

**AFGHANISTAN
DON'T TRADE
AWAY
WOMEN'S
HUMAN
RIGHTS**

**AMNESTY
INTERNATIONAL**



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INTRODUCTION

“We all want stability and peace, but not at the price of women's rights. We're told that women's rights are a development issue, not a security issue. But women's rights are part of what the fighting is all about.”

Afifa Azim, coordinator of the Afghan Women's Network

‘Afghan women have the most to gain from peace and the most to lose from any form of reconciliation [peace process] compromising women's human rights. There cannot be national security without women's security, there can be no peace when women's lives are fraught with violence, when our children can't go to schools, when we cannot step on the streets for fear of acid attacks.’

Mary Akrami, Director of the Afghan Women Skills Development Centre

In 2001 the US government with its allies, launched a military intervention in Afghanistan. One of the justifications frequently touted for the military action, after the need to dismantle al-Qa'ida bases and oust the Taleban, was the defence of human rights – and women's human rights in particular.

In the weeks following the invasion, the US Secretary of State, Colin Powell, declared that the restoration of women's human rights would ‘not be negotiable’.

The United Nations also underscored the importance of protecting and upholding women's equality and human rights. The then UN Secretary-General, Kofi Annan, told the Afghan Women's Summit for Democracy: *‘I would like to take this opportunity to say to all Afghans: there cannot be true peace and recovery in Afghanistan without a restoration of the rights of women.’*

Ten years after the overthrow of the Taleban, there have been some advances for women. Girls' access to education has increased, as has women's representation in parliament. Under the new constitution, women and men have equal legal status.

But these hard-won gains could be seriously compromised as the Afghan government and its international partners pursue reconciliation and peace negotiations with leaders of the Taliban and other insurgent groups, without ensuring mechanisms to guarantee human rights.

Many Afghan women fear that their rights may be sacrificed in the search for a settlement with Taliban leaders. In areas they currently control, the Taliban continue to curtail women's human rights severely. They have carried out a concerted attack on girls' education and have murdered women prominent in public life. Afghan women's human rights defenders fear that their newly won rights will be severely eroded if the Taliban are brought back into government. Member of Parliament Shinkai Karokhail, in an interview with Amnesty International, warned that *'because of the security problem, the Taliban, [and] the involvement of warlords, women will be pushed back at the instigation of people who are anti-women, sometimes in the name of tradition, sometimes in the name of religion.'*

PROGRESS

UN Development Programme and Afghan government figures show there has been progress in education and women's political participation in Afghanistan.

- In 2001, fewer than 1 million children attended school, almost none of them girls. Today, there are 7 million children attending school, of whom 37 per cent girls.
- In the 2010 parliamentary elections 40 per cent of voters were women and women won 27 per cent of seats (more than the 25 per cent reserved for female candidates under the constitution).

Given the historical antipathy towards girls' education of the Taliban and other anti-government groups, human rights activists rightly fear that these gains could be seriously undermined if the Afghan government reaches a political settlement with the insurgents.

BEFORE THE TALEBAN

Even before the Taliban came to power, women and girls in Afghanistan faced discrimination and inequality, high rates of maternal mortality, low literacy rates, and high levels of violence including domestic violence. Nevertheless, there was progress as women's economic, social and political participation in their communities increased. Afghan women gained the right to vote in 1919 and the right to enter politics. Women also took part in drafting the 1964 Afghan constitution, which provided for equality for women.

In the 1970s, there were at least three women legislators in the parliament. Until the early 1990s, women held posts as teachers, government ministers and medical doctors. They worked as professors, lawyers, judges, journalists, and writers.

The Taleban's oppressive treatment of women while they held power from 1996 to 2001 is well documented. Under their rule, women encountered discrimination in all walks of life. They were denied education, employment, freedom of movement, and political participation and representation. They were excluded from public life and prohibited from studying, working or leaving the house unless chaperoned by a mahram, a male blood relative.

In effect, women were confined to the home. The impact of these restrictions was particularly hard on widows and women-headed households. Many forms of gender-based violence were also perpetrated by the Taleban state including stoning to death for 'adultery'.

UNDER ATTACK AGAIN

'We will not abandon you, we will stand with you always ... [it is] essential that women's rights and women's opportunities are not sacrificed or trampled on in the reconciliation process.'

