
Afghan women's rights on the brink:

Why the international community must act to end violence against women in Afghanistan

In brief

Afghan women's rights, improving steadily since 2001, are now in extreme jeopardy. Violence against women remains endemic in Afghanistan, with attacks on women becoming more frequent as tension grows in the run up to NATO troop withdrawal.

ActionAid believes that the Tokyo conference on the future of Afghanistan on 8 July is a prime opportunity to prioritise tackling violence against women and girls in plans for the future of this fragile nation. Delegates to the Tokyo conference must acknowledge that violence against women and girls poses an ongoing threat to the future of Afghanistan, and must set out a plan to end such violence.

A new estimate from ActionAid suggests that at least US\$90 million over five years is needed to tackle violence against women and girls in Afghanistan, three times the amount currently on the table. The donor community now has the chance to make good on its original promise to make a difference to the lives of women and girls in Afghanistan by committing these funds at Tokyo.

We are calling on development partners at Tokyo to:

- ensure that tackling violence against women and girls is part of the Mutual Accountability Framework agreed between donors and the Afghan government following the Tokyo conference
- immediately commit US\$30 million to get agreed plans to tackle violence against women and girls off the ground
- make binding guarantees to reach US\$90 million in funding to tackle violence against women and girls
- ensure that women's rights organisations can access donor funding directly
- urge the Afghan government to establish a transparent monitoring process on key initiatives to tackle violence against women and girls.

Introduction

Securing women's rights was frequently and forcefully cited as one of the main goals of the coalition intervention in Afghanistan in 2001. Therefore, the status and security of women can be seen as a test of the degree to which a better Afghanistan is left behind after troop withdrawal in 2014. During recent milestone events in the 'Kabul Process' (the transition to full Afghan leadership and responsibility over security and development), there has been growing recognition of the need to protect women's rights.

"We will continue to support the Government of the Islamic Republic of Afghanistan in its efforts to meet its obligations to protect and promote

human rights and fundamental freedoms, including in the rights of women and girls and the freedom to practice religion."

Camp David Declaration of the G8, 19 May 2012

"We reiterate the importance Allies attach to seeing tangible progress by the Government of the Islamic Republic of Afghanistan to a democratic society...where the human rights and fundamental freedoms of its citizens, including the equality of men and women and the active participation of both in Afghan society, are respected."

Chicago Summit Declaration,
North Atlantic Council (NATO), 20 May 2012

ActionAid welcomes this greater attention to women's rights, but the specific issue of violence against women and girls rarely makes it onto the agenda. The next landmark in the Kabul Process is the conference on the future development of Afghanistan to be held in Tokyo on 8 July. **ActionAid believes this is a key moment for the government of Afghanistan and the international community to agree mutually accountable commitments to eliminate violence against women and girls, backed by substantial and long-term strategic funding.**

Advances in Afghan women's rights on a knife-edge

The struggle for Afghan women's rights has a long and chequered history. Since the late 19th century there have been periodic attempts to improve the lives of women in Afghanistan, including under communist rule in the 1970s and 1980s. Despite some gains for the minority of women, mainly in urban areas, entrenched patriarchy and harmful traditional practices have remained pervasive. The situation for all women worsened dramatically, however, when the Taliban faction of the Mujahideen took power after the bloody civil war of 1992-96. Draconian restrictions on women's rights and freedoms ensued, with well-publicised effects on women's freedom of dress and movement, access to employment, education and health services, and rights to political participation. Violence against women, already commonplace in many areas, became rife and severe.

Since then, there has been significant progress in improving women's rights in Afghanistan:

- a new constitution has enshrined equal rights for women and men¹
- a landmark law was enacted – the 2009 Elimination of Violence against Women Law (EVAW)
- a new National Action Plan for the Women of Afghanistan (NAPWA)² received initial endorsement

- women's shelters were established for the first time³
- just over 27% of MPs are women⁴
- 25% of government jobs are filled by women⁵
- over 2 million girls are now in school⁶
- more women are free to participate in public life and to work outside their homes as doctors, teachers, entrepreneurs and lawyers – a situation once made impossible by the Taliban.

The continued existence of these gains is now on a knife-edge. In the run-up to troop withdrawal, early action from the government and the international community will be decisive as to whether these gains for women will endure and be built on, or be swept away once more.

