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Background brief

“A woman’s place is at the peace table”¹: An analysis of women’s participation in the Afghan peace process

Corey Levine

*“Afghan women want an end to the conflict. But as the prospect of negotiations with the Taliban draws closer, many women fear that they may also pay a heavy price for peace. Reconciliation with the Taliban, a group synonymous with misogynous policies and the violent repression of women, raises serious concerns about the possible erosion of recently gained rights and freedoms.”*²

INTRODUCTION

*“... no Peace is complete Peace without Women”*³

Almost a decade after the overthrow of the Taliban in Afghanistan, the government of President Hamid Karzai is promoting talks with them as well as other insurgent groups. Facing a never-ending cycle of instability and conflict; escalating violence and high numbers of civilian casualties as well as pressure for an exit

¹ Jones, Ann. *In Afghanistan, A Woman’s Place is at the Peace Table*. Los Angeles Times. January 13, 2011. <http://articles.latimes.com/2011/jan/13/opinion/la-oe-jones-afghanistan-women-20110113-11>. Accessed February 18, 2011.

² Reid, Rachel. *The “Ten-Dollar Talib” and Women’s Rights: Afghan Women and the Risks of Reintegration and Reconciliation*. Human Rights Watch. July 2010. Pp. 5-6. <http://www.hrw.org>

³ Afghan Women’s Network. *Afghan Women Reflection on Women, Peace, Reconciliation and Reintegration Process*. <http://www.afgana.org/showart.php?id=492&rubrica=223>. Accessed February 17, 2011.



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strategy from troop-contributing countries, there is strong domestic and international consensus on the need for a negotiated settlement.⁴

In January 2010, a few months after the disputed presidential elections in which Karzai re-claimed the presidency despite massive fraud, at an international conference on Afghanistan (the “London Conference”), he garnered support for a peace process that would ‘reintegrate’ insurgents who are willing to come to the table.⁵ In June 2010, the government held a Consultative Peace *Jirga* (assembly) in which the framework was set for the reconciliation process (the *jirga* was boycotted by some opposition politicians and by the Taliban).⁶ This was followed up by another “International Conference on Afghanistan”, this time held in Kabul in July 2010, in order “to endorse an Afghan Government-led plan for improved stability,”⁷ including “commitments by donors to support programs to reintegrate combatants.”⁸

These commitments, as well as a detailed plan for how Afghanistan’s “upset brothers”⁹ will be reintegrated back into their society, were unveiled through the Afghanistan Peace and Reintegration Program (APRP), “based on the resolutions adopted at the Consultative Peace Jirga (CJP)”.¹⁰ The APRP calls for the establishment of a High Council for Peace (HCP), which will provide overall “political and strategic leadership to the Program,”¹¹ amongst a myriad of bodies and institutions that are to be created by the APRP.

In a parallel sidebar, apparently the Obama Administration has recently entered into “direct, secret talks with senior Afghan Taliban leaders, [although] they are of an exploratory nature and do not yet amount to a peace negotiation.”¹² According to U.S. Secretary of State Hilary Clinton, in a memorial speech for Richard Holbrooke, the late U.S. Special Envoy to Afghanistan and Pakistan, “reconciling with an adversary that can be as brutal as the Taliban sounds distasteful, even unimaginable. And diplomacy would be easy if we only had to talk to our friends. But that is not how one

⁴ Reid, Rachel. Op Cit. No. 2. Pg. 5.

⁵ Ibid.

⁶ Ibid.

⁷ Afghan Ministry of Foreign Affairs website. <http://www.mfa.gov.af/kabul-conference.asp>. Accessed February 24, 2011.

⁸ Reid, Rachel. Op Cit. No.2. Pg. 5.

⁹ President Karzai has used this term in discussing the process to reintegrate insurgents.

¹⁰ D & R Commission. *Afghanistan Peace and Reintegration Program. Programme Document*. July 2010. National Security Council, Islamic Republic of Afghanistan. Pg. 2.

¹¹ Ibid. Annex One. Pg. 3.

