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AFGHANISTAN Women and the Reconciliation Process August 2010

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*This document is intended to provide a brief examination of women and the reconciliation process in Afghanistan. More comprehensive information is available on the Civil-Military Overview (CMO) at www.cimicweb.org.¹ **Hyperlinks to original source material are highlighted in blue and underlined in the embedded text. Several articles are linked more than once.***

Following a tumultuous three decades of violence which has included three periods of conflict (the Soviet War between 1979-89, the Civil War between 1989-92, and the Taliban Insurgency, 2003 to present), the people of Afghanistan are attempting to reconcile their past experiences with present day needs and priorities. As Afghanistan moves towards a process of recovery, one of the key questions to address is what the role of women should be in the reconciliation and reintegration process.

Statistics available on Afghan women paint a revealing portrait of the severe limitations and challenges women face in the country. According to the United Nations Statistics Division (UNSD), women in Afghanistan carry a life expectancy of 44 years, nearly 20 years less than the global average. Meanwhile, the male and female youth literacy rates were at 49% and 18% respectively in 2007, as reported by the UN Children's Fund (UNICEF). [UNICEF statistics](#) for the period of 2003-2008 also show significant gender-based differences in levels of school attendance: primary school attendance for Afghan boys and girls was measured at 66% and 40% respectively, while secondary school attendance figures were even lower. Eighteen percent of boys and only 6% of girls were able to participate in secondary education in this time period. Sexual and Gender-Based Violence (SGBV) [UNIFEM statistics](#) from February 2010 also show 1,327 reported incidents of Violence Against Women (VAW), with a breakdown showing that 30.7% of these incidents were acts of physical violence, 30.1% were psychologically violent, and 25.2% were sexually violent. Eighty-two percent of VAW incidents involved family members.

¹ A CMO user account is required to access some of the links in this document.



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Information about the effect of recurrent violence on Afghan women over the past three decades often focuses on issues concerning their current access to social services, education, civic participation and abuse, but much less is comprehensively documented about other violations committed against women. According to the International Center for Transitional Justice (ICTJ), women are typically forced to endure the following hardships during [periods of conflict](#): “death, sexual violence, forced pregnancy, sterilisation, economic hardship, health violations, fewer legal rights, and questions of access to land.” It is therefore critical, according to the ICTJ, for [women to participate](#) in processes that will allow for justice and reconciliation to include both men and women, and allow for all victims to record attacks and crimes committed. On the surface, the inclusion of women in the reconciliation and reintegration process is mandated by various legal instruments and representation quotas are set by the [Afghan Constitution](#)², United Nations (UN) Conventions, and Afghan national law. The UN Security Council [Resolution 1325](#) was adopted in Afghanistan in October 2000 and was the first international attempt to encourage women’s participation in decision-making and peace processes, as well as seeking to ensure the protection of women under international law and prosecuting those who commit crimes against women. Afghanistan is also a signatory of the UN Convention on the Elimination of Violence Against Women ([CEDAW](#)) and is expected to observe the [Universal Declaration of Human Rights](#).

CEDAW defines discrimination against women as:

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

It should be noted, however, that there are no enforcement mechanisms for UN Conventions and their implementation is only based upon international pressure and ratification of such agreements into national law.



Dr. Husn Banu Ghazanfar, Minister of Women’s Affairs (MoWA).
© [MoWA](#) 2010

The “[Bonn Agreement](#)”, adopted in December 2001, laid the foundation for the formation of permanent government institutions for Afghanistan including the Ministry of Women’s Affairs ([MoWA](#)), thereby eliminating restrictions on women’s public participation. Again, statistics are still less than encouraging in this regard: the United Nations Development Fund for Women (UNIFEM) [Fact Sheet](#) for Afghanistan reports a decrease in the number of females working in [government jobs](#), with women accounting for just 18% of government workers in 2008 compared to 25.9% in 2005. Only 7.3% of all [jobs](#) within the Ministry of Justice are held by women. In the political arena, participation levels are better, but there is still a long way to go: there are currently 124 slots for women delegates in the Provincial Council out of 420 seats, with 28% of parliamentary seats allocated to women, and each provincial council is obliged to reserve two seats for women, according to a [recent report](#) by the US Institute for Peace (USIP). USIP indicates that most women participating in advocacy groups and other organisations are not politically affiliated and are from middle and lower-middle classes. Some examples of women’s advocacy groups

² Article 22 states that “Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.” In Article 38, regarding the National Assembly the constitution states that “[...] at least two females shall be elected members of the House of People from each province.”



