

SHIFTING PERSPECTIVES: CHANGING POLICIES PROMOTING WOMEN'S  
EMPOWERMENT IN AFGHANISTAN

by

NABILA WAFEQ

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THESIS APPROVAL PAGE

Student: Nabila Wafeq

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This thesis has been accepted and approved in partial fulfillment of the requirements for the Master of Arts degree in the Department of International Studies by:

Anita M. Weiss	Chairperson
Dyana Mason	Member
Michelle McKinley	Member

and

Scott L. Pratt	Dean of the Graduate School
----------------	-----------------------------

Original approval signatures are on file with the University of Oregon Graduate School.

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## THESIS ABSTRACT

Nabila Wafeq

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In this thesis, I attempt to identify major obstacles that are challenging the implementation of international human rights treaties in Afghanistan. With a focus on the treaties that promote women's rights and prevent violence against women in a post-conflict situation. There are several obstacles including lack of rule of law and the existence of customary practices in Afghanistan. Despite these challenges, there are national legislations and policies that promote women's rights and empowerment in Afghanistan. However, for women's empowerment, it is not sufficient to have supportive laws and policies, but there is need for a systematic transformation of patriarchal structures by conducting a thorough gender analysis and ensuring gender mainstreaming. The Afghan government, as part of its commitment to the international community, has to take measures for removing obstacles and ensuring the implementation of human rights treaties in order to pave the way for women's empowerment in Afghanistan.

## CURRICULUM VITAE

NAME OF AUTHOR: Nabila Wafeq

GRADUATE AND UNDERGRADUATE SCHOOLS ATTENDED:

University of Oregon, Eugene  
Kardan University, Kabul, Afghanistan

DEGREES AWARDED:

Master of Arts, International Studies, 2016, University of Oregon  
Master of Nonprofit Management, Planning, Public Policy and Management,  
2016, University of Oregon  
Bachelor of Arts, Business Administration, 2012, Kardan University

AREAS OF SPECIAL INTEREST:

Women's Rights Activism  
International Human Rights Laws  
Gender and International Development

PROFESSIONAL EXPERIENCE:

Program Coordination Manager, Counterpart International, Initiative to Promote  
Afghan Civil Society (I-PACS) Program, Kabul, Afghanistan, 2010-2014

Advocacy and Women's Rights Project Manager, medica mondaile Afghanistan  
(mmA), Kabul, Afghanistan, 2008-2010

Advocacy and Women's Rights Project Coordinator, medica mondaile  
Afghanistan (mmA), Kabul, Afghanistan, 2005-2008

GRANTS, AWARDS, AND HONORS:

Fulbright Foreign Student Program 2014-2016, Institute of International  
Education

Thurber Award, University of Oregon 2016, Internship in Washington, D.C.

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# CHAPTER I

## INTRODUCTION

### 1.1. Overview

Afghanistan has been a war zone for more than three decades. This long-term conflict has caused tremendous instability, human suffering and forced migration. It destroyed the economy and social infrastructures of the country and seriously damaged government institutions, structures and establishments. During this period, the structure of the government and rule of law returned to traditional practices that posed additional risks to women's rights and safety.

It was only after the Taliban regime's collapse in 2001 that the new Afghan government started restoring security and rebuilding infrastructure (Evans, 2004). The Afghanistan government signed the Bonn Agreement, the process of which was facilitated by the UN, in December 2001 for the establishment of a democratic government. The Bonn Agreement stipulated a timeline for national elections and the endorsement of a constitution in 2004.

The Bonn Agreement is also called "Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of permanent Government Institutions." aims at ending the tragic conflict in Afghanistan and promoting of national reconciliation. Lasting peace, stability and respect for human rights in the country. (Bonn Agreement 2001)

The Afghan Constitution was endorsed after a series of intense consultations and debates within a national gathering of 502 delegates, including both men and women from all over Afghanistan in January 2004 (Sadat 2004).

Due to the several decades of on-going conflict, Afghan women's rights had been dramatically affected and women had to endure tremendous suffering. Under the rule of the fundamentalist governments prior to the Taliban regime in Afghanistan, gang rape, sexual crimes and other attacks against women were common (Naiz 2003). During the Taliban regime, women were forced to withdraw from all public settings, including education, work outside the home and political participation. Women had to stop participating in all social, cultural and political spheres outside of their families. The Taliban excluded women from public life by banning women from appearing in any public settings (Telesetsky 1998). After the fall of the Taliban and with the establishment of a new democratic government, many women have been able to reenter the workforce, attend school, fight for their rights as government representatives, and successfully move their way through the justice system.

## **1.2. Problem Statement**

Afghanistan as a post-conflict country still suffers from the high prevalence of human rights abuses, specifically violations against women's human rights. It is 15 years since the fall of the Taliban government, but Afghan women are still suffering from oppression and abuse. The country ranks as one of the five most dangerous places for women in the world in terms of discrimination against them, health and their economic situation (Thomson Reuters Foundation 2011). *Al Jazeera* reports on research conducted by Global Rights, an international organization, shows that the occurrence of violence against women are tremendously high in Afghanistan: The research estimates that nine out of every ten Afghan women experience some sort of violence, be it psychological, sexual, physical, are forced to marry or a combination of these abuses (2015).

The Afghan presidential election in 2014 and forming of unity government between the top two presidential candidates had a negative effect on the country's human rights situation due to security, political and economic transformations (UN Security Council 2014). The uncertain and insecure situation increased women's concerns that there will be more obstacles in regards to women's rights in the country, despite the UN Human Rights Council's assertion that the new government places a large emphasis on the significance of human rights, specifically women's rights, as part of its social reform agenda. Current Afghan President Ashraf Ghani counts women's rights as one of his top-priority commitments (DW 2015). The United Nations Assistance Mission in Afghanistan (UNAMA) shared its support for the government's initiative of fighting sexual harassment and promoting women's empowerment (2014).

The UN Special Rapporteur on violence against women, Rashdia Manjoo, after visiting Afghanistan, noted some positive changes in the legislative and improvement in the institutional developments. However, she draws attention of government institutions toward addressing issues of recording violence against women cases as well as proper interpretation and enforcement of women's rights laws. She urged the government to support shelters by allocating enough resources (Human Rights Council 2014).

### **1.3. Purpose and Significance of the Study**

Taking into consideration the concerns related to the on-going human rights issues, especially women's rights violations in Afghanistan, the purpose of this study is to identify the major obstacles for implementing international human rights treaties in Afghanistan. There are a great number of complex challenges related to conflict, economic, politics, law and corruption. But in this thesis, I only focus upon obstacles for

the implementation of international human rights treaties in the country. I also analyze how the local systems and national laws and policies correspond to the implementation of international human rights, specifically women's rights laws in Afghanistan. In this research, I use the terms 'convention', 'covenant' and 'treaty' interchangeably for all United Nations' international human rights agreements.

Promoting women's rights in Afghanistan is not only a moral imperative, but also an important economic factor in the development of Afghanistan. Since 2001, women have made a tremendous impact in Afghanistan, taking part in the development of the country. Still, there is a huge gap between progress made over the past fifteen years and where women need to reach. The gains made over the past fifteen years may be lost because of uncertainties and political instability. The shaky security situation in Afghanistan is becoming an increasing threat for women in many different spheres. To maintain the progress that has been made, the government must understand the impact women have already had, and pave the way for their continued influence in constructing the future. Afghan women must be included throughout the process of establishing peace and stability, as they are a part of any sustainable solution to the myriad of on-going problems in the country.

I have organized this thesis in seven chapters. Chapter One includes the introduction, an issue statement, the purpose and significance of the study and a short summary of the status of women in Afghan history. In chapter Two, I include background information on Afghanistan and women's roles in Afghanistan's reconstruction post-2001. Chapter Three explains the history of international human rights treaties in Afghanistan. Chapter Four includes details about Afghanistan's government structures



and its policy-making processes as well as Afghan government laws and policies for women’s rights and empowerment alongside the gender mainstreaming concept and women’s empowerment measurement theories and frameworks. In Chapter Five, I explain the design of my research and methods of collecting and analyzing data, as well as define key concepts used throughout the thesis. The last two chapters share my findings and an analysis of these findings, as well as provide recommendations for the Afghan government, civil society organizations and United Nations agencies in Afghanistan for ensuring the implementation of international human rights laws for protecting and promoting women’s rights in Afghanistan.

#### **1.4. Women’s Status in Afghan History**

Throughout Afghan history, every change in political regimes had an important impact women and women’s status in society (Sabri 2015). Looking a century back in Afghan history, Afghanistan was a country where politicization and kings were made and undone due to their political agendas on the status of women. A recent example is the Taliban regime, which was overthrown by Western military powers, justifying it as a war for women’s freedom (Ahmed Ghosh 2003).

Analyzing women’s status in Afghanistan in a broader historical context, not only pre and post-Taliban regime, allows us to understand that Afghan women have always been an integral part of the nation’s development. Here is a chronological timeframe of women’s role and status in the span of Afghan history.

<b>Timeline</b>	<b>Women’s Status in Afghan History</b>
<b>1880 Maiwand Battle</b>	A woman called Malalai, from a small village, played an important role in the Maiwand battle also known

	<p>as second Anglo-Afghan war. When the Afghan soldiers were about to lose the battle and their moral was dropping down, that's when Malalai's encouraging words along with the use of her veil as banner, revitalized the soldiers to fight and win the battle. Although she was killed during the battle, she is still known as an Afghan champion. Later on several hospitals and schools were named after her (Qazi 2011).</p>
<p><b>1880-1901</b> <b>Rule of Abdur Rahman Khan</b></p>	<p>Abdur Rahman Khan was the first Amir who attempted to modernize Afghan society. Amir Abdur Rahman Khan, besides his struggle to consolidate the country into a centralized state, also attempted to bring changes to the customary laws and practices that were disadvantageous to women's status. For example he increased the legal age for marriage, ensured women's rights to inherit property from their fathers and husbands, and transfer divorce rights to women. The wife of Amir Abdur Rahman Khan was the first liberal Afghan queen. She participated in public affairs without a veil. She was interested in politics and participated in different missions where she would discuss politics with contending parties (Ahmed Ghosh 2003).</p>
<p><b>1901-1919</b> <b>Rule of Habibullah Khan</b></p>	<p>Amir Habibullah Khan followed political ideologies of Mahmud Tarzi who was a great Afghan intellectual also known as the father of journalism in Afghanistan. He believed in transforming Afghanistan to a modern society and was against ideologies that would keep Islam and development in the dark age. He was also known as women's rights activist who would take strong stands for promoting women's rights in Afghanistan. Furthermore, he was both Habibullah Khan's and Amanullah Khan's advisor for reforming Afghanistan to a modern society (Qazi 2011).</p>
<p><b>1919-1929</b> <b>Rule of Amanullah Khan</b></p>	<p>Amanullah Khan defeated the British in 1919, in the third and final Anglo-Afghan war. Amanullah Khan promoted his modernization agenda by liberating women from traditional tribal norms. He framed the first Afghan constitution in 1923, which created a base for a formal structure of the government. He campaigned for the promotion of girls' education in the country. He also publicly campaigned against polygamy and the use of the veil because he believed there are no such requirements in Islam. Amanullah</p>

	<p>Khan's wife and other female family members were active socially and politically. The first women's magazine, a hospital for women and a women's protection organization were established by his sisters and wife (Ahmed Ghosh 2003).</p> <p>However, in 1928, there was a strong resistance from the tribal and community leaders' side on the radical changes that he was trying to introduce on increasing girls' age for marriage and eliminating the custom of dowry or bride price (Qazi 2011).</p>
<p><b>1929-1933</b> <b>Rule of Mohammad Nadir Shah</b></p>	<p>King Nadir Shah in order to please the tribal and community leaders worked against all the reform that Amanullah Khan brought for promoting women's rights in the country. He even banned publishing of the first women's magazine (Qazi 2011).</p>
<p><b>1933-1973</b> <b>Rule of Mohammad Zahir Shah</b></p>	<p>King Zahir Shah's cousin, Mohammad Daoud Khan, was the prime minister under his rule. Daoud put lots of efforts to bring changes for women.</p> <p>In 1941, women started to participate in the formal economy of Afghanistan and female doctors, nurses and teachers were serving their country.</p> <p>In 1959, the female members of the ruling family started appearing without a veil in the public as a sign for other women to follow. There were group of people resisting this freedom, but were suppressed by government.</p> <p>In 1964, in the third Afghan constitution women were ensured their political rights to vote and to be elected to political office.</p> <p>In 1965, the Democratic Organization of Afghan Women was formed to promote women's education and work against bride prices and forced marriages.</p> <p>In 1972, Zohra Yusuf Daoud, Daoud Khan's daughter, was crowned as the first Miss Afghanistan (Qazi 2011).</p>
<p><b>1973-1979</b> <b>Presidency of Mohammad Daoud Khan</b></p>	<p>Mohammad Daoud Khan overthrew his cousin, declared Afghanistan as republic and became the first Afghan president.</p> <p>In the 1970s Afghanistan witnessed an increase in women's education, employment in private corporations, number of women representatives in the Afghan parliament, and number of faculty of the universities. However, advancement of women's status was only limited to the capital and major cities.</p> <p>In 1977, Meena Keshwar Kamal founded Revolutionary Association of the Women of</p>

	Afghanistan (RAWA). The organization was established to promote the formation of a secular government (Qazi 2011).
<b>1979-1989 Afghan-Soviet War</b>	<p>It was in 1979, which is marked as the beginning of Soviet occupation, Afghanistan experienced a decade of war.</p> <p>During the Afghan-Soviet war many civilians including women and children were killed. It was only in the capital and big cities that women continued to enjoy basic freedoms.</p> <p>Before entering Afghanistan, the Soviet Union was backing a political party called People Democratic Party of Afghanistan, which pushed forward social reforms massively in 1978 (Ahmed Ghosh 2003).</p> <p>In 1980, Nahid, a high school student, supported organization of a major demonstration by bringing girls together from different Kabul schools against Soviet occupation. Her devotion for the country is still lauded and talked about.</p> <p>In 1984, Afghanistan had its first women paratrooper who is now a General in the Afghan National Army (Qazi 2011).</p>
<b>1989-1992 Dr. Najibullah's Regime</b>	Since Afghan-soviet war was still going on, during Najibullah's regime, there wasn't a notable change for women's rights and status (Qazi 2011).
<b>1992-1996 Civil War</b>	<p>Afghanistan was liberated from the communist regime and was introduced as an Islamic state.</p> <p>Afghans fought the Soviets with the support of different political interest groups including the United States, Saudi Arabia, and Pakistan (Heath &amp; Zahedi 2011). The group of Afghans fighting the communist regime was doubtful of the Soviet Union's political agenda of negatively influencing the Afghan culture and religion. Therefore, they attempted to transform the socialist policies, specifically the ones which ensured women's rights regarding education and employment (Ahmed Ghosh 2003). During this period, a civil war started between the groups who came together to fight the communist regime. This period was a black time for women in Afghanistan. Women were raped and forced into marriage and in many cases, women committed suicide to avoid getting married against their will. The US Department of State reported that women were allowed to appear in public only if they would cover themselves from head to toe (Ahmed Ghosh 2003).</p>

	However, in this period women were still allowed to work and pursue their education (Qazi 2011).
<b>1996-2001 Taliban Regime</b>	<p>In 1996 the Taliban were supported by the United States through its allies, Pakistan and Saudi Arabia, to counter the civil war and fight the mismanaged political groups. Later on the Taliban turned to be a bigger concern for Afghanistan and women (Heath &amp; Zahedi 2011).</p> <p>During the Taliban regime more restrictions on women's public life were imposed. Women had to withdraw from all the public settings. Women were not allowed to attend school or even visit a male doctor. The women were only allowed to get out of their homes if fully covered in Burqa and accompanied by a male family member. Rapes and forcing women to get married continued during the Taliban time, too (Ahmed Ghosh 2003).</p> <p>In 2001, the United States invaded Afghanistan, justifying it as an act of "liberation" for Afghan women (Heath &amp; Zahedi 2011).</p>

To conclude, Afghan women were not always oppressed except during the period of civil war and Taliban control. Looking back, it is apparent throughout Afghan history that women played an important role and been an integral part in building the nation. However, the power of community and tribal leaders created drawbacks for reforming women's status in the society as they were afraid of losing power and their patriarchal authority (Ahmed Gosh 2003). Heath & Zahedi argue that the gender policies should be designed and implemented carefully as to not create any kind of resistance (2011).