¹² Coll, Steve. *U.S.- Taliban Talks*. The New Yorker Magazine. February 28, 2011. http://www.newyorker.com/talk/comment/2011/02/28/110228taco_talk_coll

makes peace.”¹³ Quoting Holbrooke, Clinton noted that: “ ‘In every war of this sort, there is always a window for people who want to come in from the cold ... If they are willing to accept the red lines and come in ... there has to be a place for them.’ And, that is the policy of the United States.”¹⁴

She went on to identify those ‘red lines,’ observing that “the potential for sustainable peace will be subverted if women are silenced or marginalized. Afghan women made significant contributions to the Peace *Jirga*, they must continue to be a part of the High Peace Council, and they have an important role to play at the provincial and local levels if genuine reconciliation is going to take root.”¹⁵

However, according to a story in the Washington Post on March 6, 2011, a senior State department official was quoted as commenting on the removal of specific women’s rights requirements in a USAID-funded land reform program: “Gender issues are going to have to take a back seat to other priorities. There’s no way we can be successful if we maintain every special interest and pet project. All those pet rocks in our rucksack were taking us down.”¹⁶ He also said that the changes to the program “stem from a desire at the top levels of the Obama administration to triage the war and focus on the overriding goal of ending the conflict.”¹⁷

It is too early to tell what, if any, impact, these secret U.S.-Taliban talks will have on the current reconciliation and reintegration process, including the APRP. Questions abound, including whether these secret talks will end up circumventing the official Afghan peace process, thus in effect, rendering the APRP a reconciliation without “legs”. What is clear, however, are the troubling signs that both the US and the Karzai Administrations are willing to offer significant compromises in an area in which both have publicly stated that there would be no room for compromise, namely women’s rights.¹⁸

While many Afghan women support a peace process, pointing to the impact of the escalating violence on their everyday lives, they do so with extremely large caveats.¹⁹ These caveats pertain not only to their (lack of) participation in the process thus far, but

¹³ Ibid.

¹⁴ Clinton, Hilary. Quoted in *Clinton to Taliban: Dump A Qaida or Face ‘Consequences’*. Asia Society Website. February 18, 2011. <http://asiasociety.org/policy-politics/strategic-challenges/us-asia/clinton-taliban-dump-al-qaida-or-face-consequences> Accessed March 13, 2011.

¹⁵ Ibid.

¹⁶ Chandrasekaran, Rajiv. *In Afghanistan, U.S. shifts strategy on women's rights as it eyes wider priorities*. The Washington Post. March 6, 2011. <http://www.washingtonpost.com/wp-dyn/content/story/2011/03/05/ST2011030504573.html?sid=ST2011030504573>

¹⁷ Ibid.

¹⁸ Most recently, Hilary Clinton’s comments in a speech to the Asia Society on February 28, 2011, cited above, and President Karzai’s speech to mark International Women’s Day on March 8, 2011, in which he assured that “our constitutional achievements, our gains towards promotion and our gains in terms of Afghan women will not be hurt or blunted, but these gains will be even strengthened to bring peace to Afghanistan.” TOLONews.com. March 8, 2011.

¹⁹ Cortwright, David and Persinger Smiles, Sarah. *Afghan Women Speak: Enhancing Human Rights and Security in Afghanistan*. Kroc Institute, University of Notre Dame. October 2010. Pg.21. <http://www.nd.edu/~jfallon2/WomenAfghanistanReport.pdf>

also to the very real concern that the legal, social and political rights they have gained over the past decade will be traded away for a “peace” that ignores the stark reality of their lives and further disenfranchises them from their hard-won, but still precarious, place in Afghan public life.

This paper will examine: what these caveats are, and whether or not they are simply too large to sustain the possibility that the current reconciliation and reintegration process will in fact leave the women of Afghanistan better off than without a settlement; the possible entry points for Afghan women’s meaningful inclusion in the reconciliation and reintegration process; and how the international community, including Canada, might be able to support these entry points.

WHITHER THE WOMEN?

*"A bearded warlord in Afghanistan won't listen to women's demands at the end of the war."*²⁰

In September 2010, President Karzai unveiled his 70-member²¹ High Peace Council, “the composition of which has attracted much attention: one Kabul newspaper wrote that the HPC members had ‘more experience with war’ than with peace.”²² Although the HPC is to be composed of “state and non-state actors, women and minorities, military, civilian and respected individuals, including representation from both Afghan Houses of Parliament,”²³ according to a respected think-tank on Afghanistan, at least 53 members (all male) either have been or are currently linked to armed factions and only two of the male members can be considered from civil society.²⁴

Also notable was the low number of women (only 10 out of 70 Council members), particularly independent women or recognized women’s rights advocates, although it is hardly surprising in a county known for widespread abuses against women. And as women activists pointed out: seven of the ten female members have been chosen by Karzai, which they feel “limits their independence.”²⁵ Also underrepresented in the HPC are “the former Royal family, prominent figures from the Afghan diaspora, the business

²⁰ Hempelmann, Ute and Yusufi, Saber. *Women Seek a Role in the Afghanistan Peace Process*. Deutsche Welle. <http://www.dw-world.de/dw/article/0,,6162137,00.html>. May 10, 2010. Accessed February 17, 2011.

