

UN Security Council Resolution 1325 in Afghanistan

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List of acronyms

AIHRC	Afghanistan Independent Human Rights Commission
ANA	Afghan National Army
ANDS	Afghan National Development Strategy
ANP	Afghan National Police
APRP	Afghanistan Peace and Reintegration Program
AWN	Afghan Women's Network
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSO	Civil Society Organization
EVAW Law	Elimination of Violence Against Women Law
GNWP	Global Network for Women Peacebuilders
HPC	High Peace Council
MDGs	Millennium Development Goals
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOWA	Ministry of Women Affairs
NAP	National Action Plan
NAPWA	National Action Plan for the Women of Afghanistan
PPC	Provincial Peace Council
SGBV	Sexual and Gender Based Violence
TRC	Truth and Reconciliation Commission
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNSCR 1325	United Nations Security Council Resolution 1325
WPS	Women, Peace and Security

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I. Women, peace and security profile

A. Nature of the conflict

Afghanistan is a country with culturally conservative values and with an ethnically diverse population. This is partly due to the geographic position and the mountainous geography of the country, which has kept it isolated and less exposed to the outside world. Following the communist coup in 1978, Afghanistan experienced a devastating civil war that started as an ideological conflict between the communist regime of Afghanistan (1978-1992) and the more traditional actors in the country. The long civil war, which lasted for more than a decade, and the conservative Taliban rule that followed between 1996 and 2001 have not only caused enormous human suffering and ruptured the country's social fabric through forced migration of millions of Afghans, but has also regressed the country's development by abolishing social reforms established during the earlier decades of 20th Century, such as girls' access to education, women's right to vote and their right to take part in public life as equal citizens.¹

Prior to the onset of the conflict and in reaction to the communist takeover of power in 1978, an opposition was formed consisting of conservative and religious groups that refused to accept the socialist reforms imposed by the communist regime. After the Soviet invasion of Afghanistan took place in 1979, with the objective to support and uphold the communist regime, an armed resistance movement called the Mujahedeen arose against the regime and the Soviet invasion. The Mujahedeen was soon backed by various international actors such as the United States, Iran, Pakistan and Saudi Arabia and consisted of diverse factions, parties and warlords that were divided mainly along ethnic and sectarian lines, which, with the support of foreign powers, managed to force the Soviet Union out of Afghanistan in 1989.²

The communist regime managed to remain in power for some time after the Soviet withdrawal. However, once the financial support from the Soviet Union ceased, the institutions of the government disbanded and the Mujahedeen toppled the regime in 1992. Soon after the fall of the communist regime, the Mujahedeen factions turned against each other, fighting to gain power and control. Between the years 1992 and 1996, until the Taliban takeover of power, another bloody civil war raged in Afghanistan, subjecting civilians to torture, rape, imprisonment and arbitrary violence.

With the Taliban rule, which lasted between the years 1996-2001 (until the US-led invasion of Afghanistan), a form of stability and security was established in Afghanistan, through strict social rules and punishments of civil disobedience. The Taliban rule was based on a fanatical interpretation of Sharia law, which prohibits education for girls while banning women from working or even accessing public space without wearing a Burqa and in the company of a *mahram*.³ The conservative policies and human rights violations of the Taliban soon led to increased poverty. Furthermore, various warlords from other ethnic groups of Afghanistan emerged and allied to contest the Taliban rule, albeit without

¹ Levi, S. (September 2009), "The Long, Long Struggle for Women's Rights in Afghanistan", *Origins*, Volume 2, Issue 12, available at: <http://origins.osu.edu/article/long-long-struggle-women-s-rights-afghanistan>

² Malley, W. (December 2010), "Afghanistan: a historical and geographical appraisal", *International Review of the Red Cross*, Volume 92, Number 880, available at: www.icrc.org/eng/resources/international-review/review-880-afghanistan/review-880-all.pdf and Encyclopedia Britannica, available at: <http://global.britannica.com/EBchecked/topic/1499983/Soviet-invasion-of-Afghanistan>

³ A *mahram* is a woman's husband or a close male relative that she would not be allowed to marry according to Islam, such as a brother or a father.

much military success.⁴ Many of the same warlords, known for their brutal actions and violations of human rights, were included in the governance structures that were put in place after the fall of the Taliban rule in 2001, together with former communists, Jihadi commanders and Taliban officials.⁵

The many years of conflict not only resulted in great human suffering, instability, increased poverty and forced migration, but also led to the decay of state institutions and infrastructure. Between the years 1978 and 2001, one in four Afghans had at one point been a refugee. Towards the end of the 1980s, there were more than six million Afghan refugees outside of Afghanistan, mainly in Pakistan and Iran, two bordering countries. It is estimated that more than 1.5 million Afghans have lost their lives during the long years of conflict.⁶ The rule of law and governance structures have eroded and been replaced by traditional forms of governance and justice, which often consist of Taliban courts and are heavily biased against women and their rights.⁷

Afghanistan is one of the most corrupt countries in the world. Fragile state institutions, a weak judiciary and law enforcement, the inability of the state to enforce the rule of law, a poor economy and aid dependence are all factors that allow corruption and nepotism to thrive. Large flows of international funds without adequate accountability and transparency controls in place have resulted in fueled corruption across the country.⁸

B. Impact of conflict on women

The two decades that followed the Soviet invasion, oppressive Taliban rule and persistent conflict have had a devastating impact on the lives of Afghans as a people. Prior to the Taliban rule, during the Mujahedeen years, systematic sexual violence against women increased greatly. It was not uncommon for armed groups to rape and massacre women in their homes. Women and girls were often abducted and forced to marry commanders or sold to prostitution.⁹

The long years of conflict also led to mass displacement. After the US led invasion of 2001 took place, more than 700,000 Afghans were still internally displaced.¹⁰ Today, more than 600,000 Afghans are living in displacement, largely due to the persistent conflict.¹¹ Most displaced families relocate from rural areas of the country to urban settings and the impact of displacement varies between men and

⁴ Oxfam (2009), *The Cost of War – Afghan Experiences of Conflict, 1978 – 2009*, available at: www.oxfam.org/en/policy/cost-war-afghanistan-experiences

⁵ The Guardian (December 2005), *Warlords and women take seats in Afghan parliament*, available at: www.theguardian.com/world/2005/dec/19/afghanistan.declanwalsh

⁶ Ruiz, H.A. (June 2002), "Afghanistan: Conflict and Displacement 1978-2001", in *Forced Migration Review 13*, available at: www.fmreview.org/en/FMRpdfs/FMR13/fmr13full.pdf

⁷ Human Rights Watch (December 2011), *Afghanistan: A Decade of Missed Opportunities*, available at: www.hrw.org/news/2011/12/03/afghanistan-decade-missed-opportunities

⁸ Transparency International (2013), *Overview of Corruption and Anti-Corruption in Afghanistan*, available at: www.transparency.org/files/content/corruptiongas/Overview_of_corruption_and_anti_corruption_in_Afghanistan.pdf

⁹ Amnesty International (1995), *Women in Afghanistan – A Human Rights Catastrophe*, available at: www.amnesty.org/fr/library/asset/ASA11/003/1995/fr/937a0c61-eb60-11dd-b8d6-03683db9c805/asa110031995en.html

¹⁰ Ruiz, H.A. (June 2002)

¹¹ UNHCR (2014), 2014 UNHCR country operations profile – Afghanistan, available at: www.unhcr.org/pages/49e486eb6.html

women. In Afghanistan, displacement is considered as increasing the vulnerability of women through social isolation, increased domestic violence and forced and early marriages of young girls.¹²

