I, p.7 on Benchmarks).</p> <p>United Nations Security Council Resolution 1325 on Women and Peace and Security</p> <p>International Covenant on Civil and Political Rights</p>	<ul style="list-style-type: none"> ▪ A 25% quota system for women was successfully established for the Wolesi Jirga (Lower House) and provincial councils, and 50% of the seats appointed by the president (33% of delegates) to the Meshrano Jirga (House of the Elders) are reserved for women. The quota was exceeded in the government's first parliamentary elections in 2005. ▪ One woman candidate, Masooda Jalal, came in 6th out of 17 candidates in the 2004 presidential elections. ▪ Also in 2004, the first woman provincial governor was appointed in Afghanistan. ▪ Women were better represented in the Constitutional Loya Jirga (20%) relative to the Emergency Loya Jirga of 2002 (12%). ▪ It is reported that 35,000 	<ul style="list-style-type: none"> ▪ Low turn-out of women voters in 2005 parliamentary elections, particularly in South (9% in Uruzgan, 10% in Zabul, and 16% in Helmand).^{xxxiii} ▪ There are no quotas for women in the National Assembly's Standing Committees. ▪ Vote-buying occurs in parliament^{xxxiv} among more powerful MPs (those associated with warlords), often stacking the odds against women MPs who do not control powerful networks. ▪ Women MPs practice self-censorship due to fear of retaliation upon returning to their home communities.^{xxxv} ▪ Women voters are commonly instructed who to vote for by male family members, or even have male family members deposit their ballot. ▪ Election officials failed to staff polls with women staff in some areas, which prevented separate voting sites for women.^{xxxvi} ▪ There is currently only one woman cabinet member in Karzai's government (the Minister of Women's Affairs), decreasing from three women in the 2004 cabinet, where still no powerful positions were held by women. ▪ Out of 32 provinces, currently only one has a 	<ul style="list-style-type: none"> ▪ It is estimated that up to 60% of the current members of parliament are warlords or affiliated with warlords, and at least 20 retain active private militias^{xxxvii}, members of whom have been responsible for threatening progressive women MPs. ▪ Women delegates (20%) to Constitutional Loya Jirga (CLJ) in Dec. 2003 experienced threats, intimidation, harassment and at least one physical attack against a female delegate was documented. One delegate who is now an MP, Malalai Joya, has been under protection since being threatened by male CLJ delegates and others during and after the CLJ.^{xxxviii} ▪ Women running as candidates in the 2005 parliamentary elections faced intimidation and threats. ▪ On June 25, 2004, three women election workers were killed when a bomb exploded on a bus near

⁴ Shuras are community councils which are a traditional Afghan concept and operate on the basis of consensus.

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
<p>Articles 2, 3, 12, 25</p>	<p>women are employed in the national government^{xxxv}.</p> <ul style="list-style-type: none"> ▪ Civic education programmes implemented by the Afghan government and the international community facilitated women's participation (40% of registered voters) in the presidential elections to a greater degree (through awareness campaigns, voter registration, and engagement of female elections staff). ▪ By August 2006, voter registration had surpassed 10,353,380 people, 41.4 of whom are women.^{xxxvi} ▪ Women's shuras⁴ have been created as part of the National Solidarity Programme through the Ministry for Rural Development and Rehabilitation and now operate in several parts of the country. 	<p>woman governor, Habiba Sorabi of Bamayan province.</p> <ul style="list-style-type: none"> ▪ There are no mixed-gender shuras in Afghanistan and the discussions and decisions taken in women's shuras are often not taken seriously by their counterpart men's shuras. ▪ Women's representation in government at the district remains low, and women rarely hold senior or managerial positions in district offices. ▪ In 2006, there has been talk of a bill to be presented to the Afghan parliament which would require women MPs to be accompanied by a male chaperone, or <i>mabram-e shurati</i> according to a conservative interpretation of shariah law, when travelling within or outside Afghanistan, which would severely restrict women's freedom of movement, and discriminate between male and female MPs. 	<p>Jalalabad.^{xxxix}</p> <ul style="list-style-type: none"> ▪ Throughout 2004, the Taliban used 'night letters'⁵ to threaten the public from participating in voting and voter registration, singling out women in particular.^{xl} ▪ Women who participate in shuras have faced threats and intimidation by warlords and their henchmen and inadequate protection is available to them from the government or elsewhere which can ensure their freedom of association.^{xli} As a result, women practice self-censorship and hold no real decision-making power in the places where women's shuras do in fact exist.
<p>c) Customary Law and Rule of Law</p>			
<p>Article 27, 54, 56, (Ch. II), 130 (Ch. VII), Constitution of Afghanistan</p>	<ul style="list-style-type: none"> ▪ In 2003, the interim Afghan government ratified the Convention on the Elimination of All Forms of Discrimination 	<ul style="list-style-type: none"> ▪ A culture of impunity reigns around honour crimes, as the crimes are rarely reported. When the crimes are brought to court, perpetrators are rarely prosecuted.^{xlii} There is a general acceptance 	<ul style="list-style-type: none"> ▪ The power over key regions, and now influence through the National Assembly, which warlords continue to hold is a

⁵ Night letters are a common means of communicating in Afghanistan, where most of the communications infrastructure is not functional. They are small flyers photocopied and left en masse in public areas at night where people find them the next day. Recently, night letters have been a tactic of the Taliban to communicate threats to communities, for example for participating in government elections or for sending their daughters to schools. They often include religious references.

