

Afghanistan Public Policy Research Organization



Women's Shelters: A Preliminary Assessment

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Project Report

موسسه مطالعات عامه
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About NAP 1325 Monitor

The specific objectives of the NAP 1325 Monitor are to:

1. Establish baseline conditions based on the available information as of January 1, 2017 and report negative and positive changes for action and learning on a 4-monthly basis. Monitoring is carried out using a standardized methodology based on a comprehensive set of indicators developed from the United Nations Security Council Resolution 1325 (UNSCR 1325), subsequent related resolutions, and Afghanistan’s NAP 1325.
2. Generate practical policy recommendations for interventions by civil society and the government on meeting WPS objectives as specified in UNSCR 1325 and Afghanistan’s NAP 1325.
3. Disseminate information from the monitoring and related thematic research to national and international audiences with a focus on the WPS agenda in Afghanistan.

About APPRO

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Executive Summary

This research was carried out to assess the availability, adequacy, access and use of women's shelters in relation to the Protection, Prevention, and Relief and Recovery pillars of NAP 1325. The research is intended to provide insights into some of the challenges in the implementation of programs, projects and services that would support the objectives of NAP 1325, particularly under the Protection and Prevention pillars.

Data were collected between November and December 2017 in Herat, Kabul, Kandahar and Nangarhar provinces through interviews with 47 key informants including community elders, religious leaders, government officials, women in shelters (where possible), representatives of shelters, relevant NGOs, AIHRC, defense lawyers and women who have left shelters. Three focus group discussions were held with women in shelters in Herat, Jalalabad, and Kabul, with a total of 21 women participating.

The research suggests that while the precise numbers of shelters and women accessing their services are publicly unknown, women's shelters in Afghanistan are providing hundreds of women and children across the country with safety and immediate shelter. A key driver of women seeking shelter is domestic violence but also being released from prison with nowhere to go, being forced into illegal work, fleeing a husband's addiction, forced marriage, early marriage, being denied education, or being without documents. Being turned away from the border in attempts to leave Afghanistan is a common reason for women to seek shelter in Herat. In Kandahar, although there are no women's shelters, evidence suggests that women face similar issues and thus are in need of having formal shelters.

Women's shelters remain deeply controversial, challenging cultural sensitivities and norms about women's roles and rights in family and community. Perceptions of shelters are divided between those recognizing that they are necessary to protect vulnerable women, and others believing that the shelters are unwanted and unnecessary foreign interventions, undermining the honor of women and their families.

The debate on whether or not to have women's shelters is further complicated by the fact that women in shelters face a different set of risks including sexual harassment and mistreatment while supposedly being protected. There is evidence, nevertheless, that as shelters continue to exist and as more and more people learn about their functions, there is more openness in communities hosting women's shelters about the potentially positive role they could play in protection of vulnerable women or victims of sexual violence.

There is regional variation in the perception of shelters and the quality of the services they provide. In all cases, the women using the shelters would like to see more adequate accommodation and living spaces, tailor-made vocational training for the women, literacy courses, and programs for the women's children within the shelters.

To varying degrees, all shelters appear to have mechanisms in place to assist the women and prepare them for return to their families or society at large, based on the signing of formal guarantee letters from the women's families, sometimes involving local elders, that the women being released from shelters would never again be subjected to violence or mistreatment. Further, the consent of the woman to leave the shelter voluntarily is a necessary component of any process of reintegration. Releases are followed up by the shelters to monitor the situation of the women in their families after

return to ensure that the women remain safe. Many important questions remain regarding the effectiveness of this process, in both the short and longer terms, however.

The ongoing challenges for women's shelters in Afghanistan – and for the women who use the services of these shelters – provide important insights into the substantial difficulties faced by the government in implementing policies and programs that would protect and promote the rights of women and enable Afghanistan to meet its domestic and international commitments, including NAP 1325. Customary belief systems, the turbulent political environment, and the debate regarding the social acceptability of women's shelters remain substantial challenges in effecting structural measures to better protect women and advance their equal rights.

Recommendations

Government of Afghanistan

- Establish a separate budget line in the national budget for funding shelters on an ongoing basis.
- Initiate a public information campaign about the necessity of having shelters and that shelters functions do not contradict Islamic principles.
- Work with all stakeholders toward the establishment of women's shelters in provinces where they do not currently exist and increasing their number where there is insufficient capacity.
- Facilitate closer collaboration between shelters and the ministries of Public Health and Education to ensure that the special needs of children within shelters are adequately addressed.
- Distinguish between, and make specific provisions for, the special needs of different groups of women needing shelter, i.e., women without documentation, women having been released from prison, and women as victims of domestic violence.
- Ensure that referral processes by government institutions meet the immediate protection needs of women seeking access to shelters.

Non-Governmental Organizations and Donors

- Engage with other women's shelter initiatives regionally to share experiences, good practices, and lessons learned for mainstreaming women's shelters in Afghanistan.
- Consider how to raise awareness of the need for women's shelters, in ways that are most likely to resonate with local cultures, traditions, and religious beliefs.
- Engage with religious scholars and community leaders to reach consensus about the need for shelters.
- Publicize amicable resolutions of domestic violence through the services provided by shelters, taking all necessary precautions to protect the women's identities.
- Engage with women in the shelters around their perceived needs and interests regarding access to vocational, educational, and training opportunities.
- Advocate for and prioritize children's rights to education and recreational spaces within shelters.
- Advocate for and support needs assessments for establishing shelters, or structures acting as shelters, for victims of domestic violence in rural / remote areas.

