



D-AF_PV(2013)0918

PROCÈS-VERBAL

de la réunion du 18 septembre 2013, de 9 heures à 10 heures
Bruxelles

La réunion est ouverte le mercredi 18 septembre 2013 à 9 h 05, sous la présidence de Thijs Berman (président).

1. Adoption du projet d'ordre du jour

L'ordre du jour est adopté sans modification.

2. Adoption du procès-verbal de la réunion du 20 juin 2013

Le procès-verbal est adopté sans modification.

3. Communications du président

Le président Berman récapitule les principaux éléments nouveaux depuis la réunion de juin 2013 de la D-AF:

- i- les pourparlers de paix: discussions intenses avec le Pakistan, les États-Unis, mais aussi avec l'Inde à propos des pourparlers de paix entre le gouvernement et les talibans. Le gouvernement pakistanais a annoncé la semaine dernière son intention de libérer le Mollah Baradar, l'ancien adjoint du Mollah Omar. Apparemment, M. Baradar sera ensuite envoyé en Arabie saoudite ou en Turquie, ce qui prouverait la justesse des rumeurs selon lesquelles le nouveau cycle de négociations n'aurait pas lieu au Qatar;

- ii- les élections de 2014: le président Karzai a signé le 21 juillet une nouvelle loi électorale explicitant les conditions relatives aux candidatures, aux mécanismes de vote et au comptage. Il a également nommé neuf commissaires pour la commission électorale indépendante (CEI), à qui il incombera de désigner le chef de la CEI. Ces décisions tant attendues et qui complètent le cadre juridique des élections présidentielles d'avril 2014 ont été bien accueillies. Le président Berman déplore toutefois le fait que la CEI ne jouit pas de l'indépendance requise;
- iii- l'aide internationale: les bailleurs de fonds internationaux (47 pays et organisations) ont rencontré le 3 juillet le gouvernement afghan ainsi que les organisations de la société civile afghane dans le but d'évaluer les progrès mutuellement accomplis depuis la conférence de Tokyo sur la responsabilité mutuelle. Alors que le gouvernement a déclaré être parvenu à concrétiser la plupart des promesses faites lors de la conférence de Tokyo, le représentant spécial des Nations unies pour l'Afghanistan, Ján Kubiš, a souligné une nouvelle fois que l'aide internationale ne sera garantie que si le gouvernement afghan adopte des mesures radicales en vue d'enrayer la corruption à tous les échelons et de garantir la protection des droits humains dans l'ensemble du pays. Peu de temps après, la Norvège – un des principaux bailleurs de fonds – a déclaré qu'elle envisageait de réduire son aide en faveur de l'Afghanistan;
- iv- les accords bilatéraux: bien que des négociations soient en cours depuis longtemps, ni l'accord bilatéral sur la sécurité avec les États-Unis, ni l'accord de coopération sur le partenariat et le développement (ACPD) avec l'UE n'ont pour le moment été conclus.

Le président Berman:

- i- salue également le travail remarquable accompli par le chef de délégation sortant et ancien représentant spécial de l'UE, Vygaudas Usackas, et lui souhaite plein succès pour sa nouvelle mission à Moscou;
- ii- souhaite la bienvenue à son successeur, Franz-Michael Mellbin, le nouveau chef de délégation et représentant spécial de l'UE, avec qui la commission AFET a eu la veille un échange de vues intéressant;
- iii- souhaite la bienvenue à M. Wali Naimi, le nouveau chef de mission adjoint à l'ambassade d'Afghanistan à Bruxelles.