Meanwhile, the advances made are far from universally shared. Women in rural areas, particularly in the more conservative southern provinces, are still facing restrictions and violence when working outside the home. Many women across the country still lack basic rights such as access to justice and economic independence from men.⁷ The maternal mortality rate remains high, with one woman dying every two hours because of pregnancy-related causes.⁸ Almost nine in ten women over the age of 15 are illiterate.⁹ And school enrolment figures for girls are not matched by attendance, with early and forced marriage¹⁰ and attacks on girls' schools¹¹ still major barriers to girls' education. Alarming, 87% of women face at least one form of domestic violence, with some experiencing several.¹² A 2011 survey of 213 gender experts around the world for Thomson Reuters Foundation ranked Afghanistan as the most dangerous place in the world to be a woman.¹³

“Too many Afghan women have experienced violence, gender based and sexual, often on a repeated basis. Women forced to resort to shelters are amongst the bravest Afghans we know. They deserve the support of the international community and from the Afghan government.”

EU High Representative Catherine Ashton



Photo: Jenny Matthews/ActionAid

*Not her real name

Angiza,* aged 18

Angiza has been forced to seek refuge in a women's shelter in Kabul after running away from home. “I am here because my life is in danger. After my father died, my mother got married for a second time. Now my uncle is in charge of me and he beats me. He got me engaged to someone who I don't know and I don't want to marry him. My mother said she could not keep me safe and said my life was in danger or I could have acid thrown in my face if I did not marry.”

As 2014 and the planned withdrawal of troops draws near, there is a real and present danger that gains already made will either not be sustained, or worse, will be overturned. Indeed, in areas where the Taliban insurgency is gaining ground, women are being systematically targeted with threats and the use of violence, and progress in the crucial areas of health and education is in reverse.¹⁴

The extent to which violence against women and girls remains pervasive in Afghanistan is an appropriate indicator of both development and security progress in the country. A recent ActionAid survey of 1,000 women across Afghanistan found that:¹⁵

- two thirds feel their lives have improved over the last ten years
- but nine out of ten fear a return to Taliban-style government, with one third specifically worried about international troops leaving
- violence against women remains a pressing security concern:

- the biggest fear of women under 30 is sexual assault
- all women were more fearful of sexual assault than of abduction, kidnapping or being caught in an explosion – combined.

Meanwhile, women who enter public life do so at significant risk:

- Khan Mohammad was head of a girls' school in Logar province. She was killed in May 2011.¹⁶
- Sitara Achakzai was a provincial council member in Kandahar. She was killed in April 2009.¹⁷
- Malalai Kakar was the highest-ranking female police officer in Kandahar. She led a 10-woman police unit focused on domestic violence. She was killed in September 2008.¹⁸
- Safiye Amajan was the provincial director of the Ministry of Women's Affairs. She was killed in September 2006.¹⁹

Security for women is fundamental to Afghanistan's future development

Violence against women and girls is a gross violation of human rights. ActionAid has also shown that it blocks progress across the major development agendas.²⁰ For example, violence against girls was a major factor causing the 2005 Millennium Development Goal of achieving gender parity in schooling to be missed across the world. This was because girls are subject to routine violence in, around and on their journeys to and from school, and are forced into early marriages, causing them to drop out of school at much higher rates than boys. In the case of Afghanistan, girls in school have specifically been attacked as part of the insurgency, and in Taliban-targeted areas girls are dropping out of school at an alarming rate.²¹ Prospects for Afghanistan's future development will also be compromised if women's fear for their security prevents them from playing a full part in the economic life of the country. There are growing signs of a 'brain drain' of women from Afghanistan, and that those who remain are increasingly likely to choose not to work.²²

Clearly, solutions to the problem of violence against women and girls lie principally within Afghanistan itself, and efforts to end violence against women and girls need to be led by the Afghan government. As noted above, two major government initiatives – the NAPWA and EAW law – set out the policy and legal frameworks for tackling the problem. While they each have weaknesses,²³ the NAPWA and EAW law could form a solid foundation for progress on violence against women and girls. However, both remain far from being fully implemented.

The NAPWA provides a policy framework to guide the work of all relevant government departments in improving women's rights. It contains 35 commitments to help tackle violence against women.

The NAPWA was welcomed by women's rights organisations when it was agreed in 2008. However, for

some time critics have been questioning whether it has really been implemented across government.²⁴ In early

Sample National Action Plan for the Women of Afghanistan commitments on violence against women and girls

- Establish redress systems and support services for women victims of violence.
- Accelerate building and rehabilitation of girls' schools to be adequate, accessible and safe.
- Initiate public education campaigns about the legal age of marriage.