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
<p>Afghan Code of Civil Procedures 1976</p> <p>Afghan Law on the Organisation and Jurisdiction of the Courts, 1967</p> <p>Afghan Criminal Code, 1976</p> <p>Afghanistan Compact, Section on Governance, Rule of Law and Human Rights (p.3 & Annex I, p.7 on Benchmarks), and #7: <i>Recognize in all policies and programmes that men and women have equal rights and responsibilities.</i> (p.2).</p> <p>United Nations Security Council Resolution 1325 on Women and Peace and Security</p>	<p>Against Women (CEDAW) without reservations.</p> <ul style="list-style-type: none"> ■ In 2002, the Afghan government signed the Rome Statute for the International Criminal Court (ICC) which came into force in 2003 (contains gender sensitive definitions of crimes and procedures to protect vulnerable victims and witnesses) which may become significant if calls for transitional justice are met, to begin to account for war crimes and crimes against humanity committed in Afghanistan since the last series of conflicts began in the 1970s. ■ In Feb. 2004, the Ministry of the Interior established the first Unit of Female Registration Security Police for Kabul. ■ In 2005, the Afghan Independent Human Rights Commission issued its report “A Call for Justice”, initiating formal recommendations for transitional justice mechanisms to be established to account for past human rights violations and crimes against humanity from 1979 onwards. Nation-wide consultations were carried out 	<p>in society (and sympathy among judges) of men’s right to murder or harm women in the name of preserving honour.</p> <ul style="list-style-type: none"> ■ Most women in the prison system are held for “crimes” such as running away from a forced marriage, eloping, or escape of an abusive marriage. ■ Authorities rarely investigate women’s complaints of complaints of violent attacks, rape, murders or suicides of women^{xliii}. ■ The judiciary overwhelmingly tends to hold women responsible for crimes where they are victimized (rape, attacks) and judges rule using tribal law or traditions instead of codified law.^{xliv} <p>Most women will avoid going through the courts because of the humiliation it will bring them and the perceived dishonour to their family, particularly acute in the South.^{xlv} Overall, there is a serious lack of professionalism in the judiciary and a failure to apply the law in a standardized fashion, particularly with respect to family law cases.^{xlvi}</p> <ul style="list-style-type: none"> ■ Cases can take years to reach the courts under the current justice system.^{xlvii} ■ There is a lack of legal aid clinics and those which are in operation are severely under-resourced and overwhelmed with cases^{xlviii}. Legal aid has not been a priority among international donors. ■ The rule of law is especially weak in rural areas, with little reach beyond major cities such as Kabul, Mazar-i-sharif and Herat^{xlix}. Tribal codes, namely the <i>Pashunwali</i> (a code of ethics, 	<p>major barrier to the rule of law in Afghanistan. The patriarchal values and deeply conservative notions of gender roles of many powerful political-military factions mean women have minimal enjoyment of their constitutional rights, or of international human rights standards. Further, the power the Taliban hold over several communities in Southern and Eastern Afghanistan diminish women’s security ever further.</p> <ul style="list-style-type: none"> ■ The slow pace of DDR processes (demobilization, disarmament, and reintegration of ex-combatants) and the continued prevalence of weapons help maintain insecurity. ■ 2006 has seen the highest number of conflict-related deaths in Afghanistan since the fall of the Taliban.^l ■ The low number of women graduates from the national police academy prevents personnel being available to respond to crimes against women, where there is a high degree of gender segregation. Low salaries also make it harder to attract both women and men to this profession. ■ The Taliban are the defacto