Introduction

In June 2015, under the leadership of the Ministry of Foreign Affairs (MoFA), Afghanistan released its National Action Plan on UNSCR 1325 for Women, Peace and Security (NAP 1325).¹ In the introduction of NAP 1325, the rationale for the development of Afghanistan's NAP is described as follows:

As a UN Member State, Afghanistan is committed to observing the principles of the UN Charter, international treaties it has signed, and UNSCRs, particularly those on women's rights. The Government of the Islamic Republic of Afghanistan, therefore, intends to take practical steps in order to adhere to its women's rights obligations, and contributing to the maintenance of peace and security. To this end and in order to implement UNSCR 1325, the Government of Afghanistan has developed this National Action Plan.²

NAP 1325 acknowledges that in a post-conflict country men and women, with equal access to opportunities and resources, play a vital role in the country's development. It notes that as a result of more than three decades of war, women face vulnerabilities to sexual violence, including rape; sexual harassment, trafficking, forced prostitution, and forced marriages. Many women, particularly in remote areas, lack access to justice, proper health care services, education and employment opportunities. Illiteracy and unemployment rates are highest among women, and Afghanistan continues to have one of the highest maternal mortality rates. Women who are internally displaced or living in conflict-affected communities are particularly vulnerable to insecurity. To help address these and other issues, NAP 1325 is organized around the four key pillars of Participation, Protection, Prevention, and Relief and Recovery (see Appendix 3 for more details).³

Systems of governance are never monolithic, with all institutions and individuals collectively working toward the same shared goals, even while formal goals, or policies, may appear to be shared. Instead, implementation is mediated by factors such as belief systems, interests and intentions of civil servants, social acceptance, political context, institutional capacity of the implementing agencies and institutions, and the availability of adequate resources to effectively implement a policy or program. Implementation analysis of any policy needs to take of all these factors, which may be divided into the three broad categories of 1) tractability (or "solvability") of the problem(s) being addressed by the policy; 2) the ability of the policy to favorably structure the implementation process; and 3) the net effect of a variety of "political" variables on the balance of support for policy objectives.⁴

In Afghanistan, the interplay between new international discourses of women's rights and human rights more broadly, on one hand, and deeply-rooted cultural and religious traditions, customs, and belief systems on the other, creates a challenging and rapidly shifting environment for the implementation of

¹ Ministry of Foreign Affairs, Afghanistan's National Action Plan on UNSCR 1325 Women, Peace and Security, June 2015

² Ibid., p.1

³ National Advocacy Committee for Public Policy, Summary of Afghanistan's National Action Plan for the implementation of UNSCR 1325 (NAP 1325) on Women, Peace and Security (2015-2022), 16 August 2016, <http://www.nac-pp.net/category/nap-1325/>

⁴ Adapted from: Sabatier, Paul, and Daniel Mazmanian (1980). "The implementation of public policy: A framework of analysis." *Policy studies journal* 8(4), pp. 538.

international resolutions and domestic policies such as UNSCR 1325 and NAP 1325. Ongoing conflict and insecurity further impacts effective policy implementation the vast majority of areas.

Using an implementation analysis framework, this research was carried out to gain insights into some of the challenges in the implementation of programs, projects and services that would support the objectives of NAP 1325, through an exploration of women's shelters in selected provinces.

Objectives and Methodology

This research sought to meet the following objectives:

- Profile women's shelters in different provinces to compile best practices, most urgent needs, and ways forward to make their services more consistent with NAP 1325 objectives.
- Evaluate women's shelters' services in each province based on criteria drawn from NAP1325
- Inventory the perceptions of women's shelters by the women who use them, operators, local communities, and government authorities.
- Generate a series of practical recommendations aimed at improving availability, adequacy, access, and use of women's shelters.

Data collection was carried out in November and December 2017 in the cities of Kabul, Herat, Mazar-e Sharif, Kandahar and Jalalabad. Key informant interviews were held with 47 individuals including community elders, religious leaders, government officials, women in shelters (where possible), representatives of shelters, relevant NGOs, AIHRC, defense lawyers and women who left shelters. Three focus group discussions were held with women in shelters in Herat, Jalalabad, and Kabul, with a total of 21 women participating. It was not possible to hold focus groups in Kandahar as there are no women's shelters there, and Mazar-e Sharif due to permission not being granted to interviewers for a focus group at the women's shelter.

The identities of all participating women in the shelters and those who left shelters are anonymized for this report. The location of shelters is also withheld. See Appendix 2 for the guiding questions used in interviews with key informants and the focus groups.

The remainder of this paper is organized as follows. The next section provides a background on the need and emergence of women's shelters in Afghanistan, followed by the findings from the empirical data, conclusion, and recommendations.

Legal Provisions for Women in Afghanistan

Violence against women and girls in Afghanistan remains a pressing issue for the government and its international donors. The violence is deeply rooted in male-dominant traditions and exacerbated by ongoing violent conflict. Women experience different forms of domestic violence and harassment and mistreatment in public spaces and at the workplace. A 2008 Global Rights publication on domestic violence in Afghanistan, based on 4,700 surveys conducted with Afghan women across 16 provinces, found that 87.2 per cent of the women surveyed had experienced at least one form of physical, sexual, or psychological violence or forced marriage while 62 per cent had experienced multiple forms of

violence.⁵ Another study from 2015 lists the many different forms of violence to which women and girls may be exposed over the course of their lives.