2011, the slow pace of progress was acknowledged when the NAPWA was identified for support under a National Priority Programme (NPP) named 'Capacity Development for Implementation of the NAPWA'.²⁵ The NPP describes implementation of the NAPWA as "slow and insignificant" and states that most initiatives spurred on by the NAPWA are carried out in "...a piecemeal and unsustainable manner that does not create overarching, long-term and meaningful impacts on the lives of women". However, the Ministry of Women's Affairs has only secured a fraction of the US\$30 million needed to deliver on the NPP, which is itself just a first step towards full implementation of the NAPWA.

The 2009 Elimination of Violence against Women law is also regarded as a big step forward in support of the protection of women's rights. It criminalises over 20 acts of violence against women and specifies punishments for perpetrators. A 2011 report by the UN Assistance Mission to Afghanistan (UNAMA) and the Office of the UN High Commissioner for Human Rights²⁶ found that judicial officials have begun to use the law, which is a promising development. However, the research also revealed that

“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 outside for fear of acid attacks.”²⁷

Mary Akrami, Director of the Afghan Women Skills Development Centre

there is low awareness of the law among women and members of the judicial system, that it is being unevenly enforced and that harmful traditional practices remain pervasive.

UNAMA further found that a majority of cases of violence against women are processed outside the formal justice system – through mediation, pressure for withdrawal of complaints, and by elders. These mechanisms do not respect the rights of women or comply with the EAW law. In practice, their use means that perpetrators of rape and domestic violence get away with unacceptably light punishments, women are forced back into dangerous, sometimes life-threatening situations, and are often

themselves accused of ‘moral crimes’. This dramatically illustrates the considerable distance still to travel in embedding the law into the norms and institutions of Afghanistan.

Women therefore remain subject to commonplace violence at home and in public spaces, a situation that appears to be worsening as the date of troop withdrawal approaches. Indeed, increases on attacks – especially on girls’ schools and on women’s human rights defenders – are often an early warning sign of deteriorating security in a region or district. The NAPWA and EAW law both contain provisions for training of security forces and police in preventing and responding to this core threat, but again these have not been fully implemented.

‘Moral crimes’ are primarily (relationship or intercourse outside marriage) which is a crime under the Penal Code and Sharia law, and ‘running away’ or ‘intention to commit zina’ which are not crimes under Afghan law but remain in use by traditional courts. Afghan authorities often accuse rape victims or women fleeing domestic violence of zina or ‘intention to commit zina’. A 2012 Human Rights Watch report found that almost half the women in prisons and all the girls in juvenile detention centers had been arrested after they fled a forced marriage or abusive husbands and relatives. Some 400 girls and women are currently imprisoned for ‘moral crimes’.

“I had to run away”: The imprisonment of women and girls for ‘moral crimes’ in Afghanistan (Human Rights Watch, 2012)

Full implementation of both the NAPWA and EAW laws is therefore essential, not only for creating a future free from violence against women but also for securing vital development gains for the whole country. However, both these mechanisms lack the funding and political backing required to realise their objectives.

Assessing exactly what the resource needs are to tackle violence against women in Afghanistan is challenging, due to lack of transparent and publicly available information on these and other related government initiatives. An estimate prepared for ActionAid by an independent consultant recommends that the minimum level of funding required to relaunch the NAPWA and enable progressive implementation of all provisions of the EAW law should be at least US \$90 million over five years, three times the sum proposed under the NPP on the NAPWA. Without this level of funding, neither mechanism will be able to do its job, and widespread violence against women and girls will continue to undermine international and national efforts to create a secure and economically successful Afghanistan. It is therefore vital that the international community at the Tokyo conference earmarks substantial funding to address the remaining challenges in eliminating violence against women.

“Political uncertainty and insecurity could undermine Afghanistan’s transition and development prospects... International experience and Afghanistan’s history after the Soviet military withdrawal in 1989 demonstrate that violent fluctuations in aid, especially abrupt aid cut-offs, are extremely damaging and destabilising.” World Bank²⁸

Photo: Jenny Matthews/ActionAid



Shogofa, aged 18

Shogofa was married at the age of 11 and was beaten and abused by her in-laws and her husband. At 18 she decided she could take no more and set herself alight.