US Secretary of State Hillary Clinton speaking to female Afghan officials in 2010

After the fall of the Taleban, women and girls gradually began to claim their basic human rights: they sought work, sent their daughters to school, and voted in local and national elections. Some entered politics at great personal risk. But since the re-emergence of insurgency in 2005 by the Taleban and other anti-government armed groups, the basic human rights of women and girls are under attack once again.

TERROR TACTICS

A woman working in one of the women-run NGOs in Helmand province told Amnesty International:

'I have received many death threats from the Taleban. Once someone called my phone and said that if I continued to work on issues related to women he would kill me and hang my body in Lashkargah city. I was scared and had to flee for a while to Kabul with my family. Now my children are in Kabul but I am back in Helmand working...

'We keep a low profile, we don't dare put any signboard outside our office and we operate in a private house. If the Taleban knew the whereabouts of our office they would blow it up with explosives. Also women working with us prefer to work undercover and not to make themselves visible.'

A woman who heads an NGO in Helmand province said:

'We have to keep hidden and work from home, we don't put any sign boards outside our office. We are under threat by the Taleban every day. If they knew that we were working for women and they found us, they would kill us.'

No surprise, then, that there are fewer than 20 NGOs working on women's rights in southern Afghanistan. There are no women's organisations in Zabul province and very few in the provinces of Kandahar and Helmand.

Women human rights defenders trying to provide access to education and health for women and girls in areas controlled or influenced by Taliban insurgents are particularly at risk. The danger is not only to the work and lives of the service providers and teachers, but also to the lives of the female students.

GAINS FOR WOMEN REVERSED IN TALEBAN-CONTROLLED AREAS

Amnesty International interviewed more than a dozen sources about the impact of the presence of Taliban insurgents in Ghazni, Logar, and Wardak provinces. Female officials from women's affairs departments in Ghazni and Wardak said that direct threats from the Taliban and fear for their security prevented them from travelling to any district outside of the provincial centres. Most of the progress made in girls' education and women's access to basic government services in these provinces had been reversed.

NIGHT LETTERS

The Taliban and other insurgent groups have created a climate of fear by issuing 'night letters' –threatening notes or posters pinned up during the night to trees, mosques or doors of buildings. The letters warn of attacks against perceived 'spies' working for the international forces, or government sympathisers, including teachers and government workers. In the run-up to the presidential elections, the Taliban issued night letters threatening that anyone found with indelible ink on their finger would have the finger cut off. (The ink is applied to voters' fingers in the polling station, to prevent double voting.)

GIRLS' EDUCATION

'There are destructive elements who don't want girls to continue their education.'

Spokesperson for the Afghan Ministry of Education

Since 2006 the Taliban and other insurgent groups have increasingly attacked schools with missiles, bombs and explosives. A clear common motive behind these attacks is the intention to undermine the authority of the central government and make local people afraid to use governmental services.

A common effect is that civilians are killed and injured and an already fragile education system is seriously undermined.

Girls' education has been particularly hard hit by the Taliban and other armed groups. They have attacked teachers and students, and targeted girls' schools.

Data obtained by Amnesty International shows that 74 schools were destroyed or closed down from March to December 2010 as a result of violence, including rocket attacks, bombings, poisoning of students, arson and threats. Of these attacks, 26 targeted girls'

schools, 13 targeted boys' school and 35 targeted schools that were mixed or not identified as serving either boys or girls.

Such attacks and threats have a ripple effect, causing schools in the surrounding area to shut down or attendance rates to fall, as parents and students fear further violence. Since 2005, night letters and intimidation appear to have become even more common, prompting teachers to leave their jobs and parents to keep their children at home. One night letter read:

'If you want to be safe in the world and in the hereafter then don't go to the centres set up by infidels.' The letter continues: 'Teachers' salaries are financed by nonbelievers. Unless you stop getting wages from them, you will be counted among American puppets.'

The Afghan Ministry of Education reported in 2010 that 34 per cent of schools in Helmand remained closed owing to insecurity, while 61 per cent remained closed in Zabul.