Table 1: Types of Violence Against Women⁶

• Rape	• Marriage before the legal age
• Forced prostitution	• Cursing, humiliation or intimidation
• Publicizing the identity of a victim in a damaging way	• Harassment or persecution
• Burning or use of chemical substances	• Forced isolation
• Forcing a woman to commit suicide or to self-immolate	• Forced drug consumption
• Causing injury or disability	• Denial of inheritance rights
• Beating	• Denial of the right to property
• Selling and buying women for the purpose of or under pretext of marriage	• Denial of the right to education, work and access to health services and other rights provided by law
• <i>Baad</i> (giving away a woman or girl to settle a dispute) and <i>badal</i> (concurrent marriage of brother and sister to sister and brother in another family)	• Forced labor
• Forced marriage	• Marrying more than one wife without observing Article 86 of the Civil Code
• Prohibiting the choice of husband	• Denial of relationship

Since 2001, much progress has been made towards the advancement and protection of women's rights, including efforts to expand women's political participation and involvement in the workplace, as well as efforts to combat violence against women. Afghan leaders present during negotiations at the Bonn Conference in 2001 committed to fostering the inclusion of women in post-conflict governance. The Constitution adopted in 2004 states that all laws should be compatible with Islamic law while guaranteeing women equal rights to those of men.⁷ The government of Afghanistan established the Ministry of Women's Affairs (MoWA) in 2002, became signatory to the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) in 2003, appointed women to executive positions, and set up gender units and focal points within each ministry in 2004.

In 2008, the National Action Plan for Women of Afghanistan (NAPWA) was launched amid much publicity, with its pillars of security, governance, rule of law, human rights and economic and social development. Further, the Law on the Elimination of Violence Against Women (EVAW) was passed by presidential decree in 2009 after years of development, creating and strengthening protection against a range of violence and abuses (Table 1). EVAW criminalizes as offenses "customs, traditions and practices causing violence against women and which are against the Islamic Sharia."⁸

⁵ Nijhowne, Diya and Lauryn Oates. "Living With Violence: A National Report on Domestic Abuse in Afghanistan." 2008. Global Rights: Partners for Justice. Available at: <https://www.humanitarianresponse.info/system/files/documents/files/Living%20with%20Violence%20-%20A%20National%20Report%20on%20Domestic%20Violence%20in%20Afghanistan%2C%20Global%20Rights%2C%202008.pdf>

⁶ Adapted from: Wimplemann, T. (2015). "One step forward and many to the side: Combating gender violence in Afghanistan, 2001-2014". *Women's Studies International Forum*. Vol.51. pp.101-109.

⁷ Powell, C. (2014). "Women and Girls in the Afghanistan Transition." Council on Foreign Relations Working Paper. June 2014. Available at: <https://www.cfr.org/report/women-and-girls-afghanistan-transition>

⁸ Powell, Catherine. "Women and Girls in the Afghanistan Transition." Council on Foreign Relations Working Paper. June 2014. Available at: <https://www.cfr.org/report/women-and-girls-afghanistan-transition>

In the intervening years, however, it has become clear that the existing Afghan legislative framework, though necessary, is insufficient for protecting and promoting women's rights and defenders of women's rights. NAPWA, for example, has had little bearing on the policy-making processes of the Afghan government, and many of the gains made by and for women since 2008 have had no direct linkage to NAPWA.⁹ The EVAW law has not been ratified in the parliament, where it has faced substantial opposition from conservative Members of Parliament who view the law as anti-Islamic and foreign imposed. Opposition was particularly pronounced to the law's criminalization of underage and forced marriage, certain forms of wife beating, and polygamy.¹⁰ This has created some confusion around the legal standing of the EVAW law, although it is still celebrated by many in Afghanistan, including women's rights activists and international donors. There have also been challenges in implementing and enforcing the EVAW law, "including claims based on religion and culture as well as a lack of women police generally, and specifically in family response units, which deal with domestic violence and female and child victims of crime."¹¹

Despite the legal framework, most gender-based violence cases in Afghanistan never proceed to court, with claims often being decided by predominantly male local councils.¹² Many women attempting to flee abusive situations are unable to find the necessary support from the police, government officials, or judicial institutions, but may instead face indifference, or even arrest and imprisonment for "moral crimes," such as running away from home, or committing or intending to commit *zina* (unlawful sexual intercourse).¹³ Many women thus face the rigorous enforcement of what are often ambiguously defined "moral crimes," alongside a highly uneven enforcement of protective laws such as EVAW.