4. Délégation conjointe D-AF/SEDE en Afghanistan du 28 au 31 octobre 2013

Le président Berman rappelle que, depuis sa nomination à la tête de la nouvelle délégation pour les relations avec l'Afghanistan, il essaye de conduire une mission parlementaire en Afghanistan, mais qu'il a chaque fois essuyé un refus pour des raisons de sécurité. La Conférence des présidents a enfin autorisé cette visite. Les assurances fournies par la délégation de l'UE à Kaboul et par la mission de l'EUPOL de garantir la sécurité de la mission parlementaire ont constitué un facteur clé. Une autre condition préalable était que *"la situation au niveau de la sécurité continue à faire l'objet d'un contrôle permanent sur la base de toutes*

les sources fiables et une évaluation finale de la sécurité sera effectuée avant le départ". Le président Berman exprime ses remerciements aux collègues du SEAE pour leur soutien général en matière de sécurité et de logistique, ainsi que pour l'organisation des réunions. Il remercie également les autorités afghanes et leur ambassade à Bruxelles pour leur vif soutien.

Le président Berman explique que la mission est organisée conjointement avec Arnaud Danjean, président de la SEDE¹. Pour des raisons de sécurité, la mission ne comprendra que quatre députés européens, deux de la SEDE et deux de la D-AF.

La mission sera axée sur les problèmes de sécurité et de défense, mais elle se concentrera surtout sur les échanges interparlementaires, le soutien aux institutions démocratiques, les droits de l'homme et l'État de droit. À cet égard, le président Berman rappelle l'implication à long terme du Parlement européen qui a, entre autres, offert une formation de six semaines aux membres du personnel de la Wolesi Jirga. Une réunion préparatoire aura lieu à Strasbourg le 23 octobre 2013.

5. Soutien de l'UE aux élections d'avril 2014 et observation de ces élections

Le président Berman signale que, bien que le cadre juridique des élections semble être désormais en place, il contient de nombreuses imperfections, notamment du fait du manque d'indépendance des organes compétents, notamment la commission électorale indépendante (CEI). À l'instar de plusieurs autres recommandations, la recommandation majeure formulée par la mission d'observation électorale de l'UE en 2009 (MOE UE) n'a pas été suivie.

À ce jour, 120 000 personnes seulement ont reçu des cartes d'électeurs. Soucieuse de garantir la participation des femmes, la CEI a décidé d'envoyer des équipes d'inscription dans les villages. Le porte-parole de la CEI a également déclaré que les membres de groupes de militants pourraient obtenir des cartes de vote.

En ce qui concerne la sécurité, selon les agents de sécurité afghans, sur un total de 6 845 bureaux de vote, la sécurité a jusqu'à présent été garantie pour 3 435 d'entre eux; il reste donc 3 410 bureaux de vote qui sont toujours, dans une certaine mesure, sous la menace, ce qui est énorme, en particulier vu le contexte très instable.

Si le niveau des fraudes est équivalent ou supérieur à celui enregistré en 2009 (au moins 25 %), la légitimité des personnes et des organes élus par un processus qui laisserait autant à désirer serait très contestable, et l'UE ne pourrait pas les vérifier. Le président Berman demande à l'UE de faire pression sur les autorités afghanes, qui doivent réaliser davantage d'efforts en vue d'essayer de garantir une crédibilité et une légitimité maximales aux élections de 2014.

Ana Gordon Vergara, de la section Soutien à la démocratie et élections du SEAE, rappelle que le gouvernement afghan a officiellement invité l'Union à déployer une MOE UE. En coordination avec le Conseil et le groupe de coordination électorale du Parlement, le SEAE arrêtera définitivement sa liste de priorités d'ici la fin octobre (avec un maximum de 9 missions d'observation électorale par an), après quoi il pourra décider d'envoyer une mission exploratoire en Afghanistan. Elle explique que les critères suivants seront pris en

¹ Sous-commission "sécurité et défense"

considération:

- i- cohérence avec la politique générale de l'UE;
- ii- existence de conditions favorables à l'organisation d'élections démocratiques;
- iii- analyse des conséquences politiques en cas de rapport négatif de la MOE UE;
- iv- priorité accordée aux pays qui ont suivi et appliqué les recommandations précédentes de la MOE UE.