Huma Ahmed Ghosh argues that we should re-arrange and redefine women's role in the family and community in order to redefine their role in society. As in Afghan society more emphasize is placed on women's role as caretaker. She strongly believes that empowering women by providing them with education, employment and access to resources can help facilitate in changing women's role in the family and the community

(2003). Women's empowerment starts with education, which is the doorway to employment and economic independence, which will allow their political participation in the nation and world. This would contribute greatly to better development in Afghanistan.

### **1.5. Women, Islam and Traditions**

Although Afghanistan is a Muslim majority country, in most cases traditions take over religious practices (Sabri 2015). Caldwell argues that symbolic meanings assigned to women's status by culture and traditions should be viewed as provisional structures that can be changed through a broad reform process in the development, political, moral, and social settings (1994). To understand better women's rights in Islam, primarily, it is important to be aware of the cultural heritage of the Islamic countries within the Muslim World and economic development of these countries. Pre-Islamic patriarchal culture in place in those regions shaped the world's viewpoint about Islam and ill treatment of women was blamed on the religion (Spierings, Smits & Verloo 2008).

In patriarchal culture, power is concentrated under the dominance of men or, in other words, women are under the dominance of men economically and politically (Hodgson 1999). Patriarchal theory sees women as the inferior group and subordinates to men (Haryanti & Suwana 2014). Therefore, the interpretation of religion has been strongly influenced by a male viewpoint and pre-Islam culture. Caldwell argues that mostly it is seen that Islamic rules should serve as guidelines for social conducts and social relations in Muslim countries, but quite often, it is the Arab culture which controls the formation of different social conducts and behaviors (1994).

However, there are tremendous variations in the political, socio-economic and culture of different countries within the Muslim world. This proves the fact that it is

actually not due to Islam itself, but the different cultural heritages, and the economic development of those countries impacting women's participation in development process (Spierings, Smits & Verloo 2008). There are some countries with a higher percentage of women participating in formal economic and political affairs and others with a lower number depending on the economic development and culture heritage of those countries. For example, percentage of women participating in formal economy in Oman is 19.2 percent while in other Muslim countries like Morocco, Indonesia and Uzbekistan it ranges between 41.4 to 62.3 percent (Spierings, Smits & Verloo 2008).

Islam guarantees human rights for women including the rights to education, political, economic, and social life. Haliru Bala explains that Islam not only promotes gender equity, but also advocates and stands for women's rights (2010).

The results revealed that Islam treats both, man or woman equally in obligation and reward, equally in education, equally subservient to God and obliged to worship Him and obey His commands in their daily life, woman has right to property, freedom of expression, matrimonial rights, equally in spiritual duties, equality in treatment, equality in employment, equality in political sphere (Bala 2010, p.1).

Bala (2010) quotes two of the Prophet Muhammad's sayings to prove his point. First, "Acquiring knowledge is compulsory for every Muslim man and woman" (Al-Tabarani) and in another quote the Prophet says: Whoever has a daughter . . . and doesn't give her a mean treatment and doesn't give preference to his son over his daughter, God will make them enter heaven" (Hakim). The author of 'Believing Women' book is attempting to interpret Islam from women's perspectives and she "has made it her life's work to interpret the Qur'an, in a woman-friendly way" (Pal 2015, p. 7).

Zakia Salime's book "*Between feminism and Islam,*" provides a good example from Morocco about the "Feminization of the Islamic Movements" back in 1992 a

feminist group in Morocco launched a campaign intending to collect one million signatures to challenge gender inequalities and fight for their rights. The campaign had a great effect on women's activism because it shaped the good discourse for women's rights in the Islamist movements. This gave Islamist women legitimacy in countries like Morocco where politics and religion are intertwined. These Islamists utilize Islamic law as the platform for creating a culture of women's rights in the country. Through the one million signature petition campaign, the group demanded ratification of CEDAW without any reservation and a more gender sensitive interpretation of Islam since Islamic interpretation was more patriarchal (2011).

We have to deal with realities on the ground and I know that challenging power relations always faces strong resistance. I believe, in a patriarchal society like Afghanistan, which is similar to Morocco in terms of having intertwined structures of politics and religion, typically the issues around male dominance are associated with religion so that people wouldn't question it and accept it the way they are, but we can always argue against and challenge the negative standards and traditions. Therefore, the best way to challenge existing power relations is to use of the same medium. In this case, finding solutions within the religion would be a great way to overcome the obstacles. I suggest using liberal Islamic interpretations for promoting women's rights and gender equity.



## CHAPTER II

### BACKGROUND INFORMATION

#### 2.1. Background on Afghanistan

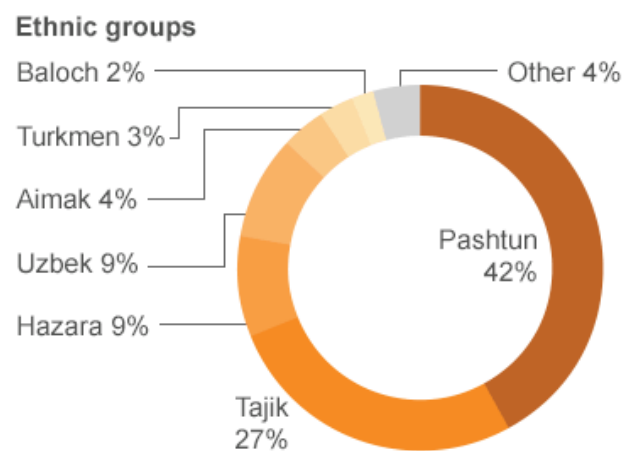
Afghanistan is a landlocked country situated in the heart of Asia. It shares borders with Pakistan, Iran, China, Uzbekistan, Tajikistan, and Turkmenistan, connecting three major regions: The Indian subcontinent to the southeast, three former Soviet Republics to the north, and Iran to the west. Because of its strategic location, Afghanistan has been a sought after prize for centuries, though no country – not Britain, Iran, or the former Soviet Union, the three largest contestants – have been able to conquer it.



Afghanistan has been a war zone for decades. This long-term conflict has caused tremendous instability and human sufferings. It damaged the economic and social infrastructures of the country and destroyed government institutions, structures, and establishments. After the fall of the Taliban government in October 2001, Afghanistan started rebuilding the nation with great support from the international community led by United States. A UN sponsored conference was held in December 2001; a Bonn Agreement was signed to provide a framework for the state formation processes. The roadmap developed during the Bonn conference facilitated the establishment of the Afghan Interim government in 2001. Signing of the Bonn Agreement was a start for partnership with international communities for rebuilding of the country's political, social

and economic institutions (Wardak 2004). According to the CIA World Factbook, improvement in Afghanistan’s economy is hugely due to the international assistance, agriculture sector recovery and growth in the service sector in the country. Afghanistan is heavily dependent on the international aid, and the international community continued their assistance to Afghanistan with \$67 billion from 2003 to 2010 and an addition of \$16 billion from 2012 to 2015 (2015).

Afghanistan’s current population according to the CIA World Factbook is about 32.6 million, and it is estimated that half of the population is female (2015). Its population growth rate is at 2.32 percent<sup>1</sup> and is one of the ten highest in the world (BBC Asia 2014). According to the CIA World Factbook (2015) about 63 percent of the population is between the ages 0-24,



Source: CIA Factbook

making around 63 percent of the overall population. The capital city of Kabul is the country’s largest city with a population of 3.3 million, just over ten percent of the entire country’s population. Over three-quarters of Afghanistan’s population still lives in rural areas (World Bank 2014). Afghanistan is comprised of several different ethnic groups, notably Pashtun, Tajik, Hazara, Trukman, Baloch, Uzbek, Aimak and others. Pashtuns are the largest ethnic group in Afghanistan at 13.75 million, encompassing 42 percent of the population. The second largest ethnic group in Afghanistan is Tajiks, of Central Asian origin, who comprise 27 percent (BBC Asia 2014). The two official languages spoken by

<sup>1</sup> CIA World Factbook 2015

the majority of the Afghan population are Dari with 50 percent and Pashto with 35 percent. At 99.7 percent<sup>2</sup>, the vast majority of Afghans are Muslim.

## **2.2. Women's Role in Afghanistan's Reconstruction Post-2001**

Post-2001, Afghanistan was struggling with extreme violence, continued military campaigns, and the ongoing threat of the Taliban. The path towards reconstruction and gender equity in Afghanistan has been a difficult one. I am attempting to highlight the role women have played in various sectors since 2001 and the challenges they continue to face. Since then, women have made a tremendous impact in Afghanistan, holding positions and making progress in the legal, medical, civil, and education sectors. In order to maintain the progress that has been made, we must understand the impact women already had, and pave the way for their continued influence in constructing the future.

### **2.2.1. Education Sector**

Developing a strong education sector is perhaps the most important investment in the future of Afghanistan. Providing access to education is the most significant way to allow for upward mobility of women. After the fall of the Taliban, many schools started to operate again, many women have been able to return to their jobs as teachers, and many girls now have the opportunity to attend school. A significant improvement in the female literacy rate has been noted; increasing from 29 percent in 2005 to 48 percent in 2012 (National Risk and Vulnerability Assessment 2011 – 2012). This significant change is due to fulfilling of the compulsion set for education under the Article 43 of the Afghan Constitution "To expand balanced education as well as to provide mandatory

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<sup>2</sup> CIA World Factbook 2009

intermediate education throughout Afghanistan, the state shall design and implement effective programs and prepare the ground for teaching mother tongues in areas where they are spoken” (2004, p. 12). United Nations Educational, Scientific and cultural Organization, supported Ministry of Education to execute a special program called Enhancement of Literacy in Afghanistan (ELA) in all 34 provinces (UNESCO 2016).

When it comes to literacy and education in Afghanistan, it is essential to focus on the number of young girls attending school, as they will grow into literate adults. Afghanistan has about 15,479 primary and secondary schools all over the country. The Central Statistical Office (CSO) estimates there are 3.6 million female students out of roughly 9 million total students (Yearbook 2014-15). Of the 201,088 teachers, nearly one-quarter, or 63,416, are female. There are a total of 126 public and private universities in Afghanistan for both male and female. In the nine medical science institutes, 52,832 out of 256,140 students are female. An increase of 34.1 percent from the previous year was also noted (Yearbook 2014-15).

These figures represent significant progress, but all enrolled students do not necessarily remain in school. Changes in the mindset of male relatives and the instability of Afghan security continue to threaten access to education for women and girls. Comparatively, girls have a lower enrollment ratio than boys. There are several cultural and political factors affecting this. Afghanistan is as a traditional society and a very high population of the country live in the rural areas. Therefore their focus is more on a woman’s ability to marry and bear children. These are considered prime goals in a girl’s early years. By age 20, over half of all women are married (BBC Asia 2014). With a women’s role defined early in life, many people hold onto their customs and find it

unnecessary for girls to attend school. Other obstacles for girls to access education are lack of security, lack or even nonexistence of schools in the remotest areas, which results in girls needing to walk long distances to get to schools, increasing the risk of harassment on their way to and from schools (National Risk and Vulnerability Assessment 2011 – 2012).

Another reason for low female enrollment rates is unrelenting rural poverty. The need for children to work and earn money for their families creates a road block for both boys' and girls' education. According to the South Asian Human Development Report (2012), over 36 percent of the nation is in poverty. In the most vulnerable areas of the nation, girls only account for one third of the population attending school, as domestic responsibilities as well as becoming a source of income falls to them.

The Human Development report on South Asia emphasis that, “If men and women are not empowered with health and education, today’s economic growth may not be sustainable tomorrow as there will not be enough healthy and productive labor force to refuel the growth process” (2012, p. 124). There are articles in our constitution that ensures the right to education for all citizens. Article 43 of the Afghan Constitution “Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. level in the state educational institutes free of charge by the state” (2004, p. 12).

Despite the existence of these barriers, the presence of females in the education sector has already made a positive impact on Afghan life, and will continue to do so in the future. As more women take jobs as teachers, more young girls are able to attend school, and as more women receive an education, there will be a greater segment of the population equipped to enter the workforce, further contributing to reconstruction.

### 2.2.2. Economic Sector

Afghan economic growth as a whole has been negatively affected by the lack of proper infrastructures, supportive policies, and services for businesses. In addition to these challenges, women in Afghanistan face an even greater number of obstacles as a result of overarching patriarchal social and political structures. Afghanistan's GDP is comprised of 24 percent agriculture, 55 percent services and 21 percent industry (World Factbook 2014). Men have much greater access to and participation in the workforce, with 48 percent of women participating compared to 86 percent of men with overall workforce rate of 67 percent of the total population. Out of the 48 percent of women participating in labor force, only 25 percent work in paid jobs (The World Bank 2013).

Based on the UNIFEM factsheet data, business women constitute only 5 percent of the business owners in the country (2010). According to the Building Markets Report (2013) 78 percent of women-owned businesses are small enterprises with ten or fewer employees. The Afghanistan Investment Support Agency (AISA) has more than 1,000 women businesses registered which constitute 3.1 percent of the organization's total membership. Women run businesses create 2.8 percent of the total employment within the businesses registered by AISA (Building Markets Report 2013). Several international programs exist in Afghanistan that promote and encourage women's involvement in entrepreneurship. Goldman Sachs has trained more 300 Afghan businesswomen<sup>3</sup> and Peace through Business has trained and provided mentorship programs for 200 aspiring female entrepreneurs.<sup>4</sup>

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<sup>3</sup> Goldman Sachs 2014

<sup>4</sup> Peace Through Business®

Women are an essential resource for sustainable growth in Afghanistan. With the right support, women have the ability to influence the Afghan economy on a number of levels. Considering the social and political circumstances, there is a considerable number of Afghan women who are engaged in the economic sector as business owners, entrepreneurs and employees. However, there is still a need to develop an accepting and supportive environment for women in different public spheres. Their work thus far has contributed to economic growth, and they have the capability to continue making progress in the future.

### **2.2.3. Civil Society Sector**

The progress made towards constructing a more egalitarian Afghanistan can largely be attributed to the efforts of activists and organizations in the civil society sector. Over the last 15 years, 1400 women's groups and feminist organizations have sprung up all over the nation and are fighting for equal rights and opportunities (Durand 2014). Civil society in Afghanistan has made tremendous progress over the past decade, influencing both national and international policies. Now, the focus of more than half of organizations is on women's related issues, and women are increasingly taking part as staff and volunteers (Durand 2014).

Through these organizations and efforts, Afghan women have championed for change and justice. Afghan women have protested against different discriminatory laws and policies, raising their voices against the injustices of the Shi'ite Family Law in 2009 (Radio Free Europe 2009). Movements have stemmed from the increasing number of civil organizations, influencing international awareness and aid, and pushing officials to make changes in policy. Still, the rates of violence against women are extremely high.

Afghan women experiences different types of violence be it psychological, sexual, or physical, are forced to marry, or a combination of these abuses (Aljazeera 2015).

As a result of advocacy work by women groups and advocates, the enactment of the Elimination of Violence against Women law was made possible in 2009 through a presidential decree (Foreign Policy 2015). EVAW rendered 22 acts of violence as unlawful and placed the responsibility of monitoring and ensuring women safety on to the government. In 2011, Afghanistan hosted Rights and Dignity for All, its first national conference for Afghan civil society. Here, advocates declared they were “ready to take on responsibility to act, promoting common good and justice, equal opportunity and respect for the rights and dignity of every person” (Agenzia Fides News 2011). Women have had significant influence in the civil sector, contributing to real changes in policy and leading to real progress towards equal rights.

#### **2.2.4. Health Sector**

Much like the growing presence of women in the legal sector, women’s participation in the health sector is not only important in the reconstruction of Afghanistan, but can mean the difference between life and death. Maternal and infant mortality rates in Afghanistan are some of the highest in the world, and life expectancy for women is extremely low. Afghanistan has very high infant and maternal mortality rates. Infant mortality rate is 115.08 deaths per each 1,000 live births therefore Afghanistan ranks as the top country for infant mortality rate and ranks 22<sup>nd</sup> in maternal mortality rate with 396 deaths per 100,000 live births<sup>5</sup>. According to the CIA World Factbook life expectancy at birth is low as well as in Afghanistan, with an average of

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<sup>5</sup> CIA World Factbook 2015



50.87 years across the whole population and 49.52 years average for males and 52.29 years average for females (2015). These harsh realities are largely a result of the lack of female medical professionals. Tradition restrictions and cultural taboos prevent women from seeking care from male doctors, and many health facilities lack any female staff. Without women in the health sector, half of Afghanistan's population remains at risk.