Women's Shelters

Since 2001, one of the responses to the high levels of violence against women has been the establishment of a number of women's shelters in various provinces of Afghanistan. The shelters are meant to provide some of the country's most vulnerable women with protection from violence, including psychological, physical and sexual violence and abuse. Estimates of the number of women's shelters around the country vary, with a 2017 report puts the number at 30 shelters in 13 provinces.¹⁴ The vast majority of the shelters are donor-funded.¹⁵

⁹ See APPRO (2014) "A Critical Assessment of NAPWA" Available at: <http://appro.org.af/publication/a-critical-assessment-of-napwa/>

¹⁰ Wimplemann, Torunn. "Women's Rights in Afghanistan: Strategic Dilemmas" November 17, 2017. University of California Press Blog. Available at: <https://www.ucpress.edu/blog/33160/womens-rights-afghanistan-strategic-dilemmas/>

¹¹ Powell, Catherine. "Women and Girls in the Afghanistan Transition." Council on Foreign Relations Working Paper. June 2014. Available at: <https://www.cfr.org/report/women-and-girls-afghanistan-transition>

¹² Ibid.

¹³ Ibid.

¹⁴ "A safe place for Afghanistan's abused women." May 27, 2017. The National. Available at: <https://www.thenational.ae/world/a-safe-place-for-afghanistan-s-abused-women-1.67433>

¹⁵ See, for example: <http://www.womenforafghanwomen.org/women-s-shelters>

For some women in dire circumstances, the shelters are often the only option for staying alive, providing a protective space for the women.¹⁶ The shelters are not without controversy, however. While the exact number and location of all such shelters is unclear, most (if not all) exist in the less conservative areas of the country. The shelters face resistance from local community members and threats by some males who believe that the existence of such shelters encourages their women folk to leave their families, or who believe the women who stay at shelters are prostitutes. The shelters do not easily fit in and are often referred to as being foreign impositions.¹⁷

The controversies, sensitivities and security issues surrounding women's shelters in Afghanistan point to a gap that continues to exist between the intentions of setting up shelters, i.e., protect women from violence and offer recourse and reintegration, and the actual outcomes.

Key Findings

Herat

The two shelters visited for this research in Herat are externally funded, with DoWA and AIHRC providing assistance through monitoring. DoWA is also the main government institution engaged with the shelters, introducing women to the shelters, holding meetings with the families of the women, and assisting with legal support. Other entities such as the police, the Attorney General's Office, AIHRC and other organizations also introduce eligible women to the shelters, through a set process managed by DoWA.

To leave the shelter, a woman must feel safe and ready to leave, following a process of formal meetings, mediation and negotiations with the woman's relatives. At that point, a family member such as a father or brother with a valid identification card will accompany the woman home. The family member will sign a guaranteeing letter in the presence of a local attorney, assuring that the women will not be subjected to violence or abuse.¹⁸ Follow-up, monitoring visits to the women's homes ensure that the women remain safe. Women are also assured that they can return to the shelter if necessary.¹⁹

The shelters are seen as necessary for protecting women fleeing physical violence or forced and early marriages, having no documentation, having nowhere to go following divorce or being released from prison, and having been rejected from crossing the border to Iran. A number of women married to drug addicted husbands also seek refuge in the shelters.²⁰

The number of women (and their children) in each shelter changes frequently:

¹⁶ Human Rights Watch. 4 March, 2012. 'I had to run away'. The imprisonment of women and girls for "moral crimes" in Afghanistan." P.6. Available at:
https://www.hrw.org/sites/default/files/reports/afghanistan0312webwcover_0.pdf

¹⁷ Ibid, p.92-93.

¹⁸ KI-F-HER-NG-6, KI-F-HER-NG-5

¹⁹ KI-F-HER-NG-6, KI-F-HER-NG-3, KI-F-HER-PI-1, KI-F-HER-NG-4, KI-M-HER-NG-1, KI-M, HER-NG-2, FGD, F-HER-NG-1.

²⁰ KI-F-HER-NG-6, KI-F-HER-NG-5, KI-M-HER-NG-1, KI-M-HER-NG-2, KI-F-HER-NG-3, KI-F-HER-PI-1, KI-F-HER-NG-2, KI-F-HER-GO-2, KI-F-HER-NG-7, KI-F-HER-NG-8, FGD-F-HER-NG-1, KI-F-HER-GO-1

The number of women at this shelter is not fixed ...[and changes] everyday. One day, 100, one day, 120 or 90. There are 90 women and 25 children today. We had 150-160 in a month. The numbers we should be keeping are 80 women and 20 children.²¹

Those working at or with the shelters feel strongly that there is need for more shelters in Herat, given the constant overcrowding.²²

The existing facilities at one of the shelters are deemed as adequate by most of the women that stay there, with sufficient space, access to medicine, exercise, and psychological counseling.²³ At the same time, a number of the women also want assistance with learning English and vocational training.²⁴

At the second shelter, there were complaints about inadequate facilities and overcrowding:

...We do not have enough rooms. It is only 16 rooms, and the number of beds is limited, and some women have to sleep on the floor with their children, but some space is available in the yard. Childcare services and toys are not available for the kids and they are living in a room and imprisoned like us. ...Some kids are unable to go to school.²⁵

The overcrowding forces young and older women with different backgrounds and problems to live together, which can cause tension from time to time. With more space, it would be possible to divide the shelters so that young girls are separated from women with children.²⁶ The shelter has requested additional resources from the authorities but has not been given a specific response apart from a promise that something will be done to improve the situation.²⁷

Other complaints and concerns centered on inadequate sanitation, heating, clothing, and cooling equipment.²⁸ Opinions were also mixed about training and educational opportunities at the shelters. Some spoke about the availability of sewing classes, bead weaving, English classes, handicraft classes, and cooking classes, while others complained that many of the girls at the shelters were not allowed to go to school, despite being interested in education.²⁹ A suggestion was to have professional teachers come to the shelters to teach the girls.³⁰