Le directeur Ugo Astuto partage les remarques formulées par le président Berman, à savoir que les élections de 2014 seront capitales pour garantir une transition fructueuse et qu'assurer la sécurité et garantir l'inscription des électeurs constitueront une tâche ardue. L'UE et la communauté internationale dans son ensemble encouragent les autorités afghanes à apporter les améliorations requises pour rendre ces élections inclusives, transparentes et dont le résultat sera légitime. L'UE a octroyé 10 millions d'euros au fonds électoral du Programme des Nations unies pour le développement, qui élargit son soutien à la CEI et à l'inscription des électeurs, ainsi qu'au projet "*tashkira*" de registre civil.

6. Les droits des femmes en Afghanistan

Le président Berman présente les deux orateurs:

- 1) Floortje Klijn, de OXFAM Pays-Bas, qui présente un nouveau rapport sur "les femmes et la police afghane" (copie en annexe I):

Étant donné que seulement 1 % des agents de police sont des femmes, si le pays n'accroît pas sensiblement le nombre de femmes au sein des forces de police, il ne parviendra pas à mettre fin à des actes criminels comme la violence conjugale, les mariages forcés et les meurtres d'honneur. Le défi est de taille vu que 85 % des femmes afghanes ont été victimes de violence, la plupart d'entre elles à de multiples reprises.

Pour les élections de 2014, la CEI a prévu plusieurs commissariats de police pour les femmes, mais cela nécessitera la présence de 12 000 femmes agents de police alors que leur nombre total s'élève actuellement à 700 seulement.

L'EUPOL devrait intensifier massivement ses efforts dans ce domaine.

- 2) Heather Barr et Gauri van Gulik, de Human Rights Watch:

Au début de ce mois, Human Rights Watch (HRW) a écrit une lettre au président Karzai lui demandant que des mesures soient immédiatement prises pour lutter contre le mariage des enfants et la violence familiale à l'encontre des femmes et des jeunes filles.

Depuis le mois de mai dernier, lorsque la Wolesi Jirga (Chambre basse) a ajourné son débat à propos de la loi sur l'élimination de la violence à l'encontre des femmes compte tenu d'une vive opposition de la part des députés conservateurs, les droits des femmes sont réduits. Le nouveau code de procédure pénale prévoit qu'il est *"illégal de témoigner contre un membre de sa famille"*.

À cause des pressions sociales, très peu de femmes osent faire état de violence familiale. HRW craint que de nombreuses femmes n'osent pas s'inscrire en tant qu'électrices.

Tant OXFAM Pays-Bas que HRW rappellent notamment que l'adoption de la loi sur l'élimination de la violence à l'encontre des femmes constitue un indicateur majeur du cadre de responsabilité mutuelle convenu à Tokyo, mais ils ne constatent aucune réaction de la part des bailleurs de fonds par rapport à ce manquement. Ils demandent à l'UE d'accroître les pressions sur le gouvernement afghan pour qu'il s'attaque sérieusement à la question des droits des femmes. Dans la foulée de la réunion, HRW a envoyé une note à l'UE dans laquelle l'organisation formule un certain nombre de recommandations (annexe II).

Le président Berman conclut en déclarant qu'il serait impensable que l'UE reste impassible à propos des droits des femmes.

7. Questions diverses

Néant.

8. Date et lieu de la prochaine réunion

Le président signale aux députés que la prochaine réunion de la délégation pour les relations avec l'Afghanistan aura lieu à Strasbourg le 23 octobre à 16 heures. La date et l'endroit seront toutefois confirmés par voie électronique.

La réunion est levée à 10 heures.