The relocation to a new physical environment leads to women's social exclusion. Displaced families often end up sharing small dwellings with other families, which leads to great discomfort. Likewise, the forced co-existence with communities that are considered as strangers makes it more challenging for women to gain permission to leave their homes, which leads to isolation and inability of women to adapt to their new environment. Additionally, frustration linked to poverty and inability of husbands to provide for the household is reported as leading to increased domestic violence. The increased poverty and vulnerability also tends to lead to increased forced and early marriages. Families marry off their daughters at a very young age in exchange for dowry money, needed for the subsistence of impoverished families.¹³

The conflict in Afghanistan has also led to the deterioration of social institutions such as schools and health services, which has deprived women of access to education and healthcare. Correspondingly, during the years of the Taliban rule (1996-2001), the gross school enrollment of girls fell from 32 percent to 6.4 percent, as most girls' schools were closed due to the prohibition of girls' education by the conservative Taliban rule.¹⁴ Similarly, women's access to healthcare was extremely limited during the same period. The Taliban issued a decree prohibiting women from working, which forced many female health staff to leave their work. Although female health workers were later permitted to continue working by the Ministry of Public Health, women often chose not to return to work because by leaving their home to go to work, women still risked getting beaten up and arrested by the religious police in the streets. Moreover, male doctors and health staff were not permitted to treat women without the presence of a *mahram*, and many widows and women in general did not have male relatives to accompany them. Even with a male chaperone, treatment was limited, since male doctors were not permitted to touch or see female patients' bodies.¹⁵

In 2005, the maternal mortality rate was estimated as 1.600 fatalities per 100.000 live births, while the infant mortality rate was 115 fatalities per 1.000 live births. By 2013, these figures had dropped to 327 and 74 respectively, mainly due to the efforts made by the international community and the Afghan government to increase women's access to health facilities.¹⁶ Comparably, the number of girls enrolled at schools reached nearly 40 percent in 2013; from almost zero percent in 2001.¹⁷

Although women's and girls' access to education and health services have improved significantly in the past thirteen years since the fall of the Taliban, much remains to be done to improve women's access to justice and inclusion in the country's governance structures. The weak state institutions, burdened

¹² Majidi, N. and C. Hennion (January 2014), "Resilience in Displacement? Building the Potential of Afghan Displaced Women", in *Journal of Internal Displacement*, Volume 4, Number 1, available at:

<http://samuelhall.org/REPORTS/Building%20the%20resilience%20of%20Afghan%20displaced%20women.pdf>

¹³ Ibid.

¹⁴ Oxfam (February 2011), High Stakes – Girls' Education in Afghanistan, available at:

www.oxfam.org/sites/www.oxfam.org/files/afghanistan-girls-education-022411.pdf

¹⁵ Physicians for Human Rights (1998), The Taliban's War on Women, A Health and Human Rights Crisis in Afghanistan, available at: www.law.georgetown.edu/rossrights/docs/reports/taliban.pdf

¹⁶ The World Bank (2013), Afghanistan, Women's Role in Afghanistan's Future – Taking Stock of Achievements and Continued Challenges, available at: [www-](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/04/22/000456286_20140422163258/Rendered/PDF/ACS44740WP0Afg00Box382131B00PUBLIC0.pdf)

[wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/04/22/000456286_20140422163258/Rendered/PDF/ACS44740WP0Afg00Box382131B00PUBLIC0.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/04/22/000456286_20140422163258/Rendered/PDF/ACS44740WP0Afg00Box382131B00PUBLIC0.pdf)

¹⁷ The Asia Foundation (March 5, 2014), Securing a Place for the Afghan Women in the Workplace, available at:

<http://asiafoundation.org/in-asia/2014/03/05/securing-a-place-for-afghan-women-in-the-workplace/>

with rampant corruption, are unable to implement the rule of law and enforce women's rights laws.¹⁸ Likewise, national gender policies to ensure women's participation and gender mainstreaming in the political, social and economic spheres of Afghanistan have been endorsed, however, such policies have remained symbolic and feebly implemented. Often, the more conservative segments of the Afghan society, which constitute the majority, perceive the promotion of women's rights and empowerment as a western notion and associate it with imperialism.¹⁹

Corruption and the culturally conservative mindset that dominates in Afghanistan are two main barriers that continue to impede women's participation in governance and accessing their rights as equal citizens. For example, in May 2013 conservative legislators, some of which were former Jihadists and Taliban officials, blocked the Elimination of Violence Against Women (EVAW) law, accusing several of its articles of being un-Islamic whilst also encouraging female disobedience.²⁰

C. Relevant legal and policy framework

As part of the international community, Afghanistan subscribes to UN declarations, conventions and resolutions, including those that address women's rights and human rights. Among these are the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UNSCR1325, and its related resolutions of 1820, 1888, 1889, 1960 and 2122.

There continues to be a national government effort to mainstream gender into government ministries, programs, and budgeting to protect women's rights especially to education and against violence. Key documents that are part of Afghanistan's development and peace building efforts include the 2004 Afghanistan Constitution, the Afghan National Development Strategy (ANDS), and the National Action Plan for Women of Afghanistan (NAPWA).²¹ The Elimination of Violence Against Women (EVAW) Law, and recent efforts toward a National Action Plan for UNSCR 1325 implementation also support existing policies on women's rights.

The project to develop a National Action Plan (NAP) for the implementation of UNSCR 1325 is currently ongoing in Afghanistan. The NAP on UNSCR 1325 has been developed under the direction of the Ministry of Foreign Affairs and UN Women, with support from the Embassy of Finland. Afghan Women's Network (AWN), a strong advocate for women's participation in the peace process of Afghanistan, is the only civil society organization that participated in the NAP working group. Nevertheless, to increase civil society participation in the NAP development process, AWN regularly consulted its member organizations across the country to include their views and recommendations in the NAP drafting process. **Afghanistan's NAP on UNSCR 1325 will be released towards the end of 2014.**

¹⁸ Thomson Reuters Foundation (May 2013), *Corruption is a brutal enemy of women*, available at: www.trust.org/item/20130502130716-v16ht/

¹⁹ Afghanistan Research and Evaluation Unit (September 2013), *Women's Rights, Gender Equality, and Transition: Securing gains, moving forward*, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/Womens%20Rights%20Gender%20Equality%20and%20Transition%20Securing%20gains%20moving%20forward.pdf>

²⁰ See for example: CBS News (May 18, 2013), *Afghan legislators block law protecting women*, available at: www.cbc.ca/news/world/afghan-legislators-block-law-protecting-women-1.1377987 and Al Jazeera (May 18, 2013), *Afghan MPs block divisive women's rights law*, available at: www.aljazeera.com/news/asia/2013/05/2013518132634438380.html

²¹ The National Action Plan for the Women of Afghanistan (NAPWA) 2008-2018, available at: <http://mowa.gov.af/en/page/6686>

II. Data presentation and analysis

A. Participation

Indicator 1 – Index of women’s participation in governance

Table 1.1: Women’s participation in governance in 2013

	Number of women	Number of men	Percentage of women
National Level Executive Branch			
The President	0	1	0
First Vice President	0	1	0
Second Vice President	0	1	0
Cabinet Ministers	3	22	12
National Level Legislative Branch			
Wolesi Jirga (The Lower House of the Parliament)	69	180	28
Local Government (Provincial Level)			
Provincial Council Members (34 Provinces)	117 ²²	296	28

Table 1.2: Percentage of women’s participation in governance from 2005-2013

	2005-2009	2009-2013
National Government (Legislative Branch)	27	28
Local government	29	28

According to the Afghan constitution, 68 out of 249 seats (28 percent) of the Wolesi Jirga (Lower House of the Parliament) are reserved for women. Likewise, at the provincial level, 25 percent of the 420 seats in the 2009 elections were reserved for women. The quota system that was enforced with the 2005 elections, guaranteed seats for a significant number of women in the Afghan parliament as well as local level provincial councils. Through the quota system that was enforced during the 2005 and 2009 elections, 28 percent of the legislative branch (Wolesi Jirga) and 25 percent of the local governance structures (provincial councils) consisted of women representatives. This shows that affirmative action; through a quota system has served women’s political participation well at national and provincial levels.