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
<p>International Covenant on Civil and Political Rights Articles 2, 3, 9, 10, 14, 15</p>	<p>among men and women and were used as the basis of the report and its recommendations.</p>	<p>behaviour and a criminal justice system practiced among the Pashtun ethnic group) in the South, are the only accepted and applicable laws. <i>Pashunnali</i> also deals with family law issues and rulings are generally unfavourable to women.</p> <ul style="list-style-type: none"> ■ There is very little awareness among court officials and others in the legal system of codified law. 	<p>rulers at a local level in some areas, where they enforce their own policies towards women, such as a ban on women's education and women's work.</p> <ul style="list-style-type: none"> ■ Afghans perceive that there is a full scale civil war in Afghanistan and fear the return of the Taliban. People do not feel they have protection from the state and the general mood is that progress and peacebuilding is simply not happening.
<p>d) Freedom of Expression and Access to Information</p>			
<p>Article 34, 37, 50 (#3), (Ch. II) Constitution of Afghanistan</p>	<p>Establishment of Open Media Fund for Afghanistan (OMFA) in 2002 to support independent media.</p> <ul style="list-style-type: none"> ■ There are an estimated 1,000 Afghan women working as journalists in radio, television, and printⁱⁱ. ■ Independent media is a relatively popular sector with donors and numerous training programmes and media support centres having been established, particularly in Kabul. ■ A network of women's radio stations operate independently in at least six provinces, founded with initial support from the International community. 	<ul style="list-style-type: none"> ■ With a female illiteracy rate of an estimated 85%, the vast majority of Afghan women cannot access any form of media besides radio. ■ Information, resource and knowledge access projects initiated by both foreign and Afghan NGOs often neglects to produce information which is accessible to illiterate women (such as image-only media). ■ In May 2005, Shaima Rezayee, a woman presenter on the popular Western-style Afghan TV station, Tolo TV, was murdered in her home in Kabul. ■ Despite many positive steps towards freedom of information and women's participation in the media, unofficial censorship is still in practice around some taboo issues, such as women's rights and Islam. ■ One Afghan activist estimates that fewer than 20% of women have any awareness of the rights 	<ul style="list-style-type: none"> ■ The security situation prevents easy mobility of journalists and therefore, the full coverage of women's issues. Journalists often arrive at a scene long after the story took place (for instance, in the case of the woman who was stoned to death in Badakhshan in 2005). In Southern Afghanistan, where conservative ideas about women in society are strongest, women journalists are few because women rarely travel outside the home unaccompanied by male guardians. ■ Warlords' factions often intimidate women journalists and activists and hinder the free flow of information in areas they
<p>International Covenant on Civil and Political Rights, Article 19</p>			

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
	<ul style="list-style-type: none"> ▪ A Women Journalists' Centre has been founded in Kabul. The NGO, Afghan Independent Media Institute (AINA) runs a Women's Publication Group in Kabul to support women in print. ▪ Afghanistan has seen the birth of a small film-making industry, including films produced by several Afghan women to critical acclaim.ⁱⁱⁱ ▪ Several donor projects supported women's writing and publishing in 2005-2006.ⁱⁱⁱ ▪ There are several women's magazines in circulation.^{liv} ▪ In 2002, an International Seminar on Promoting Independent and Pluralistic Media in Afghanistan was held by the Ministry of Information and Culture and UNESCO, where a declaration on the freedom and independence of Afghan media was signed. 	<p>guaranteed to them under the new Constitution^{lv}.</p>	<p>control. Women journalists tend to avoid sensitive issues for fear of harassment.</p> <ul style="list-style-type: none"> ▪ Insecurity prevents women from reaching sites of information such as libraries, government offices or internet cafes.
<p>e) Women's Organising and Women in Civil Society</p> <p>Article 35 (Ch. II) Constitution of Afghanistan</p> <p>Geneva Conventions of</p>	<ul style="list-style-type: none"> ▪ Since 2002, Afghan women's organisations have proliferated, with over 200 registered in the Afghan Women's Network and several hundred more likely unregistered. 	<ul style="list-style-type: none"> ▪ In May 2005, MoWA refused to allow a demonstration against violence against women organised by women's organisations to take place in Kabul Women's Garden. In general, MoWA has not been seen to be cooperating as effectively as it could with the independent 	<ul style="list-style-type: none"> ▪ Attacks against women aid workers took place (see I. <i>Violence Against Women</i>, (b)). Women working for independent organisations are at risk of attack from the Taliban and other

