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NAP 1325 and Institutionalizing Women's Rights in Afghanistan

Gender relations in the whole of Afghanistan have remained largely unchanged for generations and are considered among the bottommost in the world.⁽¹⁾ With some variations over time, the multi-layered oppression of women's fundamental rights continues to prevail in social, political, cultural and economic spheres, particularly in rural areas. Low presence and participation of women in social, political and economic spheres contributes directly to the low social status assumed for and imposed on women, perpetuating the unequal and inequitable status quo of gender relations in Afghanistan.

Violent conflicts starting in the late 1970s were followed by more violent conflict and institutionalized misogyny from 1992 until 2001. The end of 2001 marked the beginning of a different era for women's rights, with "liberation of Afghan women" becoming the rallying cry in the attack by international military forces on Taliban's Afghanistan, followed by multiple, major women-centered interventions by international development agencies.

A sizable portion of development funds since 2001 have been allocated directly to women's rights. Other programmatic disbursements of aid by the international donor community were explicitly conditioned on allocating a substantial part of the promised funds to projects with a "gender component". As a result, notwithstanding the many challenges that remain, the situation of Afghan women has changed dramatically compared to the

1990s. This is evident in a number of laws, decrees and documents; the presence of women in social, economic, and political spaces; and the emergence of an active community of non-government organizations with mandates on human rights and women's rights.

In legislative terms, Article 22 of the Afghan Constitution (2004) declares: "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."⁽²⁾ Similarly, Articles 83 and 84 of the Constitution emphasize women's participation in the upper and lower houses, including placing a mandate on the President who ought to ensure that 50% of the one third of appointees of the Mishrano Jirga (Upper House) are women.

The Afghan government and the international community have made various commitments to women's rights and gender equality in the Afghanistan Compact (2006) and Afghanistan National Development Strategy (ANDS, 2008-2013). ANDS provides an analysis of the priority problems that affect Afghan men and women and sets out policies, programs and benchmarks to measure progress.

One of ANDS's main focus areas was gender mainstreaming and women's empowerment in various governmental bodies and society at large.

The National Action Plan for the Women of Afghanistan (NAPWA, 2008-2018) was

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drafted with the sole aim of improving women’s lives in Afghanistan with a focus on education, health, economic security and political participation. The Elimination of Violence Against Women (EVAW) Law was adopted in August 2009 in a Presidential Decree based on Article 79 of the Afghan Constitution.(3) The law criminalizes 23 acts of violence against women such as forced and child marriage, rape, beating and forced self-immolation and the customs, traditions and practices that lead to violence against women and which are against Sharia.

EVAW Law has gone further in terms of being implemented than all other legal provisions to protect and promote women’s rights. The law has also generated many debates, particularly among the more conservative Parliamentarians, who have taken a particular exception to provisions against forced marriage, child marriage, and access to women’s shelters, on the account of these being “un-Islamic”.(4)

As a member state of the United Nations, Afghanistan developed its own national action plan for implementing UNSCR 1325 (NAP 1325) in June 2015 to “increase women’s participation in peace processes and the security sector as well as address issues around protection and relief and recovery services for women.”(5)

The strategic priorities of NAP 1325 are grouped under the four main pillars of Participation, Protection, Prevention, and Relief and Recovery – divided into 39 indicators and 25 strategic objectives. Over three years have passed since the signing of NAP 1325. Compared to NAPWA, there has been a much more concerted effort by international donors, Government of Afghanistan, and Afghan civil society organizations to implement NAP 1325.

The Ministry of Foreign Affairs (MoFA), in collaboration with UN Women Afghanistan and the Afghan Women’s

Network (AWN), has the lead responsibility for the implementation of NAP 1325, awareness raising and follow up.(6) Much effort has been put into appointing NAP 1325 Focal Points at key ministries, holding regional Focal Point workshops, and releasing two annual reports (for 2016 and 2017) on implementation of NAP 1325. The outcomes, impact and the sustainability of these efforts are far from certain, however, particularly given the overemphasis by MoFA and other governmental bodies about a separate and additional funding stream from the donors to support the implementation of NAP 1325.

The focus on women’s rights remains high on the agenda of the government and the international donors in Afghanistan. This is evident in the “Self-reliance through Mutual Accountability Framework” (SMAF) – particularly under “Area 2: Anti-corruption, Governance, Rule of Law, and human rights” – and the relatively better performance in efforts to implement the EVAW Law and NAP 1325.

Given these developments, and the likely central position that women’s rights will assume at Geneva Conference in late November 2018, on September 5, 2018, APPRO organized a one-day Open Forum in Kabul with panel-led discussions on Peace Negotiations, Elections, Gender Equality, and Anticorruption. The remainder of this brief provides a summary of the main points made by the panelists and the participants on efforts toward gender equality in Afghanistan and their recommendations for consideration during the discussions on the Geneva Conference.

Panel and General Discussion on Gender Equality

The panelists were asked to respond to

(3) See: Official Gazette (No. 989) of the Ministry of Justice.

(4) UNAMA and OHCHR (December 2013). [A Way to Go: An Update on Implementation of the Law on Elimination of Violence against Women in Afghanistan.](#)

(5) Islamic Republic of Afghanistan (2015). [Afghanistan’s National Action Plan on UNSCR 1325 Women, Peace and Security](#)

(6) Islamic Republic of Afghanistan (2016). [Progress Report on Women’s Status and Empowerment and National Action Plan \(NAP 1325\).](#)

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questions about the roles that civil society organization could play in the implementation of existing legal provisions for women's rights, how NAP 1325 could be used to support efforts toward meeting WPS agenda, and what could and should be done to include men in efforts toward gender equality.