In May 2013, the Wolesi Jirga approved a revised electoral law, which reduced the 25 percent quota of the provincial council seats to 20 percent. This means that women’s chances of winning seats in future provincial council elections are significantly reduced. According to women’s rights activists and female

²² In the provinces of Qandahar and Uruzgan, not enough women ran to fill the reserved seats. Seats that were unfilled by women remained empty. Out of 117 women elected for the provincial councils, 97 women were elected through the quota system while the remaining 20 women won the seats through competition. For details, please see NDI (2009), *The 2009 Presidential and Provincial Council Elections in Afghanistan*, available at: www.ndi.org/files/Elections_in_Afghanistan_2009.pdf

legislators, the law was revised and approved as a result of a push by conservative forces that do not approve of women's empowerment.²³ The purpose of the entire quota system is to ensure women's political participation in an extremely male dominated society. The reduction of the quota by 5 percent is a major setback to women's political participation, since women are already dealing with serious impediments to their partaking in the political sphere. Moreover, the revised electoral law also requires that all provincial council candidates are 12th grade graduates (corresponding to a high school degree) for eligibility. This new rule is yet another obstacle to women's ability to compete for provincial council seats, as the majority of Afghan women are still illiterate and very few have attended school until grade 12.²⁴

Women's presence in governance structures is however more limited. According to the National Action Plan for the Women of Afghanistan (NAPWA), all ministries should aim to increase women's representation in all levels of the civil service to at least 30 percent in the years between 2008-2018. Another key objective of NAPWA is to build capacity and leadership skills among women and strategically placing them in senior level positions within priority government sectors. Since NAPWA's approval in 2008, little progress has been achieved in terms of increasing women's representation as civil servants but also their presence in leading positions within key sectors. The key impediment to women's access to work in government structures is nepotism. Position in the government offices are often offered to people based on personal relations or family ties to increase personal influence. Moreover, bribery is considered a common method to find an employment as a civil servant.²⁵ Women are also generally disadvantaged since male dominated offices tend to continue favoring male employees. Tables 1.3 and 1.4 illustrate women's representation and leadership in government offices for the period 2011-2013.

Table 1.3: Percentage of Female Civil Servants in Ministries in 2011 and 2013

#	Ministry	2011		2013	
		National Level	Provincial Level	National Level	Provincial Level
		Women	Women	Women	Women
1	Ministry of Economy	21%	2%	21%	1.5%
2	Ministry of Foreign Affairs	12%	18%	12%	11%
3	Ministry Justice	17%	3.5%	17%	4.5%
4	Ministry of Finance	12.5%	2.6%	14%	3%
5	Ministry of Agriculture	9%	1%	11%	2%
6	Ministry of Commerce	13%	3.5%	10%	5%
7	Ministry of Public Health	25%	18%	28%	19%
8	Ministry of Education	52%	20%	66%	24%
9	Ministry of Labor and Social Affairs	41%	47%	62%	62.5%

Source: Central Statistics Organization

²³ Radio Free Europe / Radio Liberty (August 2014), Protections for Women Under Threat in Afghanistan, available at: www.rferl.org/content/afghanistan-women-gender-legislature-quota/25026221.html

²⁴ National Democratic Institute (March 2014), Afghanistan 2014 Election Update, available at: www.ndi.org/files/AFG-2014-Election-Mission-Update-March%2014-FINAL-FINAL.pdf

²⁵ USAID (2009), Assessment of Corruption in Afghanistan, available at: http://pdf.usaid.gov/pdf_docs/PNADO248.pdf

Table 1.3 indicates that there is a visible disparity between women’s representation in government offices at the national and provincial levels. The figures show that more women tend to be employed in ministerial offices at the national level than at the provincial level. This is to a large extent due to the more traditionally conservative environment that exists in rural Afghanistan. Families outside the urban areas tend to be less inclined to allow their female family members to work in public offices. Moreover, the security situation in rural Afghanistan tends to be more adverse, which restricts women’s mobility and presence in public spaces.

Table 1.4: Number of Male and Female Civil Servants in Different Ministries (Top Three Ranks)

#	Ministry	2011						2013					
		Rank 1		Rank 2		Rank 3		Rank 1		Rank 2		Rank 3	
		F	M	F	M	F	M	F	M	F	M	F	M
1	Ministry of Economy	0	2	1	47	1	61	0	2	1	47	2	71
2	Ministry of Foreign Affairs	0	27	1	52	2	117	-	-	-	-	-	-
3	Ministry Justice	0	4	3	46	8	126	0	4	3	52	10	160
4	Ministry of Finance	0	8	1	67	2	157	0	11	2	79	6	218
5	Ministry of Agriculture	0	4	2	64	4	156	0	3	2	61	5	176
6	Ministry of Commerce	1	58	0	71	13	272	0	4	1	47	2	97
7	Ministry of Public Health	0	7	6	83	21	268	0	7	74	66	38	242
9	Ministry of Labor and Social Affairs	2	6	11	52	10	173	1	5	6	53	12	161

Source: Central Statistics Organization

Tables 1.3 and 1.4 also suggest that the NAPWA’s target to increase women’s representation to 30 percent across all levels of governance is far from achieved. Almost no women are visible at the top ranks in the ministries in 2013. Ministries such as Ministry of Public Health (MOPH) and Ministry of Labor and Social Affairs (MOLSA) are two exceptions. Among the listed ministries, MOPH has made most progress with employing women in its higher ranks. Table 1.3 illustrates mixed results. Some ministries have done better than others in achieving the NAPWA’s goal to increase women’s representation to a minimum of 30 percent. Ministries that have done relatively well in this regard are the Ministry of Education (MOE), MOPH and MOLSA. These are ministries that are typically viewed as suitable ministries for women to work in, as they are service oriented ministries. In the Afghan society, the education and health sectors in particular are viewed as culturally suitable for women to be employed in.

Ministries such as the Ministry of Economy, the Ministry of Finance and the Ministry of Foreign Affairs have been less successful in achieving the 30 percent target. This is due to a number of reasons. First, these ministries are male-dominated and not considered as suitable offices for women to be working in. In a conservative society such as Afghanistan, communities are only beginning to accept women working in public. If families are “liberal” enough to let their female family members to work, they prefer to let them work in gender segregated work environments. **Although a significant number of women work as civil servants in ministries such as the MOE and MOPH, very few of them are actually in decision-making positions.**

With regards to women’s political participation in governance, no **meaningful** change is visible at the national level in 2013. At the provincial level, this indicator has deteriorated in 2013. This is mainly due to the revised electoral law passed in 2013, which reduced the number of seats reserved for women in the provincial councils from 25 percent to 20 percent **(from 124 seats to 92 seats)**. **As a result, fewer women have been elected to the provincial councils at the local level in 2014.** Women’s access to decision-making positions in the government and parliaments is otherwise unchanged.