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
<p>1949 and Additional Protocols of 1977: <i>(prohibiting the intentional killing of people who are not taking an active part in hostilities, distinct from those who carry arms; indiscriminate attacks, abductions and hostage-taking, killing of hostages, and torture and any form of inhuman treatment – regardless of the identity, status or position of the perpetrator or victim, and regardless of the cause espoused by the perpetrators.)</i></p> <p>Afghanistan Compact: #5: <i>Build lasting capacity and effective state and civil society institutions, with particular emphasis on building up human capacities of men and women alike (p.2).</i></p> <p>United Nations Security Council Resolution 1325 on</p>	<ul style="list-style-type: none"> Women’s organisations have been active in Kabul, Herat, Northern provinces, and Eastern provinces. Women’s organisations provide a multitude of services which would otherwise be unavailable in many areas. NGOs run independent girls’ schools, income-generation programmes, radio stations, healthcare training, and legal aid clinics. Organisations can often be the only place women can go for protection, shelter or to escape violence, forced marriage and other threats. NGOs employ a significant number of women, vital access to employment where income opportunities for women are limited. 	<p>women’s movement.</p> <ul style="list-style-type: none"> There are no known local women’s organisations in the Southern provinces (e.g. Kandahar, Uruzgan, and Helmand). Rural women are largely unrepresented and absent from civil society. Professional associations are weak and have not received support or funding from international donors (e.g. teachers’ associations, women agricultural workers). There is a general lack of coordination and cooperation among the large number of new and more established women’s organisations, and between urban and rural women’s organisations. This has led to conflicts and competition within the women’s movement, the duplication of projects, and gaps in urgent areas of need. 	<p>insurgents, as well threatened by cultural barriers to women working outside the home and engaging in public life.</p> <ul style="list-style-type: none"> Organisation premises often have little protection and have been the target of attacks on a systematic basis. NGO offices were attacked in Kabul during the riots in 2006, women’s organisations have had bombs left outside their offices^{vi}, and offices have been vandalized. The South has proven to be especially volatile for women human rights defenders and activists (demonstrated most recently with the murder of DoWA Director Safiya Amajan in September 2006 in Kandahar, and regular threats to the DoWA Director in neighbouring Helmand, among other instances).^{vii}

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
Women and Peace and Security International Covenant on Civil and Political Rights, Articles 21, 22			

On a personal level, I feel fearful for the first time now – I am constantly advised not to go out; wear the burqa to blend in; I cannot even attend social events of family anymore because of security! Our women's programs are greatly affected in the sense that we cannot easily go to our women's homes for work. As well, women do not leave their homes easily to come to the centre even because they fear coming out. Also, we usually hold an annual All Women's Bazaar before Eid but this year we cannot do it due to security!^{lviii}

III. Women's Social and Economic Status

Legal Provisions	Improvements	Areas of Concern	Security Challenges
a) Right to Education Article 17 (Ch. I), Article 43 and 44 education of women, 45 and 46, (Ch. II), Constitution of Afghanistan Afghanistan Compact: Section on Economic and Social Development (p.4) and Annex I on	<ul style="list-style-type: none"> In 2005, an estimated 5.2 million children were enrolled in school (grades 1-12), of which between 1.82 and 1.95 million are girls. Enrolment rates have risen every year since 2002.^{lvix} More children are in school in Afghanistan today than at any other period in her history.^{lx} <ul style="list-style-type: none"> In the absence of protection from the state or NATO, many communities have taken it upon themselves to organize rotating parental accompaniment of girls 	<ul style="list-style-type: none"> The majority of primary school age girls are currently not enrolled in school.^{lvi} Only 5% of secondary school aged girls are enrolled (while 20% of boys are enrolled). There is a 10-13% drop-out rate. <ul style="list-style-type: none"> The quality of education in Afghanistan remains extremely low. Teachers often have minimal training and no education past the 8th grade. Books and supplies are hard to come by. School buildings are often badly damaged by war, debilitated, unsanitary, and lacking basic facilities such as chalkboards, desks and chairs. Many schools are open-air schools or in makeshift tents and so must close during the 	<ul style="list-style-type: none"> The primary reason that families ban their girls from going to school is due to security concerns.^{lvv} Parents are more likely to pull their daughters out of school over their sons in the face of insecurity. There is currently taking place an unprecedented assault on Afghanistan's education system. From Jan. 2005-June 2006, 204 attacks occurred, including the murder of 17 educators.^{lvvi} <ul style="list-style-type: none"> In between attacks, 'night