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Thijs Berman
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Roberta Angelilli, Pino Arlacchi, Piotr Borys
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Oleg Valjalo

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Fabio Pompetti, Naemi DCM, Angelo Cialfi

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Anna Nijsters, Sophie Desmidt Heather Barr Gauri Van Gyulik, Lea Scarpel, Floorke Lyn, Isabel Martins

Съвет/Consejo/Rada/Rådet/Rat/Nōukogu/Συμβούλιο/Council/Conseil/Consiglio/Padome/Taryba/Tanács/Kunsill/Raad/Conselho/
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Consiliu/Svet/Neuvosto/Rådet (*)	
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Ugo Astuto, Paul Godfrey, Ana Gordon Vergara	
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François Massoulie

Сътрудник/Asistente/Asistent/Assistent/Assistenz/Βοηθός/Assistant/Assistente/Palīgs/Padējējas/Asszisztens/Asystent/Pomočnik/Avustaja/Assistenten

Ainhoa Markuleta

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WOMEN AND THE AFGHAN POLICE

Why a law enforcement agency that respects and protects females is crucial for progress

Only 1 per cent of the Afghan National Police is female. Although female police are vital for Afghan women to be able to report crimes and access desperately-needed justice, few women in Afghanistan will ever encounter one.

Further action is urgently needed to recruit, train, retain and protect Afghan female police officers. This is critical for upholding the rights of Afghan women and girls and can contribute to sustainable peace and development efforts in Afghanistan.

EXECUTIVE SUMMARY

Afghanistan's first policewoman took up her duties in 1967 – three years after Afghan women gained the right to vote. Yet, as with many aspects of the country's development, subsequent decades of political upheaval and conflict took their toll and when the Taliban swept to power in 1996, women were banned from serving in the police.

Over the past decade, the Afghan Government and international donors have worked hard to rebuild the country's basic institutions, including the Afghan National Police (ANP). The Government has launched several initiatives to recruit women into the ANP, resulting in a gradual rise in their numbers. In 2005, the ANP employed just 180 women out of 53,400 personnel. In July 2013, 1,551 policewomen were serving out of 157,000.

All Afghans stand to benefit from more effective and responsive law enforcement in which policewomen play their part – but none more so than women and girls in a country where domestic violence, forced marriage, sexual assault, and honour killings are shockingly common.

Official figures are distorted by underreporting but in reality as many as 87 per cent of Afghan women suffer at least one form of physical, sexual or psychological abuse, according to a credible 2008 survey, with more than half experiencing multiple kinds of violence and abuse.¹

Significant underreporting – which contributes to the lack of prosecutions and a culture of impunity – occurs partly because social norms prevent most Afghan women from approaching male police officers. Despite the gradual progress in female staffing, policewomen still only represent 1 per cent of ANP personnel, with very few deployed in rural areas. Consequently, few Afghans ever see a policewoman, leaving most women and girls unable to report crimes and threats against them.

Compounding this, the Afghanistan Independent Human Rights Commission found that many honour killings and sexual assaults against women have been committed by the police themselves. Such crimes undermine public trust in the ANP and, by association, the legitimacy of the Afghan state.

Effective, independent oversight of the ANP is required to improve accountability, police behaviour and public trust.

SERIOUS CHALLENGES

Accelerating the recruitment of policewomen is a key part of the solution. However, numerous challenges exist and efforts to reach the target of 5,000 policewomen by the end of 2014 are set to fail. These challenges, therefore, must be better addressed not only to recruit more women, but to ensure they stay in their jobs and serve their communities effectively.

One such challenge is sexual harassment and assault by male colleagues. A 2012 investigation by US-based National Public Radio found allegations of widespread sexual abuse and rape of policewomen in Mazar-e-Sharif, capital of Balkh Province, which has the third largest number of policewomen in the country. NPR said it found evidence that senior policemen demanded sexual favours in exchange for promotions.

PRIORITISING SOLUTIONS

To address these challenges, the Afghan Government, with donor support, should prioritise and implement a coordinated, adequately resourced strategy to recruit more policewomen and provide them with essential training. They also need to improve retention rates by ensuring they are safe from abuse, respected and provided with the necessary facilities to perform their duties.

This should include efforts to recruit and retain better educated women, particularly university graduates, by ensuring merit-based promotion and offering fast-track schemes. Once trained, policewomen should be assigned to professional policing roles, particularly within Family Response Units and in community policing. At the same time, male police should receive effective gender training and better understand relevant laws, especially those designed to protect women from abuse.