There is a higher level of acceptance of shelters within communities in Herat City as compared to the districts in the province.³¹ People in Herat City are said to be more accepting of shelters because they have had a longer exposure to their existence and the services they provide.³² As one community elder put it,

²¹ KI-F-HER-NG-4

²² KI-F-HER-PI-1

²³ FGD-F-HER-NG-6

²⁴ FGD-F-HER-NG-6

²⁵ FGD-F-HER-NG-6

²⁶ KI-F-HER-GO-2

²⁷ KI-F-HER-NG-4

²⁸ KI-F-HER-NG-6, KI-F-HER-NG-5

²⁹ KI-G-HER-GO-2, KI-F-HER-NG-6, KI-F-HER, PI-1, KI-F-HER-NG-4, KI-F-HER-PI-1, KI-F-HER-NG-4, KI-F-HER-NG-3, KI-F-HER-NG-7, KI-F-HER-NG-8, KI-F-HER-GO-2, KI-F-HER-GO-1, FGC-F-HER-NG-1

³⁰ KI-F-HER-NG-6

³¹ KI-F-HER-NG-4

³² KI-F-HER-PI-1

In the remote areas, away from the center of Herat City, people interpret secure shelters as a center of corruption and immorality [...] Therefore, even if a woman from a rural district has a problem, she must not go to shelters.³³

Despite these differences, the majority sentiment about shelters is negative, pointing to the need for more outreach and dissemination activities about shelters and their services.³⁴ Even for those who have more knowledge of the functions of shelters, acceptance is not granted on the grounds that the existence of shelters undermines marriage but “teaching girls about how to separate from their husbands and homes...”³⁵

There is recognition among multiple stakeholders that there are rumors of “immoral activities”, prostitution and abuse in shelters and that efforts should be made to ensure there is no basis for these rumors and allegations.³⁶

Jalalabad

There is one shelter in Jalalabad, funded externally and managed under the oversight of DoWA, which holds the responsibility for shelters in Nangarhar province. The shelter prides itself in having resolved 80 cases.³⁷ Women needing shelter are referred by the Police Commission, the Attorney General’s Office, AIHRC, and DoWA. As with other shelters, causes of women seeking shelter are domestic violence, death threats, divorce, forced marriages, beatings, and harassment and restrictions from in-laws.

Perceptions of women shelters are mixed, with relatively more recognition of their services and thus acceptance in urban areas than rural areas.³⁸ Women going to shelters risk being physically assaulted, or even killed, by their own family members because of the shame associated with women running away from home and staying with non-relatives.³⁹

Because of the low number of women seeking shelter in Jalalabad, most feel that having one shelter in Jalalabad is sufficient to meet the current demand.⁴⁰ The low demand for shelters does not mean that there is less violence against women in Jalalabad. Rather, the low demand is an indication of the male-dominant social structures, disallowing dissent and being highly restrictive of women’s mobility and other rights.⁴¹

The women using the shelter appear to be satisfied with the services provided, which include adequate access to sanitary facilities, heating, cooling equipment such as fans, food, vocational training, literacy,

³³ KI-M-HER-NG-1

³⁴ KI-M-HER-NG-2

³⁵ KIM-HER-NG-2

³⁶ KI-F-HER-GO-2, KI-F-HER-NG-6, FGD-HER-NG-1

³⁷ KI-F-NGR-GO-1

³⁸ KI-F-NGR-GO-2, KI-M-NGR-NG-2, KI-M-NGR-GO-3, KI-M-NGR-NG-6, KI-M-NGR-NG-5, KI-F-NGR-GO-1, KI-M-NGR-PI-1, KI-F-NGR-NG-7, FGD-F-NGR-NG-1, KI-M-NGR-NG-1, KI-F-NGR-NG-7, KI-F-NGR-GO-1

³⁹ FGD-F-NGR-NG-1

⁴⁰ NGR-GO-2, KI-M-NGR-NG-2, KI-M-NGR-GO-3, KI-M-NGR-NG-6, KI-M-NGR-NG-5, KI-F-NGR-GO-1, KI-M-NGR-PI-1, KI-F-NGR-NG-7, FGD-W-NGR-NG-1, KI-M-NGR-NG-1, KI-M-NGR-NG-1, KI-F-NGR-NG-7, KI-F-NGR-GO-1

⁴¹ FGD-F-NGR-NG-1

reading and learning the Quran, and psychological counseling.⁴² At the same time, some of the residents felt that there should be more open spaces in the shelter and more entertainment to engage the residents.⁴³

There are strict rules governing the activities of the women in the shelter. All communication with the family is monitored and carried out with a lawyer or counselor present. The women are not allowed to use mobile phones or bring in cash or jewelry.⁴⁴ Women are able to leave the shelter when their case has been resolved, and when a guarantee of the woman's safety has been made by her husband or family. The guarantee is made against the husband or his family's property.