In a telephone interview with Amnesty International in 2007, Taleban spokesperson Qari Yousef Ahmadi maintained that the Taleban were 'closing' schools whose 'books have been printed in the USA' and whose 'curriculum was developed by foreigners'. He asserted that the Taleban were 'against the school curriculum; not school buildings'.

POLITICAL AND PUBLIC LIFE

Women active in politics, including parliamentarians and provincial councillors, face attacks and threats from the Taleban and other armed groups. Not only does this endanger politically active women, it also impedes their ability to defend the rights of all Afghan women and girls.

In April 2010 Nida Khyani, a female Provincial Council member, was left in critical condition after being attacked in a drive-by shooting in Pul-e-Khumri, the provincial capital of Baghlan in northern Afghanistan.

'You can't be an active woman in Afghanistan and not feel threatened,' member of parliament Shinkai Karokhail told Amnesty International. *'It is part of my daily life. In the last five years, many high profile Afghan women have been killed for trying to raise the profile of women or defend their human rights.'*

In the run-up to the September 2010 parliamentary elections, candidates, campaigners and voters told Amnesty International that they faced increasing attacks and threats from the Taleban and other insurgent groups.

Candidates said that despite repeated requests for protection, police forces had failed to respond to, or even investigate, reports of election-related violence. Women candidates also faced constant verbal abuse and threats from their male counterparts. Unless human rights are made central to the reconciliation process, the pressure on women seeking to enter

public life may increase.

CATALOGUE OF KILLINGS

- Safiye Amajan, the provincial director of the Ministry of Women's Affairs in Afghanistan, was shot and killed outside her home in September 2006, in apparent retribution for her efforts to educate women.
- Lt Col Malalai Kakar, the highest-ranking female police officer in Kandahar, was killed in September 2008. She was leader of a unit of 10 policewomen dealing with domestic violence.
- In April 2009, Taliban gunmen shot dead Sitara Achakzai, one of Afghanistan's leading female rights activists, as she stood outside her home in the southern city of Kandahar.
- In May 2011, Khan Mohammad, the head of the Porak girls' school in Logar province, was shot dead. Mateen Jafar, the education director in Logar, said Mohammad had received several death threats from the Taliban warning him not to teach girls.

CRUEL, INHUMAN AND DEGRADING PUNISHMENTS

In areas under insurgent control, incidents of torture and other ill treatment towards civilians, including beatings and brutal punishments have been reported. Often horrific punishments are dispensed following a 'trial' by a local Taliban 'court'.

- In March 2010, 18-year-old Bibi Aysha had her nose and ears cut off by her husband in Uruzgan province, southern Afghanistan, apparently on the order of a Taliban commander acting as 'judge', for the crime of running away from her abusive in-laws.
- In August 2010 in Badghis province, the Taliban shot a woman dead, after forcing her to abort her foetus, for alleged adultery.
- In August 2010, a couple were stoned to death for eloping in a Taliban controlled village in Kunduz, northern Afghanistan. Local sources told Amnesty International that the couple had eloped to Pakistan, but returned to their village of Mullah Qulli in Archi district of Kunduz after being told that their families had agreed they could marry. But when they returned they were stoned following a 'trial' by a Taliban council.

COMPROMISING RIGHTS

As the Afghan government pursues peace talks, there appears to be a worrying trend of pandering to Taleban ideology, even if it means compromising on human rights. For example, in late April 2011, the Mazar-e Sharif Ulema Council (council of religious scholars) banned women from attending their regular Wednesday meetings at the famous Blue Mosque – one of the few public spaces where women can gather once a week to socialise. (Under Taleban rule from 1996 to 2001, women were banned from going to public places, including the mosques, shrines and public baths. The ban was removed after the US and its allies ousted the Taleban in 2001.)

The Afghan government has also sought to introduce invasive public morality provisions which hark back to the days of the Taleban regime, undermining the small freedoms women and men have won since 2001. In April 2011 a draft regulation on weddings aimed to impose wedding dress codes to ensure that the bride was modestly attired, to ban music at weddings and to prevent male and female guests mixing during the wedding ceremony. The regulation would have permitted shops to be fined for selling wedding clothes deemed to be too revealing.