RATING: *Deterioration*

Indicator 2 – Percentage of women in peace negotiating teams

The High Peace Council (HPC) is an eighty-member body responsible for providing political support to the peace process and to oversee the implementation of the Afghanistan Peace and Reintegration Program (APRP). The APRP was first formed during the national consultative peace Jirga in May 2010 and was presented to the international community by President Karzai at the Kabul Conference a couple of months later the same year. The program has a mandate to reach out to armed opposition members to persuade them to lay down their arms and to reintegrate into society.²⁶

To encourage armed opposition fighters to join the reintegration efforts, the APRP **initiates** social outreach, which consists of communication **and** negotiations at the subnational and local levels. Second, demobilization is initiated through steps such as vetting, registration, handover of weapons by armed opposition group members and transition assistance through training. During the third and final stage of the APRP, the ex-combatants are integrated into communities and supported through small grants. The communities are also supported through agriculture, infrastructure and demining programs. Literacy, religious and vocational education and training are part of the community rehabilitation.²⁷

As the Afghan society is strongly rooted in patriarchal values and conceptions, it is generally assumed by the public that negotiations with the armed opposition is suited to be led by male peace negotiators. The High Peace Council, with its 31 Provincial Peace Councils (PPCs), is the main responsible body for carrying out negotiations with the armed opposition groups in Afghanistan. Out of the High Peace Council's 70 members, only nine are women.²⁸ This means that 13 percent of Afghanistan's peace negotiators are women.

The members of the High Peace Council include former Mujahedeen figures, village elders and even a former Taliban deputy minister. At the provincial level, there are a total 31 PPCs in 31 provinces with 25-30 members each. Among these 25-30 members, 2-4 are reported as being women.²⁹ The PPCs are made up of community elders, religious leaders and *Ulema*³⁰ council members.³¹

²⁶ UNDP (2011), *Afghanistan Peace and Re-Integration Program (APRP) UNDP Support – Progress Report, First Quarter*, available at: www.undp.org.af/Projects/Report2011/APRP/1stQ/APRP_00076674_QPR_Q1_2011.pdf

²⁷ ISAF (March 2012), *A Guide to the Afghanistan Peace and Reintegration Program (APRP)*, available at: [www.pksoi.org/document_repository/Handbook-Guide/ISAF_Reintegration_Guide_\(March%202012\)-CDR-539.pdf](http://www.pksoi.org/document_repository/Handbook-Guide/ISAF_Reintegration_Guide_(March%202012)-CDR-539.pdf)

²⁸ UN WOMEN (October 2013), *Women's inclusion in peace process critical for successful transition in Afghanistan*, available at: www.unwomen.org/ca/news/stories/2013/10/john-hendra-speech-in-kabul-on-women-peace-and-security

²⁹ AWN interview with HPC member, who requested to be anonymous, July 8, 2014

³⁰ The *Ulema* Council is a religious body with senior Islamic scholars that advises on religious matters.

³¹ Lackenbauer, H. and D. Harriman (April 2013), *Women at the Peace Table: Rhetoric or Reality?*, available at: www.baag.org.uk/sites/www.baag.org.uk/files/resources/attachments/Women%20at%20the%20Peace%20Table%20April%202013.pdf

Women's role in the HPC and the PPCs are often considered as symbolic, without any tangible contribution to the actual peace process. Women are often sidelined at the PPC meetings. These meetings are reported as being run by men and not taking women's insights and security needs into consideration.³² Low levels of women's representation in the HPC and PPCs along with women's exclusion from **the peace talks at the community level are two factors that support this view.**³³ **Moreover, during focus group discussions with male PPC members it was confirmed that women often don't participate in peace mediation and negotiation activities.**

When asked the question: *have there ever been women among the peace negotiators and mediators?* PPC members in Badghis province replied: *No, they don't participate. They [the women] don't have enough knowledge and their families don't allow them. Also, they do not have the courage.*³⁴

Male PPC members in other provinces such as Parwan and Wardak provided similar answers, where it was suggested that the Taliban do not want women to be present during negotiations. Overall, a significant improvement in women's participation in the peace process seems to be absent. Women continue to be present in internal meetings within the PPCs and HPC, while also conducting advocacy and awareness raising activities to encourage women's participation. However, women remain absent from discussions where actual negotiations between the Afghan government representatives and the armed opposition take place.

There is no noticeable change in women's inclusion in the peace talks between the armed opposition and the government, represented by the High Peace Council and its Provincial Peace Councils. Women continue to be systematically excluded from the negotiation table; under the pretext that women do not have enough contextual knowledge and that the armed opposition would refuse to negotiate with women.

RATING: *No change*

³² AWN interviews in the provinces with the PPC female members, June 2014

³³ Lackenbauer (April 2013)

³⁴ AWN interview with PPC members in Badghis, June 2014

Indicator 3 – Index of women’s participation in the justice and security sectors

Table 3.1: Index of women’s participating in the justice sector in 2013 and in 2014

	Number of women	Number of men	Percentage of women
2013			
Judges	139	1.654	8
Lawyers	386	1.575	20
2014			
Judges	182	1.620	10
Lawyers	484	1.735	22

Sources: The Supreme Court and the Afghanistan Independent Bar Association (AIBA) (December 2013 and September 2014)

Table 3.2: Index of women’s representation in the ANP and ANA in 2013 and 2014

	Number of women	Total Personnel	Percentage of women
August 2013			
ANP	1.570	153.153	1
ANA	675	183.434	0.4
July 2014			
ANP	1.971	152.123	1.3
ANA	711	188.170	0.4

Source: Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR)

Table 3.3: Index of women personnel in ANP in 2013 and 2014³⁵

	August 2013	July 2014
Officers	232	280
Sergeants (NCOs)	639	826
Enlisted personnel	699	865
TOTAL	1.570	1.971

Source: Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR)

Table 3.4: Index of women personnel in ANA in 2013 and 2014

	August 2013	July 2014
Officers	273	272
Sergeants (NCOs)	251	268
Enlisted personnel	61	69
Cadets	90	102
TOTAL	675	711

Source: Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR)

Currently, a total of 10 percent of Afghanistan’s judges and 22 percent of its lawyers are women (Table 3.1). Considering that this figure was zero in the early 2000s due to the restrictive policies imposed on women by the Taliban regime, the representation of women in the judiciary has improved significantly in the past decade.

³⁵ AWN was not been able to obtain the breakdown of the number of male ANP officers according to rank. The Ministry of Interior was contacted to request these figures, however, AWN was informed that the ministry staff were unauthorized to share this information as it is considered confidential and a matter of national security.

As of March 2014, the Afghan National Army (ANA) consisted of 188,170 army personnel, while the Afghan National Police (ANP) had a total of 152,123 personnel in its force. Women comprise only 1 percent of the ANP and close to 0.4 percent of the ANA forces.

Between the judiciary and security sector, women's participation in the judiciary has gradually improved while women remain reluctant to join the security sector. This is mainly due to the many challenges that women face in the police and army. Assault and sexual harassment of policewomen by male colleagues is a serious problem that remains to be addressed. Furthermore, police commanders at the provincial level are reluctant to recruit women in their police stations, and those that do recruit women often assign them chores traditionally identified with women such as serving tea. Between ANP and ANA, Afghan people have higher regard for the ANA and generally perceive their conduct as more professional and considerably less corrupt.³⁶

The communities also oppose women working in the ANP as this is generally considered a disgraceful profession for Afghan women.³⁷ Close to half the women in the police force are patrolwomen, which could be considered the lowest rank in ANP. The role of women in the security sector often involves conducting body searches and performing security checks of homes where women are present. According to Afghan norms, it is culturally inappropriate for security forces to search through the belongings of Afghan women or even to interrogate them. Having women officers in the security forces allows the ANA and ANP to improve their respective operational activities, while fostering community cooperation, since having female rather than male officers interact with women in the communities demonstrates an understanding of and respect for the Afghan cultural values.³⁸