Following their departure from the shelter, women are monitored by shelter officials for one year, and if it is found that she is mistreated or abused, the guarantor can be held accountable.⁴⁵ For example, if violence occurs more than twice after the woman's return to the family, the guarantor will be forced to forgo the house, shop or other property according to the terms of the guarantee.⁴⁶

Kabul

The precise number of shelters in Kabul is unknown, and reported as six or three by different sources. As with all shelters, the Kabul shelters are externally funded. Each shelter holds between 30-60 women.⁴⁷ Women are referred to the shelters by DoWA, AIHRC, the police, justice courts, and women's rights organizations.⁴⁸ Claims by women seeking shelter are verified prior to admission.⁴⁹ There is strong sentiment that with more knowledge about the role and functions of shelters, and protection of those that need the services, many more women would seek the assistance of shelters.⁵⁰

The shelters of Kabul serve different clientele, providing services for women released from prison, women without families who cannot live alone, and women with domestic violence issues.⁵¹ Domestic pressures arising from forced or underage marriage, divorce, being prohibited from education, and physical and psychological abuse by husbands and families are among the reasons for women seeking shelter.⁵²

Public perceptions of women's shelters are mixed, but mostly negative on the grounds that women's shelters are foreign impositions, not consistent with Islamic norms, and places where women are at risk of being sexually harassed or abused.⁵³ Others object to shelters because they "provoke women to stand

⁴² NGR-GO-2, KI-M-NGR-NG-2, KI-M-NGR-GO-3, KI-M-NGR-NG-6, KI-M-NGR-NG-5, KI-F-NGR-GO-1, KI-M-NGR-PI-1, KI-F-NGR-NG-7, FGD-W-NGR-NG-1, KI-M-NGR-NG-1, KI-M-NGR-NG-1, KI-F-NGR-NG-7, KI-F-NGR-GO-1

⁴³ FGD-F-NGR-NG-1

⁴⁴ FGD-F-NGR-NG-1

⁴⁵ KI-F-NGR-GO-2, KI-M-NGR-NG-2, KI-M-NGR-GO-3, KI-M-NGR-NG-6, KI-M-NGR-NG-5, NI-F-NGR-GO-1, KI-M-NGR-PI-1, KI-F-NGR-NG-7, FGD-F-NGR-NG-1, KI-M-NGR-NG-1, KI-M-NGR-NG-1, KI-F-NGR-NG-7, KI-F-NGR-GO-1

⁴⁶ FGD-F-NGR-NG-1

⁴⁷ KI-F-KAB-NG-5, KI-F-KAB-PI-1

⁴⁸ KI-F-KAB-PI-1, FGD-F-KAB-NG-1, KI-M-KAB-NG-6, KI-F-KAB-GO-2

⁴⁹ KI-F-KAB-PI-1

⁵⁰ KI-F-KAB-NG-5, KI-F-KAB-NG-4, FGD-F-KAB-NG-1, KI-M-KAB-NG-6

⁵¹ KI-F-KAB-NG-4, FGD-F-KAB-NG-1, KI-F-KAB-NG-4

⁵² FGD-F-KAB-NG-1, KI-F-KAB-NG-5

⁵³ KI-M-KAB-NG-6, FGD-F-KAB-NG-1

up to their husbands.”⁵⁴ The organizations responsible for running the shelters and the organizations that support them and use their services believe that there is a strong case for more awareness raising and public information dissemination about the role shelters can play in protecting the vulnerable by providing legal services, rights counseling, literacy and Quran reading, health services, and psychological counseling.⁵⁵

There is general satisfaction with the services and amenities of the shelters, with some offering space and equipment for physical exercise. A major concern is the length of time taken to process the women’s cases in the court system, resulting in many women staying for long periods of time and possibly depriving other women in need of shelter.⁵⁶ Also, the longer the women stay at the shelters, the less likely that arrangements could be made for amicable resolution and reconciliation with their families.⁵⁷

As with all other shelters, women are released on the condition of reaching a legal agreement with family and guarantee by the family or husband that the women’s rights will be respected. In some cases the assurance and guarantee by the family is video recorded to eliminate all possibilities of rebuttal. On returning to their families, the women are monitored for one year, visited once or twice per week by medical or legal professionals, to ensure that the family has kept to its commitment respecting the victim’s rights.⁵⁸ These provisions are direct results of learning by the administrators of the shelters and in response to earlier cases of women being released back to their families, only to be further violated and sometimes killed for dishonoring the family by going to the shelter in the first place.⁵⁹

The degree to which the released women have been successful in reintegrating is a matter of debate, however. Some suggest that when women become aware of their rights and gain some degree of independence, they can often look after themselves. Others counter that regardless of the degree of awareness and independence, women have insurmountable difficulty to live by themselves anywhere in Afghanistan and that the only way the vast majority of women can survive is to live with family, their own or their husbands.⁶⁰

Kandahar

Kandahar does not have a women’s shelter. Various attempts to set up a shelter or shelters have met with disagreement and unwillingness from the public and local government officials in the province.⁶¹ For many the stigma attached to women going to shelters is the same as the stigma of going to prison. Any woman going to jail, or shelter, risks being disowned by family because of the dishonor brought to the family.⁶²

⁵⁴ FGD-F-KAB-NG-1

⁵⁵ KI-F-KAB-GO-1, KI-F-KAB-GO-2, KI-M-KAB-NG-6, KI-M-KAB-NG-1, KI-F-KAB-PI-1, FGD-F-KAB-NG-1, KI-F-KAB-NG-4, KI-F-KAB-GO-1