Understanding the nature of any problem, implementing solutions and measuring progress is virtually impossible without adequate information. The UN in particular has an important role to play in improving the collection and use of sex-disaggregated data. This would also make it easier for donors to monitor the issue and the impact of their aid.

There are significant opportunities to help achieve these goals. For example, the Afghan Government and international donors have launched an initiative to transform the paramilitary ANP into a civilian law enforcement agency: the first large-scale police reform in the country. The Ten Year Vision includes the target of a 10 per cent female workforce in the ANP and MoI by 2024 – a realistic and appropriate step towards the long-term objective of an effective and responsive ANP.

Strengthening women's participation in the police also helps Afghanistan meet its responsibilities to implement UN Security Council Resolution 1325. This seeks to improve women's role and influence in post-conflict contexts and strengthen measures that enforce their human rights – all of which contributes to building a just and lasting peace. Afghanistan's first National Action Plan for UNSCR 1325 provides an opportunity to ensure that actions designed to promote women's roles and enforce their rights complement each other, thereby maximising their impact.

Ministries aiming to implement the Afghan National Action Plan (NAP) and related initiatives will require UN support. International missions such as NATO can set positive examples, for instance, by maintaining NATO gender advisers to help implement the organisation's own NAP and by ensuring that training and mentoring programs are gender-sensitive.

WHO BENEFITS?

Why does this matter in a country facing a multitude of social, economic and political challenges? Afghanistan's people, its institutions, its stability and security, as well as donors seeking to maximise the impact of their aid, all potentially benefit from more effective policewomen as part of a more responsive and accountable ANP.

The likely impact on women and girls is clear. Although Afghanistan has a constitution and laws designed to protect and uphold women's rights, they are not consistently enforced. A more female-friendly ANP would increase women's access to the formal justice system and assist the implementation of, for example, the historic 2009 Elimination of Violence Against Women (EVAW) law, which criminalises child marriage, forced marriage, rape and other violent acts against women and girls.

Successfully tackling this issue has potentially wider positive impacts. As the UN noted in its EVAW report in 2012: "Ultimately, improvements in EVAW law implementation and reduced incidents of violence against women can lead to improved protection of Afghan women's rights, in turn strengthening their active and crucial role in society and in efforts to achieve durable peace, security and prosperity in Afghanistan."

The ANP, which is widely mistrusted, would benefit as an institution. A UN-backed survey in 2012 found growing popular acceptance of the role of female police, contributing to improvements in public perceptions of the ANP generally.

Female police can also contribute to Afghan security. Some are already deployed to search women at checkpoints and entrances to Government buildings, as well as to participate in house searches. In 2012, there were at least 13 incidents in which men disguised themselves as women to smuggle goods, or to gain entry into areas from where they carried out attacks. Deploying more policewomen could help prevent such incidents.

In relation to presidential elections expected in 2014, for which the MoI will oversee security, policewomen will be needed to monitor female-only polling stations to help women exercise their right to vote – again helping to strengthen the state's popular support.

Although institutional reforms and other necessary changes will take time, the time to act is now. The transfer of responsibility for security across the country to Afghanistan's national security forces is due to be completed in 2014. This, together with the withdrawal of combat troops by the NATO-led International Security Assistance Force (ISAF) brings new challenges and risks for Afghanistan's security and development.

It is therefore crucial that Afghan authorities, donors, as well as Governments and international missions involved in developing Afghan National Security Forces, intensify their efforts to improve the ANP's responsiveness to the female half of the population and enhance policewomen's roles.

Failure to do so risks eroding more than a decade of hard-earned development gains and undermines Afghanistan's progress towards stability, prosperity and self-reliance.

For this report, Oxfam consulted Afghan police officers, civil servants, human rights and women's organisations and local communities, noting women's perspectives particularly. International donors and security training officers were also interviewed. The recommendations below draw upon the various views that emerged, with some additional details at the end of this report.