Female medical professionals have been entering the workforce over the past 15 years with astounding results. In 2002, only 21 percent of Afghan medical facilities had at least one female staff member, and in 2009 the figure shot up to 60 percent<sup>6</sup> (Acerra, Iskyan, Qureshi, & Sharma 2009). Programs have been launched to increase the number of trained female doctor and midwives, and although infant and maternal mortality rates remains high, the current rate of death has dropped by nearly 30 percent from where it was in 2001(Acerra, Iskyan, Qureshi, & Sharma 2009). In order to meet the immediate healthcare needs USAID partnered with Ministry of Public Health and Afghan Health NGOs as well as provided required funding. Additionally, USAID also coordinated with other donors to ensure provision of healthcare services throughout Afghanistan and specially women<sup>7</sup>. Still, even with improvements, healthcare remains grossly inaccessible in rural areas. As the health sector in Afghanistan continues to develop and services become more readily available, both men and women stand to benefit from the increased participation of women in the medical field.

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<sup>6</sup> UNICEF. Afghanistan humanitarian update 18 Jan 2008.

<sup>7</sup> Health. (n.d.). Retrieved May 30, 2016, from <https://www.usaid.gov/afghanistan/health>

### **2.2.5. Legal Sector**

Women have become increasingly involved in the legal sector, making headway both on the ground as police officers and army officials and in the realm of policy as lawyers and judges. According to NATO, 869 Afghan women serve in the Afghan National Army, and Afghanistan has 2,334 women serving in the Afghan National Police and the goal for the upcoming decade is to recruit and retain women to comprise at least 10 percent of the overall national police and army (2015). According to UNDP there are around 33 Family Response Units in the police stations to deal with violence against women cases specifically (2016).

These efforts are complemented by the growing force of female lawyers, judges, and policymakers with the power to see cases through to the courtroom. The First Afghan Women Judges Association, launched in January of 2003, worked to improve the active participation of female judges and lawyers in the judicial system and promote reliable and quality legal advice for women in Afghanistan (Who is who in Afghanistan 2015). According to International Development Law Organization (IDLO) as of 2013 eight percent of judges and six percent of prosecutors were women (Out of the Shadows, Onto the Bench 2014). In June of 2015, President Ghani even nominated the first female judge to be member of the high council of the Supreme Court, traditionally a male dominated institution. However, the nomination needed the approval of the parliament. Appointment of the first female judge as high council member in the Supreme Court was rejected by the Afghan parliament (The Economic Times 2015).

In IDLO's study, 62 percent of the women surveyed said they believe that women face obstacles when working in the justice sector. These include social pressures, sexist attitudes, and family and societal stereotypes which maintain that a woman's place is in the home. In addition, women face many practical

impediments, such as lack of safe transportation and appropriate accommodation facilities for them to attend law or Shari'a faculties, or compulsory legal training based in Kabul. Security was also cited as a major barrier (Out of the Shadows, Onto the Bench 2014).

Still, while the numbers are growing, the relatively dismal female participation in the justice sector makes it difficult for many women to seek help, and some traditional men refuse to recognize the authority of female judges. However, there is still a need to develop an accepting and supportive environment for women in the workforce. These acts, mostly directed and championed by women, simultaneously represent the role that women have played in the reconstruction of the legal sector, and the positive impact they have had on the lives of Afghans. Continuing to expand the sphere of influence of women in the legal sector will provide more women with access to legal assistance and asylum from violent homes, and the increased presence of women in courtrooms will hopefully foster new respect for female judges and lawyers necessary for them to continue making progress.

#### **2.2.6. Women's Political Participation**

Women face several barriers in regards to political participation in Afghanistan. It is a challenging matter because Afghanistan is male-dominated society. In a traditional society like Afghanistan women are expected to be at home and serve as caregivers. The other barriers include the social, traditional and the use of conservative religious interpretation against women's participation in political affairs. Most men's biased interpretation of Islam is a barrier for women's political empowerment and access to the power system. Despite this, Afghan women are able to participate in political affairs at different levels from voting to running for the highest government offices.

Afghanistan is now one of the top twenty countries in the world for highest number of women in parliament (Heath & Zahedi 2011). Due to the reserved seat system set by the Afghan Constitution (2004) one third of the senators are appointed by the president, and about half of them should be women. “.....the President shall appoint fifty percent of these individuals from amongst women....” The Article 83 focuses on the fairness in the representation of members of the House of Representatives, and specify that at least 27 percent should be female which is around 68 of 250 members, “The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province, on average, at least two females shall be the elected members of the House of People from each province” (Constitution 2004).

The quotas system is a good entry-point for women into politics on national and local levels. Heath and Zahedi argue that affirmative action such as the reserved seat system can sometimes help women to overcome the obstacles to enter political institutions that wouldn't have been possible otherwise (2011). Somehow, having women in the parliament normalizes it for people to see women participating in the political affairs of the country, but that wouldn't necessarily mean that women are influencing the decision-making process. Contrary to believing the reserved seat system is beneficial, some think that women's presence does not give them enough decision-making power. According to Human Development Report (2012), the presence of women in parliament is seen as symbolic. Yet not enough concentration has been put on building women's leadership skills, and women are not provided with equal education and economic

opportunities. The perception of women only having symbolic roles in the parliament reduces their credibility and results in less investment in female members.

Women's political participation is not new to Afghanistan. In the third Afghan constitution of 1964 women were given the rights to contest as candidates along with the right to vote (Ahmed Gosh 2003). According to Heath and Zahedi, presence of women in the parliament is considered a positive step by the majority of parliamentarians. They reported that due to some misinterpretation about the reserved seats in the 2005 parliamentary election about 30 percent of women won their seats by their own rights (2011). However, having women in parliament doesn't mean that they are going to promote women's interests and agendas.

In sum, it is clear that women's presence in Afghanistan's legislature has not led to the collective representation of women in general or the promotion of women's gender interests to date. A number of factors pose key challenges: attitudes toward the legitimacy of their very presence in the parliament, assumption concerning who they represent therein, and the existence of cross-cutting identities and allegiances that fragment efforts to mobilize as a collective bloc. Underpinning these factors is the essential consideration of decreasing security, which is rendering the concept of free speech essentially meaningless in 2010. Technical measures to improve the functioning of parliament are necessary and may provide the mechanisms needed to encourage bloc formation and the representation of collective interests. However, until MPs feel secure enough to broach and vote on the controversial subjects such as women's gender interest – with the confidence that their opinions will not generate violent opposition – the chance of these interests being promoted substantively will remain elusive (Heath & Zahedi 2011, p. 125).

Women have played, and will continue to play, a pivotal role in the development of Afghanistan. The undeniable influence of female lawmakers, police officers, educators, business owners, doctors and advocates has allowed for significant improvement in Afghan quality of life. Moving forward, it is important to continue

creating new opportunities for women in the reconstruction process. Their involvement will inevitably lead to a safer and more stable Afghanistan for all its people.

## CHAPTER III

### HISTORY OF HUMAN RIGHTS TREATIES

#### 3.1. History of International Human Rights Treaties in this Post-Conflict Zone

Afghanistan has always shown strong commitment for protection of human rights on paper. Afghanistan became part of the United Nations mid-20<sup>th</sup> century and started adopting different human rights treaties and resolutions since then. The United Nations, taking into consideration all the human rights concerns, adopted several international conventions addressing different human rights related matters. Here is complete list of the international human rights treaties to which Afghanistan is a party.

<b>Date of Ratification</b>	<b>Treaty/Convention</b>
January 1983	The International Covenant on Civil and Political Rights (ICCPR)
January 1983	The International Covenant on Economic, Social and Cultural Rights (ICESCR)
July 1983	International Convention on the Elimination of All Forms of Racial Discrimination
July 1983	Convention on the non-applicability of statutory limitations to war crimes against humanity
February 1983	Convention on the Prevention and Punishment of the Crime of Genocide
April 1987	Convention against Torture and other cruel treatment, Inhuman or Degrading Punishment
March 2003	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
February 2003	International Criminal Court
March 1994	Convention on the Rights of the Child (CRC)

*Source: medica mondiale November 2006- compiled by Ancil Adrian-Paul*

To serve the purpose of my research, I am going to focus only on the four core human rights legal documents that are more related to women's human rights. These are the Universal Declaration of Human Rights, the International Convention on Economic, Social and Cultural Rights (ICESCR), the International Convention on Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In 1946, Afghanistan joined the United Nations, and in 1985 the General Assembly placed a special emphasis on consideration of human rights situation in Afghanistan and adopted the first human rights resolution in December 1985. The resolution was concerned both about the widespread human rights violation and military operations' consequences on the civilian populations (United Nations and Afghanistan).

In December 1948, the Universal Declaration of Human Rights was adopted by General Assembly resolution 217 A. All 30 articles of this declaration are aligned with the Charter of the United Nations' faith in human dignity, fundamental human rights and equal rights of women and men. As well as determination for promoting social progress and better life standards in a broader freedom. Since Afghanistan was already a member state by then, therefore inevitably had to pledge themselves along with other member states to respect and achieve human rights goals. The document states "Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms" (Core International Human Rights Treaties 2006).



In December 1966, The International Convention on Economic, Social and Cultural Rights (ICESCR) was adopted by the General Assembly resolution 2200A and opened for ratification by the member countries. Entered into force in January 1976, and Afghanistan signed and ratified the document in 1983. This convention has five parts and 31 articles that emphasize on ensuring equal rights for both women and men. Article three of this convention states “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.” And Article 7 of the convention stresses on ensuring just and favorable work conditions and particularly focusing on “Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work” (Core International Human Rights Treaties 2006).

In the same year, 1966, another convention was adopted by the General Assembly resolution 2200A, titled International Convention on Civil and Political Rights (ICCPR). The document entered into force in March 1976 and Afghanistan ratified and signed it in 1983. Article 3 of this convention also put a special emphasis on equal rights “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.” (Core International Human Rights Treaties 2006)

In December 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted which was entered into force in September 1981. Afghanistan is signatory to CEDAW since 2003. This convention has four parts and 30 articles. Article 1 of this convention defines the term “discrimination

against women shall mean 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” (Core International Human Rights Treaties 2006).

The United Nations Security Council recognized the positive potential of consulting with NGOs back in 1968 after Resolution 1296 adopted by the UN Economic and Social Council. Resolution 1296 was a good start for UN and NGOs consultation arrangements. The NGO and UN relations only got stronger after the approval of Resolution 1996 which was also called a “second generation” of NGO-UN relations. That being said, one of the priority areas concern for NGOs to negotiate was on gender mainstreaming. Finally, in 1975 at the UN World Conferences on Women, delegates urged all the member states to establish agencies for promoting gender equality and improving women’s condition and status, which resulted in creation of the UN Division for the Advancement of Women. In addition, this also paved the ground for constituting links among the different levels of political activity, from local women’s organizations to international institutions and networks (Shepherd 2008).

Building on the success of CEDAW since 1979 and the ever-growing ties among feminist groups with the UN system, the largest UN Conference – the Fourth UN World Conference on Women -- was held in Beijing in 1995. It resulted in the Beijing *Platform for Action*, a global agreement focused on agreed upon actions that would be taken by signatory countries for the promotion and protection of women’s rights. These led to the

establishment of various NGO working groups; in 2000, they advocated for UN Resolution 1325. (Shepherd 2008).

On October 31, 2000, the United National Security Council adopted Resolution 1325, on Women, Peace and Security. This Resolution advocates and promotes women's participation at all levels of conflict resolution, management, and prevention, as well as other peace and security related matters. The Resolution was adopted under the UN charter, and it is therefore effective as an International law. All UN member states are obliged to implement it (UNSCR 1325, 2000). The United Nations Security Council called upon its Member States to develop a National Action Plan or other national strategies to ensure implementation of Resolution 1325.

On October 22, 2014, as the current Afghan President considers women's rights as one of his top priorities, the Afghanistan government signed the National Action Plan on Women, Peace and Security to ensure implementation of Resolution 1325 across the country (Bakhtar News 2014). The Afghanistan government, as a member of the United Nations and being signatory to all the core international human rights treaties, has committed itself to incorporate all the provisions of the international human rights treaties in the domestic laws and policies to ensure their implementation.

## CHAPTER IV

### LITERATURE REVIEW

#### **4.1. Understanding Government Structure and the Lawmaking Process**

Afghanistan legal system is based on formal and informal justice systems. The formal justice system was established back in the 1880s by Abdur Rahman Khan, Amir of Afghanistan. He developed the formal justice system in order to limit the power of informal mechanisms and influence of the independent and traditional community leaders (Abawe 2013). The decades of on-going conflict and uncertainties damaged the structure of the government and caused the rule of law to return to the traditional practices, which contributes greatly in weakening the current government's ability to enforce the rule of law and implement human rights laws and policies in the country. However, Post-2001, Afghanistan started re-establishing the entire structure. The current Afghan government structure is comprised of three branches: The Executive, the Judicial, and the Legislative. The Executive branch is led by an elected president and two vice presidents. According to the Afghan constitution the president can serve for only two five-year terms.

##### **4.1.1. The Legislative Branch**

The Legislative branch, known as the National Assembly, includes two Houses: The Wolesi Jirga (lower house) with 249 seats, and the Meshrano Jirga (upper house) with 102 seats. The Meshrano Jirga is primarily advisory body (Pajhwak Afghan News 2010). All laws need to be approved by the both Jirgas of the National Assembly and endorsed by the President. According to the Afghan constitution, at least two female representatives from each province must be elected to the Wolesi Jirga, making up 27%

of the parliamentary body. Half of the presidential appointment to the Meshrano Jirga should be women. As of 2012, 28% of the lower house members are women, which exceeded the quota (MDGs Report 2013). The Afghan government already ensured inclusion of women in the legislative branch, but there is still need to make women's presence stronger in the parliament by empowering them in order for them to promote gender mainstreaming into all government laws and policies.

#### **4.1.2. The Judicial Branch**

The Judicial branch is comprised of the Supreme Court, Courts of Appeal, and Primary Courts. The Supreme Court is headed by an appointed Chief Justice and eight other high council members. The nine judges are appointed by the President with the approval of the National Assembly (Hashimzai 2014). As per article 121 of the Afghan Constitution the top judicial entity the Supreme Court “review compliance with the Constitution of laws, legislative decrees, international treaties, and international conventions, and interpret them, in accordance with the law” (2004). Still, this branch of government is heavily dominated by men. All the high officials in the branch are male. Although the current President, Ashraf Ghani, nominated the first female judge to be member of the high council of the Supreme Court, as the nomination needed the approval of the parliament it was rejected (The Economic Times 2015). However, the female judge secured about 88 votes out of 94, which indicate a change in the mind-set and also give hope for future attempts (The Economic Times 2015).

### **4.1.3. The Executive Branch**

The executive branch of the government is responsible for ensuring the enforcement of laws. The executive branch is comprised of the President and the ministries. According to the BBC, four female ministers are appointed at the Higher Education Ministry, the Labour Ministry, the Ministry of Women's Affairs and the Counter-Narcotics Ministry (2015). Among all, ministry of justice plays a major role in the government and society's legal matters. One of the key roles of the ministry of justice is to review and draft laws as well as make sure that the laws are in compliance with the Afghan constitution and the Islamic principles (Abawe 2013). The Afghan government needs to make sure that there is enough training and awareness programs on international human rights treaties for government officials across all ministries, specifically for the Ministry of Justice officials who are directly involved in legislative process.

### **4.1.4. The Informal Justice System**

Despite having a carefully designed central government structure, the disorder of extended conflict has left a system of customary laws and informal justice practices in place whereas many new practices have not yet taken root. The lives of a majority of Afghans are still governed by these practices. This poses tremendous risk and challenges for the more recent government systems and infrastructures, as well as enforcement of a consistent rule of law. The presence of customary laws and informal justice practices in the country is a major obstacle for implementation of any international human rights laws and mainstreaming gender into all policies and public spheres. As a first step the tribal leaders and other influential individuals need to go through a series of gender and human rights trainings. Secondly, the Afghan government needs to develop an accountability

model in order to prevent them from taking decisions that may cause violation of women's rights. Finally, in long run the Afghan government can start working on formalization of the system.