REINTEGRATION AND RECONCILIATION

Over the past few years, Afghan leaders have been publicly calling for reconciliation with the Taleban. Both the Afghan government and representatives of intergovernmental organisations have reportedly held meetings with insurgent leaders over several years, although the Taleban and other insurgent groups have vehemently denied participating in, or even having an interest in, peace talks.

The international community has also supported reconciliation processes, sometimes presenting the Taleban as a non-ideological movement. Gen Graeme Lamb, of the Force Integration Cell of the Nato-led International Security Assistance Force (ISAF), said in September 2009: *'Who are these Taleban? They are local people, the vast majority are guns for hire, not fighting for some ideological reason.'*

Yet the experience of women in areas under Taleban control shows that the Taleban and other insurgent groups, commonly attempt to impose a harsh and highly discriminatory interpretation definitions of Shari'a Law. If these commanders are granted political power in a reintegration or reconciliation process, without restriction and without the involvement of women, the result is likely to be the denial of the rights of women and girls.

DEFINITIONS

- Reintegration refers to programmes that encourage low to mid-level fighters to stop fighting.
- Reconciliation refers to negotiations with high-level insurgent commanders from the Taleban and other armed groups.

WOMEN AND PEACEBUILDING

'No lasting peace can be achieved after conflict unless the needs of women are met – not only justice for the victims of crimes of war, but their active involvement in creating a society in which their rights are respected and their voices are heard.'

British Foreign Secretary William Hague, speaking at the launch of the No Women No Peace campaign, October 2010

Afghan women leaders and human rights defenders are concerned about the lack of women's representation on high-level decision-making bodies, such as the High Peace Council, established to negotiate with elements of the Taliban. To date, only nine women have been appointed to the 70-member Peace Council.

It is essential that women have meaningful representation on decision making bodies, including the High Peace Council, and that their concerns are fully reflected. Adequate gender representation should be sought in all negotiating teams, including peace *jirgas* (tribal councils) and at the very least a 25 per cent quota for women should be set, consistent with constitutional guarantees for women's representation.

The January 2010 Conference on Afghanistan held in London, UK all but excluded women participants. The Afghan Women's Network observed: 'Afghan women were provided no official designation to feed into decisions nor negotiate conclusions. In an event that spanned an entire day and included more than 70 countries, only a single Afghan woman was included to speak as part of the official agenda.'

On 5 February 2010, the Committee on the Elimination of Discrimination Against Women (CEDAW) expressed deep concern at the exclusion of Afghan women from the London Conference, and at 'the absence of clear strategies to protect women's rights in the process of the discussions leading to negotiations with representatives of the Taliban'. Women activists and human rights defenders were more successful in securing participation in the June 2010 Consultative Peace Jirga, where women comprised 20 per cent of participants.

Ensuring that women community leaders and women human rights activists can participate meaningfully in the reconciliation process is critical. Otherwise, Afghan women and girls have every reason to fear what a political settlement with the Taliban may mean for them. Not only is it their right to be there; the involvement of women in formal peace processes will help safeguard the rights of women and girls, and help build a sustainable peace.

GUARANTEES FOR WOMEN'S RIGHTS

The Afghan government has said that Taliban fighters who take part in reconciliation must renounce violence, cut ties with al-Qa'ida and accept the principles of the Afghan constitution, which forbids discrimination and states that men and women are equal before the law. The constitution also guarantees the right of education for all Afghans and the political representation of women in parliament.

But many women fear the constitutional protections for women's rights will be insufficient: they have failed to guarantee women's rights in the past and, in any case, constitutions can be amended. The Afghan constitution has been honoured more often in the breach than in the observance.

A commitment to respecting the constitution must be accompanied by clear benchmarks and ongoing monitoring of the conduct of all the parties to any agreement. This should apply to all anti-government groups, as well as to militias ostensibly allied with the Election observers watch over proceedings Afghan government.

In post-conflict negotiations and peacebuilding, women can represent particular concerns and challenges of civilians. Their experiences and viewpoints differ from male politicians or community leaders. They can represent the needs of their local communities in many areas including education, healthcare, and employment.