RECOMMENDATIONS

The Afghan Government and the international community should:

- Develop and implement a national strategy to recruit and retain female police. Coordinating national and international efforts, this strategy should be accompanied by clear action plans and backed by adequate donor funding to be successful.
- Prioritise policewomen within overall police reform efforts. Backed by adequate, ring-fenced donor funding, the MoI-International Police Coordination Board Working Groups should develop specific plans within mainstream police reforms to recruit women and enhance their roles. The Working Groups should include, or meaningfully consult, gender experts from the Ministry of Women's Affairs, gender-sensitive policing specialists, senior Afghan policewomen and civil society.
- Ensure equal access to professional training and opportunities for women, and expand improved gender and rights training for all personnel. The Afghan Government and international missions should increase professional courses and opportunities for policewomen (including specialist training such as driving and forensics), prioritise female literacy classes, and ensure all ANP understand the gender curriculum and women's national and international legal rights (including EAW).
- Ensure the development of a strong and effective Afghanistan National Action Plan to implement UNSCR1325. The Afghan Government should include clear, relevant indicators in an adequately donor-resourced NAP that relate to women's participation in the police and wider security sector, particularly at decision-making levels.

The Afghan Ministry of Interior should:

- Develop and implement large-scale recruitment and information campaigns. Recruitment drives should offer training and education opportunities to uneducated women and higher-ranking jobs to educated recruits, complemented by public information campaigns on the benefits to communities of having policewomen.
- Provide a safe working environment for female police. The MoI should take urgent steps to provide necessary facilities (e.g. locking toilets and female changing rooms), ensure women are aware of, and have access to, a safe effective complaints mechanism, consider providing personal guards for senior policewomen, and ensure that all staff in district and provincial police stations are made aware of relevant policies (e.g. the 2013 Directive on Sexual Harassment).
- Ensure national policies are implemented at the local level. Overseen by the Steering Committee, the MoI should ensure its policies are in line with national and international standards for gender

sensitivity, and increase efforts to implement national policies supporting policewomen at the local level, including by issuing ministerial directives to provincial police chiefs.

- Reform the tashkeel (organisational structure). Reforms should include developing clear recruitment policies and specific job descriptions, reserving more positions (including senior roles) for women, and identifying more departments and units where they can work – including in FRUs, recruitment, intelligence, the Passport Department, Criminal Investigation Division and Counter Narcotics. Independent appointment and review boards, including men, women and civil society representatives, should be created.
- Ensure women have fair access to career development opportunities. The MoI should set provincial police chiefs targets to promote women to officer and NCO levels – ensuring promotion is merit-based while allowing for the specific challenges that women face (such as lower literacy rates) – and establish fast-track promotion schemes alongside leadership training and mentoring by experienced foreign policewomen.
- Rapidly increase the numbers of female police at the provincial level. The MoI should assign educated and trained policewomen to provincial positions with incentives for them to stay, prioritising the allocation of such staff to specialised units such as the FRUs and community policing as well as increasing training for illiterate members of these units.

Provincial Chiefs of Police should:

- Provide active support to female police. Provincial police chiefs should clearly instruct all their personnel that sexual abuse and harassment will not be tolerated, ensure that complaints are transparently investigated and perpetrators of abuse and harassment are appropriately disciplined, and also ensure policewomen have access to appropriate equipment, private transport, female-only spaces and childcare facilities.
- Increase efforts to deploy female police into communities. Women should be assigned to police stations in groups no smaller than five staff, both to protect them from harassment and enable them to reach out more effectively to communities. Police chiefs should also ensure policewomen actively conduct core professional duties, particularly in FRUs and communities.
- Strengthen Family Response Units. Police chiefs can do this by ensuring FRUs always include trained and literate policewomen, recruiting graduates of Sharia law to serve as legal advisors, and placing units under female leadership where possible. FRUs must use office space provided by donors for that purpose, or be given specific areas of police stations (with separate entrances), with access to transport to help FRU staff serve local communities.