The key points from these responses are summarized below.

Civil society organizations (CSOs) must fully assume a role as watchdogs to ensure that formal commitments on eliminating gender inequalities are implemented. Where necessary, CSOs must use all peaceful means to bear pressure on decision makers to act consistent with formal commitments to gender equality and human rights. Because of this crucial role, CSOs must avoid becoming involved in partisan politics.

While securing funds is crucial for continued existence of almost all CSOs in Afghanistan, CSOs also have a moral responsibility to serve the public without expecting to be paid. As such, CSOs must dedicate some portion of their human resources and facilities to support efforts toward gender equality on an ongoing basis.

There is a need to break away from the current way in which such important issues as gender equality are being talked about, written about, and debated. CSOs can play a key role in creating spaces where issues are debated to arrive at a shared understanding and a resolve for joint action, including advocacy based on evidence. CSOs must initiate as many public events as possible for discussing and debating gender equality in the context of Afghanistan.

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can do a great service to the public by monitoring efforts by the government and its various ministries to ensure that these efforts are consistent with meeting NAP 1325 objectives.

It will take generations to change deep core traditional values against gender equality. At the same time, there are numerous issues that can and should be addressed immediately. These include adequate sanitary provisions, changing rooms, work spaces, and complaint and protection mechanisms for addressing grievances by women about sexual harassment in public spaces and at work. In medium to longer term, reforms should be initiated in early education to incorporate contents on the virtues and benefits of gender equality for male and female students.

In secondary and post-secondary education, there is a need for curriculum change to accommodate learning on gender relations. Structurally, it is important to establish gender studies departments and faculties at universities.

Gender equality does not exist anywhere in the world. The situation of women in Afghanistan is among the worst in the world. CSOs working on gender and women's rights in Afghanistan must recognize that general challenges in fighting for gender equality in the rest of the world are accentuated in Afghanistan because of conflict effected trauma, poverty, deeply held anti-women beliefs, and increasing insecurity. They must also recognize that post-2001 interventions have equated gender equality with women's rights, resulting in hostility by the more conservative elements to anything associated with "gender".

A major challenge in Afghanistan is that any discussion about gender or women's rights runs the risk of being dismissed as a threat to traditional norms and/or a foreign idea being imposed on Afghanistan by outsiders. Given this perception, denouncing and sloganizing

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Given [extreme conservatism], denouncing and sloganizing about gender and women's rights are not the best means for challenging the status quo, and often result in a hardening of the position of the traditionally conservative and even of those who view themselves as neutral regarding gender equality.

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about gender and women's rights are not the best means for challenging the status quo, and often result in a hardening of the position of the traditionally conservative and even of those who view themselves as neutral regarding gender equality.

CSOs must do more than criticizing the government for its many shortcomings. Where appropriate, CSOs should assist the government in genuine efforts to implement policies and meeting commitments toward gender equality. Specifically, CSOs should work with governmental authorities in such areas as awareness raising, access to fair justice, and support for the rule of law as the basis for all other rights.

State authorities and civil society organizations, particularly NGOs with mandates on women's rights, must not wait for additional funding from international donors to do what needs to be done. Budgets and plans of all key ministries (Education, Health, and Justice) already have significant impacts on women. Efforts must be put into conducting gender analysis of annual budgets of key ministries and of the government as a whole. Using NAP 1325's strategic objectives, gender analysis of budgeting would reveal whether and how budgeting practices affect gender relations, positively and negatively.

Recommendation 1: MoFA must commission a gender analysis of annual budgeting of all ministries using NAP 1325's strategic objectives, and work with the ministries on how to minimize and eliminate adverse impact of budgeting practices on gender relations and women, and strengthen the positive impacts of current budgeting practices on gender relations and women.

Recommendation 2: CSOs, donors, and government must start approaching gender equality with a "whole of the system" perspective to include boys, men, and full households as subjects of awareness changing and re-education interventions.

Recommendation 3: The largely critical stance of CSOs in relation to donor or government action, or inaction, on gender equality should be transformed into constructive advocacy, based on evidence extracted from analyzing up-to-date monitoring data collected on an ongoing basis.

Recommendation 4: Scope of work of CSOs must move beyond covering only funded projects and activities. The number of working groups formed with women-centered mandates should be increased while existing and future working groups with women-centered mandates must also include CSOs with human rights mandates.

Recommendation 5: Long established and leading CSOs of Afghanistan must devise a medium to longer term strategy that would compel CSOs to do pro bono work on gender equality, and other substantive issues such as child labor and food security, while the government and its donors must recognize that, in the short term, pro bono work by CSOs in Afghanistan is likely to remain an exception rather than a widespread reality and rule.

Recommendation 6: Concerted efforts need to be made by CSOs and relevant government authorities, working closely with community and religious leaders, to change the negative perception of shelters or safe houses for women victims of violence.

Recommendation 7: The link between violence against women and poverty needs to be better understood by the international donors, the government, and civil society. This recognition would mean that rights awareness interventions should not be designed without some reference to improving economic conditions and employment opportunities for households.