She survived but suffered 65% burns. When she came out of hospital her husband wouldn't let her see her young daughter. “I was not going to burn myself, but when my husband said that he would stab himself in the stomach, then I got scared. They (in-laws) said that they will put me in prison for stabbing my husband. When they said that, I thought that it is better to die than being put in the prison. My life is worth nothing. And this happened. They put a lot of pressure on me, who is ready to do something like this by her own will? Who wants this? If I knew I would stay alive would have I done this? I wanted to die to be out of this misery.”

On the table at Tokyo?

Putting violence against women and girls at the top of the Tokyo agenda would show the world that members of the coalition remain resolute in their determination to ensure a better future for Afghanistan’s women, just as they promised ten years ago. Yet discussions at Tokyo will focus almost exclusively on how Afghanistan can achieve a stable fiscal position and achieve steady economic growth to fund its own development.

After troop withdrawal, the Afghan government will have to take on massive security expenditure so far borne by foreign military forces. Estimates suggest that the funding gap will climb quickly to around US\$8.4 billion for the financial year 2014/15 and will be above US\$7 billion until 2021/22. It is unlikely that the gap will be entirely filled, which could lead to “extremely difficult and possibly destabilising trade-offs”, according to the World Bank.

In the effort to distribute increasingly scarce funds

across security and development needs, tackling violence against women stands a high chance of being overlooked.

A further challenge is presented by the drive to provide more aid directly through the Afghan government, with donors having agreed in principle to channel 50% of aid through government systems. ActionAid supports using aid to put governments in the driving seat of development. However, it is clear that the Afghan government has not yet made tackling violence against women and girls a top priority. There are also some services – for example, the provision of shelters for women fleeing domestic violence – that may be more appropriately delivered by women’s rights organisations that are more likely to gain the trust of communities. Women’s rights organisations report that they struggle for funds, and have to make difficult choices between maintaining services and advocating that government lives up to its obligations.²⁹

“Since last year we have been desperately seeking money for our shelter [for women fleeing violence]. We are looking for donors who can give us multi-year funding because the shelter is a huge project and the only option is to close it if we don’t have funds.” Selay Ghaffar, Director, Humanitarian Assistance for the Women and Children of Afghanistan

A new estimate of the cost of tackling violence against women and girls in Afghanistan

ActionAid commissioned former Director-General of Budget in the Ministry of Finance, Seema Ghani, to assist in drawing up an estimate for the cost of tackling violence against women and girls in Afghanistan. Ms Ghani analysed commitments on violence against women in the NAPWA, for which budgets were collected and adjusted for 2012 prices. In some cases, amounts were recalculated based on a more realistic approximation of the cost of delivering the planned action or initiative. The total for these items came to just under US \$60 million, which was then added to the US \$30 million already agreed as the costing of the NPP, to reach the grand total estimate of US \$90 million.

Conclusion and recommendations

Afghanistan finds itself once more at a crossroads. Women have seen improvements to their lives before, only to find them eroded by a lack of political will to implement, enforce and finance laws and policies designed to protect them. A descent into rampant and unchecked violence against women must be prevented at all costs. Any agreement reached at Tokyo must acknowledge that violence against women and girls poses an ongoing threat to their lives and to the future development and security prospects of Afghanistan, and must commit to eliminate it.

ActionAid is calling on development partners at Tokyo to:

- ensure that tackling violence against women and girls is part of the Mutual Accountability Framework agreed between donors and the Afghan government following the Tokyo conference
- as a first step, immediately commit US\$30 million for three years for the NPP Capacity Development of the implementation the NAPWA
- make binding guarantees to ensure full funding for the NAPWA commitments on violence against women and girls and EAW law, and establish a timetable for reaching the full financing requirement of US \$90 million over five years
- make provision so that women’s rights organisations can access funding directly to provide services and engage in advocacy and accountability work around the NAPWA and EAW laws
- urge the Afghan government to establish a transparent process that shows how the NAPWA and EAW laws are being implemented and financed.