#### **4.1.5. Law and Policy Making Process**

The legislative processes vary across the countries around the world. In Afghanistan, the process is rather lengthy. There are several steps for a bill to become a law. Firstly, the Ministry of Justice and other relevant Ministries draft a bill. Secondly, the bill is presented to the Council of Ministers and both houses of Parliament for approval. Thirdly, the bill is endorsed by the president. Finally, it is published in the official Gazette (Legislative Process Manual 2008).

A proposal for a bill may come from several sources. Article 95 of the Afghan Constitution states that: "The proposal for drafting laws shall be made by the Government or members of the National Assembly or, in the domain of regulating the judiciary, by the Supreme Court, through the Government. Proposals for drafting the budget and financial affairs laws shall be made only by the Government." Bills originating in the Executive or Judicial branches are called government bills and have to go through the process described above. Bills initiated by the Legislative branch follow a slightly different process and are called Members' or Private Members bills (Legislative Process Manual 2008).

It is important to note that Afghan civil society has a strong stake and significant influence in the policy making process as well. Understanding the process of law and policy making allows women's rights advocates forming their advocacy strategies in light of that. Also looking into law and policy making process would help in identifying which

institutions are key to start with in order to mainstream gender into their policies, programs and practices, as well as work on the patriarchal mind-set transformation within those key policy-making and legislative institutions.

#### **4.2. Afghan Government Laws and Policies for Women's Rights and Empowerment**

Afghanistan is a rich country in terms of having policies and laws in place for promoting women's rights and women's empowerment. Afghan constitution ensures equal rights for both women and men before the law and forbid all forms of discrimination. In order to fulfill the constitution's commitment to women's empowerment and gender equity, Afghan government established the Ministry of Women's Affairs (MoWA) as policy making body and the Afghanistan Independent Human Rights Commission (AIHRC) as monitoring and human rights protection entity. As well as launched a National Action Plan for Women of Afghanistan (NAPWA) in 2007, enacted the Elimination of Violence Against Women Law (EVAW) in 2009 and developed the Afghanistan National Development Strategy (ANDS) with gender as cross-cutting strategy in 2008 (NAPWA 2008).

##### **4.2.1. The Afghan Constitution**

The Afghan Constitution passed in 2004 place a strong emphasis on equal rights and duties for both men and women before the law and prohibits all kind of discrimination against all Afghan citizens. The Article 22 states, "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."



Additionally, in article 43 and 44 women's rights to education and article 48 rights to work are guaranteed by the Constitution.

Furthermore, the article 84 of the Constitution while ensuring political rights for women, stresses on at least half of the appointed senate should be women, "...the President shall appoint fifty percent of these individuals from amongst women...." and the article 83, focuses on the fairness in the representation of people at the house of the representatives and specify that at least 27 percent should be female which is around 68 of 250 members, "The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province, on average, at least two females shall be the elected members of the House of People from each province" (Constitution 2004). According to the election law passed in 2013 around 30 percent of seats are reserved for women in parliament and 20 percent in provincial councils.

#### **4.2.2. The National Action Plan for Women of Afghanistan**

In 2007, MoWA worked on and launched a ten-year National Action Plan for Women of Afghanistan (NAPWA 2008). NAPWA was approved by the cabinet in 2008, this document serves as a key vehicle on delivering the constitution's commitment to empowering women and developing and implementing policies for gender equity. NAPWA was approved with two main goals of gender equality and women empowerment. The strategy is to eradicate discrimination against women, to enhance women's knowledge and skills to serve as human capital and to ensure women's full and equal participation in all spheres and at all aspects of life (NAPWA 2008).

Women's leadership and political participation are manifestations of women's empowerment, defined in the framework of this plan as a condition where women take control and determine the direction of their life, make enlightened decisions, develop their full potential and exert positive influence over processes, mechanisms and decisions that affect their well-being. Three goals (I) To attain a critical mass of women in high level decision, policy and law making positions in key government institutions including in the sectors of judiciary, security, and service delivery. (II) To promote an environment conducive to women's entrepreneurship and leadership in the private sector. (III) To attain a critical mass of women active in communities and in political life (NAPWA 2008-2018, p 49-50).

NAPWA emphasizes on gender equality under law, which can serve as the first step toward gender mainstreaming at all levels across various public spheres in Afghanistan.

The establishment of equality under the law is critical to women's struggle for equal rights. The extent to which women have been able to exercise their rights is dependent on the ability of the state to acknowledge, uphold and enforce these rights. The goal of the Afghan Government is to revise its legislative framework and judicial system to guarantee equality and non-discrimination as enshrined in the Constitution, as well as within international conventions and standards thereby enabling women and girls to exercise their rights on equal terms with men and boys. (NAPWA 2008-2018, p 37-38).

All the government institutions are required to mainstream gender in their policies, budget, plans and activities. NAPWA commits to increase the representation of women in the civil service, in both elected and appointed bodies of at all levels in the government, by 30 percent by 2018 in hopes to change the status quo in the given context (NAPWA 2008-2018).

#### **4.2.3. The Afghanistan National Development Strategy**

The Afghanistan National Development Strategy (ANDS) also has a cross-cutting strategy for gender equity. Purpose of gender equity strategy is to "address and reverse women's historical disadvantage [by] chang[ing] women's position in society, their socio-economic condition and access to development opportunities." This document

recognizes gender inequality of the causes of poverty as women are not contributing in the economic development activities of the country.

The ANDS goal for gender equality is an Afghanistan where women and men enjoy security, equal rights and equal opportunities in all spheres of life. The National Action Plan for Women focuses on three main outcomes: (i) government entities embracing 'gender equality' in their employment, promotion, policy making and budgetary allocations; (ii) measurable improvements in women's status as evidenced by reduced illiteracy; higher net enrollment ratio in educational and training programs; equal wages for equal work; lower maternal mortality; increasing leadership and participation in all spheres of life; greater economic opportunities and access to and control over productive assets and income; adequate access to equal justice; reduced vulnerability to violence in public and domestic spheres; and (iii) greater social acceptance of gender equality as evidenced by increased participation by women in public affairs and policy discussions. (ANDS 2008, p 14)

ANDS mandates an increase in women's participation in the security sector by raising awareness about gender and women's rights. As well as, aims at enhancing women's decision-making role and providing women with equal opportunity for employment within the security sector. The document ensures gender sensitive policies and proper monitoring mechanisms are in place for comprehending gender equality goals (ANDS 2008). This document besides promoting women inclusion in the security sector, also advocates for inclusion of women at all levels of decision-making related to security.

#### **4.2.4. The Elimination of Violence Against Women Law**

Last yet most important, the Elimination of Violence Against Women Law (EVAW) was enacted in 2009 through presidential decree which shows Afghan government commitment to gender equality in the country. EVAW criminalizes all the acts of violence against women, and stipulates punishment for the perpetrators of violence against women. "Widespread harmful practices and violence against women and girls have long prevented women from participating in public life and blocked their

voices from being heard in political and decision-making forums including initiatives aimed at promoting peace and reconciliation. Progress in implementing the EVAW law can contribute to improving the realization of women's human rights to enable them to fulfill their crucial and imperative role in the country's political, economic and social development" (UNAMA 2013, p 2).

The law stresses on prioritization of addressing violence cases and providing protection to victims. EVAW law mandated establishment of commission on elimination of violence against women and the responsibility of the commissions are to plan, coordinate and monitor the implementation of the law. EVAW commissions are established in 32 out of 34 provinces in Afghanistan (MoWA report 2014). There is a high commission on elimination of violence against women in Kabul that oversees and provides support to the provincial commissions (UNAMA 2013). Establishment of specialized EVAW units in the Attorney General Offices of eight provinces had a positive effect on registration, reporting and speedy resolution of the EVAW cases (UNAMA 2013). As per lack of the resource the government of Afghanistan could not establish these units in all the province, but it is part of the plan for the future to establish these specialized unites in all the provinces of Afghanistan.

Moving forward, it is important to continue legal reforms promoting women's rights in the country and a way to ensure this will happen is by creating new opportunities for women to be part of Afghanistan's development. Their involvement will unavoidably lead to a safer and more stable Afghanistan for all its people, and especially for women.

### **4.3. Women's Empowerment**

The term power refers to having the ability of making strategic choices for one's life. If a group of people is denied the power to make choices, the process of acquiring this ability and giving it back to those people is called empowerment. A definition of women's empowerment is the "enhancement of women's ability to make strategic life choices" (Narayan-Parker 2005, p 84). That being said, empowerment involves many changes, not only in regards to people exercising a great deal of choice, but also in terms of challenging power relations (Kabeer 2005). The long-standing belief system and culture of inequality and the unjust practices of patriarchy would require challenging power relations. Change involves empowering women with the ability to make their own choices, whether it is political, cultural, socio-economic or about their personal life. The empowerment process not only should focus on addressing the instantaneous disparities, but strive for the long-term transformation of patriarchal structures (Kabeer 2005).

The UN Human Development Report has an emphasis on female independence, saying that, "Women's empowerment requires female autonomy in all areas of life— financial, economic, political, social and cultural, in and outside the home" (2015, p 83). The report goes on to discuss the different obstacles that impact women's empowerment: "They are held back by biases in social beliefs, norms and cultural values. They face discrimination in economic, political and social structures as well as policies, institutions and strategies." (UN HDR 2015, p 83). In addition to discrimination, there are other factors that affect women's empowerment negatively and "Too often they are constrained by real and perceived physical insecurity. Violence against women, including domestic violence, is evident in all societies, among all socioeconomic groups and at all levels of

education” (UN HDR 2015, p 83). Violence against women not only affects their empowerment, but also can prove to be very costly for any country. In an attempt to quantify an amount, the UN looked into Australia and Vietnam as examples.

Such violence impacts women’s empowerment. The full effects on human development are difficult to measure, but there have been efforts to quantify some of the costs in financial terms. In Australia the cost of domestic and nondomestic violence against women and children has been estimated at A\$14 billion a year. In Viet Nam domestic violence against women costs nearly 1.4 percent of GDP in lost earnings and out-of-pocket spending to treat health-related violence outcomes, leading to an overall output loss of 1.8 percent of GDP (2015, p 84).

Women’s empowerment faces several barriers in the South Asian region in general and in Afghanistan specifically because of the male-dominant nature of the society. Women are treated as second-class citizens, and are expected to be at home, as their primary responsibility is considered to be care-giving. The other huge barrier is the use of conservative, religious interpretation against women’s participation in public life, specifically their political participation. Despite this, women in the South Asian region were and are able to participate in political affairs at different levels from voting to running for the highest government offices. Some examples include two influential women from Pakistan, Benazir Bhutto and Fatima Jinnah who challenged society’s norms by Bhutto running for Pakistan’s prime minister, and Jinnah who ran for the presidential position, which resulted in Benazir Bhutto winning the elections in Pakistan in 1988 (Richter 1990).

Most men’s biased interpretation of Islam is a barrier for women’s political empowerment and access to the power system. Professor Weiss explains in her book, *Interpreting Islam, Modernity, and Women’s Rights in Pakistan*, how women are challenged by society’s use of religious interpretation against them. She explained it

through Pakistani policies of religious interpretation. In a nationwide election in 1965, a debate emerged around Mohammad Ali Jinnah's sister, Fatima Jinnah, being allowed to contest the national election for the presidency. The Jama'at-i-Islami and other Islamic parties supported her. The result of the debate was the issuance of *fatwa*, or religious decree, condoning her candidacy. As a result of the November 1988 elections, the Pakistan People's Party won an overwhelming victory and Benazir Bhutto was poised to be appointed prime minister. At the same time, Islamist parties raised a cry that Islam prohibited a woman from being in that position. Other forces won out in interpreting the question, and the *fatwa* was issued stating that the Qur'an restricted females from serving as the *Amir*, or head of state, which is akin to serving as president. However, it did not address women being the head of a political party and serving as prime minister, so there is no restriction on that matter, only on the presidency (2014).

This is the case in most patriarchal societies including Afghanistan in which religion is used against women, because men's interpretation of the religion permits their dominance. Any attempt to adjusting the power relations for paving the ground for women's empowerment involves a great deal of change and finding a solution within the religious interpretation is the best way to address this challenge.

Arab Naz and Hafeez-ur-Rehman Chaudhry stress the fact that the main obstacles for women's empowerment are the way women are viewed by society due to the influence of male-dominated mindsets in almost all the societies but with different degrees and forms.

In most of the world societies whether they are developed or undeveloped, sex has been a major sorting factor where male is paid more for a same work and they are dominant in all walks of life including political activities, economic matters, educational privileges, decision-making process, monopoly over rights,

inheritance etc. while on the other hand, female is regarded as a disadvantaged, disabled and even in some cases a humiliating object. In day-to-day communal life, women are obstructed to take part in socio-cultural, economic and political activities. Such restrictions over women are mainly influenced by imposed patriarchy, male dominance, feminine socialization and engendering women minds with dominant masculine knowledge (2011, p 51).

Measurement of women's empowerment is rather difficult due to the complex nature of empowerment concepts, but some of the frameworks set a workable roadmap for measuring women's empowerment. Narayan-Parker proposed a "Women's Empowerment Framework of Dimensions and Indicators in the Household, Community and Broader Arenas," which is commonly used for measuring empowerment. The dimensions include; economic, socio-cultural, familial/interpersonal, legal, political and psychological, and measuring each by looking into changes in women's empowerment in the household, community and broader arenas. For example, the political dimension at the household level looks into women's "knowledge of political system and means of access to it; domestic support for political engagement; exercising the right to vote" (2005, p 83). At the community-level, it inquires about "women's involvement or mobilization in the local political system/campaigns; support for specific candidates or legislation; representation in local bodies of government" (Narayan-Parker 2005, p 83). The broader arenas examine "women's representation in regional and national bodies of government; strength as a voting bloc; representation of women's interests in effective lobbies and interest groups" (Narayan-Parker 2005, p 83).

Naila Kabeer and Deepa Narayan-Parker in order to make measurement of empowerment possible look into three power elements within the empowerment measurement theory: 1) agency, 2) resources and 3) achievements. They believe that these three elements of power make the concept of empowerment different from other



concepts, such as gender equality. These elements focus on creating greater freedom of choice. The first element, agency, requires women to have a significant role in the change process. Women being a part of bringing change and their playing an important role in this process will increase their power of making choices and becoming empowered. Also, women need to be part of all the solutions in all the processes and included at all levels of decision-making. The second element is not only allocation and access to resources, but also women serving as future social and human resources to give them the power of making their own choices (2005). The third and last element is achievements, or the results and outcomes. The ability of achieving goals would finally be the indicator of whether a person is fully empowered or still disempowered (1999). Women should be able to set their own goals and act upon those goals. Empowerment would only be considered valid if women themselves are completely involved and included in the process of bringing change.

Kabeer argues that policy changes need to be executed in such a way that women are involved throughout the implementation process of policy changes, monitoring and holding the public, private and all the other stakeholders accountable for their actions. She claims that providing only access to education limits potential for change. There is a need for the provision of systematic education to provide women with analytical capacity in order to enable them to question and challenge unjust norms and practices (2005).

Women's empowerment is considered an important commitment towards development goals of the international community and national governments. For holding governments and the international community accountable for their commitments for women's empowerment, effectiveness of policies and programs should be assessed and

changes in women's empowerment need to be measured through systematic frameworks and by sitting indicators (Narayan-Parker 2005). Women's empowerment is not only important for women in Afghanistan, but also for the country's development and progress as a whole.

#### **4.4. Gender Mainstreaming**

Before moving to talk about gender mainstreaming, it is important to know the concept of gender. Gender is socially constructed roles and responsibilities for women and men. The World Bank defines the term as the following: "Gender refers to the social, behavioral, and cultural attributes, expectations, and norms associated with being a woman or a man" (Gender Equality and Development Report 2012, p 4). Gender-related concepts are important discussion matters due to fundamental disparities between women and men. While addressing these inequalities that impact women tremendously, the gender concept starts appearing to be all about women. Gender inequalities are different depending on the context of various countries around the world and across different sectors.