It is critical to include more women in the ANP and ANA forces, especially in Afghanistan where violence against women cases are rampant. Having low participation in the security and the justice sectors means that women's access to security and justice is significantly reduced. It is widely assumed that female police officers and justice officials are more likely to show a higher degree of responsiveness and understanding for women that report abuse or violations of their rights. It is not uncommon for male security and justice officials to handle women's rights cases with cultural biases. For example, it is commonly presumed that it is the right of the husband to beat his wife to educate her when he deems it necessary. It is also considered by justice and law enforcement officials that it is a crime for a woman to runaway from her home, even when women runaway as a result of abuse or forced marriage. In 2013, more than 600 women and young girls were in prison for running away from home, which is considered as attempted *zina* – sex outside of marriage.³⁹ *Zina* is a moral crime in Afghanistan. It is also reported that male ANP officers have openly blamed female assault victims, accusing them of being responsible for their condition.⁴⁰

³⁶ Civil-Military Fusion Center (January 2012), *Corruption in the Afghan National Security Forces*, available at:

www.cimicweb.org/Documents/CFC%20AFG%20Security%20Archive/CFC_Afghanistan_Corruption-in-ANSF_Jan12.pdf

³⁷ Oxfam (September 2013), *Women and the Afghan Police*, available at: www.oxfam.org/sites/www.oxfam.org/files/bp-173-afghanistan-women-police-100913-en.pdf

³⁸ Barsa, M (April 2014), *Determining if Progress Will Prevail or Peril: The Role for Women in Defining Afghanistan's Future*, available at: www.inclusivesecurity.org/determining-progress-will-prevail-peril-role-women-defining-afghanistans-future/

³⁹ Human Rights Watch (June 2014), *Dispatches: Afghanistan's 'Runaway' Injustice*, available at:

www.hrw.org/news/2014/06/10/dispatches-afghanistan-s-runaway-injustice

⁴⁰ See for example Barsa (April 2014) and Oxfam (September 2013).

Overall, women's participation in the justice system has improved reasonably in the past years including in 2013, whereas the number of women serving in the security sector has remained unchanged. An increasing number of women pursue a law degree to become the future judges and lawyers of Afghanistan while the social stigma attached to women in the police and military continues to impede women's representation in the security sector.

RATING: *Slight progress*

Indicator 4 – Number of women participating in constitutional and legislative reviews (including security sector review)

Table 4.1: Number and percentage of women participating in the constitutional review

	Number of women	Number of men	Percentage of women
Constitutional review of 2003	95	405	19

The last Afghan constitutional review was held in late 2003, when a grand assembly, called Loya Jirga by Afghans, was gathered in Kabul to review and approve the current constitution of Afghanistan. The delegates of the Loya Jirga consisted of regional, tribal and community leaders. Out of a total 500 delegates, 95 were women (19 percent).⁴¹ The delegates were the representatives of all provinces, refugees, internally displaced people as well as Afghan Hindus, Sikhs and Kuchis (nomads). Likewise, seven out of 35 members (20 percent) of the constitutional commission were women.⁴² The selection process of these women is not documented and information is not readily available. However, it was part of UNAMA’s mission to make sure that women were sufficiently represented in the constitutional review.⁴³ It is therefore very likely that women’s representation in the constitutional review of 2003 was a result of requests made by the international community. Many male delegates met women’s participation in the Loya Jirga with suspicion and disapproval. It was mostly considered as being a gesture to please the international community, rather than having a real significance.

To ensure that women’s priorities and rights were included in the drafting of the new constitution, civil society actors organized women from across Afghanistan to outline an *Afghan Women’s Bill of Rights*⁴⁴, which was submitted to the President and the Constitutional Commission prior to the Loya Jirga. The bill included requests for rights such as: *mandatory education for women through secondary education, provision of up-to-date health services for women with special attention to reproductive rights, the prevention and criminalization of sexual harassment against women in public and in the home, prevention and criminalization of sexual abuse, domestic violence and the practice of baad*⁴⁵ etc.

Although some of the demands stated in the bill were included in the constitution, mainly related to women’s equal rights before the law and women’s political representation, many were ignored.⁴⁶

Legislative reviews occur in collaboration between the Parliament, the Ministry of Justice, the Supreme Court and civil society and women’s rights groups. Policies can originate in the Ministry of Justice, Parliament, or the Office of the President. All bills or policies passed to the Parliament floor for voting. Women in the parliament participate in the legislative reviews and voting. Women that participate in the legislative committees have legal and civil society backgrounds.⁴⁷

⁴¹ Global Network of Women Peacebuilders (2012), Women Count – Security Council Resolution 1325: Civil Society Monitoring Report (Chapter on Afghanistan), available at: www.gnwp.org/what-we-do/policy-advocacy/in-country-and-global-monitoring-of-united-nations-security-council-resolution-1325

⁴² Grenfell, Laura (2004), The Participation of Afghan Women in the Reconstruction Process, in *Human Rights Brief*, Vol. 12, Issue 1m Article 7, available at: <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1297&context=hrbrief>

⁴³ Email interview with a member of AWN who was one of the female delegates present at the 2003 Loya Jirga

⁴⁴ Women for Afghan Women (2003), *Afghan Women’s Bill of Rights*, available at: www.womenforafghanwomen.org/events/BillofRights.html

⁴⁵ *Baad* is a traditional practice to settle disputes between families by offering a young virgin girl from the family of the wrongdoer to the family that was wronged.

⁴⁶ Grenfell (2004)

⁴⁷ AWN interview with a female member of Afghan parliament (Wolesi Jirga), July 5, 2014

Afghan women are not included in security sector reviews. It is generally considered irrelevant to include women in discussion around policies concerned with security. As one female Member of Parliament responded to AWN's researchers: *Women are allowed to participate on a legislative review committee, but not on the security sector review committee...the reason is that women don't have the technical knowledge for this committee.*

It appears there is a general assumption that women need technical experience in security matters to be able to provide valuable input in discussions regarding security. Such assumptions undermine the importance of women's participation in security sector reviews.

No significant change can be noticed in women's participation in the legislative reviews. Civil society actors are actively lobbying for women's rights and female members of parliament, who constituted 28 percent of the Wolesi Jirga in 2013, continue to actively participate in the legislative reviews in the parliament, as they did in 2012. It appears women have not been, and are still not, included in the security sector reviews in Afghanistan since the founding of the government after the US lead invasion in 2001.

RATING: *No change*

Indicator 5 – CSOs in task force/committees on UNSCR 1325 and 1820 (out of total task force members)

In 2011, UN WOMEN and the Ministry of Foreign Affairs, with the support from the Government of Finland, began work on the development of a National Action Plan (NAP) on UNSCR 1325. A technical working group tasked to oversee the creation of the NAP was established. This working group included senior officials from the Afghanistan Independent Human Rights Commission (AIHRC), the Afghan Women’s Network, the High Peace Council and deputy ministers from Ministries of Women’s Affairs, Public Health, Interior Affairs, Defense, and Justice.⁴⁸

Out of the eight participants in the working group, AWN was the only civil society representative over the **years between 2011 and 2014**. The main contributions of AWN to the work of the group are recommendations for the content of the NAP obtained from consultative meetings and workshops held with women activists across Afghanistan. Awareness raising at the community level, women’s economic empowerment and increasing the number of women in provincial peace councils are some of the key recommendations offered by the women.

RATING: *No change*

⁴⁸ Global Network of Women Peacebuilders (2012)

B. Prevention and protection

Indicator 6 – Number and percentage of SGBV cases reported, investigated, prosecuted and penalized

Table 6.1: The Implementation of the EAW Law by Prosecution in 2013 and 2012

Year	Cases Registered	Cases Filed With the Court	Cases Withdrawn	Cases Under Process	Other
2013	306	144	65	74	23
2012	277	163	50	56	7

Source: UNAMA 2013. Note: The sample is from 16 provinces of Afghanistan.