PEACE NEGOTIATIONS: AN 'AFGHAN-LED PROCESS'

Afghanistan's international allies have emphasised that the ongoing peace process should be 'Afghan-led'. Of course any process must be shaped and decided by Afghans, but these decisions cannot be confined to men in the ruling elite and former commanders. It has to include Afghans from all backgrounds, and ensure that women are equal partners at the negotiating table.

An 'Afghan-led' process does not absolve Afghanistan's international partners from their responsibility to ensure any peace process is founded on a framework guaranteeing the human rights of all Afghans – women, men and children.

Many governments have invested heavily in Afghanistan over the last 10 years, and have committed to maintaining high levels of development aid. For example, the European Commission, together with EU Member States committed around EUR 8 Billion for the period 2002-2010. In July 2010, the UK government announced a 40 per cent increase in aid to Afghanistan, taking the UK contribution from £500 million to £700 million over the next four years, whilst the USA's foreign assistance to Afghanistan runs into the billions.

Nearly 50 countries have forces deployed to Afghanistan in support of ISAF and as part of the US-led Operation Enduring Freedom (OEF), as the country deploying the most troops is the USA with approximately 100,000. As of September 2011, the UK troop contribution was approximately 9,500, Germany approximately 5,000, Italy and France over 3,900 each, Poland over 2,500, Turkey, Spain, Romania and Australia over 1,500 each. These governments could use their influence with the Afghan government to ensure that human rights, including women's rights, are integral to any peace agreement to ensure a just and sustainable peace.

WHY PEACE NEEDS WOMEN

'Given the benefits of women's participation to the quality of governance, rule of law, and recovery, it is unacceptable that they remain marginalised from peace talks and recovery. This has to change.' Michelle Bachelet, executive director of UN Women

Michelle Bachelet, executive director of UN Women, gives four reasons why women's participation builds a better peace:

Women's participation broadens the peace process to larger constituencies beyond the fighting parties, engaging the people who can ensure broad social acceptance of and commitment to peace deals.

If the concerns that are specific to women are answered, it can help speed a more rapid return to the rule of law. A zero-tolerance approach to abuses against women can begin to address impunity for violations of women's human rights.

Women's participation in all aspects of peace-building, including disarmament processes, transitional justice and constitutional reform commissions can ensure that a greater diversity of views is reflected in decision-making.

Attention to the needs of women in post-conflict situations can help with economic recovery. Conflict produces a surge of female-headed households. If women are left with no livelihoods, poverty can worsen. With some economic security, women are faster to invest in child welfare and education, faster to build food security and faster to rebuild rural economies.

INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Afghanistan ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2003 and is therefore bound by its provisions.

In January 2010, the CEDAW Committee said that 'any agreement reached with the Taliban in Afghanistan should include a clear commitment to respect and protect women's human rights.'

It urged the Afghan government and its international allies 'to ensure that women representatives are included in the upcoming peace and development dialogues and negotiations with the Taliban.'

Several UN Security Council resolutions referred to the protection and empowerment of women. These resolutions, particularly UNSCR 1325, outline commitments to respond to the impact of armed conflict on women.

They note that full participation of women in peace and reconciliation is essential to the maintenance and promotion of international peace and security. They acknowledge the particular threat of sexual violence against women.

UNSCR 1894 on the protection of civilians in armed conflict emphasised the need to end impunity for human rights violations and reiterated that states have responsibility to uphold the human rights of their citizens.

RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE AFGHAN GOVERNMENT AND ITS US/ISAF PARTNERS TO ENSURE THAT:

- the Afghan government and insurgent groups both commit to Afghanistan's human rights obligations under international human rights law and domestic law;
- any political agreement includes verifiable benchmarks for the parties' conformity with their human rights obligations; for instance by documenting: trends in school attendance, especially of girls; trends in women's access to health care; trends in maternal mortality and infant health; the ability of aid workers and civil society activists – in particular women's human rights defenders – to operate in areas under the respective control of the parties;
- reconciliation talks are inclusive and reflective of Afghan civil society, including minorities, women and the business community. Afghan women should be meaningfully represented in the planning stages and during the reconciliation talks, in keeping with UN Security Council Resolution 1325;
- reconciliation talks do not result in impunity for serious violations of human rights and war crimes;
- a robust monitoring mechanism is embedded in the reconciliation strategy to ensure human rights are not violated during or after the reconciliation process.

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