²¹ The original list released by Karzai had 68 members; two representatives were added in early October.

²² Ruttig, Thomas. *The Ex-Taliban on the High Peace Council. A Renewed Role for the Khuddam ul-Furqan?* Afghan Analysts Network. Pg. 1.

http://www.aan-afghanistan.org/uploads/20101020TRuttig_Ext_in_HPC.pdf. Accessed February 17, 2011.

²³ Afghanistan Peace and Reintegration Program Document. Op Cit. No.10. Annex One. Pg. 3.

²⁴ Ruttig, Thomas. Op Cit. No. 22.

²⁵ Hempelmann and Saber. Op Cit. No.20. Much of the blame for a lack of females in positions of authority in general in the country lies squarely with the President, given that he has extraordinary powers of appointment, including all Provincial Governors, the Cabinet, the Supreme Court, mayors and a host of other political and bureaucratic positions. To date, there is only one female Cabinet Minister, the Minister of Women’s Affairs (MOWA), and this is the only Ministry with only advisory powers. There is only one female Provincial Governor out of 34 provinces, only one female head of a city government, and no female Supreme Court Justice. Jones, Ann. Op Cit. No.1.

community, democratic parties as well as journalists and NGOs with experience of working in insurgency-influenced areas.”²⁶ Many of these groups are precisely where exemplary female leaders can be found.

The London Conference, which kick-started the peace process, starkly reflected this reality of exclusion. This milestone event brought together a wide variety of international as well as domestic participants to discuss issues of security and governance and “concluded with important decisions on how to resolve Afghanistan’s conflict and governance challenges.” Even though Constitutional guarantees in Afghanistan ensure that women make up at least one quarter of all national and provincial electoral bodies, “Afghan women were provided no official designation to feed into decisions nor negotiate conclusions” at the Conference.²⁷

In fact, the Conference included just *one* “woman as part of the official agenda, co-presenting the concerns of Afghan civil society. Only through the help of [external intervention], was she provided a few extra moments to also present a message from the women of Afghanistan on their priorities for the future of the country to the assembled [dignitaries].”²⁸

Afghan women were more successful at getting themselves included in the Consultative Peace *Jirga*, where the final number of women was just over 20% of approximately 1600 participants. However, it was only after months of lobbying that women were granted these seats,²⁹ and “victory was tempered by the language of the final resolution, which gave no guarantees for women’s continued participation at all necessary levels of peace process implementing bodies, such as the High Level Peace Council.”³⁰

In addition, “several prominent women activists argued that they had been deliberately excluded from the *jirga* because they were too outspoken about women’s rights prior to the assembly... [and at the] *jirga* very few women were given the chance to speak.”³¹

THE CHALLENGES TO PEACE AS IDENTIFIED BY AFGHAN WOMEN

“ *We do not know what negotiations and reconciliation means. The agenda is not being discussed with us. We only hear that it is necessary. If we are not part of the process, how can we protect ourselves?* ”³²

²⁶ Afghanistan Peace and Reintegration Program Document. Op Cit. No.10. Annex One. Pg. 3.

²⁶ Ruttig, Thomas. Op Cit. No. 22.

²⁷ Afghan Women’s Network. *Reaction from Afghan Women Civil Society Leaders to the Communiqué of the London Conference on Afghanistan*. January 29, 2010.

http://www.unifem.org/news_events/story_detail.php?StoryID=1019. Accessed February 17, 2011.

²⁸ Ibid.

²⁹ Rowell, Jennifer. *Looking for Leadership: Women’s Empowerment and Canada’s New Role in Afghanistan*. CARE Canada. Oct. 2010. Pg. 14.

[http://www.care.ca/ckfinder/userfiles/files/Looking%20for%20Leadership%20compressed\(1\).pdf](http://www.care.ca/ckfinder/userfiles/files/Looking%20for%20Leadership%20compressed(1).pdf)

³⁰ Ibid.