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<p>Benchmarks (p.9). International Covenant on Economic, Social and Cultural Rights Articles 13, 14</p>	<p>and boys to schools, and other initiatives as local responses to the attacks on education which have risen dramatically in the last 18 months.</p>	<p>cold months.</p> <ul style="list-style-type: none"> ■ There are still insufficient schools to make education accessible to all districts. The closest school can be located miles away and insecurity makes travelling the distance too high a risk for many families. Only 19% of schools are designated as girls' schools (there are no co-ed classes in Afghanistan) and 29% of Afghanistan's 415 educational districts have no girls' schools at all.^{lxii} ■ Women have minimal access to tertiary education. Kabul University is currently only able to accept approximately 10% of applicants. Universities in general in Afghanistan are severely under-resourced, in need of qualified staff, better equipped libraries, and reconstructed facilities. Most universities do not have graduate level courses. Women face additional barriers due to a lack of dormitories for women and transportation. While there are currently no official tuition fees (bribe paying for university entrance and higher grading is common), economic barriers are significant in that families often cannot afford to lose the earnings of a family member (including bride price) in a country currently slated as the fourth poorest in the world. Social and family pressures also deter many young women from seeking higher education. It is estimated that Kandahar University has no more than 10 female students at present.^{lxiii} ■ Early marriage usually abruptly ends a girl's education during secondary school or earlier. Many women are prevented from seeking higher 	<p>letters' are frequently distributed in public areas or around schools, threatening teachers, education officials, and parents who send their girls to school. Night letters serve to communicate threats and to keep the population in a constant state of fear, and sometimes submissiveness to Taliban authority.</p> <ul style="list-style-type: none"> ■ Night letters demanding the closure of certain schools, bombs left outside schools (predominantly girls' schools), arson attacks and the killing of teachers have led to the closure of hundreds of schools throughout the country. In many districts in the South, no schools operate at all now.^{lxvii} This has had a greater impact on girls because there are fewer girls' schools to begin with. In Kandahar, at least 49 schools have closed due to security threats, 14 in Ghazni, 86 in Zabul and 165 in Helmand.^{lxviii} ■ The South has been hit the hardest with attacks on education. For example, in Helmand where girls constituted only 6% of students in 2004-2005, 18 schools have been burned down and 165 closed. Nine districts in Helmand had no girls enrolled in school at
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<p>Article 48 (Ch. II) Constitution of Afghanistan</p> <p>Afghanistan Compact: Section on Economic and Social Development (p.4) and Annex I on Benchmarks (p.9).</p> <p>International Covenant on Economic, Social and Cultural Rights Articles 6, 7, 11</p>	<p>■ The private sector is growing exponentially in Afghanistan (economic growth in 2005 was estimated at 14%^{lxxx}), though this rapid growth has impacted women less than men.</p> <ul style="list-style-type: none"> ■ Aid organisations provide employment to thousands of women, as well as training opportunities. ■ In 2003, a new department was established within the Ministry of Commerce to help women set up businesses, offering small loans, teaching women basic business skills, and offering assistance exhibiting handicrafts. ■ The Micro-Finance and Investment Support Facility (MISFA), a nation-wide micro-credit scheme, was established by several donors and so far enjoys a 98% repayment rate of loans. ■ The new Constitution 	<p>education due to forced marriages.</p> <ul style="list-style-type: none"> ■ Poverty means that many families cannot afford to pay for school supplies, uniforms, shoes, books, etc. and therefore do not send their children to school.^{lxiv} The illiteracy of parents also contributes to the cycle of poverty, as illiterate parents are less likely to educate their children. <p>■ There are approximately 50,000 widows in Kabul alone^{lxxi} who face grave barriers to employment opportunities and are often denied access to basic services, such as healthcare, education, and clean water. Many are dependent on begging to earn income, and subsequently vulnerable to economic and sexual exploitation.</p> <ul style="list-style-type: none"> ■ Women earn approximately 34% of what men earn in Afghanistan.^{lxxii} ■ Extremely low government wages keep families in poverty, particularly affecting the large number of women-headed households. Low wages also fuel corruption at all levels of government, and lend legitimacy to customary law. ■ Rents in Kabul are excessively high due to the international presence and returning refugees and IDPs, making access to affordable accommodation inconsistent with the actual earnings of most citizens. ■ Women's economic dependence on male family members prevents women from seeking divorce or leaving abusive marriages. ■ Poor women are more vulnerable to exploitation in low-wage positions such as 	<p>all.^{lxxix}</p>
<p>b) Employment and Livelihoods</p>		<ul style="list-style-type: none"> ■ The Taliban's strength is stronger now than at any other time since 2001. The Taliban frontline cuts halfway across Afghanistan, affecting Southern provinces the most. The war has heightened poverty levels. Poverty has also helped the Taliban's growth through easy recruitment of starving, disenfranchised young men.^{lxxiv} US and UK-led counter-narcotics tactics have been criticized as partly responsible for rising poverty. ■ There is starvation in some areas as a result of drought and insufficient food aid from the international community. ■ Afghanistan remains heavily mined which impedes women's agricultural production and their general mobility (e.g. travelling to markets, other villages, etc) and participation in economic activity. Cluster bombs dropped by the US 	