Table 6.2: The Implementation of the EAW Law by Courts 2013 and 2012

Year	Cases Registered	Cases Convicted	Cases Withdrawn	Cases Under Process	Other
2013	178	108	19	24	20
2012	158	100	12	26	15

Source: UNAMA 2013. Note: The sample is from 16 provinces of Afghanistan.

Table 6.3: Top Five SGBV Types and Their Prevalence in 2013 and 2012

Year	Sexual	Physical	Psychological	Economic	Total
2013	262	1.249	976	862	3.349
2012	256	889	808	715	2.668

Source: Afghanistan Independent Human Rights Commission (AIHRC) 2013.

The cases presented in Table 6.3 were reported to and recorded by the Afghanistan Independent Human Rights Commission (AIHRC) during the years 2012-2013. The figures show a significant increase in reported cases of physical violence. The majority of physical violence cases are related to domestic violence. More specifically, the physical violence cases reported by AIHRC are beatings, stabbing or cutting with knives and pulling out of hair. Sexual violence cases refer to, for example, rape, forced abortion, marital rape, sexual humiliation and forced prostitution.⁴⁹

Violence against women in Afghanistan is endemic. The majority of the perpetrators are close family members like the husband, the brother or the father.⁵⁰ The increase in the reported number of cases, both to the AIHRC and the justice sector, does not necessarily mean that the actual violence against women has increased. It is more likely that more women are aware of their rights and have gained the confidence to report their perpetrators.⁵¹ There is no evidence to suggest a link between SGBV and the level of conflict in the country. However, women often link an increase in SGBV with weakening economy and an increased unemployment rate. It is claimed that increased poverty also increases

⁴⁹ Afghanistan Independent Human Rights Commission (AIHRC) (2013), *Violence Against Women in Afghanistan*, available at: <http://www.aihrc.org.af/media/files/Research%20Reports/Voilenace%20Against%20Women-%20first%20half-%20year%201392-%20English.pdf>

⁵⁰ Ibid.

⁵¹ UNAMA (December 2012), *Still a Long Way to Go: Implementation of the Law on Elimination of Violence against Women in Afghanistan*, available at: <http://unama.unmissions.org/LinkClick.aspx?fileticket=Qy9mDiEa5Rw%3D&tabid=12254&language=en-US>

frustration and tension in families, which often leads to SGBV cases against women.⁵² Economically disadvantaged families are also more likely to resort to marrying off their daughters at an early age in exchange for money, as a coping strategy.

Civil society organizations and women's rights organizations have been active in raising awareness at the community level about the legal rights of women in the past years since the implementation of the EVAW law began in 2009 after it was approved by Karzai's presidential decree. Moreover, women's rights organizations have provided trainings to ANP officials on the implementation of the EVAW law.⁵³ The visible increase in the number of reported cases to AIHRC and the slight improvement of the implementation of the EVAW law (see *Tables 6.1 and 6.2*) could be a result of civil society efforts to improve women's access to justice.

However, most SGBV cases against women never get registered. SGBV cases that are reported to the ANP officers are often resolved through mediation between family members or referred to Traditional Dispute Resolution mechanisms such as community councils. Only a portion of the actual number of cases do get registered and referred to the EVAW law.⁵⁴ Community members often prefer such mechanisms, as they are considered faster, cheaper and more in line with cultural values. Conversely, local communities view the formal justices system as time-consuming, bureaucratic and corrupt. Although traditional dispute resolution mechanisms are perceived as a more suitable alternative, it often depends on the influence of individual actors and not on universal laws and processes. This means that, in some cases, traditional mechanisms can cause human and civil rights violations of vulnerable groups such as women and children.⁵⁵

A modest progress is viewed with regard to the reporting, investigation and registration of SGBV cases in Afghanistan. However, the number of cases filed with the courts by the prosecutors has somewhat reduced (Table 6.1). This indicates that cases related to SGBV are often withdrawn before they reach the courts, often as a result of mediation efforts by justice official who try to solve the issue between the victim and perpetrator of SGBV.

RATING: *Slight progress*

⁵² Al Jazeera (26 February, 2014), Afghan women face increasing abuse, available at:

<http://www.aljazeera.com/humanrights/2014/02/afghan-women-face-increasing-abuse-20142269545418772.html>

⁵³ AWN interviews with women's rights organizations and MOI officials, June - July 2014

⁵⁴ UNAMA (December 2013), *A Way to Go: An Update on Implementation of the Law on Elimination of Violence against Women in Afghanistan*, available at:

http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20REPORT%20on%20EVAW%20LAW_8%20December%202013.pdf

⁵⁵ USIP (April 2013), *Lessons Learned on Traditional Dispute Resolution in Afghanistan*, available at:

http://www.usip.org/sites/default/files/Traditional_Dispute_Resolution_April2013.pdf

Indicator 7 – Number and quality of gender-responsive laws and policies

As previously mentioned under indicator 5, the National Action Plan (NAP) for the implementation of UNSCR 1325 in Afghanistan is still in the process of being drafted. Once completed and launched, this will be the key strategic document for the inclusion of women in Afghanistan's peace process. Next to the NAP on UNSCR 1325, Afghanistan has a few other key gender responsive policies and laws which are the constitution, the ANDS, the CEDAW convention, the NAPWA strategy and the EVAW law.

The *Constitution of Afghanistan* was written and approved by the national Loya Jirga (Grand Assembly) in 2004, in the early days of President Karzai's administration. It ensures equality between women and men (Article 22), including their right to education (Articles 43 and 44), to their rights to work (Article 48).⁵⁶ These articles were included in the constitution mainly thanks to the advocacy and lobbying efforts of Afghan women's rights organizations and actors.⁵⁷

The *Afghanistan National Development strategy* (ANDS) was developed in 2008 as a plan toward realization of the Millennium Development Goals (MDGs), as well as the Afghanistan Compact benchmarks. Bringing in the concerns of the NAPWA (discussed below), one of the cross-cutting themes of the ANDS is gender equity.⁵⁸

The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) was ratified by the Afghan government in 2003, only two years after the fall of the Taliban. CEDAW is a key convention that calls for equal access to education, healthcare and political participation. Unfortunately, very little progress has been made with regard to the implementation of CEDAW.⁵⁹ Several Afghan laws openly discriminate against women under the pretext of protecting Islamic values and tradition. The ratification of the Shia Personal Status Law in 2009 is one example of how Afghan women continue to be robbed of their right to be treated as equal citizens before the law, despite Article 22 in the Afghan constitution. The Shia Personal Status Law is a law for the Shia minority in Afghanistan that directly discriminates against women with articles that for example legalize marital rape (Article 132) and refuse women the right to leave their home without the husband's permission (Article 133).⁶⁰ It is generally assumed that President Karzai pushed for the approval of the law to please the Shia community prior to the 2009 elections.⁶¹

Accepted by the Cabinet of ministers in 2008, *the National Action Plan for the Woman of Afghanistan* (NAPWA) is a ten year action plan (2008-2018) with an overall goal to advance women's presence in the public and government sectors through support for mechanisms ensuring women's equality, including in budgetary allocations, policies and recruitment, and services. The focus of the NAPWA is to guide the government in implementing its commitments to Afghan women as stated under the

⁵⁶ Constitution of the Islamic Republic of Afghanistan (January 2004), available at: www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf

⁵⁷ Oxfam (October 2011), *A place at the table – Safeguarding women's rights in Afghanistan*, available at: www.oxfam.org/sites/www.oxfam.org/files/bp153-womens-rights-afghanistan-03102011-en.pdf

⁵⁸ Afghanistan National Development Strategy (2008), available at: www.undp.org.af/publications/KeyDocuments/ANDS_Full_Eng.pdf