³¹ Reid, Rachel. Op Cit. No. 2. Pp. 40.

*"We do not oppose reconciliation, but we do not tolerate deals which ignore the Constitution, the value of human rights, and women's achievements. Any reconciliation with Taliban should take place in close coordination with all political parties and the rights of war victims should not be ignored."*³³

There have been some achievements with regards to Afghan women's social, political and legal empowerment since the 2003 Constitution, which guarantees Afghan women equality, the most notable of which is the 2010 Elimination of Violence Against Women (EVAW) Law. However, these have been overshadowed by the plethora of events that indicate a worrying downward slide for women's rights in Afghanistan.

As a well-known Afghan women's rights activist noted: "Despite receiving promises from the members of the international community and the Afghan government about the so-called "red lines" of talks with the Taliban, women activists are concerned that recent developments are step-by-step moves towards the loss of women's rights."³⁴

Their concerns include the following:

- The attack by the government on shelters for women fleeing violence and abuse in their homes, which are operated by Afghan NGOs. President Karzai tabled draft legislation that would bring the running of shelters under the domain of the Ministry of Women's Affairs (MOWA). Although this is a recent move by the government, "[f]or years opponents of women's rights in Afghanistan have accused the shelters of promoting prostitution. No evidence to support any such charge has ever been found, but this has not stopped critics from waging high-profile media campaigns against shelter leaders and their staff."³⁵ It is widely recognized that MOWA does not have the capacity to run the shelters. Moreover, there are concerns about the government taking direct control of the 14 shelters, especially given that the proposed regulation places women seeking protection even more at risk by forcing them to plead their case before a government panel before being admitted to a shelter. Once accepted, they will not be allowed to leave without permission. They will also need to undergo a 'medical examination' to prove they are not guilty of adultery or prostitution. If a woman's family comes to claim her, she will have no choice but to go, putting her back in the hands of the abuser.³⁶ After an intense campaign by Afghan women as well as pressure from Western diplomats, the government has backed down, but details of the

³² Theros, Marika and Kaldor, Mary. *Building Afghan Peace from the Ground Up*. The Century Foundation, Inc. February, 2011. Pg. 31. <http://tcf.org/publications/2011/2/building-afghan-peace-from-the-ground-up/pdf>

³³ Sobrang, Sorya. Interview. March 10, 2011. <http://www.bamdad.af/index.php/english/story/957>

³⁴ Frogh, Wahzma. *Afghan Peace Process Offers Little Hope to Women*. The Guardian Newspaper. June 23, 2010. <http://www.guardian.co.uk/commentisfree/2010/jun/23/afghan-peace-process-women>. Accessed February 22, 2011.

³⁵ Lemmon, Gayle. *Karzai Threatens to Close Afghan Women's Shelters*. Ms. Magazine. February 11, 2011. <http://msmagazine.com/blog/blog/2011/02/11/karzai-threatens-to-close-afghan-womens-shelters/>. Accessed February 22, 2011.

³⁶ Ibid.

compromise reached have not yet been released. “Women’s advocates see this latest offensive as yet another sign of a conservative resurgence in the country as discussions about peace deals with the Taliban grow louder. In their view, President Karzai and his government want to position themselves for a Taliban return to power by putting distance between their politics and ‘foreign’ ideas and institutions such as women’s shelters.”³⁷

- The Shia Personal Status Law of March 2009 (which was passed outside of parliamentary session), and which violates Article 22 of the Afghan Constitution, (guaranteeing gender equality). It allows for violations of women’s rights within the Shia minority community, including preventing women from leaving their home without the consent of their husband and denial of “maintenance” if the wife does not fulfill her conjugal duties.³⁸
- The continued lack of access for females to basic services including education and health. Development indicators, such as maternal mortality rates, have either flatlined or decreased despite the hundreds of millions of dollars in humanitarian and development assistance that have poured into the country in the last decade. According to a recent CARE Canada report, “[n]ot only does Afghanistan suffer from a critical shortage of essential services, but the access that Afghan women have to the few services that *do* exist, relative to their male counterparts, is proportionately less than any other population of women in the world.”³⁹ For a host of reasons, including tradition, insecurity and a lack of infrastructure, boys are twice as likely as girls to complete primary school. Only four per cent of girls finish secondary school⁴⁰ - a scenario that is unlikely to change any time in the near future.
- An increase in intimidation, threats, attacks, and assassinations on women who are active in public life, including female parliamentarians, provincial councilors and candidates, female police officers, and other female government employees. “This has profound ramifications not only for the safety of women who continue political work, but for their ability to continue to defend the rights of all Afghan women and girls. It can also deter the next generation of women leaders.”⁴¹
- An increase in attacks on girls’ education, including acid attacks on female students, threatening night letters received by female teachers and administrators,

³⁷ Ibid.