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	<p>guarantees women's equal right to own property and inherit.</p>	<p>servants, including sexual exploitation.^{.lxxiii}</p> <ul style="list-style-type: none"> ■ The psychological impact of war has affected many women's capacity to participate in the economic life of the country. Counselling and reintegration programmes, for rural women especially, are lacking. ■ In practice, women are systematically denied their right of inheritance or given less than they are legally entitled to, due to the dominance of male family members over family income and a lack of awareness among the population of women's right to inheritance under the Constitution, or Islamic law's traditional protections for women such as <i>nafaqa</i> (payment by male family members to widowed or destitute female family members). 	<p>Coalition Forces since 2001 also impede women's mobility.^{.lxxv}</p> <ul style="list-style-type: none"> ■ Taliban activity restricts women's mobility and participation in economic activities. Women are intimidated from certain work, such as with aid organizations, as teachers, or in the government^{.lxxvi}. ■ Low wages for soldiers in the Afghan National Army (US\$70 per month) and police make these professions less lucrative than fighting for the Taliban, which reportedly pays US\$12/day or \$360/month.^{.lxxvii} ■ The drug trade finances criminals and warlords, many of whom occupy seats in parliament, and maintain private militias. Their financial independence, rule of the gun, and political power through the parliament are causing the security climate to deteriorate further.
<p>c) Health Article 52, (Ch. II) Constitution of Afghanistan Afghanistan Compact: Section on Economic and Social</p>	<ul style="list-style-type: none"> ■ Emergency Obstetric Care services now supported in 20 districts. <ul style="list-style-type: none"> ■ Afghan Society of Obstetrician and Gynaecologists founded. ■ Renovating and refurbishing of Malalai Hospital, largest 	<ul style="list-style-type: none"> ■ Maternal mortality among leading causes of death in Afghanistan, while 40% of pregnancy complications leading to death are preventable.^{.lxxviii} 99% of births are at home. In North East Afghanistan, a woman dies every 20 minutes in birth, at a rate to 6,500 deaths per 100,000 women (by comparison, in the US the rate is 12/100,000). 	<ul style="list-style-type: none"> ■ Since 2001, it is conservatively estimated that 273,648 Afghans have been killed as a result of the war (as of October 2, 2006).^{.lxxix} Thousands more have been injured as a direct result of hostilities and others suffer from the psychological distresses of

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<p>Development (p.4) and Annex I on Benchmarks (p.9).</p> <p>United Nations Security Council Resolution 1325 on Women and Peace and Security</p>	<p>maternity hospital in Kabul, which also now offers professional training in obstetric care. UNICEF intends to refurbish hospitals in Kandahar, Herat and Jalalabad as well.</p> <ul style="list-style-type: none"> An increasing number of Afghan and International NGOs (such as REACH, International Medical Corps), as well as UN agencies, implementing programmes for primary healthcare and other services. Some agencies are targeting women as priority beneficiaries (e.g. UNICEF, UNFPA, Afghan women’s organizations). Other agencies, such as International Medical Corps, have trained female healthcare workers and facilitated the return of a small number of female doctors from exile to provide medical care in refugee camps. The Afghan government has mandated a National Disability Policy which includes a Working Group to examine the issue of disabled women and make recommendations for better meeting their needs and improving their status in Afghan society. 	<ul style="list-style-type: none"> In December 2003, only 12% of women were reported to have access to basic health care.^{lxxix} A lack of women doctors prevents many women from seeking healthcare due to cultural norms around the interaction of non-related men and women. In some districts, women require their husbands’ permission to visit a doctor. There is a high rate of birth defects as a result of inter-marriage amongst related family members. In 2003, Médecins Sans Frontières closed its operations in Afghanistan due to the militarisation of aid and threats against staff as a result of US military activity. MSF was the only provider of medical services in several areas. Psychological needs have not received attention within the aid community. Suicide rates among women remain high, and there are few treatment options for depression, stress and mental disabilities.^{lxxx} It is reported that 98% of Afghans suffer from posttraumatic stress syndrome, major depression or severe anxiety.^{lxxxi} There is a high rate of female drug users in Afghanistan, who often use opium to self-treat for trauma, insomnia and other problems. Women face barriers to treatment due to stigmatization of female drug users, economic reasons and lack of child-care available in detox facilities.^{lxxxii} Girl infants and children are more vulnerable to death, malnourishment and other health problems because of the favouring of males in Afghan society. An estimated 800,000 people in Afghanistan 	<p>war, including depression, anxiety and post-traumatic stress disorder. This situation faces a country with an already weak and under-resourced medical infrastructure and a lack of professional healthcare workers.</p> <ul style="list-style-type: none"> US Coalition Forces have dropped cluster bombs in several regions of Afghanistan, up to 1/3 of which do not explode upon impact but will detonate from a slight vibration or increase in heat. Cluster bombs are a lethal threat to women farmers and any women residing and working in affected areas. Taliban and insurgent activity reduces women’s mobility, making healthcare sites further inaccessible on top of often long distances and cultural barriers.
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		<p>have some form of disability^{lxxxiii} due in particular to war and the prevalence of landmines, many of whom have little or no access to medical services of rehabilitation, and cannot work as a result of their injuries. There is an acute lack of services for people with learning disabilities, and a lack of trained women rehabilitation workers makes treatment even less accessible to women, for whom cultural barriers prevent treatment by male workers. Disabled women are more vulnerable to marginalization and may experience ‘double-discrimination’. No known studies have been carried out on the situation of disabled women in Afghanistan.</p>	
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Building the capacity of Afghan institutions will be very important for the future of the country. NGOs will come and go but Afghan institutions will stay forever. If the institutions are strong and do good work, it will help the Afghan people best in the long run.^{lxxxvii}