⁵⁹ Human Rights Watch (July 11, 2013), *Afghanistan: Failing Commitment to Protect Women's Rights*, available at: www.hrw.org/news/2013/07/11/afghanistan-failing-commitments-protect-womens-rights

⁶⁰ USAID (April 2009), *English Translation – Shia Personal Status Law*, available at: www.refworld.org/pdfid/4a24ed5b2.pdf

⁶¹ The Independent (March 31, 2009), *Afghan leader accused of bid to 'legalize rape'*, available at: www.independent.co.uk/news/world/asia/afghan-leader-accused-of-bid-to-legalise-rape-1658049.html

constitution and the CEDAW treaty. The NAPWA consists of six strategic sectors to improve women's rights. These sectors include security, legal protection, human rights, leadership and political participation, work, health and education.⁶² Although notable progress has been achieved since 2001 in improving women's access to education and healthcare in particular, several key factors impede the full implementation of the NAPWA. One such factor is the lack of resources that are allocated to MOWA, which is believed to undermine the sustainability of action for gender equality.⁶³ Other impediments are for example poor security conditions on the ground, especially in rural areas, which limits women's mobility and presence in public, and a lack of political will on the part of the government to mainstream gender equality.⁶⁴

The *Elimination of Violence Against Women (EVAW)* law was drafted in 2008, with the support of the Ministry of Women's Affairs (MOWA) and the Ministry of Justice (MOJ), by Afghan civil society organizations, women leaders and activists and was enacted in August 2009 by a presidential decree. The implementation of EVAW has been ongoing since 2009; however, with little visible positive gains for women. The EVAW law criminalizes acts of violence against women including, but not limited to, rape, domestic violence, child marriage, forced marriage, the exchange of women in blood feuds (*baad*).⁶⁵ Despite these rights before the law, the police often prefer to mediate cases between victim and perpetrator instead of reporting the case to the prosecutor, as it should be done according to the EVAW law. Many times, the cases also referred to traditional dispute resolution mechanisms by the police.⁶⁶ These traditional mechanisms consist of informal community courts, where community elders examine the 'evidence' and pass judgment, often with a bias against women and their rights. Research finds that while registration of reported cases has increased significantly in 2013 (by 28 percent), the referral to the EVAW law by justice officials has only increased by 2 percent.⁶⁷

Although the government of Afghanistan has endorsed several key gender policies and laws to mainstream gender equality and to protect women's right, progress in the actual implementation of these policies and laws is limited to a few service sectors such as education and health. Women's access to justice, their protection and political participation are far from being achieved. It is therefore not the lack of gender sensitive policies and laws that is a challenge in Afghanistan, but rather their implementation. The inability of the Afghan government to adhere to its own laws and policies is mainly due to a lack in political will and a weak institutional capacity.⁶⁸

The number and the implementation of gender-responsive laws and policies in Afghanistan remain unchanged in 2013.

RATING: *No change*

⁶² Reliefweb (July 2013), UNDP Support to strengthen monitoring and evaluation for NAPWA implementation, available at: www.static.reliefweb.int/report/afghanistan/undp-support-strengthening-monitoring-and-evaluation-napwa-implementation

⁶³ ActionAid (2013), Afghan women's rights beyond 2014, available at: www.actionaid.it/sites/files/actionaid/afghan_womens_right_english.pdf

⁶⁴ Thomson Reuters Foundation, (13 December, 2013), Q+A – Afghanistan lacks political will to improve women's rights, says the country's human rights chief, available at: <http://www.trust.org/item/20131213082729-0kgzw/>

⁶⁵ Canadian Women for Afghan Women (2013), *Afghanistan's EVAW law*, available at: www.cw4wafghan.ca/sites/default/files/attachments/pages/cw4wafghan-afghansewawlaw_0.pdf

⁶⁶ UNAMA (2013)

⁶⁷ Ibid.

⁶⁸ AREU (September 2013), Women's Rights, Gender Equality and, Transition: Securing gains, moving forward, available at: www.areu.org.af/Uploads/EditionPdfs/women%20and%20Transition.pdf

Indicator 8 – Number and nature of provisions/recommendations in the truth and reconciliation commission (TRC) and other transitional justice reports on women’s rights⁶⁹

There is no Truth and Reconciliation Commission (TRC) or other forms of transitional justice mechanisms in Afghanistan at present. Former insurgents are reintegrated into communities **through a blanket amnesty and the Afghanistan Peace and Reintegration Program, which** does not have a mechanism for grievances or accountability of those guilty of crimes against civilians. Instead, this program reintegrates former fighters through economic incentives.

The Afghan Independent Human Rights Commission (AIHRC) produced an account of Afghan desire to see human rights violators held accountable for their crimes against civilians. The AIHRC went so far as to form a panel including the President’s office and UNAMA to draft an action plan for the creation of a national strategy on justice and reconciliation. Not surprisingly, the government ignored the plan since many former warlords and mujahedeen leaders still hold powerful seats in the government and the Wolesi Jirga, and are not likely to let anyone accuse them of war crimes.⁷⁰

While this particular issue is not as stridently advocated for as other human rights issues, there are calls for accountability of crimes committed during the many phases of the conflict. During the Tokyo Conference in July 2012, Afghan civil society organizations urged the Afghan government to work on a transitional justice plan in order to properly address issues of peace and security in the long term.⁷¹

This indicator remains unchanged in 2013, as there is still no ongoing transitional justice process in Afghanistan.

RATING: *No change*

⁶⁹ This section has been taken from the previous monitoring report by AWN in 2012 (authored by Zarin Hamid), since the situation has not changed and transitional justice is still very unlikely to take place in the near future. This indicator is included in this report as part of GNWP’s global indicators for monitoring the implementation of UNSCR 1325.

⁷⁰ Institute for War and Peace Reporting (IWPR) (May 2012), *Fading Hopes of Transitional Justice in Afghanistan*, available at: <http://iwpr.net/report-news/fading-hopes-transitional-justice-afghanistan>

⁷¹ Position Paper: Demands of Afghanistan Civil Society on the occasion of Tokyo Conference on Afghanistan.” 8 July 2012, available at: www.boell.de/sites/default/files/assets/boell.de/images/download_de/worldwide/AfghanistanCivilSocietytoTokyo.pdf

Indicator 9 – Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes

In the Afghan peace process, economic packages are distributed to former armed opposition group members that join the Afghanistan Peace and Reintegration Program (APRP). APRP does not have a gender specific budget, nor does it have economic packages targeting women beneficiaries. Instead, the APRP offers vocational training for women in the communities to support community rehabilitation.⁷² AWN was not able to obtain the exact figures related to the amount and percentage of APRP funds accessed by women directly.

RATING: Data was not accessible to rate this indicator.

⁷² AWN interviews with Provincial Peace Council members and the APRP office in Kabul, June 2014. The APRP officer that was interviewed was not able to offer any data related to the amount and percentage of funding spent on projects targeting women beneficiaries

C. Promotion of a gender perspective

Indicator 10 – Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law

The Ministry of Interior's (MOI) department of strategy and policy informed AWN that there are various trainings that the police receive on the EVAW law, human rights and gender. However, it is unclear what the specific trainings are and how many incorporate UNSCR 1325, 1820, and other international human rights laws. AWN researchers were unable to obtain data on the content of the trainings to be able to conduct a quality assessment. The reason for this is mainly the unwillingness of MOI officials to share such information with civil society and similar external actors. Nevertheless, interviews with civil society actors revealed that women's rights organizations especially do actively engage in capacity building with the ANP to increase their gender sensitivity and awareness of women's rights.

RATING: Data was not accessible to rate this indicator.