There are disparities in legal status and entitlements, labor division domestically and within the economy as well as issues around violence against women and discriminatory attitudes. The under-representation of women is one of the main examples of inequalities within political power around the world. Therefore, it is critical to analyze and understand gender differences in power structures. Often, priorities of nations and regions and societies are defined without women's insights. Having both perspectives in the decision-making processes is key, given that the priorities, needs and interests of women and men, are different (UN Gender Mainstreaming Report 2002).

The concept of gender mainstreaming was initiated at the Fourth World Conference on Women in Beijing in 1995. According to the Beijing Platform for Action, gender mainstreaming is the consideration of gender perspectives as the center of attention for all policies and programs aiming at understanding the issues and developing effective strategies (UN Gender Mainstreaming Report 2002). Gender mainstreaming is about considering divergent effects of various policies on women and men before its implementation (Dingo 2012). The gender mainstreaming concept has a high importance in feminist politics “because it integrates a gendered perspective into all policy- and decision-making” (Paterson 2010, p. 395). Mainstreaming gender is a commitment to the integration of gender into all public policy areas instead of considering women’s issues as separate policy problems (Mazey 2000).

Gender mainstreaming is undoubtedly a potentially radical strategy which, in theory at least, should ensure that policy-makers incorporate gender into the policy-making process. Yet, as the above contributions illustrate, precisely how mainstreaming is to be achieved in practice is far from clear. Mainstreaming is a relatively new policy approach and there are few existing procedural and institutional templates. What is clear, however, is that gender mainstreaming will require increased representation of women in public and private decision-making institutions, which may themselves have to be redesigned to accommodate women's needs. More importantly, it will also require national policy-makers to review critically the way in which they conceptualize policy problems. Introduction change will entail questioning of deeply embedded cultural values and policy frames, supported by institutions and powerful advocacy coalitions (Mazey 2000, p 342-343).

Mainstreaming gender is critical because it applies to a gendered lens in decision and policy-making processes. Analysis of different policies and decisions from a gender lens helps in understanding what kind of impact different decisions and policies have on the lives of both women and men and ensures that both voices are heard. Mainstreaming gender is important for addressing the inequalities and transformation of social relations

(Paterson 2010). The UN's emphasis on the critical aspect of mainstreaming involves making gender perspectives as an integral part of resource allocation and decision-making processes. As well as, the consideration of gendered perspectives in the development, implementation, monitoring and evaluation of various policy, advocacy, research, standards and of projects (OSAGI Gender Mainstreaming 2001).

Inequalities and issues around mainstreaming gender vary in different parts of the world based on social structures, religion, culture and history. Farida Shaheed examined the contextual restraints based on which Muslim World women could shape their strategies for survival and well-being and importance of networking for expediting change. Circumstances vary for women across the countries and even Muslim women from different countries experience different disparities and issues because of different cultures, histories and social structures (Afkhani 1995). She explains how the circumstances shape limitations and boundaries by saying, "Women's lives are situated in a complex web of influence that derive from personal and political developments, cultural and structural environments, and local, national and international concerns." And she adds, "At any given time, this web of influences determines for the individual woman what is probable, possible, or out of bounds" (Afkhani 1995, p 78-79).

Analysis of such a web of influence is necessary for understanding the issues around gender, gender disparities and mainstreaming and being able to incorporate "a gendered perspective into all policies, programs and projects" (Caglar 2013, p 338). "...laws are shaped by socio-economic and political developments; they are imposed by those in power and involve a constantly changing selection of customs, traditions, religious codes and external sources..." (Afkhani and Shaheed 1995, p 86).

The mainstreaming strategy does not mean that targeted activities to support women are no longer necessary. Such activities specifically target women's priorities and needs, though, for example, legislation, policy development, research and projects/programmers on the ground. Women-specific projects continue to play an important role in promoting gender equality. They are still needed because gender equality has not yet been attained and gender mainstreaming processes are not well developed (OSAGI Gender Mainstreaming 2001).

Gender mainstreaming is very important because it allows the world to think critically about different projects, programs, policies and laws that affect women and men differently, as well as the allocation of resources for meeting different needs of both.

While I strongly believe in the importance of gender mainstreaming in all governmental plans, policies and laws, I also think it is equally important to keep the women-specific projects and programs as an affirmative action for women, as women have been deprived of their rights for long time.

## CHAPTER V

### METHODOLOGY

To better understand what the obstacles are for implementation of international human rights treaties in Afghanistan and to what extent the domestic laws and policies support human rights and women's empowerment, interviewing experts on the subject and analyzing the national laws and policies seemed the best course of action. Therefore, this study is based on the use of qualitative research methods and snowball sampling. An open-ended questionnaire (see Appendix 4) was prepared and shared through email with Afghan experts who are either involved in policy-making, or implementation of the international human rights treaties in Afghanistan. The 12 opinion leaders included UN, USAID and USIP Representatives, Judges, Parliamentarians and NGO Leaders.

The reason for selecting these categories to participate in my research is to help me develop a deeper understanding of obstacles for implementation of international human rights laws, and specifically the ones that exclusively promotes women's human rights and political participation such as UNSCR 1325 (See Appendix A) and CEDAW (See Appendix B). Additionally, the expert opinions will enrich my research in term of explaining the importance of these documents for women's empowerment in Afghanistan as well as coming up with realistic recommendations for the Afghan government, the Afghan civil society and the United Nations offices in Afghanistan.

I recruited my research participants through email using snowball sampling method (See Appendix C). Snowball sampling refers to a qualitative sampling procedure in which the researcher gain access to research participants through other informants. This method is used commonly across different disciplines in the social sciences. Snowball

sampling design captures social knowledge which is regarded as dynamic and emergent. This sampling procedure is good in term of making use of natural social networks (Noy 2008). Having worked for more than eight years in the area of women's rights and empowerment, I used my networks and contacts in each of the above organizations to conduct recruitment of my research participants correctly. I sent emails to my contacts asking them to introduce two to three opinion leaders from their organizations to participate in my research. After receiving the contact information, I sent the questionnaire to three experts in each of the above mentioned organizations and individuals. I got response from 12 which includes opinions of USIP, UN and USAID representatives, Judges, Parliamentarians and NGO Leaders.

The first few individuals I contacted at the USAID and World Bank replied back and said that they have no idea about UNSCR 1325 and said they don't use UN documents as a basis for their work in Afghanistan. The individuals who were working in the areas of women's rights and empowerment in the two organizations were aware of the international human rights documents, but a bit hesitant to respond to the questions on behalf of their organizations. Finally, besides getting a response from the USAID representative, I was directed to one of their contractors who was working in the human rights field in Afghanistan and asked me to interview them as a USAID representative as well since they are the key player on the ground. The World Bank representative agreed to fill the questionnaire out and requested me to confirm with them before publishing anything representing opinions of their organization. Even after sending the confirmation email and a few follow up emails, I did not hear anything back. NGO leaders, judges and parliamentarians seemed more interested and informed about the two documents UN

Resolution 1325 and CEDAW and their importance for women's empowerment in Afghanistan. NGO leaders were more open to share their opinion and all three leaders responded.

The reason why I selected this qualitative method for my research was to find obstacles for the implementation of international human rights laws, and how the human rights laws can enhance women's empowerment. Qualitative data helps in understanding different patterns and explanations of experiences, attitudes and behaviors, which can help in policy decisions and development of effective strategies (Huberman 2002). Through this study I am trying to explain the attitude and experience of the different opinions leaders have about the implementation of international human rights laws and policies in Afghanistan.

### **5.1. Study Design**

My research is a combination of qualitative method and policy analysis. The open-ended questionnaire along with a recruitment email was shared with research participants. The recruitment email included information about their participation being voluntary, and if they decided to participate in the study they will answer 10-12 questions by typing in their answers in an open-ended questionnaire which would take them around an hour to complete. I also assured them of minimizing the risk of their participation by deleting their email and all identifiable information after saving the questionnaire in my personal laptop with password security.



## **5.2. Data Collection and Analysis**

I collected data for my literature review primarily from the UN documents and data, United States Institute for Peace (USIP) websites, other INGO and NGOs websites, the Government of Afghanistan website, the Afghanistan Central Statistical Office and library resources. I analyzed both data collected from the second sources and email interviews using qualitative methods and to come up with recommendations. Here are some examples of the type of questions I asked from the interviewees for my research. (See Annex 1 – Research Questionnaire)

1. How the current legal frameworks in place support the implementation of Resolution 1325?
2. What are some of the major obstacles for implementation of Resolution 1325 in Afghanistan? How do you think those obstacles can be addressed?
3. What should the Afghan government do differently than what they are doing now to ensure implementation of Resolution 1325?
4. What role can civil society play for ensuring implementation of Resolution 1325?
5. What kind of pressure and support should the United Nations put in place to ensure implementation of Resolution 1325?

## **5.3. Limitations of the Study**

There are several limitations including, but not limited to, availability of enough secondary data, sending questionnaire through email and following up with experts in Afghanistan while I am here in the United States. The experts who responded were either women activists or working in the area of gender in Afghanistan, therefore most of the opinions were confirming my standpoint about the topic. Individuals working in other areas were either unaware of the international human rights treaties or didn't respond to my emails.

Another limitation is associated with use of snowball sampling method which might have caused some biasness in selection of participants and exclusion of the

individuals who are not part of the network. Cohen and Arieli argue that these limitations might affect the external validity of the research since it cannot be generalized (2011). There is also the time limitation for data collection and analysis, but I made sure not compromise on the quality of the research.

#### **5.4. Key Concepts**

- I. Human Rights: People are entitled to all the basic rights and freedoms irrespective of their race, sex, nationality, religion or other status. Human rights comprise of political, civil, social, cultural and economic rights. Last but not the least, the right to the freedom of choice in all spheres is a key human right (Christodoulou 2009).
- II. Women's Human Rights: Acknowledgment of the fact that women's rights are human rights and injustices experienced by women is merely because of their sex (Christodoulou 2009).
- III. Gender: Gender refers to socially constructed roles, responsibilities and attributes for women and men based on their sex. These attributes and behaviors are culture, context and time-specific and learned through socialization process therefore are changeable. Gender identity determines perceptions and expectations of how to act and think as female and male. Gender approach is to analyze the system and how it assigns roles, responsibilities, decision-making power and access to and control over resources to females and males (Christodoulou 2009).
- IV. Gender Mainstreaming: Gender mainstreaming is the process of integrating gendered perspectives, concerns and experiences into legislation, policies and programs in all areas and at all levels. The term promotes consideration of gendered perception into the design, implementation, monitoring and evaluation

of legislation, and policies and programs for achieving greater equality (Christodoulou 2009). UN states “Gender mainstreaming is not an end in itself, but a means to an end.” Gender mainstreaming is not about creating separate projects, programs or even components for women but making gender perspective an integral part of all policies and programs. This entails integration of gender perspectives in the allocation of resources, decision-making processes as well as development, implementation, monitoring and evaluation of different policies, advocacy plans, research and projects (OSAGI Gender Mainstreaming 2001).

- V. Patriarchy: Patriarchy is societal structure that systemically regulates physical, economic and social power of males over females (Christodoulou 2009).
- VI. Feminism: Feminism is a movement that advocates for women to enjoy equal rights and freedoms for making choices in life. The equal rights include political, social, cultural, economic and the right to enough information to make their life choices independently. Another way to define it, feminism is a global phenomenon that addresses different women’s issue across the world considering different contexts (Christodoulou 2009).
- VII. Feminist Theory: Feminist theory is an assessment of women’s status in society, based on the constructed belief around the current positions which are unequal and unjust, which also provides strategies and criteria for change (Christodoulou 2009).
- VIII. Empowerment and Women’s Empowerment: Empowerment implies enhancement of people’s ability to make strategic life choices if they were denied the ability to do so previously. It is about both process and outcome of taking control over

one's life by getting involved in decision making at all levels and increasing skills, knowledge, self-reliance and self-confidence (Christodoulou 2009). Increasing women's power in empowerment strategies does not refer to power over, or controlling forms of power, but rather to alternative forms of power: power to; power with and power from within which focus on utilizing individual and collective strengths to work towards common goals without coercion or domination...The empowerment of women concerns women gaining power and control over their own lives. It involves awareness-raising, building self-confidence, expansion of choices, increasing access to and control over resources and actions to transform the structures and institutions, which reinforce and perpetuate gender discrimination and inequality. The process of empowerment is as important as the goal (OSAGI Gender Mainstreaming 2001)

- IX. Peacebuilding: The term peacebuilding was debated over for a long time and different definitions were set for the term, but finally in 2007 the Secretary-General's Policy Committee described it as: "A range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development." Adding, "Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and relatively narrow set of activities aimed at achieving the above objectives" (United Nations Peacebuilding Fund).

*“We can no longer afford to minimize or ignore the contributions of women and girls to all stages of conflict resolution, peacemaking, peacebuilding, peacekeeping and reconstruction processes. Sustainable peace will not be achieved without the full and equal participation of Women and men”*

Kofi Annan

## CHAPTER VI

### FINDINGS AND ANALYSIS

#### 6.1. UNSCR 1325 and CEDAW

The two main international standards that exclusively promote women’s protection and participation in peace and security decision-making in post-conflict situations are the United Nations Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security, and the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). UNSCR 1325 and CEDAW are two strong international documents for promoting gender equality agendas in post-conflict environments. Both documents are strongly advocating for women’s rights and there is a synergy between the two documents; UNSCR 1325 clarifies relevance of CEDAW’s application to all states whether in conflict or peace. CEDAW provides a solid strategic guidance for implementation of UNSCR 1325’s broad commitments. Working with both documents combined enhances impact of promoting gender equality in conflict and post-conflict zones (UNWOMEN 2006).

The United National Security Council adopted Resolution 1325 on Women, Peace and Security in October 2000. States that are signatory to the UN Charter are legally bond to the implementation of all the UN Resolutions (Shepherd 2008). This Resolution advocates and promotes women’s participation at all decision-making levels related to conflict resolution, management, and prevention, as well as other peace and security

related matters. The Resolution was adopted under the UN charter, and it is therefore effective as an International law. All the UN member states are obliged to implement it (UNSCR 1325, 2000).

“The main question is not to make war safe for women, but to structure peace in a way that there is no recurrence of war and conflict.” states Ambassador Anwarul K. Chowdhury, president of the Security Council at the time when UNSCR 1325 was passed.

UNSCR 1325 is a good indication of the fact that United Nations Security Council acknowledged relevance of women’s experiences of conflict to its peace and security mandate and advocates for women’s rights in peace processes and conflict resolutions. UNSCR 1325 was adopted for promoting gender equality and human rights in the context of peace in conflict and post-conflict situations. Schenker’s (2011, p 160) article focused on the UNSCR 1325, and says “What I want to see are ‘peace’ women, ‘justice’ women, ‘gender equality’ women, ‘sustainable development’ women, who are at every level of government, who are in equal numbers with men in power at every peace-making table.”

Through the 18 provisions UNSCR 1325 is calling upon the member states to increase and ensure women’s participation at all decision-making levels, address women’s need in post-conflict governance and justice institution, and protect women and girls from all kinds of violence that resulted conflict. UNSCR 1325 can be summarized in three Ps: Participation, Protection, and Prevention. Women’s political participation is to be promoted at all decision-making levels. Women’s human rights are to be protected, so they may be safe from all forms of violence and discrimination. Sexual assault and all other forms of violence against women are to be prevented (Resolution 1325, 2000). Member states are expected to submit national reports on the implementation of 1325 and

in October of 2004 the Security Council called upon the member states to develop a plan of action for implementation of 1325 (UNWOMEN 2006).

The United Nations Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) is an intentional human rights treaty for promoting women's rights and gender equality. CEDAW was passed in December 1979, for specific reasons of achieving gender quality by eliminating all types of discrimination against women. This document promotes equality for women in all spheres of economic, political, cultural, and social life. CEDAW provisions call upon the member states to ensure equality in the state policies and laws as well as balancing the power relations based on gender. The member states are required to apply equality principles in the state legal system and laws, measures for protecting women from discrimination, affirmative actions for advancing gender equality, and stop all kinds of discrimination against women be it person or organization. All the state parties are required to submit a progress report every four years to the CEDAW committee at the United Nations (UNWOMEN 2006).

