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Women's Rights in Afghanistan:
Briefing paper to the European Parliament Delegation for Relations with Afghanistan
18 September 2013

We are happy to share this slot with OXFAM friends, who have put out an excellent report that provides new information about one of the key obstacles to the enforcement of Afghanistan's Law on the Elimination of Violence Against Women (EVAW Law) – the lack of appropriate strategies to recruit and retain women in the Afghanistan National Police. As a major player on police reform in Afghanistan, the European Union has considerable ability to push this issue, through the technical assistance work of EUPOL and through the oversight of the use of LOTFA funding.

In addition to the failure by the Afghan government to adequately enforce the EVAW Law, we are now facing a far more serious challenge, which is a generalized attack on women's rights, launched by opponents of advancement of women, who have seen – and seized – an opportunity presented by the waning international interest in Afghanistan ahead of the end-2014 deadline for the withdrawal of international combat forces.

The rollback of women's rights in Afghanistan has already started. The debate on the EVAW Law in the lower house of parliament on 18 May was the first of – and perhaps triggered – an avalanche of subsequent setbacks, including:

- a) President Hamid Karzai told women's rights activists that he is unable to support further efforts to protect Afghanistan's law against violence against women;
- b) Comments by Abdul Rahman Hotak, a new member of the Afghanistan Independent Human Rights Commission (AIHRC), calling for repeal of the EVAW Law;
- c) A decision by parliament to reduce the set-aside for women on provincial councils;
- d) The revision of the new Criminal Procedure Code by the Ministry of Justice to add a new provision banning family member testimony in criminal cases, making it extremely difficult to prosecute domestic violence, child/forced marriage and *baad* cases – and the subsequent passage of this law by the lower house of parliament (it is currently pending in the upper house); and
- e) The reversal of the verdict in the Sahar Gul case, where the in-laws of a 13-year-old bride they had starved and tortured for months were sentenced to 10 years but then released after one year on the order of the court.

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As these examples make clear, attacks on women's rights are coming from every direction within the government – from the parliament, from the executive branch of government, from the judiciary, even from the AIHRC.

During this same period, there have been a string of physical assaults, including murder, against high-profile women which highlight the continued danger to activists and women in public life. These include:

3 July 2013 – Lieutenant Islam Bibi, the highest ranking female police officer in Helmand, is shot and killed on her way to work.

5 July 2013 – Former member of parliament Noor Zia Atmar divulges that she is now living in a shelter for battered women as a result of attacks from her husband. She later confirms that she is seeking asylum abroad.

Early August 2013 – Rooh Gul, a parliamentarian in the upper house, is attacked in a shooting. She and her husband survive, but her eight-year old daughter and driver are killed.

13 August 2013 – Farida Ahmadi Kakar, a parliamentarian in the lower house is kidnapped while driving from her constituency to Kabul. She is released after three weeks, reportedly in exchange for Taliban prisoners.

Early September 2013 – Sushmita Banerjee, an Indian woman who had married an Afghan man and was working as a health worker and documenting the lives of local women, is murdered in Paktika province. She is dragged from her home, shot repeatedly, and her body is left outside a religious school.

These attacks illustrate not only the dangers faced by high-profile women in Afghanistan, but the government's failure to create an environment in which all women can participate actively and safely in Afghan society.

Addressing these problems demands a deep and profound commitment to women's rights over many years. Genuine, irreversible progress will only be possible for Afghan women if there is sustained and intense monitoring and pressure from concerned governments on this and the ensuing Afghan governments to respect and advance women's rights over the coming years.

Our main goal in speaking with you today is to talk with you about how this can be achieved.

The Tokyo Mutual Accountability Framework (TMAF) provided a new tool that can be used to try to set clear expectations of the Afghan government that are linked to international assistance. The TMAF has not yet lived up to its potential however, for reasons including delays in establishing a mechanism to monitor compliance with the TMAF, lack of coordination among donors, and confusion by at least some donors over how conditionality should be used within the framework of the TMAF.

In October 2012, Human Rights Watch proposed, in a letter to then-US Secretary of State Hillary Clinton, that the US and partner nations, as an accompaniment to the 10-year plan to support the Afghan security forces that the international community committed to at the 2012 NATO Summit, develop a similar 10-year plan to support women's rights in Afghanistan. We continue to believe that

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this is the most effective way for the international community to ensure that the progress for women in Afghanistan over the past 12 years is the first of many steps in the right direction, not an intensive (and costly) effort which will be abandoned in the years ahead, leaving women's rights to slide back toward the state they were in as of 2001.

Recommendations:

The European Parliament has been a staunch supporter of the empowerment of women in Afghanistan, repeatedly expressing concerns through its resolutions about the deterioration women's rights and insisting that the support of the European Union and its member states for the reconstruction of Afghanistan needs to include concrete measures to eradicate discrimination against women. In line with European Parliament resolutions on Afghanistan, we urge the members of the European Parliament to do the following:

- Work to ensure that both the EU and its member states closely monitor the Afghan government's treatment of women and efforts to advance women's rights and respond quickly and, whenever appropriate, publicly, to any backsliding on the advancement of these rights;
- Encourage the EU and its member states to develop a 10-year plan for supporting women's rights in Afghanistan and work to ensure that this plan has the same prominence and commitment as the 10-year plan to support the Afghan security forces;
- Work to ensure that both the EU and its member states take advantage of the opportunity presented by the TMAF and use aid conditionality in a way that maximizes use of leverage on the Afghan government (for example, decisions about increases in on-budget support, security forces equipment, etc.) to the benefit of women's rights, without taking any action that would harm users of services;
- Call on the EU and its member states to work with the Afghan government through LOTFA, to develop specific steps and associated benchmarks that the Afghan government will take to achieve its goal of increasing the number of female police officers to 5,000 by the end of 2014, and to develop financial incentives linked to achievement of these benchmarks;
- Ensure that EU and its member states actively support, both politically and financially, Afghan human rights and women's rights organizations that do organizing, advocacy, policy analysis and lobbying that promotes human rights, especially women's rights.