

SECURITY COUNCIL BRIEFING NOTES  
GENDER ISSUES  
AFGHANISTAN - OCTOBER 2003

BACKGROUND

Afghans have suffered twenty-three years of war that has seriously compromised the cultural, economic, social and political heritage of the country and caused the death and displacement of millions of people. Women were the first victims of war-related violence. More than two million women are war widows and still face intensified prejudice, social and economic exclusion of which 400,000 are live in Kabul. The Afghan women who were left to deal with physical and psychological hardship as sole heads of households constitute one of the most vulnerable social groups in the country.

While the fall of the Taliban led to great optimism, women's participation in the reconstruction of Afghanistan continues to be jeopardized by the lack of security across the country. Women still face intimidation, violence, and restrictions on their movements.

The 2001 Bonn Agreement recognized women's rights, participation and status as key issues. This was followed by a Presidential statement supporting equality between men and women, and the ratification by Afghanistan in March 2003 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Gender equality has also been recognized as a critical issue in the National Development Framework

Pursuing a vision of gender equality in Afghanistan remains a daunting challenge faced with complex economic, social, political and cultural factors. Afghanistan was ranked lowest in the world on the UNDP Human Development Report's Gender-related Development Index (GDI).<sup>1</sup>

A strong policy framework on gender has been accompanied by attempts to establish institutional mechanisms to ensure its delivery. In addition to the establishment of the Ministry of Women's Affairs (MOWA) in 2002, the government has also created the Office of the State Minister for Women Affairs and set up a Gender Advisory Group as part of the Afghan Development Forum. Efforts are also being made to strengthen Afghan NGOs working for women's equality and to build stronger working relationships between them and government.

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<sup>1</sup> A composite index measuring average achievement in the three basic dimensions captured in the human development index—a long and healthy life, knowledge and a decent standard of living—adjusted to account for inequalities between men and women.

Work is about to begin on implementing an inter-ministerial action plan to mainstream gender in the Afghan statistical system. The MOWA is striving to complete a programme to set up Women Development Centres in all provinces of Afghanistan, aimed at linking resources with women's needs at the community level. There continues to be a pressing need for more gender expertise to assist ministries in establishing gender focal points and building their capacity to deliver Afghanistan's gender policy. Continued international support remains of great importance in enabling Afghanistan to realize its vision.

A recent report by the Special Rapporteur of the Commission on Human Rights on violence against women on Afghanistan (A/58/421) calls on a vigorous campaign to promote the full participation of women in the political, social and economic spheres of life in the country, and a call for a recognition of the importance of women's roles in society and their potential contributions for the reconstruction of Afghanistan.

#### MANDATE FOR GENDER PERSPECTIVES IN PEACE OPERATIONS

UN Security Council resolution 1325 adopted on 31 October 2000 calls on "all actors, when negotiating and implementing peace agreements, to adopt a gender perspective." Specifically it points out the need to meet the special needs of women and girls during repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction; to support local women's peace initiatives and to ensure the protection and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary. The resolution further urges an expanded role for women in United Nations field operations, especially among the military, police, human rights and humanitarian personnel.

The resolution also calls on Security Council missions to take into account gender considerations and the rights of women, including through consultation with local and international women's groups.

The Mission, therefore, may wish to review these gender issues throughout its visit in discussions with the Government, UN entities and specifically when meeting with representatives of women's groups and organizations.

1. Is the **impact of the conflict on women and men, boys and girls** understood by the actors and are programmes designed and implemented accordingly? In other words has there been a gender assessment undertaken and used by all actors in the situation?
2. Do **women and men participate** equally in various events and consultations? Does the programme acknowledge the need to have representation by men and women and support women to have equal access and ability to participate fully?

3. Are **training and capacity building programmes targeting women and men** appropriately?  
Do they recognize the need to increase the skills of women so that they can contribute equally to peace operations?
4. What programmes are in place to **prevent and respond to violence**, abuse and exploitation against women and girls?  
Do these programmes involve the community, men and women, to respond to and support survivors?  
Are assistance programmes monitored to prevent exploitation and abuse of women and girls?  
Do HIV/AIDS programmes target men and women, boys and girls?
5. Are **women's human rights issues** considered in reconstruction and nation building? Are women involved in truth and reconciliation processes?  
What mechanisms for gender sensitive redress for victims of armed conflict are in place?
6. Are the special needs of **refugee and internally displaced women** and girls being catered for?

### MAJOR ISSUES - AREAS FOR FOLLOW-UP

#### **CEDAW**

One important positive development has been the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) -- without any reservations.