CEDAW has four parts and 30 articles. In the Article 1 of this convention the term discrimination is define as “discrimination against women shall mean 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.” The article 2 of this document calls upon the state parties to condemn all forms of discrimination against women and align all the states policies and laws with the principle of the equality of women and men. Article 3 stresses equality in the

fundamental human rights and freedom. Articles 4 and 5 emphasizes on taking special measures and modifications of the culture and social patterns to pave the ground to promote non-discriminatory environments. Articles 7-15 urge the state parties to take appropriate measure for ensuring equal rights for women before the law and in the political and public life, education, employment, access to health, economic and social life. Article 16 articulates that women should enjoy equal rights in marriage, childcare and family life and planning. The rest of the 14 articles are focused on the procedural matters (Core International Human Rights Treaties 2006).

Majority of Muslim countries put a reservation on article 16 while signing CEDAW but Afghanistan signed without any reservation. Farhoumand (2009) discusses article 16 of CEDAW in detail and explains that this article ensures decision-making rights for women related to their marriage; selecting of spouse and deciding on the number of children and their custody. This article also guarantees women with equal right to property ownership, acquisition and administration. She argues that Islam has already guaranteed these rights to women but it is due to the extreme religious interpretation and not allowing women to enjoy their Islamic rights that causes arising of disagreement. She further talks about Muslim world's not being homogenous as existence of different historical and culture background influences religious interpretation differently across different Islamic countries.

Both CEDAW and UNSCR 1325 promote gender equality, human rights and women's participation at all levels of decision-making in conflict and post-conflict environments and these two documents are great strategic tools for gender and women's rights advocates. Both documents reinforce and impact the implementation of one



another. Combined implementation of documents will have a larger impact in states which are either in conflict or post-conflict situations (UNWOMEN 2006). Here are some examples of both documents' articles that reinforce each other.

UNSCR 1325 (2000) Article 1 “Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict” Article 7 of CEDAW “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life....”

UNSCR 1325 (2000) “Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women’s peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution. Article 3 of CEDAW “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

UNSCR 1325 (2000) Article 9 “Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them ... on the Elimination of All

Forms of Discrimination against Women of 1979....,” and Article 10 “Calls on all parties in armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict” Article 6 of CEDAW “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

In addition to above articles CEDAW also emphasize on the importance of social life and urge the states to take measures for ensuring a nondiscriminatory environment for women. In Article 13 of CEDAW “States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to family benefits; (b) The right to bank loans, mortgages and other forms of financial credit; (c) The right to participate in recreational activities, sports and all aspects of cultural life.”

To summarize the overall goal of both UNSCR 1325 and CEDAW is to eliminate all forms of discrimination against women, advance gender equality and human rights and include women as active agents in peace and security arenas. And in a post conflict country like Afghanistan, relief and recovery efforts should ensure the equal distribution of aid to women and girls and incorporate gender perspectives into relief and recovery efforts.

## **6.2. Importance of Implementing 1325 and CEDAW in Afghanistan**

UNSCR 1325 and CEDAW are the two most important international standards that exclusively focused on women’s human rights. These documents can be used as key

tools for women’s empowerment and gender mainstreaming. These documents cover all the three important aspects of Kabeer (1999) women’s empowerment theory: I: Resources, II: Agency, and III: Achievements. Besides encouraging UN member states to take special measures for developing policies that addresses women’s rights related matters, these documents urge the states to mainstream gender into all the other policies and laws.

A Member of Parliament stated “Actually UNSCR 1325 is one of the international tools that we used nationally and internationally for our advocacy efforts.” MP added, “Such instrument can help us to talk about our rights and roles based on our government and international community’s commitment and obligations. One of which is the implementation of UNSCR 1325.”

### **6.2.1. UNSCR 1325 and CEDAW as Accountability Tool**

Most of the research respondents referred to UNSCR 1325 and CEDAW as a good tool to hold the government accountable for promotion of women’s rights, protecting them from discrimination and violence and their participation in decision-makings. This document helps us hold the government accountable to ensure that women’s rights are fully protected and to take measures for prevention of different types of violence and harassments in a post-conflict country like Afghanistan. As well as, guarantee women’s participation at all decision-making levels of different spheres. Most importantly making sure that woman’s perspectives are included in the peace and security related decision-makings and processes.

UNSCR 1325 and CEDAW also serve as a good tool for women, women’s groups and other interested institutions to advocate for women’s rights and engagement in the peace processes and hold their respective governments and other actors accountable. One of the opinion leaders emphasized on the same point by saying “1325 is a tool, through

which all we, Afghan nation and women, can stand with the women of Afghanistan to promote and create an enabling environment for them in order to include them in all the national processes at all levels: from policy decision-makings to grassroots implementation of those policies.” And regarded CEDAW as “It’s a universal declaration which provides comprehensive guidelines to government and authorities to protect, respect, and fulfill the rights of its citizens specifically women and girls.” Another research respondent believes “CEDAW can play a major role if the government incorporated its provisions in the existing and future laws and policies.”

However, one of the judges thinks it can’t be used as a good tool in Afghanistan due to the limited knowledge of people on the international laws. Judge Najla Ayubi stated, “In my opinion it may be easy for more stable countries to be implemented not for the country like Afghanistan where the level of knowledge on these international laws and regulations are very low even among the people who are responsible for implementing them.” She believes that there is need for tremendous amount of education and awareness rising programs in regards to international laws within the implementing agencies and also for the general public.

### **6.2.2. Inclusion of Women for Sustainability Purposes**

Women comprise almost half of the population of Afghanistan, hence including women in the peace and development processes will result in more stability. Women and men have their distinct experiences from conflict. Therefore, women’s perspectives are vital for the analysis of conflict and development of strategies for peace. Inclusiveness is necessary for the sustainability of the peace process. UNSCR 1325 emphasizes the importance of women’s involvement in the peace process, decision making and

participation in peace negotiations. The perspective of considering women as victims needs to change to encourage women's participation as it is essential for sustainability of peace and security (USIP).

While emphasizing on the criticality of women's roles for sustainable peace one of the research respondents said, "Peace process can only be lasting and sustainable if it is inclusive. As such, women's participation is critical to the success of any peace process. Also, women are specifically targeted and their rights violated during wars. Therefore, they have a big stake in peace making/building efforts. Additionally, given that in some of the peace process/deals, particularly in conflicts in Islamic countries women rights and freedoms may be compromised, it is important that women are at table and they can ensure women rights and freedoms are not compromised in the negotiations."

The USIP representative emphasized on inclusion of women as part of sustainable solution for peace by saying "It means that women's perspectives, priorities, ideas, and opinions are essential to developing sustainable solutions to conflicts that affect everyone." One of the NGO leaders said, "Women should be central actors for sustainable peace and security." and went on "Based on my understanding 1325 emphasizes on the fact that sustainable peace is impossible without active participation of women."

Benard (2008) argues that inclusion of women and consideration of gender equity play a central role in having a more stable democratic nation governed by the rule of law. His research shows that nation building will be more stable with improved outcomes, if the usual emphasis on security is seen from a human security perspective. He asserts that

equity and steady rule of law should be the foundation of the government from the start of the state building process. Importantly, women should be included in the reconstruction processes from the earliest phases.

### **6.3. Obstacles for Implementation of International Human Rights Treaties in Afghanistan**

Afghanistan as a post-conflict country suffers from the lack of rule of law, weak governance, widespread corruption, presence of customary laws and informal justice practices at local levels. In addition to these challenges, some major obstacles noted by the research respondents include; government accountability issues, high illiteracy rate in and low levels of awareness among women about their rights, lack of political will among the government high-ranking officials other than the current President, high insecurity, lack of enough resource, lack of enough pressure by women activists and women politicians. Furthermore, temporary programs and agendas from the international community side for women's empowerment and social resistance towards international laws due to lack of awareness about UNSCR 1325 and other international human rights laws within implementing agencies. My research participant, one of Parliamentarians, pointed out about the lack of enough resource for financing the National Action Plan for implementation of UNSCR 1325.

Smith also explored some challenges for implementation of international human rights treaties in Afghanistan and in his article explained that Afghan government acknowledges that country's legal framework is not operating effectively. And that the government is struggling to re-establish the rule of law and reform the justice system in the country. Furthermore, since international human rights laws are not fully incorporated

into the Afghan laws and policies that pose another challenge for realization of their implementation. The work of UN agencies in Afghanistan development process is not on human rights based approach either (2009).

Despite these obstacles, there are supportive laws and policies and political will at the presidential level for ensuring women's full participation in all levels of decision making, specifically peace and security related, and in all public spheres. A judge said "The foundation of women's legal rights is in the Afghanistan Constitution, which broadly guarantees women's right and their access to different services and political participation. At the same time Electoral law and National Action Plan for Women of Afghanistan can be counted as framework for targeting promotion of women's rights." Another research responded stated that, "Starting from the most authorized legal framework, which is the constitution, ANDS, NAPWA or basically we can say the foundation of women participation at different levels supports the implementation of UNSCR 1325." The Member of Parliament said, "Apparently the presence and interest of international community, donors support, presence of women rights defenders, women NGOs and networks and media could support the implementation of NAP. After many years of advocacy, we were able to have NAP now finally."

Understanding the complexity of women's empowerment is necessary for enforcement of the international human rights laws in Afghanistan. Having separate laws and policies are important steps, but it is not sufficient, there is need for broader gender analysis of Afghan laws and policies. Women's empowerment due to its complex nature would require a systemic transformation of the patriarchal mindsets within the institutions and structures including the Afghan parliament, the judicial system, the

Afghan National Police, the Afghan National Army, the civil service and civil society groups. Mainstreaming gender into all laws and policies would allow the changes that are required to pave the ground for women's empowerment. Gender mainstreaming concept will allow the government to critically analyze different projects, programs, policies and laws and look into their different effect on women and men and allocate resources for meeting different needs of both and consider women as future social and human resources.

#### **6.4. Afghanistan's Responsibilities towards International Treaties**

Afghanistan is signatory to almost all of the core international human rights treaties. It is one of the requirements under the Afghan Constitution that the government of Afghanistan should adhere to international human rights treaties provisions. Article seven of the Afghan Constitution requires that "The state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights . . ."

The Bonn Agreement in 2001 was the start of a partnership between Afghanistan and the international community. In 2005, upon the accomplishment of the Bonn Agreement terms, Afghanistan signed the Afghanistan Compact at the London Conference in 2006. This compact builds upon the partnership between Afghanistan and the international community, emphasizing the restoration of peace and reconstruction of the country. The goals of the Compact were to improve Afghanistan's security, governance, rule of law, human rights, and economic and social development (NAPWA 2007). It is the responsibility of the government to recognize that accountability is complex (Denhardt 2015). The Afghan government is accountable to a wide range of



stakeholders not only nationally, but also internationally because of the dependence of Afghanistan's economy on international aid and Afghanistan's international partnerships and commitments.

There are treaty bodies as part of the United Nations system that monitor implementation of core human rights treaties' provisions by state governments. The treaty bodies are called human rights oversight committees, and are comprised of independent experts elected by the States. The individual expert in the committees are expected to be impartial and objective in carrying out their duties. After the States become party to any of the human rights treaties, the State parties are responsible for submitting an initial report and periodic reports on the progress made in terms of fulfilling their obligations under the treaties. Different human rights treaties have different periodic report timelines (United Nations Human Rights Council).

CEDAW's initial report was expected in the first year and periodic reports are submitted every four years or based on the special request of the committee. While ICESCR initial report is due on the second year after signing and periodic reports are expected every five years. After receiving the report, the bodies provide the State parties with concluding observations or recommendations and in case of need they can also conduct a dialogue, initiate inquiries, or conduct investigations by visiting the State parties. Furthermore, the committee follows up on the consideration of the recommendations for the improvement of human rights situation by the concerned States (United Nations Human Rights Council).

The civil society organizations also play an important role as watchdogs on the process by either participating in the state report or preparing a shadow report in addition

to the government report. The civil society organizations can submit a separate report on the progress made in the areas of human rights in the country based on their research and findings. This helps the committee evaluate if the governments are being honest in terms of fulfilling their commitment toward the international human rights treaties (United Nations Human Rights Council).

The main human rights body, which is the Human Rights Council, was established in 2006. This human rights body was established to complement the work of other already existing mechanisms. Besides, the periodic assessment and investigation of State parties progress and challenges. The human rights mechanism helps build the capacity of the State parties to enable them to fulfill their responsibilities under the treaties' provisions. The basis of their work is the UN Charter, the Universal Declaration of Human Rights and the international human rights treaties that States are a party (United Nations Human Rights Council).

The Afghan government is accountable to all Afghan citizens under the Afghan Constitution for ensuring equal rights as well as creating a nondiscriminatory environment for all its citizens. In addition to this, the Afghan government, being signatory to the core international human rights treaties, has to fulfill its obligations under international treaties. The government must adhere and respect their international commitments in order to maintain their partnership with the international community.

### **6.5. Incorporating International Human Rights Treaties into National Laws and Practices**

Afghanistan has ratified almost all of the core international human rights treaties. Being signatory to any UN convention requires states to reform and align all the national

laws and policies with the provision of international treaties. Ramcharan emphasizes the fact that all the international human rights treaties should be incorporated into domestic laws and policies. If the national laws or policies are in conflict with the international treaties, the treaties take precedence over them. Governments must also take special measures for implementation of said treaties by putting in place a national protection system ensuring acquiescence with its provisions (2011). The human rights treaty entities promote three major human rights principles: 1. Universality, 2. Equality, 3. Justice. These principles create a ground for creation of universal human rights culture by promoting equality and justice for future of humankind (Ramcharan 2011).

The state parties are required to report under a human rights treaty. This system of supervision is in place “to show the degree of actual stratification of the rights and freedoms in the convention” (Ramcharan 2011, p. 190). The reason behind the reporting system is also for ensuring that the state parties are fulfilling their obligations. The reports are sent to the Human Rights Council and the specific committees for each convention to make sure the state parties are aligning their national laws and practices with the international treaties (Ramcharan 2011).

The international community and national governments should allocate resources for realizing the implementation of the international human rights treaties. All the state parties should direct resources to bring the national laws and policies in accordance with the international treaties. There is need for a systematic cooperation between the nations and international and regional organization for directing the efforts toward a common goal of realizing human rights principles (Ramcharan 2011). Ramcharan created a legal guide list to help officials, leaders and advisors for ensuring implementation of international human rights treaties. The list includes:

Firstly, following ratification, a human rights treaty must be inserted into national law whereupon it takes precedence over any conflicting national law or practice. Secondly, in compliance with the treaty obligation, a country must put into place a national protecting system to ensure compliance with its provisions. Thirdly, governments have an obligation to take preventive measures against violations of human rights treaty obligations. Finally, human rights treaty obligations are best implemented under democracy and the rule of law (2011, p. 1).

After ratifying international human rights treaties, the government has full responsibility of paving the way for its implementation by improving the rule of law and democratic processes as well as taking special measures for bringing the national and domestic laws in line with the treaties. The international human rights and the ones that exclusively focus on women's human rights can play a significant role in women's empowerment in Afghanistan. Women's empowerment is a key link to the development of Afghanistan. Almost half of the population is comprised of women, thus leaving them out of development plans under-utilizes their ability to be assets to the nation.

## CHAPTER VII

### RECOMMENDATIONS AND CONCLUSIONS

#### **7.1. Recommendations**

Recommendations based on research are directed at the Afghan government, Afghan civil society and the United Nations. The Afghan government developed policies and laws ensuring women's rights and women's empowerment such as the National Action Plan for Women of Afghanistan, the Elimination of Violence against Women Law and the Nation Action Plan for implementation of UNSCR 1325. Considering the current women's human rights situation, there is need for special measures of mainstreaming gender into all the Afghan laws and policies in order to ensure their compliance with the international human rights laws. In addition to this, the government has the responsibility to take special measures for paving the road for the implementation of international human right treaties provisions by improving the rule of law situation, as well as fight corruption.

Civil society organization can play an important role in terms of advocating for the implementation of international human rights treaties at the local, national and international levels. In addition to that, civil societies can support the Afghan government in raising awareness of international human rights treaties. In addition, civil society organizations can apply good pressure on the Afghan government to play the role of watchdog to ensure women's human rights are protected, and women can participate in the decision-makings at all levels as well as make sure that women's needs are mainstreamed. Civil society organizations can further support the government to establish

monitoring and evaluation mechanisms to make certain all the international human rights treaties provisions are included in national laws and policies.