⁵⁶ KI-F-KAB-NG-4

⁵⁷ KI-F-KAB-GO-1

⁵⁸ KI-F-KAB-NG-4

⁵⁹ KI-F-KAB-NG-4, KI-M-KAB-NG-6

⁶⁰ FGD-F-KAB-NG-1

⁶¹ KI-F-KAN-PI-1

⁶² KI-F-KAN-GO-1

Others believe that referring women to shelters is a humiliation for women and that shelters “corrupt” women and abuse women.⁶³ Strong feelings against shelters are more pronounced in rural districts than in Kandahar City.⁶⁴ Despite these reservations, those familiar with the conditions of women in Kandahar maintain that there is strong need for shelters, at least based on the number and types of cases handled by DoWA.⁶⁵ In cases when there is no place to send the women in need of shelter, such as when relatives refuse to take the women in, they could be sent to Kabul, causing additional distress for the women.⁶⁶ Given this lack of possibilities, a number of women about to be released from prison ask to remain in the prison.⁶⁷

Mazar-e Sharif

Mazar-e Sharif has one shelter, externally funded and housing between 25-30 women. Women coming to the shelter are introduced by DoWA, AIHRC, the police, or courts – all of whom think highly of the facilities and services at the shelter. Reportedly, the shelter offers adequate space, hygiene, temperature control in summer and winter, accommodation, vocational education and counseling services.⁶⁸ Testimonies from women who have used the shelter also suggest that there are adequate provisions for post-release monitoring and acquiring guarantees from the women’s husbands or families for the safety of the women upon returning home.⁶⁹

Many noted that there was a need for enhancing awareness and support regarding the benefits of having women’s shelters with religious and community leaders, effecting accessible and simplified procedures for applications and admissions, and instituting a more robust monitoring system. Further, there would need to be dedicated vocational training so that the women could become more economically independent.⁷⁰

Conclusion

Where they exist, shelters are providing hundreds of women and children with safety and alternatives to protect themselves against domestic violence in the longer term. There are a number of reasons for women seeking shelter, including domestic violence, having nowhere to go following a divorce or release from prison, being forced into illegal work, fleeing a husband’s addiction, forced marriage, early marriage, being denied education, being without documents, and being caught attempting to migrate out of Afghanistan without documentation. Being turned away from the border was a more common theme in Herat, due to the province’s proximity to Iran. In Kandahar, women face similar issues of violence and exclusion but without access to shelters.

⁶³ KI-F-KAN-PI-1

⁶⁴ KI-F-KEN-NG-5, KI-M-KAN-NG-1, KI-M-KAN-NG-2, KI-M-KAN-GO-2, KI-M-KAN-GO-3, KI-M-KAN-NG-6

⁶⁵ KI-M-KAN-NG-1, KI-M-KAN-NG-2, KI-F-KAN-GO-1, KI-M-KAN-GO-2, KI-M-KAN-GO-3, KI-M-KAN-NG-6

⁶⁶ KI-M-KAN-NG-1

⁶⁷ KI-F-KAN-PI-1

⁶⁸ KI-F-BAL-NG-4, KI-F-BAL-GO-1, KI-F-BAL-GO-3, KI-F-BAL-PI-1

⁶⁹ KI-F-BAL-NG-8

⁷⁰ KI-M-BAL-NG-1, KI-M-BAL-NG-2, KI-F-BAL-GO-2, KI-F-BAL-NG-7, KI-F-BAL-GO-3, KI-F-BAL-PI-1, KI-F-BAL-NG-5, KI-M-BAL-NG-6, KI-F-BAL-NG-8

There is a general lack of clarity regarding the number of shelters, due mostly to the fact that the shelters have chosen to remain anonymous to maximize the safety of the shelters and their inhabitants. Much credit is given to provincial DoWAs for effectively using the shelters to assist women in need of protection. To varying degrees, the police, AIHRC, and defense attorneys are also praised for their effective use of the shelters where they exist, through the referral process following investigations and attempts to resolve women's cases, and in reintegration and follow-up. Financial and other forms of support from international donors and NGOs were also underlined as central for the continued operation of shelters.

The existence of shelters remains deeply controversial, challenging sensitive cultural norms and perceptions around women's roles and rights in families, communities and societies. Some recognize that shelters are necessary for helping vulnerable women, while others believe that shelters are foreign impositions, contrary to their interpretations of religious principles, and undermining of the honor of women and their families. In addition, due perhaps to the relative secrecy of shelters and their operation, the uninformed level allegations that shelters put women at risk of sexual abuse, or that they facilitate prostitution and exploitation of the women. At the same time, the overwhelming majority of those consulted believe that the more the public learns about the need for and functions of the shelters, the more accepted they are likely to become.

The services provided by the shelters and service quality, though viewed as largely positive, vary across the different shelters and provinces. Generally, there was praise for the efforts by shelters to resolve the cases of the women and facilitate their safe return to and longer term stay with the family. The process of resolution involves signing of a formal guarantee letter from a women's family, sometimes involving supporting elders, that upon leaving shelters the woman would not be subjected to mistreatment or violence.

Further, the consent of the women to leave the shelter was a necessary condition of all releases from the shelters. The post-release monitoring visits to the women's homes and the guarantees by the families appear to be effective mechanisms for protecting the women. The degree to which shelter organizers can continue to accommodate women in need and provide for their post-release needs is a direct function of sufficient and ongoing resources for the shelters, the bulk of which comes from external donors.