***The Security Council may wish to encourage implementation of CEDAW, through new or amended legislation, as well as through its dissemination, awareness raising and translation in the provinces and communities. The Security Council may wish to inquire of what steps have been taken in this regard.***

#### **Constitution reform**

Given the importance of the drafting of the Constitution, the proceedings and consultations leading up to the Constitutional Loya Jirga, and representation in the Constitutional LJ itself, it is of prime importance to ensure effective women's participation. During last year's ELJ, UNAMA worked to ensure women's effective participation in the process as well as created the framework for their participation for the next elections through the Network for Women Loya Jirga (45 women representing all provinces who were ready to take on the task of preparing women for the next elections). A Gender and Law Working Group chaired by the State Minister for Women Affairs has been established to ensure the constitutional and legal reform processes have a strong gender focus.

**The Security Council may wish to ask specifically about women's participation in this regard, as well as the range of non-discrimination and women's rights incorporated in the current draft of the Constitution.**

Afghan women met in Kandahar in September and prepared a Bill of Women's Rights. This was presented to President Karzai for inclusion into the constitution. (See annex 1)

**The Security Council may wish to determine to what degree these rights are covered in the new constitution.**

#### **Voter registration**

The Afghan voter registration project is due to begin on 1 December although there is a severe funding shortfall. Special measures to ensure women are able to vote are being considered.

**The Security Council may wish to receive information on what is being done to ensure women can register to vote.**

#### **Women's rights violations**

There continues to be a wide range of violations against woman and girls in the name of social norms, traditions, or even "protection". Specifically, early and forced marriages remain a common practice, at times with the concerned woman/girl threatening or actually carrying out suicide. Exchange of girls as a form of resolution of tribal disputes or conflict is also reported. There are even reports of "honour killings". As for their "protection", women continue to be incarcerated for acts considered to be social or sexual offences, such as refusing to proceed with a forced marriage, running away from abusive spouses or for suspected involvement in extramarital relations.

In addition to women being incarcerated for these crimes, authorities also indicate at times that the incarcerations are often justified on the grounds of the need to provide protection to women from violent retribution from families or communities. These women may be held in prison for months, under less than ideal circumstances. As the Special Rapporteur on violence against women also flagged in her report, such "protective custody" should be replaced by alternative methods that respect women's rights and freedom, including through the creation of shelter programmes for women.

A recent report from the Women's Commission for Refugees Women and Children notes that refugee women are facing specific risks associated with lack of security. Fathers and older brothers leave to secure employment women and children who are left unprotected. According to the report, "Iran and Pakistan continue to deport refugees, including children, pregnant women and men, splitting up families and subjecting them to fear and abuse. (*Emerging Challenges: Closing Gaps in the Protection of Afghan Women and Girls, March 2003*)"

## **Women in rural areas**

There are great disparities between the situation of women and girls in Kabul, as compared to their situation in the rest of the country where 90 per cent of the population resides. First, with on-going conflict in certain parts of the country, women are often the first victims of such clashes. Their security is greatly threatened not only by clashes but also generally by the actions of local commanders, who often violate a range of rights, including sexual abuse of women, with impunity. In fact, the Special Rapporteur's report highlights that rape, including significant incidences of gang rape, is reported to be a common and recurrent consequence of the current insecurity. The Security Council's recent approval for the expansion of NATO forces outside Kabul is very welcomed. The rapid implementation of this resolution is one clear way of addressing the security problems faced by women in rural areas.

Secondly, as regards disparities, there tends to be a greater prevalence of conservative attitudes and discriminatory practices, serving to perpetuate multiple forms of discrimination and violence against women, throughout the rural provinces. Whether it is a result indeed of greater conservatism or rather greater lack of protection in the rural areas can be further reviewed, but the fact remains that the situation of women and girls outside of Kabul is reported to be significantly worse.

***The Security Council is encouraged to review and assess the situation of women and girls throughout Afghanistan, and not focus only on Kabul, thus drawing conclusions that may not necessarily reflect the reality throughout the country.***

## **Girls' attendance in schools**

In this context, girls' attendance in schools should not be generalized and rather should be broken down into regions, or at the minimum a distinction should be made between Kabul and outside Kabul for a realistic picture. There are also increasing reports of attacks on girls' schools outside Kabul.

## **Criminal justice system**

The criminal justice system needs to be revamped for greater protection of women. In the first instance, there is a general lack of gender sensitivity on the part of police and judicial officials that needs to be addressed. Women are often denied access to justice, in particular in situations of sexual violence and physical abuse. This is partly due to a lack of capacity within the criminal investigations department and partly due to existing attitudes with regard to sexual offences, which act to silence the victims and the witnesses.