The United Nations agencies in Afghanistan and the treaty bodies can play an important role pressuring the Afghan government to integrate all the human rights treaties provisions in the Afghan domestic laws and policies. The UN can influence international donors and its member state governments' agendas to support and allocate recourse for the implementation of international human rights treaties in Afghanistan. The United Nations agencies in Afghanistan can support building capacity of the relevant government institutions to enable them to be responsive to the provisions of international human rights treaties.

#### **7.1.1. Recommendations for the Afghan government**

The Afghan government is accountable for all its citizens and under the Afghan constitution has the responsibility of ensuring equal rights as well as creating a nondiscriminatory environment for all its citizens. In addition to this, the Afghan government being signatory to the core international human rights treaties has a responsibility to ensure the alignment of the national laws and policies with the international treaties. The government must respect their international commitments.

The Afghan government has some policies and laws in place ensuring women's rights and women's empowerment in the country such as National Action Plan for Women of Afghanistan, Elimination of Violence against Women Law and Nation Action Plan for implementation of UNSCR 1325. However, these are not sufficient. Broader gender mainstreaming measures are necessary for all other Afghan laws and policies in order for the government to ensure their compliance with the international human rights

laws. A judge who participated in my research emphasized that the government should “evaluate the current legislation to fix the gap in laws and regulations.”

As the Afghan government has already taken a step and developed the UNSCR 1325 National Action Plan, now there is need for a dedicated committee of feminist men and women to promote implementation of the UNSCR further, and oversee its implementation. A parliamentarian research participant stated, “Government must put the NAP implementation as one of its priority.” And she added that, “forming a group of strong women activist or civil society to oversight the implementation and report to president.”

The Afghan government has the responsibility to report on the implementation of CEDAW and UNSCR 1325 to UN treaty bodies. Therefore, the government needs to make sure all the provisions of both documents are incorporated in the national laws and policies and undertake some major legal reform measures for ensuring implementation of international human rights treaties.

According to the majority of research participants, the Afghan government, with support of civil society organization and UN agencies, must undertake a great deal of awareness programs on the international human rights treaties for military officers, police officers, legislatures, and the general public. Since civil society organizations have greater reach into remote areas of Afghanistan and UN agencies in terms of expertise and resources.

The Afghan government should design a specific program for all the ministries in order to raise their awareness of the importance and government’s responsibility toward ensuring implementation of the international human rights treaties in the country. One of

the research respondents believe that “Ministry of Women’s Affairs can take the lead and work with relevant ministries to mainstream gender into their policies as per the requirements of international human rights treaties.”

According to the research participants’ recommendation, the Afghan government should work on creating a good platform to coordinate with national and international NGOs for effective programing for the implementation of international human rights treaties.

Some of the research respondents believe that the Afghan government struggles to provide ground for the Afghan women to participate in peace processes. The opinion leaders recommended that the government should include women in the peace committees at the provincial and national levels. Government should introduce women as third party for peace process and their inclusion in peace talks should be a must.

Another specific recommendation was made for the Afghan Central Statistical Office to collect gender disaggregated data. Gender disaggregated data will help the government to measure the progress made on the eliminating gender discrimination and filling the gender gaps. As well as the gender disaggregated data will help in design and development of policy affecting women rights and women’s empowerment in the country.

### **7.1.2. Recommendations for the Afghan Civil Society Organizations**

Civil society can play an important role in supporting the Afghan government in raising awareness on international human rights treaties. Civil society can provide technical support to ensure people become aware of UNSCR 1325 and other international human rights treaties. Civil society can pressure the Afghan government and play



watchdog in ensuring women get equal participation in peace processes and the security sector's leadership, as well as make sure that women's needs are mainstreamed. Civil society furthermore can support the government to establish monitoring and evaluation mechanisms to make certain all the international human rights treaties' provisions are included in national laws and policies. Additionally, civil society can play a good role for advocacy at the local, national and international levels. One of the NGO leaders stated "The civil society must cooperate with the government in the awareness raising and implementation of resolution 1325 and CEDAW among the other international human rights instruments."

Some of the opinion leaders who participated in my research believed that the civil society organizations are placing a huge emphasis on training women on the gender and women's rights related topic. The opinion leaders recommended that the training and awareness programs should include both men and women in order to transform gender norms. The research respondents also think that the network organizations like Afghan Women's Network and Agency Coordinating Body for Afghan Relief which are having thousands of NGO and individual members should initiate awareness campaign for their member organizations across the country.

The civil society organizations including development, health and women organizations need to engage in constructive and meaningful discussion with government on the human rights, women's human rights and gender mainstreaming related topics. Research participants and members of parliament stated, "Civil society serves as a bridge between government and people. Civil society organizations are more of the public needs and could play a key role in raising some core issues around women's human rights and

women's empowerment." And she added, "For playing their role in a more meaningful manner and better advocacy, civil society organizations should use international human rights treaties as a tool to advocate for half of the populations rights and empowerment." She also emphasized on the fact that "Government gets its legitimacy from women's votes and has to work for women empowerment."

Women NGOs can oversee the implementation of international human rights treaties, specifically the ones that exclusively focused on women's human rights. The research respondent and Member of Parliament said, "I think civil society is the only group which is the most concerned about implementation of UNSCR 1325 and CEDAW." She added, "So they have to work hard to ensure the implementation of UNSCR 1325 National Action Plan by forming a pressure group to put UNSCR 1325 as priority in their advocacy agenda." Because she believes "Constant advocacy nationally and internationally would be impactful."

### **7.1.3. Recommendations for the United Nations**

The United Nations agencies in Afghanistan can play an important role in encouraging and pressurizing the Afghan government to integrate all the human rights treaties provisions in the Afghan domestic laws and policies. UN agencies urge the Afghan government to allocate resources ensuring implementation of the international human rights treaties. The UN can influence international donors and its member state governments' agendas to support implementation of international human rights treaties in Afghanistan. The United Nations agencies in Afghanistan can support building relevant government institutions' capacities to enable responsive actions for provisions of international human rights treaties. USIP representative recommended "First ensure the

government is not failing!! Bring stability and build the system as the stability is being built.” United Nations agencies can put pressure on the government to make it their priority to fulfill international commitments to maintaining and promoting human rights, including women’s rights, as specified in two core documents: UNSCR 1325 and CEDAW.

The UN Security Council must create a monitoring mechanism for ensuring implementation of international human rights treaties. The Security Council can develop a working group and a taskforce to oversee implementation of international women’s human rights laws and resolutions in the country.

The UN Secretary-General’s Special Representative to Afghanistan needs to take the responsibility of following up with the Afghan government to be responsive to its international commitments. One of the opinion leaders recommended that “[The] United Nations should also take the agenda with the leadership of the country and make sure presently follow it up with the government and relevant agencies.”

The United Nations agencies’ staff in Afghanistan should be trained and made aware of the UN conventions and resolutions, especially the one affecting women’s human rights. The UN should make sure there is enough coordination among the UN agencies within the country.

The United Nations agencies in Afghanistan should develop mechanisms and materials in the local language to raise awareness about the UN treaties and resolutions. One of the research participants also said “The United Nations should be conduct campaigns on role and importance of international human rights treaties for the community.”

The UN agencies in Afghanistan along with the Afghan government should identify the key hindrances to the implementation of UN conventions and resolutions. Jointly come up with a mechanism to overcome those challenges and facilitate the implementation of international human rights treaties.

## **7.2. Conclusion**

Several decades of conflict caused tremendous damage to Afghanistan. Enormous instability, human suffering and forced migration. It destroyed the economic, legal and social infrastructures of the country and seriously damaged government institutions, structures and establishments. The destruction contributed to weakening the current government's ability to enforce the rule of law and implement human rights laws in the country. The lack of rule of law, insubstantial governance, widespread corruption at all levels and the dependence on customary laws and informal justice practices at local levels pose a great deal of risk for women's human rights in the country.

The several decades of war not only destroyed the system, but also affected Afghan women's rights dramatically. Women had to endure tremendous suffering such as gang rape, sexual crimes and other forms of violence. These were common occurrences over the past three decades (Naiz 2003). During the Taliban regime, women were forced to withdraw from all public settings including education, work outside the home and political participation. The Taliban banned women from having public lives, and appearing in any public settings (Telesetsky 1998). Post-2001, after the fall of the Taliban and signing of the Bonn Agreement, a new democratic government was established, and many women have been able to reenter the workforce, attend school and fight for their rights to be government representatives.

Despite great obstacles, there are supportive laws and policies and political will at the presidential level for ensuring women's full participation at all levels of decision making, specifically peace and security related, and in all public spheres. The Afghan government has adopted and signed a number of international human rights treaties, as well as developed national policies and legislations in support of women's rights. These documents include the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Elimination of Violence Against Women Law, the National Action Plan for Women of Afghanistan, the Afghan National Development Strategy and finally and importantly, the backbone of support for women's rights laws, policies and practices is Article 22 of the Afghan Constitution: "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."

Afghanistan, being a signatory to almost all of the international human rights treaties, has the responsibility of aligning its national laws and policies with provisions of the treaties as they take precedence over the national laws and practices. All these documents call for the full participation of women in social, economic, cultural and political spheres. Having supportive laws and policies can be successful only if they are implemented effectively. Safe futures for Afghan citizens depend on the implementation of the rule of law. The main factors that hinder implementation of the rule of law are weak governance, extensive corruption at all levels and reliance on informal justice practices at local levels. These issues also block stability and security improvements in Afghanistan (Esposito 2011). Slowly but surely, the establishment of the rule of law will

facilitate implementation of all human rights laws and provide Afghan women with the justice they deserve at all levels.

Current Afghan President Ashraf Ghani counts women's rights as one of his priorities (DW 2015). Afghanistan recently signed the Plan of Action for implementation of Resolution 1325. This is a good step towards the consideration of Afghanistan's international commitments. It is important to realize the fact that the inclusion of women and the consideration of gender equity play a key role in having a more stable democratic nation governed by the rule of law. Women should be included in the reconstruction processes from the earliest phases of nation-building in order to make the country more stable with improved outcomes (Benard 2008).

## APPENDIX A

### UNSCR 1325 TEXT

Full Text of Security Council Resolution 1325 on Women, Peace and Security

The Security Council<sup>8</sup>,

**Recalling** its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

**Recalling** also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

**Bearing** in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

**Expressing** concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

**Reaffirming** the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

**Reaffirming** also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

**Emphasizing** the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

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<sup>8</sup> <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES1325%20.pdf>

**Recognizing** the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

**Recognizing** also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

**Recognizing** that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

**Noting** the need to consolidate data on the impact of armed conflict on women and girls,

1. **Urges** Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. **Encourages** the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. **Urges** the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. **Further** urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. **Expresses** its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. **Requests** the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programs for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;



7. **Urges** Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;

8. **Calls** on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. **Calls** upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. **Calls** on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. **Emphasizes** the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;

12. **Calls** upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;

13. **Encourages** all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependents;

14. **Reaffirms** its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the

civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

15. **Expresses** its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

16. **Invites** the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

17. **Requests** the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

18. **Decides** to remain actively seized of the matter.

## APPENDIX B

### CEDAW TEXT

Convention on the Elimination of all Forms of Discrimination Against Women Full text<sup>9</sup>

***The States Parties to the present Convention,***

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

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<sup>9</sup> <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## **PART I**

### ***Article 1***

For the purposes of the present Convention, the term "discrimination against women" shall mean 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.

### ***Article 2***

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

### ***Article 3***

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### ***Article 4***

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

### ***Article 5***

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### ***Article 6***

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

### **PART II**

#### ***Article 7***

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### ***Article 8***

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

#### ***Article 9***

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### **PART III**

### ***Article 10***

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

### ***Article 11***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

### ***Article 12***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

### ***Article 13***



States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

***Article 14***

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programs;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

**PART IV**

### ***Article 15***

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### ***Article 16***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## **PART V**

### ***Article 17***

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### ***Article 18***

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

### ***Article 19***

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

### ***Article 20***

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

### ***Article 21***

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

***Article 22***

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

**PART VI**

***Article 23***

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

***Article 24***

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

***Article 25***

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

***Article 26***

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

***Article 27***

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

***Article 28***

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

***Article 29***

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

***Article 30***

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

## APPENDIX C

### RECRUITMENT EMAIL

Dear Research Participant,

My name is Nabila Wafeq and I am a graduate student at the University of Oregon. Currently, I am pursuing concurrent degrees in the International Studies and Planning, Public Policy and Management departments. For my International Studies program, I am working on a thesis looking into criticality of women's role in sustainable peace building and how implementation of Resolution 1325, Women, Peace and Security can contribute in women's empowerment in Afghanistan. I am writing to invite you to participate in my research study about Shifting Perspectives: Women's Empowerment through Resolution 1325 in Afghanistan.

You're eligible to be in this study because you are one of the opinion leaders on the above mentioned topic. I have attached my questionnaire in the email and answering the questionnaire might take you 45 minutes to an hour. Apparently there is risk of loss of privacy and breach of confidentiality since email is not a secure medium but I will ensure to minimize the risk by deleting your email and all identifiable information after saving the questionnaire in my personal laptop secured with password.

If you decide to participate in this study, you will answer around 10-12 questions by typing in your answers in an open-ended questionnaire. Remember, this is completely voluntary. You can choose to be in the study or not. If you'd like to participate or have any questions about the study, please email me at [nwafeq@uoregon.edu](mailto:nwafeq@uoregon.edu) or contact me at +1-803-261-7661.

Your input will enrich my research and will enable me to make better recommendations through my thesis. Thank you for taking the time to assist me in my educational endeavors.

Sincerely,

Nabila Wafeq

## APPENDIX D

### RESEARCH QUESTIONNAIRE

1. Do you know what Resolution 1325 is?

2. What does Resolution 1325 mean to you?

3. Why do you think women's role is critical for sustainable peace building?

4. How the current legal frameworks in Afghanistan in place support the implementation of Resolution 1325?



5. What are some of the major obstacles for implementation of Resolution 1325 in Afghanistan? How do you think those obstacles can be addressed?

6. What should the Afghan government do differently than what they are doing now to ensure implementation of Resolution 1325?

7. What role is the Civil Society playing to ensure awareness and implementation of 1325?

8. What kind of pressure and support should the United Nations put in place to ensure implementation of Resolution 1325?

9. Do you know what CEDAW is?

10. How CEDAW can contribute to women's empowerment in Afghanistan?

11. Have you used CEDAW for your work? If yes how and what section?

12. Why do you think Afghan government and Civil Society should use CEDAW as a base for their women's empowerment policies and programming?