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include: the [Afghan Women's Educational Centre](#), Afghan Women Resource Center ([AWRC](#)), and Humanitarian Assistance for the Women and children of Afghanistan ([HAWCA](#)).

The role of MoWA is to provide leadership and policy advice on gender mainstreaming, coordination and resources with regards to Afghan women's issues. The National Action Plan for the Women of Afghanistan, or [NAPWA](#), was drafted by MoWA in 2008, covering the period 2008 to 2018, and according to the document it is "the government's main vehicle for implementing policies and commitments on women's empowerment and gender equality." NAPWA focuses on security sector reform from a gendered perspective, as well as governance, rule of law and human rights, leadership and political participation, economic and social development, health, education and implementation strategies. Additionally, one of the main goals of the Afghanistan National Development Strategy ([ANDS](#)) is to end discrimination against women and promote their involvement in leadership roles. Other national Afghan laws that support the inclusion of women are [Article 22 and Article 44](#) of the Afghan Constitution, which declare equal rights for men and women and outline the duties of men and women in promoting the education of women.



A rural woman in Nangarhar province casts her ballot for the 2009 presidential and provincial council elections.

© [Pajhwok](#) 2009

The mandate for women's participation in the peace process is clear; what is lacking is further research and evidence of how this mandate is being put into practice. At the [recent Jirga](#) (a tribal assembly of elders) held in May 2010 to deliberate on the [peace process](#) for Afghanistan, women were reported to comprise approximately 20% of participants, though it is unclear what their role in the proceedings was and to what extent Afghan women are able to affect the decision-making process. As with other legal instruments, the enforcement of [women's participation](#) relies on the cooperation of various national bodies and institutions such as the police force and the judicial system, both of which are still in the process of being rebuilt in Afghanistan and have a historically low level of female participation. The low literacy rate amongst Afghan women also puts them at a disadvantage when it comes to taking part in the decision-making process, as there is a lack of educated women from across the socio-cultural spectrum with sufficient knowledge of their rights as women to participate fully at the [various levels](#) of the reconciliation and reintegration process.

The [Kabul International Conference on Afghanistan](#), now known as the Kabul Process, was held on 20 July this year, prompting calls prior to its opening for an assurance that [women](#) would be included in and supported by the Afghan Peace and Reintegration Programme ([APPR](#)). The [Kabul Process Communiqué](#) released after the conference devoted a separate section (10) to Gender and Children's Rights, underlining the importance of ensuring that the National Action Plan for the Women of Afghanistan ([NAPWA](#)) is met, as well as the gender mainstreaming of ministry and sub-national government bodies and the promotion of education for all Afghan children. It also calls for the establishment of a High Peace Council comprised of men and women. The council was first [proposed at the National Consultative Peace Jirga](#) (see section *Developing Mechanism for Negotiation with the Disaffected*) and would be the main body mandated to mediate between the Afghan government and insurgents.



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Security Sector Reform ([SSR](#)) is currently a hot topic in Afghanistan and lends itself to a closer examination of gender-related issues. The aforementioned NAPWA calls for a review of [security policies](#) and programmes including existing gender tools, mechanisms and approaches. It suggests implementing an affirmative action policy for the recruitment of women to security sector positions, eliminating violence against women both in private and public spaces, the introduction of information campaigns regarding women's rights, and the promotion of peace and non-violence by including women in the reconciliation process. The [five pillars](#) of SSR programmes in Afghanistan, according to the UN, are: (1) military reform, (2) police reform, (3) counter-narcotics reform, (4) judicial reform and (5) disarmament, demobilisation and reintegration of former combatants. Although there is an abundance of information pertaining to SSR in Afghanistan, studies focusing on the gender-specific SSR achievements made to date are more limited. However, the Afghanistan Research and Evaluation Unit ([AREU](#)) offers a number of [gender-related](#) studies relevant to SSR, including one focused on community-based dispute resolution (CBDR) and another on women's participation in local and national governance structures and programmes. The [AREU report](#) "A Holistic Justice System for Afghanistan" highlights the gender dynamics of CBDR and mentions that in spite of women having limited participation in decision-making processes and sometimes facing harsher sentencing than men, the CBDR is often easier for women to access than the state justice system.

It is clear that Afghan women have an important role to play in the reconciliation and reintegration process in Afghanistan. Policies and structures are in place to maintain women's presence in government and councils and there are also female leaders striving to bring women's issues and concerns to the forefront of decision-making. The implementation of NAPWA and the assurance of women's involvement in SSR policies and programmes remains an ongoing challenge due to Afghanistan's complex socio-cultural norms, as well as the continuing conflict across the country.

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