As mentioned in the Amnesty International report ([www.amnesty.org](http://www.amnesty.org)), "the criminal justice system is too weak to offer effective protection of women's right to life and physical security, and itself subjects them to discrimination and abuse". The AI report highlights that although legal reform and the rebuilding of

the police force and judicial system with international support are currently being taken forward in Afghanistan, in both planning and implementation, donors funding the reconstruction of the justice system have displayed an alarming lack of attention to the specific needs of women who come into contact with the justice system as well as to violence against women.

### **Women in the media**

Since the fall of the Taliban more than 20 newspapers have been launched by women and for women in Kabul and two women's radio stations have gone on the air. Skills-building in women's issues for radio and television broadcasters, press corps and journalists has been supported by UNIFEM. The project also supports media advocacy to raise awareness and knowledge of gender equality issues, provide recommendations for increased security for women journalists, and greater support and training for women to enter the media. Continued support to build the capacity of women and men in the media is needed, including support to MOWA to build capacity and institutionalise an Information and Communication Strategy for the MOWA.

### **Gender Adviser in UNAMA**

UNAMA has on its staffing table a D-1 and a P-4 gender adviser post. As early as November 2001 attempts were made to fill the D-1 position but as of October 2003 it has not been filled. A Gender Adviser was deployed free of charge to UNAMA from the Office of the Special Adviser on Gender Issues/Division for the Advancement of Women from May-November 2002. The position for the P4 Gender Adviser was recently filled and the candidate is to begin work in November 2003. Core funding was earmarked from the Dutch government for the D-1 post, and since it was not filled in 2002, the Dutch agreed for UNAMA to utilize the funds for programme activities.

***The Security Council may wish to request information on the activities supported by UNAMA for the benefit of women as well as UNAMA's plans to fill the D-1 position.***

## CONTACTS IN AFGHANISTAN

### GOVERNMENT CONTACTS

- **The Afghan Independent Human Rights Commission (AIHRC):** Chairperson Dr. Sima Samar was the Minister of Women's Affairs in the interim government's cabinet. The AIHRC has five areas of specific programming that is supported by a joint UNAMA/OHCHR/UNDP project, one of which is on women's rights.
- **Minister of Women's Affairs:** Mrs. Habiba Sarabi
- **Minister of Public Health:** Dr. Sohaila Siddiq

- **State Minister for Women's Affairs:** Professor Mahbooba Huquqmal,
- **Judicial Reform Commission**, tasked with preparing new criminal codes, criminal procedures and family codes, as well as surveying the existing judicial system in Afghanistan.

## NGOs

**International Human Rights Law Group:** Commissioner Nader Nadery can arrange to bring together key NGOs for discussions on women's rights and gender issues.

**Afghan Women's Resource Center (AWRC):** Director Partawmina Hashemee: AWRC can speak about the challenges facing local women's organizations operating programs for women and girls. She can also discuss cross-border issues and insecurity facing refugee women, including trafficking. AWRC has offices in Peshawar and Kabul. Contact information: awrc@brain.net.pk, Tel in Peshawar - 92 91 8403111, Tel in Kabul - 070280179.

**Afghan Women's Network (AWN):** Director Afifa Azim: AWN is a network of more 62 Afghan women's NGOs and 2,000 individual members, serves as a liaison between donors, women's groups, the Afghan government and assistance agencies to promote awareness and advocate for the needs and rights of women and children. <http://www.afghanwomensnetwork.org>. AWN has offices in Peshawar and Kabul. Contact: awn@brain.net.pk; Tel in Pakistan - 92 91 40436.

**Afghan Women Lawyers' and Professionals Association.** Director Suraya Paikan is involved in constitutional reform issues. [suraya60@hotmail.com](mailto:suraya60@hotmail.com). Tel -070210122 [awlpa@yahoo.com](mailto:awlpa@yahoo.com)

## **Additional information on women's groups and NGOs provided by UNIFEM to UNAMA**

### **Afghan Women's Educational Center (AWEC)**

Director: Palwasha Hassan  
Kabul Tel: 070283440 [irfan@pes.comsats.net.pk](mailto:irfan@pes.comsats.net.pk)

### **Afghan Women Judges Association**

Judge Marzia Basel Director/ AWJA,  
Tel: 070-210076 Email: [marzbaz2709@hotmail.com](mailto:marzbaz2709@hotmail.com)