## REFERENCES CITED

- Abawe, Z. (2013). *The Challenges of Implementing International Human Rights Law in Afghanistan* (LLM dissertation, 2012 - 2013). Cardiff University.
- Afghanistan Millennium Development Goals Report. (2013). Retrieved November 30, 2015, from <http://www.un.org/millenniumgoals/pdf/report-2013/mdg-report-2013-english.pdf>
- Afghanistan National Action Plan On Women, Peace, Security Signed. (2014, November 30). Retrieved November 30, 2015, from <http://www.bakhtarnews.com.af/eng/social/item/14604-afghanistan-national-action-plan-on-women-peace-security-signed.html>
- Afghanistan National Development Strategy (ANDS). (n.d.). Retrieved March 21, 2016, from <http://mfa.gov.af/en/page/6547/afghanistan-national-development-strategy/afghanistan-national-development-strategy-ands>
- Afghanistan: Before and after the Taliban. (2014). Retrieved May 06, 2016, from <http://www.bbc.com/news/world-asia-26747712>
- Afghanistan: No Country for Women. (2015, July). Retrieved May 03, 2016, from <http://www.aljazeera.com/programmes/101east/2015/06/afghanistan-country-women-150630115111987.html>
- Afghan police force recruits women to fight crime and stigma. (n.d.). Retrieved May 06, 2016, from <http://www.undp.org/content/undp/en/home/ourwork/ourstories/afghan-women-join-police-force.html>
- Afkhami, M. (1995). *Faith and freedom: Women's human rights in the Muslim world*. Syracuse, NY: Syracuse University Press.
- Ahmed-Ghosh, Huma. "A history of women in Afghanistan: lessons learnt for the future or yesterdays and tomorrow: women in Afghanistan." *Journal of International Women's Studies* 4.3 (2003): 1+. Academic OneFile. Web. May 2016.
- Ashraf Ghani: 'This is part of our shame' | World | DW.COM | 03.12.2015. (n.d.). Retrieved December 10, 2015, from <http://www.dw.com/en/ashraf-ghani-this-is-part-of-our-shame/a-18894203>
- A Way to Go: An Update on Implementation of the Law on ... (n.d.). Retrieved March 22, 2016, from [https://unama.unmissions.org/sites/default/files/unama\\_evaw\\_law\\_report\\_2013\\_revised\\_on\\_16\\_dec\\_2013.pdf](https://unama.unmissions.org/sites/default/files/unama_evaw_law_report_2013_revised_on_16_dec_2013.pdf)

- Afghan Women Protest Against Discriminatory Law. (n.d.). Retrieved May 09, 2016, from [http://www.rferl.org/content/Afghan\\_Women\\_Protest\\_Against\\_Discriminatory\\_Law\\_/1610209.html](http://www.rferl.org/content/Afghan_Women_Protest_Against_Discriminatory_Law_/1610209.html)
- Afghan cabinet nearly complete after months of delay. (n.d.). Retrieved May 16, 2016, from <http://www.bbc.com/news/world-asia-32391844>
- Agenzia Fides News. (2011). Retrieved May 09, 2016, from [http://www.fides.org/en/news/28706-ASIA\\_AFGHANISTAN\\_First\\_national\\_conference\\_for\\_Afghan\\_civil\\_society\\_rights\\_and\\_dignity\\_for\\_all-.VZV3hu1Viko#.VzFcn03QCUk](http://www.fides.org/en/news/28706-ASIA_AFGHANISTAN_First_national_conference_for_Afghan_civil_society_rights_and_dignity_for_all-.VZV3hu1Viko#.VzFcn03QCUk)
- Acerra, J. R., Iskyan, K., Qureshi, Z. A., & Sharma, R. K. (2009). Rebuilding the health care system in Afghanistan: An overview of primary care and emergency services. *Int J Emerg Med International Journal of Emergency Medicine*, 2(2), 77-82. doi:10.1007/s12245-009-0106-y
- Benard, C. (2008). *Women and nation building*. Santa Monica, CA: RAND.
- Bonn Agreement. (n.d.). Retrieved November 28, 2015, from <http://peacemaker.un.org/afghanistan-bonnagreement2001>
- Bala, H., PhD. (2010). Socio-Economic Status and Role of Woman in Islam towards Gender Equality. *Gender & Behaviour*, 8(2), 3143-3151.
- Building Markets Report. (2013). Afghan Women's Economic Participation, retrieved from <http://buildingmarkets.org/products-services-/afghan-women-economicparticipation>
- Caldwell, I. (1994). Malaysia Women and Culture: Between Malay Adat and Islam. By Wazir Jahan Karim. Boulder, San Francisco, Oxford: Westview Press, 1992. Pp. xv, 255. Tables, Figures, Maps, Glossary, Bibliography, Index. *Journal of Southeast Asian Studies Jnl. of SE Asian Studs.*, 25(01), 212. doi:10.1017/s0022463400006949
- Core International Human Rights Treaties - Office of the ... (2006). Retrieved April 15, 2016, from <http://www.ohchr.org/Documents/Publications/CoreTreatiesen.pdf>
- Caglar, G. (2013). Gender mainstreaming. *Politics & Gender*, 9(3), 336-344. doi:<http://dx.doi.org/10.1017/S1743923X13000214>
- CEDAW and Security Council Resolution 1325: A Quick Guide. (n.d.). Retrieved April 30, 2016, from <http://www.unwomen.org/en/digital->

- [library/publications/2006/1/cedaw-and-security-council-resolution-1325-a-quick-guide](#)
- Christodoulou, J., & Zobnina, A. (2009). *Glossary of gender-related terms*. S.l.: Mediterranean Institute of Gender Studies (MIGS).
- Council of Europe (1998). Gender mainstreaming. Conceptual framework, methodology and presentation of good practices. Final report of Activities of the Group of Specialists on Mainstreaming, Strasbourg: Council of Europe.
- Cohen, N., & Arieli, T. (2011). Field research in conflict environments: Methodological challenges and snowball sampling. *Journal of Peace Research*, 48(4), 423-435. Retrieved from <http://www.jstor.org/stable/23035205>
- Dingo, R. A. (2012). *Networking arguments: Rhetoric, transnational feminism, and public policy writing*. Pittsburgh, PA: University of Pittsburgh Press.
- Denhardt, Janet and Robert (2015). *The New Public Service: Serving, Not Steering* (4<sup>th</sup> Edition). New York: Routledge.
- Durand, D. (2014). *Panorama of Civil Society Organizations in Afghanistan from the Perspective of Coordination* (Rep.).
- Evans, A. (2004). *A guide to government in Afghanistan*. Washington, DC: World Bank;.
- Esposito, K. (2011). Rule of Law and Governance Development in Afghanistan\*. *Himalayan and Central Asian Studies*, 15(1), 42-0 4. Retrieved from <http://search.proquest.com/docview/1082324692?accountid=14698>
- Enhancement of Literacy in Afghanistan (ELA) program | United Nations Educational, Scientific and Cultural Organization. (n.d.). Retrieved May 30, 2016, from <http://www.unesco.org/new/en/kabul/education/enhancement-of-literacy-in-afghanistan-ela-program/>
- Fourth World Conference on Women, Beijing 1995. (n.d.). Retrieved November 30, 2015, from <http://www.un.org/womenwatch/daw/beijing/>
- Farhoumand-Sims, Cheshmak (2009). CEDAW and Afghanistan. *Journal of International Women's Studies*, 11(1), 136-156. Available at: <http://vc.bridgew.edu/jiws/vol11/iss1/10>
- Gender Mainstreaming – An Overview* (Rep.). (2002). New York: Office of the Special Adviser on Gender Issues.
- Gender Equality and Development* (Rep.). (2012). The World Bank.

- Goldman Sachs | News & Events - Goldman Sachs 10,000 Women Event to Honor the American University of Afghanistan. (n.d.). Retrieved May 10, 2016, from <http://www.goldmansachs.com/citizenship/10000women/news-and-events/10kw-american-university-afghanistan.html>
- Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Afghanistan and on the Achievements of Technical Assistance in the Field of Human Rights*, Twenty-eighth Session, (A/HRC/28/28, 2014)
- Human Development in South Asia 2012: Governance for People's Empowerment*. Rep. Lahore: Mahbub Ul Haq Human Development Centre, 2012. 108. Print.
- Heath, J., & Zahedi, A. (2011). *Land of the unconquerable: The lives of contemporary Afghan women*. Berkeley: University of California Press.
- Human Development Report. (2015). *Human Development Report*.
- Huberman, A. M., & Miles, M. B. (2002). *The qualitative researcher's companion*. Thousand Oaks, CA: Sage Publications.
- Hodgson, D. L. (1999). Pastoralism, Patriarchy And History: Changing Gender Relations Among Maasai In Tanganyika, 1890–1940. *J. Afr. Hist. The Journal of African History*, 40(1), 41-65. doi:10.1017/s0021853798007397
- Haryanti, A., & Suwana, F. (2014). The Construction of Feminism in Indonesian Film: Arisan 2! *Procedia - Social and Behavioral Sciences*, 155, 236-241. doi:10.1016/j.sbspro.2014.10.285
- It's Time to Act for Afghan Women: Pass EVAW. (2015). Retrieved May 09, 2016, from <http://foreignpolicy.com/2015/01/13/its-time-to-act-for-afghan-women-pass-the-evaw/>
- Kabeer, N. (2005). Gender equality and women's empowerment: A critical analysis of the third millennium development goal 1. *Gender & Development*, 13(1), 13-24.
- Kandiyoti, D. (2005). *The politics of gender and reconstruction in Afghanistan*. Geneva: UNRISD.
- Kabeer, N. (1999). Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment. *Development and Change Development & Change*, 30(3), 435-464. doi:10.1111/1467-7660.00125
- Landmark resolution on Women, Peace and Security. (n.d.). Retrieved November 29, 2015, from <http://www.un.org/womenwatch/osagi/wps/>

- Mazey, S. (2000). Introduction: Integrating gender - intellectual and 'real world' mainstreaming. *Journal of European Public Policy*, 7(3), 333-345. <http://site.ebrary.com/lib/uoregon/detail.action?docID=10853144>
- National Action Plan for the Women of Afghanistan (2008-2018). (n.d.). Retrieved March 21, 2016, from <http://mowa.gov.af/Content/files/TABLE OF CONTENTS.pdf>
- National Assembly of Afghanistan Legislative Process Manual. (n.d.). Retrieved November 28, 2015, from [http://www.cid.suny.edu/our\\_work/legislative\\_strengthening/our\\_work\\_projects\\_Legislative\\_strengthening1.shtml](http://www.cid.suny.edu/our_work/legislative_strengthening/our_work_projects_Legislative_strengthening1.shtml)
- Niaz, U. (2003). Violence against women in South Asian countries. *Archives of Women's Mental Health*, 173-184.
- Noy, C. (2008). Sampling Knowledge: The Hermeneutics of Snowball Sampling in Qualitative Research. *International Journal Of Social Research Methodology*, 11(4), 327-344. doi:10.1080/13645570701401305
- Naz, A., & Chaudhry, H. (2011). Developing Gender Equality: An Analytical Study of Socio-Political and Economic Constraints in Women's Empowerment in Pakhtun Society of Khyber Pakhtunkhwa Province of Pakistan. *SSRN Electronic Journal SSRN Journal*, 51-72.
- Narayan-Parker, D. (2005). *Measuring empowerment: Cross-disciplinary perspectives*. Washington, DC: World Bank.
- National Risk and Vulnerability Assessment 2011 - 2012. (n.d.). Retrieved May 6, 2016, from [http://cso.gov.af/Content/files/NRVA REPORT-rev-5 2013\(1\).pdf](http://cso.gov.af/Content/files/NRVA REPORT-rev-5 2013(1).pdf)
- (n.d.). Retrieved May 06, 2016, from <https://www.cia.gov/library/publications/the-world-factbook/fields/2012.html>
- OSAGI Gender Mainstreaming - Concepts and definitions. (n.d.). Retrieved April 04, 2016, from <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>
- Out of the Shadows, Onto the Bench. (2014). Retrieved May 06, 2016, from <http://www.idlo.int/news/highlights/out-shadows-bench>
- O., & A. (n.d.). Afghanistan President Ashraf Ghani nominates first female judge to Supreme Court. Retrieved May 09, 2016, from <http://economictimes.indiatimes.com/news/international/world-news/afghanistan-president-ashraf-ghani-nominates-first-female-judge-to-supreme-court/articleshow/47878232.cms>

- Pal, A. (2015, 03). Islam and feminism. *The Progressive*, 79, 6-7. Retrieved from <http://libproxy.uoregon.edu/login?url=http://search.proquest.com/docview/1667374974?accountid=14698>
- Ramcharan, B. G. (2011). *International Studies in Human Rights: The Fundamentals of International Human Rights Treaty Law* (1). Leiden, NL: Brill | Nijhoff. Retrieved from <http://www.ebrary.com>
- Richter, L. K. (1990). Exploring Theories of Female Leadership in South and Southeast Asia. *Pacific Affairs*, 63(4), 524. doi:10.2307/2759914
- Salime, Z. (2011). *Between feminism and Islam: Human rights and Sharia Law in Morocco*. Minneapolis: University of Minnesota Press.
- Spierings, N., Smits, J., & Verloo, M. (2008). On the Compatibility of Islam and Gender Equality. *Soc Indic Res Social Indicators Research*, 90(3), 503-522. doi:10.1007/s11205-008-9274-z
- Sabri, N. (2015). *From invisibility to visibility: Female entrepreneurship in Afghanistan* (Unpublished master's thesis, 2015). University of Oregon.
- Paterson, S. (2010). What's the problem with gender-based analysis? Gender mainstreaming policy and practice in Canada. *Canadian Public Administration*, 53(3), 395-416.
- Peace Through Business®. (n.d.). Retrieved May 10, 2016, from <http://www.ieew.org/peace-through-business>
- Qazi, A. (2011). Afghan Women's History. Retrieved May 28, 2016, from <http://www.afghan-web.com/woman/afghanwomenhistory.html>
- Sail, O., & Hashimzai, Q. (2010, October 1). Islamic Republic of Afghanistan Legal System and Research. Retrieved November 27, 2015, from <http://www.nyulawglobal.org/globalex/Afghanistan.html>
- Sadat, M. (2004). The Implementation of Constitutional Human Rights in Afghanistan. Retrieved November 29, 2015, from <https://www.wcl.american.edu/hrbrief/11/3sadat.pdf?rd=1>
- Shepherd, L. J. (2008). Power and Authority in the Production of United Nations Security Council Resolution 1325. *Int Studies Q International Studies Quarterly*, 52(2), 383-404.



- Smith, L. M. (2009). Implementing International Human Rights Law in Post Conflict Settings - Backlash without Buy-In: Lessons from Afghanistan. *Muslim World Journal of Human Rights*, 5(1). doi:10.2202/1554-4419.1146
- Schenker, H. (2011). 'Change come fast, change come slow, but change come': The story of UN Security Council resolution 1325. *Palestine-Israel Journal of Politics, Economics and Culture*, 17(3-4), 160-165. Retrieved from <http://libproxy.uoregon.edu/login?url=http://search.proquest.com/docview/927679466?accountid=14698>
- The World Factbook: Afghanistan. (2016). Retrieved May 09, 2016, from <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>
- The Afghan Parliament. (n.d.). Retrieved December 9, 2015, from <http://www.pajhwok.com/en/afghan-parliament>
- The Constitution of the Islamic Republic of Afghanistan. (n.d.). Retrieved November 28, 2015, from <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf>
- The National Action Plan for Women of Afghanistan. (n.d.). Retrieved November 29, 2015, from <http://mowa.gov.af/en/page/6686>
- Telesetsky, A. (1998). In the Shadows and Behind the Veil: Women in Afghanistan under the Taliban Rule. *Berkeley Women's Law Journal* 13(1), 293-305.
- Thomson Reuters Foundation, The World's Five Most Dangerous Countries for Women, (June 15, 2011), available at <http://www.trust.org/item/?map=factsheet-the-worlds-most-dangerous-countries-for-women>
- United Nations and Afghanistan. (n.d.). Retrieved April 15, 2016, from <http://www.un.org/News/dh/latest/afghan/un-afghan-history.shtml>
- United Nations Peacebuilding Fund. (n.d.). Retrieved April 04, 2016, from <http://www.unpbf.org/application-guidelines/what-is-peacebuilding/>
- United Nations Human Rights Council. (n.d.). Retrieved May 11, 2016, from <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>
- Wardak, A. (2004). Building a post-war justice system in Afghanistan. *Crime, Law and Social Change*, 41(4), 319-341. doi:10.1023/b:cris.0000025765.73021.fa
- What is U.N. Security Council Resolution 1325 and Why is it so Critical Today? (n.d.). Retrieved December 19, 2015, from [http://www.usip.org/gender\\_peacebuilding/about\\_UNSCR\\_1325#Why\\_do\\_women\\_need\\_to\\_be\\_critical\\_actors\\_in\\_peace\\_building\\_](http://www.usip.org/gender_peacebuilding/about_UNSCR_1325#Why_do_women_need_to_be_critical_actors_in_peace_building_)

Weiss, A. M. (2014). *Interpreting Islam, modernity, and women's rights in Pakistan*. Palgrave Macmillan.

Who is who in Afghanistan? (2015). Retrieved May 06, 2016, from [http://www.afghanbios.info/index.php?option=com\\_afghanbios](http://www.afghanbios.info/index.php?option=com_afghanbios)

*Women's Role in Afghanistan's Future - Taking Stock of Achievements and Continued Challenges* (Rep.). (2013). The World Bank.

"Women key to peace and security in Afghanistan" NATO Special Representative for Women, Peace and Security said in Kabul. (2015). Retrieved May 09, 2016, from [http://www.nato.int/cps/en/natohq/news\\_118968.htm](http://www.nato.int/cps/en/natohq/news_118968.htm)

Yearbook 2014-2015. (n.d.). Retrieved June 05, 2016, from <http://cso.gov.af/en/page/1500/4722/2014-2015>