All states supporting the Afghan National Police should:

- Allocate specific funding to recruit, retain and promote female policing. Priorities include support for improved literacy, community policing, innovative incentives (such as bonuses, family health care plans and housing), essential infrastructure such as female-only facilities, policewomen's associations, and training and mentoring for senior male and female officers, especially provincial police chiefs.
- Make security funding conditions-based. Donors should link long-term support to the Afghan National Security Forces (ANSF) – especially after they assume full responsibility for security in all of Afghanistan in 2014 – to indicators of success on female police recruitment and professional

progress. Donors should also ring-fence funding for policewomen's posts in the tashkeel and safeguard these against proposed cuts after 2015.

- Provide substantial long-term funding for civil society initiatives. Funding should be prioritised for groups working to support female police, including efforts that increase community acceptance, promote male champions and female role models and link Afghan policewomen associations and councils with international counterparts (including the International Association of Women Police and with similar groups in Muslim countries).
- Support independent oversight of the Afghan National Police. Donors should adequately fund the Police Ombudsman's Office to ensure women can access an independent and effective complaints mechanism. This should be rolled out nationwide as a matter of priority to ensure access at the provincial level.
- Ensure all international police training and mentoring programmes are gender-sensitive. Troop contributing states should maintain gender advisers in the post-2014 ISAF mission's Operation Resolute Support to enable the implementation of NATO's own 1325 NAP, while donors should ensure the new phase of LOTFA beginning in 2014 includes civil society representatives on the Steering Committee.

International police missions should:

- Maintain mentoring programmes. Bodies such as EUPOL and the UNAMA Police Advisory Unit should continue to provide qualified civilian mentors for senior male and female police officers, particularly provincial chiefs of police. Mentoring programmes should be expanded where possible (or at least maintained at current levels beyond 2014), and create links between police chiefs in different regions and with neighbouring countries.
- Prioritise support to the Ministry of Interior Gender and Human Rights Units. International police missions should ensure that capacity building of the Gender and Human Rights Units is a priority within police reform efforts, both at the MoI in Kabul and at the provincial level. This should include strengthening their information collection systems, including the disaggregation of data by sex and age.

The United Nations should:

- Improve the collection and use of data. The UN mission in Afghanistan should improve the collection and use of sex disaggregated data when reporting against benchmarks in quarterly Secretary General Reports on Afghanistan, including comprehensive reporting on women's participation in the ANP.
- Step up support to ministries. The UN should increase targeted support to relevant ministries to assist the implementation of the National Action Plan for the Women of Afghanistan and the forthcoming Afghanistan National Action Plan on UNSCR 1325.

The logo for Human Rights Watch, consisting of a dark grey square with the words "HUMAN RIGHTS WATCH" in white, uppercase, sans-serif font, arranged in three lines: "HUMAN", "RIGHTS", and "WATCH".

HUMAN
RIGHTS
WATCH

**Women's Rights in Afghanistan:
Briefing paper for European advocacy meetings**

23 September 2013

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:

- 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;
- Comments by Abdul Rahman Hotak, a new member of the Afghanistan Independent Human Rights Commission (AIHRC), calling for repeal of the EVAW Law;
- A decision by parliament to reduce the set-aside for women on provincial councils;
- 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
- 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.

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 AhmadiKakar, 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.
- 17 September 2013 -- Lieutenant Nigar, the senior female police officer who had replaced the slain Lieutenant Islam Bibi, dies after being shot twice in the neck the previous day as she waited on the side of the road for the government bus to pick her up for work.

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 visiting capitals and the EU during this trip 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 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:

European states and the European Union have been staunch supporters of the empowerment of women in Afghanistan, repeatedly expressing concerns through statements and 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 bilateral messages and European Parliament resolutions on Afghanistan, we urge the members of the European Union to do the following:

- Strongly speak out against this series of roll backs on women's rights;
- As the EU is developing its political post-2014 strategy for Afghanistan, as well as the Afghanistan Country Strategy Paper for development, include in these documents a clear expectation that women's rights should improve in line with CEDAW. To be most useful, the strategy should be adopted in advance of the Afghan elections;
- 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 an international 10-year plan for supporting women's rights in Afghanistan for other actors 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.