### **Afghanistan Women Lawyers Council**

Mahbooba Hoqooqmal, Director or Hamida Barmaky AWLC Manager  
Tel: 070292661

### **Gender and Law Working Group**

Chair: Mahbooba Hoqooqmal, State Minister for Women's Affairs  
Tel: 070292661

## **Individual Spokeswomen in the provinces**

### **Herat**

Ms. Holan Khateebi, Director of the Women Activities and Social Services Association. Tel: 070 400275

Dr. Malika Paigham, Doctor in Herat Central Hospital

Shafiqah Khwajazada, Journalist and Lecturer at Herat University

Eng. Alia Shams, Program Officer DACAAR, Herat

### **Mazar**

Malaly Roshandil Osmani, Director, Defense Association of Balkh Women Rights  
Tel: 07050226

Najia Haneefi, Director, Youth Educational Association

Malali Osmani, Director, Association for Advocacy of Women's Right in Balkh

Qazi Fouzia, Judge in Balkh Provincial Court

## **Recent Documentation on women's situation in Afghanistan**

- 1) The situation of women and girls in Afghanistan: Report of the Secretary-General (E/CN.6/2003/4)
- 2) UNIFEM portal: Gender Information on Afghanistan
- 3) Report of the Special Rapporteur on Violence Against Women (A/59/421)
- 4) Amnesty International Report: Afghanistan: No justice and security for women (ASA11/025/2003)
- 5) UNIFEM project briefs



## AFGHAN WOMEN'S BILL OF RIGHTS, KANDAHAR, 2003

On September 5, 2003, in the historic city of Kandahar, we, the Afghan Muslim participants in the conference "Women and the Constitution: Kandahar 2003", from Kabul, Mazar-e-Sharif, Kandahar, Herat, Wardak, Jousjan, Badakhshan, Samangan, Farah, Logar, Gardez, Kapisa, Uruzgan, Paktia, Helmand, Baghlan, Sar-e-Pul, having considered the issues of the constitution that affect the futures of ourselves, our children, and our society, make the following demands on behalf of the women of Afghanistan. Moreover, as representatives of all of Afghan women, we demand that these rights are not only secured in the constitution but implemented.

The Afghan Women's Bill of Rights was drafted, signed, and presented to President Hamid Karzai by women leaders from every region of Afghanistan, who participated in the third annual conference of Women for Afghan Women (WAW), organized in partnership with the Afghan Women's Network (AWN) and Afghans for Civil Society (ACS).

This conference, entitled "Women and the Constitution: Kandahar 2003", was held on Sept. 2-5 in Kandahar, Afghanistan. The conference was pioneering for two reasons. First, it was held outside Kabul, in fact in the former Taliban stronghold of Kandahar. Second, it brought together 45 ethnically diverse women, community leaders in the movement for women's and human rights in Afghanistan, many of whom were grassroots women's rights activists, both educated and under-educated, from rural provinces all around the country. This document was created entirely by the participants, with each right debated and its wording unanimously agreed upon before inclusion into the document. This document was presented to Minister of Women's Affairs, Habiba Surabi, the Constitutional Commission of the Transitional Islamic State of Afghanistan, and President Karzai. In addition, the conference participants are distributing the Bill of Rights throughout the country to educate communities about women's and human rights. WAW is proud to have supported the dynamic voices represented in this document. We continue to stand with our sisters Afghanistan in the struggle for their rights, especially in this critical moment in history.

1. Mandatory education for women through secondary school and opportunities for all women for higher education.
2. Provision of up-to-date health services for women with special attention to reproductive rights.
3. Protection and security for women: the prevention and criminalization of sexual harassment against women publicly and in the home, of sexual abuse of women and children, of domestic violence, and of "bad blood-price" (the use of women as compensation for crimes by one family against another).

4. Reduction of the time before women can remarry after their husbands have disappeared, and mandatory government support of women during that time.
5. Freedom of speech.
6. Freedom to vote and run for election to office.
7. Rights to marry and divorce according to Islam.
8. Equal pay for equal work.
9. Right to financial independence and ownership of property.
10. Right to participate fully and to the highest levels in the economic and commercial life of the country.
11. Mandatory provision of economic opportunities for women.
12. Equal representation of women in the Loya Jirga and Parliament.
13. Full inclusion of women in the judiciary system.
14. Minimum marriageable age set at 18 years.
15. Guarantee of all constitutional rights to widows, disabled women, and orphans.
16. Full rights of inheritance.

**Additional demands affecting the lives of women:**

1. Disarmament and national security.
2. Trials of war criminals in international criminal courts and the disempowerment of warlords.
3. A strong central government.
4. A commitment to end government corruption.
5. Decisive action against foreign invasion and protection of the sovereignty of Afghanistan