Indicator 11 – Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and government⁷³

To Civil Society

Several civil society and women’s rights organizations implement *Women, Peace and Security* projects such as awareness raising, police trainings and advocacy for women’s inclusion in the peace process.⁷⁴ Civil society organizations in Afghanistan are NGOs that work largely on project-based funding from foreign organizations, the UN, or embassies. Countries such as Finland, Sweden, Norway, USA, Germany and the Netherlands have funded civil society organizations to implement WPS related projects.⁷⁵ As a result, projects on WPS depend on the interest of donor groups. Ever since the consultative peace Jirga of 2010, WPS projects have become more popular in Afghanistan. Women activists and women’s rights organization have increasingly recognized the need for programs to promote women’s participation in the peace process. However, information on disbursement of funding to civil society was not possible to obtain since interviewed civil society organizations were not willing to disclose their budgets to inform this study. Nevertheless, the focus on WPS projects still remains small and projects tend to be short term and funded on a small scale.

To Government

Data on the breakdown of funding for WPS programs implemented by the Afghan government is difficult to obtain because Afghan ministries do not have gender specific budgeting. Known WPS related programs include the implementation of NAPWA to meet its development goals; support for the peace and justice clusters of the National Priority Programs, implementation of EAW law and capacity building of the justice sector, and support for the NAP creation under the supervision of the Ministry of Foreign Affairs. The amount of funding that goes to these programs and others concerned with WPS is not readily available because there is a lack of transparency on the part of the government regarding ministerial budgets and their implementations. According to the NAPWA, “*ministries should spend no less than thirty percent of their development and operations budget for policies, programs and activities that will promote the advancement of women based on NAPWA and ensure that women are mainstreamed across ministry activities*”.⁷⁶ There are, however, no indications of this recommendation being followed by the government of Afghanistan in its current operations. The key mandate of the Ministry of Women Affairs (MOWA) is to provide leadership and advice to the other ministries on gender mainstreaming, gender budgeting and coordination.⁷⁷ In 2013, the share of MOWA’s budget out of the entire national budget was 0.1 percent.⁷⁸ Considering that MOWA is a key actor and guide in the implementation of gender responsive laws and policies, their budget is significantly low.

RATING: Data was not accessible to rate this indicator.

⁷³ This section is based on the corresponding section of the previous monitoring report by AWN in 2012 (authored by Zarin Hamid). As during the previous monitoring phase, AWN researchers were unable to obtain data on funding allocation for WPS projects and programs during 2013

⁷⁴ AWN interviews with women’s rights organizations that implement UNSCR 1325 related projects, June 2014

⁷⁵ See for example White House Joint Statement (September 2013) available at: www.whitehouse.gov/the-press-office/2013/09/04/joint-statement-kingdom-denmark-republic-finland-republic-iceland-kingdo and UNDP (April 2014), available at: www.af.undp.org/content/dam/afghanistan/docs/Project-Summaries/LOTFA.pdf

⁷⁶ The NAPWA (2008)

⁷⁷ Ibid.

⁷⁸ National Budget of Afghanistan (2013), available at: www.budgetmof.gov.af/images/stories/DGB/BPRD/National%20Budget/1392/1392%20English%20National%20Budget%20Aproved%20%20Final%20%20CP.pdf

III. Conclusion and recommendations

Conclusion

The women of Afghanistan continue to face exclusion from important decision-making and peacebuilding processes. Women's representation in governance declined in 2013 as the parliament voted for a revision of women's quota in the provincial councils, which reduced the number of reserved seats for women from 25 percent to 20 percent. In ministerial offices, however, women's representation as employees appears to have improved somewhat. The most visible increase in the number of women is seen in the provincial departments of Ministry of Education. These figures are very likely to be linked with their efforts to increase the number of female teachers, to increase girls' access to education in rural and traditional Afghanistan. Other ministries that have done relatively well in increasing their number of female civil servants are the MOPH and MOLSA. These are ministries that are typically viewed as suitable ministries for women to work in, as they are service oriented ministries.

With regard to women's representation and inclusion in the peace process, no significant improvement was noted during 2013. Women's role in the High Peace Council and their representation in the provincial peace councils continues to be symbolic. Afghan women are still very much excluded from the negotiation table and the security sector reviews. Their participation in legislative reviews remains unchanged. The 69 female members of parliament are among the legislators that can review and vote for bills in the Wolesi Jirga. Female members of parliament also participate in legislative committees and consult civil society and women's rights organizations. This situation has remained constant and no relevant progress or decline in women's participation in legislative reviews have been observed by the research. As women's representation has remained the same (27 percent) in 2013 as in 2012 and 2011, women's participation level in legislative reviews of the parliament has remained unchanged.

The ratio of women officers in the police and army has remained unchanged throughout 2013. There is still less than 1 percent women in the police force and close to 0,4 percent female officers in the army. Policewomen continue to be assigned lower ranks and perform menial tasks while harassment of female police officers by their male colleagues remains a concern.

In the justice sector, women's representation has increased significantly in the past years. In 2013, the number of female lawyers had increased to 20 percent, while 8 percent of Afghanistan's judges are women today. This is a meaningful achievement considering that there were no female judges or lawyers in the Afghan justice sector in 2001.

The implementation of the EVAW law is still facing major challenges. Although the number of reported SGBV and VAW cases have increased notably in the past years, mainly due to the improved awareness of Afghan women about their legal rights, the law enforcement continues to rely on mediation methods, rather than referring the reported cases to the prosecutor as the EVAW law demands it. The Afghan law enforcement appears to have received various trainings on the content of the EVAW law, human rights and gender, however, the quality level and specific content of these trainings were not possible to assess in this study as this information was not disclosed by the Ministry of Interior. Similarly, a progress assessment of the final indicator, related to funding marked for WPS linked programs, was not possible because information related to funding and budgets were not disclosed by key informants.

Recommendations

To government of Afghanistan:

- Ensure that the NAP on UNSCR 1325 is adopted and that the National Action Plan of the Women of Afghanistan (NAPWA) is mainstreamed across all government ministries
- Increase the annual budget and resources of the Ministry of Women's Affairs to ensure the sustainability of the implementation of key gender strategies and laws
- Increase transparency in ministerial gender responsive budgeting
- Make sure that all relevant ministries spend at least 30 percent of their national development budget on programs and activities to empower women in line with the NAPWA strategy
- Increase the number of seats reserved for women in the provincial peace councils from 2-4 seats to at least 8-10, to ensure that women are not as easily sidelined in the councils
- Invite more women to become members in the High Peace Council
- Consult the civil society and women's rights organizations regularly to obtain accurate information about women's security and justice needs
- Request the presence of women legislators, civil society and women's rights organizations and actors to the security sector reviews and permit them to offer their input and knowledge

To the UN:

- Include more gender specific programs in the APRP that specifically target the needs of women in the communities
- Urge the High Peace Council to increase the number of their female members and to encourage their female members to be more active in the negotiation processes with the armed opposition
- Include peace and UNSCR 1325 training for afghan national police and army to improve their gender sensitivity as part of the APRP program

To civil society:

- Continue monitoring the implementation of UNSCR 1325, the EVAW law and the CEDAW treaty and engage with decision makers to encourage them to consider the input of civil society in policy
- Coordinate awareness raising and capacity building efforts more jointly to avoid overlap and increase effectiveness
- Advocate for the inclusion of women and civil society in the governmental security sector reviews

To the donor community:

- Next to finalizing the National Action Plan for UNSCR 1325, issue a joint donor strategy to fund specific longer-term UNSCR 1325 implementation programs across Afghanistan as a nation
- Encourage coordination and information sharing between Afghan women's rights and civil society organizations
- Urge the Afghan government to facilitate an inclusive peace process by inviting women to peace negotiations taking place with the armed opposition

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