The longer term success of women's shelters in Afghanistan will require government support and funding, and persistent efforts by government and civil society to turn the widely held negative perception of shelters as foreign impositions, and structures that threaten to undermine families or contradict cultural norms. At the same time, in places such as Kandahar where there are no shelters but there is demand, innovative provisions need to be explored, including but not limited to working more closely with religious and community elders to come to a consensus about the need for shelters and identification of alternative structures that could offer similar services to shelters for women needing protection.

Recommendations

Government of Afghanistan

- Establish a separate budget line in the national budget for funding shelters on an ongoing basis.
- Initiate a public information campaign about the necessity of having shelters and that shelters functions do not contradict Islamic principles.
- Work with all stakeholders toward the establishment of women's shelters in provinces where they do not currently exist and increasing their number where there is insufficient capacity.
- Facilitate closer collaboration between shelters and the ministries of Public Health and Education to ensure that the special needs of children within shelters are adequately addressed.
- Distinguish between, and make specific provisions for, the special needs of different groups of women needing shelter, i.e., women without documentation, women having been released from prison, and women as victims of domestic violence.
- Ensure that referral processes by government institutions meet the immediate protection needs of women seeking access to shelters.

Non-Governmental Organizations and Donors

- Engage with other women's shelter initiatives regionally to share experiences, good practices, and lessons learned for mainstreaming women's shelters in Afghanistan.
- Consider how to raise awareness of the need for women's shelters, in ways that are most likely to resonate with local cultures, traditions, and religious beliefs.
- Engage with religious scholars and community leaders to reach consensus about the need for shelters.
- Publicize amicable resolutions of domestic violence through the services provided by shelters, taking all necessary precautions to protect the women's identities.
- Engage with women in the shelters around their perceived needs and interests regarding access to vocational, educational, and training opportunities.
- Advocate for and prioritize children's rights to education and recreational spaces within shelters.
- Advocate for and support needs assessments for establishing shelters, or structures acting as shelters, for victims of domestic violence in rural / remote areas.

Appendix 1: Codes for Focus Group Discussions and Key Informant Interviews

The empirical data collected through interviews with key informants and focus group discussions are coded in the footnotes of this report as follows.

KI = Key Informant

FGD = Focus Group Discussion

KI-M-HER-GO-1 = Key Informant (KI) interview with a male individuals (M), in Herat (HER), from a Government entity (GO), sequence number (1).

Or,

FGD-F-KAB-NG-1 = Focus Group Discussion (FGD) with women (F), in Kabul (KAB), from non-government entities (NG), sequence number (1).

Appendix 2: Suggested Guiding Questions

1. What is the population's perception about women's shelters in your City? Do people support it or oppose it? What are the reasons?
2. How do people perceive a woman who has taken refuge in shelters? Describe.
3. How do people perceive women who leave shelters after residing there for a period? Describe.
4. Are women's shelters available in your City? How many? Who runs them? What services do they provide? How many women reside in these shelters?
5. What are the conditions for women to be accepted to women's shelters?
6. Do female victims of violence refer to shelters? If not, what are the barriers?
7. What are the problems women in shelters face? (Including harassment, violence, and bad treatment)
8. Do the shelters provide the internees with adequate services? (Including housing, food and health services, psychological care, training programs)
9. On what conditions can a woman leave the shelter? Describe.
10. What mechanism are in place to assure the safety of women after they leave the shelters?
11. What mechanisms are in place to reintegrate women who leave the shelters into their families?
12. How are women who leave the shelters perceived by society?
13. Are women who leave shelters provided with any sort of support (in terms of financial or employment) from any organization?
14. What additional services and facilities are required for women in the shelters?

Appendix 3: The Four Pillars of Afghanistan's NAP 1325

Participation

- Increase effective participation of women in the decision-making and executive levels of the civil service
- Ensure women's active and effective participation in leadership positions of security agencies
- Ensure women's effective participation in the peace process
- Encourage women's meaningful participation in the drafting of strategies and policies on peace and security
- Strengthen women's active participation in politics.

Protection

- Protect women from all forms of violence and discrimination through the enforcement, monitoring and amendment of existing laws and development of new laws and policies
- Promote women's human rights gender mainstreaming of laws, policies, and institutional reforms
- Create an enabling environment for women to have access to justice through women's effective participation in the judiciary
- Protect women from all forms of violence through awareness raising and public outreach
- Provide health, psychological, and social services for women survivors of violence throughout Afghanistan
- Effect special measures to ensure women's protection from sexual violence.

Prevention

- Prevent violence against women
- Eliminate culture of impunity in violence against women
- Strengthen the role of women in the security sector and judicial structures
- Effect gender-related reforms in the security and justice sectors
- Involve men and boys in the fight against all forms of violence against women
- Increase awareness among women of their rights and their role in preventing violence and resolving conflict.

Relief and Recovery

- Provide relief and recovery services for women affected by conflict, internal displacement and women survivors of violence
- Increase rural women's economic security through increased employment opportunities
- Consider women's social and economic needs in the design, implementation, and evaluation of relief and recovery programs
- Implement the policy provisions of UNSCR 1325 for the internally displaced persons (IDPs).