¹See www.afghanembassy.com.pl/cms/uploads/images/Constitution/The%20Constitution.pdf

²National Action Plan for the Women of Afghanistan (NAPWA): The Government's main vehicle for implementing policies and commitments to advance the status of women 2007-2017, Islamic Republic of Afghanistan: <http://webapps01.un.org/vawdatabase/uploads/National%20Action%20Plan%20for%20the%20Women%20of%20Afghanistan%202007%20to%202017.pdf>

³Kirk Semple, 'Afghan women slowly gaining protection', New York Times, 2 March 2009: <http://www.nytimes.com/2009/03/03/world/asia/03shelter.html>

⁴United Nations, Women's Indicators and Statistics database (www.ipu.org): http://www.ipu.org/parline-e/reports/2381_E.htm

⁵Anjali Kwatra, A just peace? The legacy of war for the women of Afghanistan, ActionAid, September 2011: http://www.actionaid.org.uk/doc_lib/a_just_peace.pdf

⁶Written answers, Monday 6 June 2011, Afghanistan: Education, Hansard: www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110606w0001.htm

⁷Rachel Reid, The 'Ten-Dollar Talib' and Women's Rights, Human Rights Watch, 2010: www.hrw.org/sites/default/files/reports/afghanistan0710webwcover.pdf

⁸Afghanistan Mortality Survey 2010, Afghan Ministry of Public Health, Afghan Central Statistics Organization, ICF Macro, Indian Institute of Health Management Research, World Health Organization/EMRO, November 2011: <http://measuredhs.com/pubs/pdf/FR248/FR248.pdf>

⁹National Risk and Vulnerability Assessment (NRVA) 2007/8, Central Statistics Organization (CSO)

¹⁰Ashley Jackson, High stakes: girls' education in Afghanistan, Joint agencies, 24 February 2011: <http://oxfamilibrary.openrepository.com/oxfam/bitstream/10546/125287/1/bp-high-stakes-girls-education-afghanistan-240211-en.pdf>

¹¹See www.amnesty.org.uk/uploads/documents/doc_22198.pdf

¹²Living with violence: a national report on domestic abuse in Afghanistan, Global Rights: Partners for Justice, March 2008: http://www.globalrights.org/site/DocServer/final_DVR_JUNE_16.pdf?docID=9803

¹³www.trust.org/trustlaw/news/trustlaw-poll-afghanistan-is-most-dangerous-country-for-women/

¹⁴Afghanistan: Don't trade away women's rights. Amnesty International, October 2011: www.amnesty.org.uk/content.asp?CategoryID=12150

¹⁵Anjali Kwatra, A just peace? The legacy of war for the women of Afghanistan, ActionAid, September 2011:

www.actionaid.org.uk/doc_lib/a_just_peace.pdf

¹⁶Afghanistan: don't trade away women's human rights, Amnesty International, August 2011: www.amnesty.org.uk/uploads/documents/doc_22198.pdf

¹⁷Silence is violence: end the abuse of women in Afghanistan, UNAMA and OHCHR, 8 July 2009: <http://unama.unmissions.org/Portals/UNAMA/human%20rights/vaw-english.pdf>

¹⁸ibid

¹⁹Afghanistan: Don't trade away women's human rights, Amnesty International, August 2011: http://www.amnesty.org.uk/uploads/documents/doc_22198.pdf

²⁰Destined to fail? How violence against women is undoing development, ActionAid, 2010

²¹Afghanistan: Don't trade away women's human rights Amnesty International, October 2011: <http://www.amnesty.org.uk/content.asp?CategoryID=12150>

²²See www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2010-marginalization/

²³For example, critics have pointed out that the drafting of the NAPWA ignored pre-existing efforts to improve gender equality in Afghanistan and relied too heavily on foreign technical assistance. See www.opendemocracy.net/deniz-kandiyoti/gender-in-afghanistan-pragmatic-activism

²⁴See, for example, statements by women human rights defenders at www.amnesty.org/en/news-and-updates/afghan-women-human-rights-defenders-tell-intimidation-and-attacks-2010-03-08

²⁵Ministry of Women's Affairs Priority Programme 2010-2013. Government of Afghanistan, February 2011

²⁶A long way to go: implementation of violence against women law in Afghanistan. UNAMA/OHCHR, 2011

²⁷Afghanistan: don't trade away women's rights. Amnesty International, October 2011: www.amnesty.org.uk/content.asp?CategoryID=12150

²⁸Transition in Afghanistan: Looking Beyond 2014. World Bank, December 2011 <http://siteresources.worldbank.org/AFGHANISTANEXTN/Resources/305984-1297184305854/AFTransition.pdf>

²⁹Anjali Kwatra, A just peace? The legacy of war for the women of Afghanistan, ActionAid, September 2011: www.actionaid.org.uk/doc_lib/a_just_peace.pdf