IV. The International Community: Support and Policy on Afghan Women

Legal Provisions	Improvements	Areas of Concern	Security Challenges
<p>a) Reach of Aid to Women and Girls Afghanistan Compact: Annex II on Improving the Effectiveness of Aid to Afghanistan (pp.13-14) and Annex III on Coordination and Monitoring (pp.15), and #9: <i>Combat corruption and ensure public transparency and</i></p>	<ul style="list-style-type: none"> ▪ Since 2002, organisations throughout the world have sprung up programming specifically aimed at Afghan women, ranging from state aid agencies (e.g. DFID, SIDA, USAID, CIDA, etc) to private non-profit organisations (e.g. Women for Women International), and foundations (e.g. Open Society Institute). Other organisations have been 	<ul style="list-style-type: none"> ▪ Military expenditure currently exceeds development and reconstruction spending by 900%^{lxxxvi} ▪ Afghanistan has received proportionately far less in reconstruction aid than other recent post-conflict situations. Disbursements from donor states do not match pledged amounts. ▪ Few donors take measures to ensure aid reaches women on par with men. There is a lack of gender disaggregated data in evaluation activities. ▪ The aid industry in Afghanistan suffers from a 	<ul style="list-style-type: none"> ▪ Insecurity has led many international and local organizations to abort operations in the South and South East^{lxxxix}, closing down programmes benefiting women (primarily economic projects). ▪ By July 2006, 24 aid workers have been killed this year alone, a fatality rate for aid workers believed to be higher than in any other conflict or post-conflict

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
<p><i>accountability</i>. (p.2).</p> <p>Declaration of an Enduring Relationship between the United Kingdom and Afghanistan (bilateral agreement signed July 2005).</p> <p>United Nations Security Council Resolution 1325 on Women and Peace and Security</p>	<p>providing grants to Afghan partners for their programming (e.g. the Flora Family Foundation, Canadian Women for Women in Afghanistan, the Asma Society). The bulk of programmes were initiated in 2002, when Western publics were shocked at learning the realities of Afghan women under the Taliban.</p> <ul style="list-style-type: none"> ▪ The UK government, through DFID, has provided major funding for gender-specific projects, including women's participation in local development councils, income generation, health and projects providing economic support for vulnerable women. Funding was administered through the Afghan Reconstruction Trust Fund, to which the UK is the largest contributor, and prioritized according to the goals set out in Afghanistan's National Development Strategy. ▪ The UK hosted the Afghan government, the UN and donor governments in January 2006 at the London Conference where the Afghanistan Compact was approved. 	<p>high degree of corruption where aid is siphoned off to local power holders and a minimal amount reaches ordinary Afghans.</p> <ul style="list-style-type: none"> ▪ A disproportionate amount of donor funds goes to Western contractors, sometimes for exorbitantly high bids, when a project could be completed at much lower cost.^{lxixvii} Some Western donors, in particular the US, are tying aid to how much is spent in the American market (e.g. to purchase American products or hire American consultants). ▪ Like other developing countries, Afghanistan is victim to 'phantom aid', millions of dollars which are recorded as having been allocated to development and reconstruction in Afghanistan but in fact is never manifested into real projects.^{lxixviii} ▪ Organisations such as Christian Aid have criticized the UK government's policy of channelling most aid to Afghanistan through the World Bank and International Monetary Fund, top-heavy administrations. ▪ The UK has allocated more than £100 million since 2002 for counter-narcotics; however, the approach of crop eradication and lack of sustainable alternative livelihood programming has been heavily criticized as counter-productive to development objectives. 	<p>setting in the world.^{xc} Fatalities have led organizations such as Médecins Sans Frontières to leave Afghanistan, after 23 years of operation there.</p>

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
	<ul style="list-style-type: none"> Afghan-American women and their supporters successfully lobbied the U.S. government to designate millions for Afghan women through the Afghan Women Empowerment Act of 2006. 		
b) Afghan Women and Decision-Making			
<p>Afghanian Compact: #5: “Build lasting capacity and effective state and civil society institutions, with particular emphasis on building up human capacities of men and women alike” (p.2).</p> <p>United Nations Security Council Resolution 1325 on Women and Peace and Security</p>	<ul style="list-style-type: none"> Institutionalization and integration of concepts such as gender mainstreaming have affected programming in Afghanistan with varying degrees of success. Many foreign-initiated projects have requirements in their project design that specific measures be taken to increase the participation of Afghan women, while a smaller number have more stringent requirements to ensure not only participation, but also Afghan women’s <i>leadership</i>. UNIFEM in Afghanistan, for example, is currently led by an Afghan woman. 	<ul style="list-style-type: none"> Afghan women leaders and activists overwhelmingly feel that aid is led by donors’ agendas rather than being needs-based. For example, while there is an acute need for women’s shelters, this has not been a popular project among donors. There have, rather, been an over-abundance of short-term projects (3-6 month cycles) such as workshops, seminars and trainings. As a result, the development needs which Afghan women perceive is most critical are not being met with proportional resources from the international community. Most of the women interviewed for this report were frustrated with the high fees paid to foreign “experts” advising on projects who have little understanding of the political context and cultural norms of Afghanistan, and often apply strategies and approaches which are irrelevant or not appropriate in Afghanistan. 	<ul style="list-style-type: none"> Intimidation and threats have led to fear among Afghan women participating in women’s shuras. The discussions and decisions taken in women’s shuras are generally not taken as seriously as men’s and in many cases are rendered to mere tokenism. Shuras form an integral part of Afghanistan’s development strategy through the National Solidarity Programme which works to involve the rural population in setting and achieving development objectives. Women cannot have any real voice in this process without adequate protection for their freedom of association and expression to fully participate and lead through shuras.
c) Afghan Women in the Media			
<p>Article 34, 37, 50 (#3), (Ch. II) Constitution of</p>	<ul style="list-style-type: none"> Reporting of Honour Crimes in Afghan media increasing slightly, bringing new attention 	<ul style="list-style-type: none"> Statistics on the number of deaths and casualties of Afghan unarmed civilians, namely women and children, are rarely reported in the 	<ul style="list-style-type: none"> Insecurity and difficult travel conditions have resulted in few foreign journalists travelling

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Legal Provisions	Improvements	Areas of Concern	Security Challenges
Afghanistan	to the issue. ^{xc1}	<p>international media relative to coverage of deaths and casualties of foreign troops.</p> <ul style="list-style-type: none"> ▪ The growing problem of trafficking in women and girls within and to destinations outside of Afghanistan has received scant exposure in either Afghan or international media. ▪ Little reporting has been carried out on women's involvement in the drug trade, or on opium addiction among women. 	<p>outside of Kabul, despite the fact that over 80% of Afghans live outside major urban areas and in the provinces. Journalists imbedded with international security forces who have travelled to the provinces have limited interaction with civilians and little exposure to the conditions facing ordinary Afghans.</p>

APPENDIX A: Links to Full Texts of Relevant Laws Referred to in this Report

Afghanistan Compact: Afghanistan National Development Strategy (ANDS)

<http://www.ands.gov.af/ands/I-ANDS/ands-documents.asp?page=883736&numbpar=css&lang=eng&cont=right&class=dari>

Constitution of the Islamic Republic of Afghanistan

http://www.oefre.unibe.ch/law/icl/af00000_.html

Convention on the Elimination of All Forms of Discrimination Against Women

<http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>

Declaration of an Enduring Relationship between the United Kingdom and Afghanistan

<http://www.mfa.gov.af/Documents/ImportantDoc/Afghanistan-UK%20enduring%20Relations.pdf#search=%22Declaration%20of%20an%20Enduring%20Relationship%20between%20the%20United%20Kingdom%20and%20Afghanistan%22>

Geneva Conventions of 1949 and Additional Protocols of 1977

<http://www.unhchr.ch/html/menu3/b/93.htm>

International Covenant on Civil and Political Rights

<http://www.ohchr.org/english/law/ccpr.htm>

International Covenant on Economic, Social and Cultural Rights

http://www.unhchr.ch/html/menu3/b/a_cescr.htm

Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000)

<http://www.ohchr.org/english/law/protocoltraffic.htm>

UN Convention on the Rights of the Child (CRC)

<http://www.unhchr.ch/html/menu3/b/k2crc.htm>

UN Declaration on the Elimination of Violence against Women

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument)

United Nations Security Council Resolution 1325 on Women, Peace and Security

<http://www.peacewomen.org/un/sc/1325.html>

UN Resolution on Eliminating Demand for Trafficked Women and Girls for All forms of Exploitation (2005)

[http://www.un.org/esa/population/hldmigration/Text/CPDResolution_2006.2_English.pdf#search=%22text%20of%20UN%20Resolution%20on%20Eliminating%20Demand%20for%20Trafficked%20Women%20and%20Girls%20for%20All%20forms%20of%20Exploitation%20\(2005\)%22](http://www.un.org/esa/population/hldmigration/Text/CPDResolution_2006.2_English.pdf#search=%22text%20of%20UN%20Resolution%20on%20Eliminating%20Demand%20for%20Trafficked%20Women%20and%20Girls%20for%20All%20forms%20of%20Exploitation%20(2005)%22)

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- ⁱⁱⁱ Human Rights Watch, “Lessons in Terror: Attacks on Education in Afghanistan”, July 2006, p.11.
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- ^v Radio Free Europe, “Afghanistan: Rights Watchdog Alarmed At Continuing 'Honour Killings'” Sept. 20, 2006, <http://www.rferl.org/featuresarticle/2006/09/7d9925b9-96ee-4698-b292-dc4eafb0e18e.html>
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