³⁸ Esmaty, Nasrat and Asadullah, Ahamdi. *Women and Political Leadership: The Problems Facing Women Leaders in Afghanistan*. Human Rights Research and Advocacy Forum. September 2010. Pg. 21. <http://www.afghanadvocacy.org.af/englishweb/Data/Reports/English%20File%20PDF.pdf>

³⁹ Rowell, Jennifer. Op Cit. No.29. Pg. 14.

⁴⁰ Ibid.

⁴¹ Reid, Rachel Op Cit. No.2. Pg. 33

school burnings and bombings, and poison attacks on female students and teachers.⁴²

- The February 2010 Presidential Decree on the Electoral Code, which “states that unfilled quota seats can be filled by ‘the most voted candidate on the candidates list.’”⁴³ In other words, gender quota seats will no longer necessarily be reserved for women. A report on women’s political life in Afghanistan by the Afghan NGO Human Rights Research and Advocacy Consortium (HRRAC) points to the fact that the law could “cause male candidates in the electoral constituencies to threaten female candidates and forcibly dissuade them from taking part in the election process.”⁴⁴

Given the fragile space Afghan women have with regard to their rights, there is real concern that these will be traded away for peace; a peace that may not be achievable, let alone sustainable. “While most women in Afghanistan desperately want peace, they don’t want a peace deal that is blind to the price they may pay,”⁴⁵ including restrictions on their social, economic and physical mobility, loss of access to health, education and work, and withdrawal of Constitutional and other legal mechanisms protecting their rights.

The signs are omnipresent: “In April 2010, the Minister of Economy reportedly told a gathering of women leaders discussing reconciliation that women would have to sacrifice their interests for the sake of peace.”⁴⁶ Karzai himself told the international NGO Human Rights Watch: “If you had to choose between saving a girl’s life or enabling her to go to school, which would you do first?”⁴⁷

This is rather disingenuous on the part of the Afghan President. Would such a trade-off really bring about a meaningful and durable peace in which Afghanistan could grow and flourish economically, socially and politically? Human Rights Watch points out that “[t]he same argument was made by Pakistan when it negotiated its 2008 settlement with the Taliban, giving it control of Swat Valley in exchange for pledges to recognize the writ of the central government and let women work without fear. The Taliban broke those promises; Pakistanis were horrified by images of women being whipped and schools being torched. Within months, the Pakistani army launched a massive military operation

⁴² Ibid. Pg. 31. Although the Education Minister announced in January 2011 that the Taliban are willing to drop their opposition to girls’ education, they have yet to make any official statement and many Afghan female politicians and activists remain skeptical.

⁴³ Esmaty, Nasrat and Asadullah, Ahamdi. Op Cit. No.38 Pg. 17.

⁴⁴ Ibid.

⁴⁵ Reid, Rachel. *Afghanistan: Who Benefits from Taliban Revisionism?* The Guardian Newspaper. January 21, 2011. <http://www.guardian.co.uk/commentisfree/2011/jan/21/taliban-afghan-government-girls-education>. Accessed February 19, 2011.

⁴⁶ Reid, Rachel. Op Cit. No. 2. Pg. 6.

⁴⁷ Malinowski, Tom. *How Settling with the Taliban Puts Women at Risk*. Washington Post. August 15, 2010. <http://www.hrw.org/en/news/2010/08/15/how-settling-taliban-puts-women-risk>. Accessed February 17, 2011.

to retake what it had given away.”⁴⁸ Ultimately, if you try and end conflict “in a way that sacrifices human rights in the name of peace, you will end up with neither.”⁴⁹

While insurgents signing up to the peace process must agree to adhere to Afghan laws as well as the principles enshrined in the Constitution, according to testimony given by Human Rights Watch to Canada’s Standing Senate Committee on Human Rights: “This is a government that has shown itself very capable of trading away women’s rights when it is politically expedient to do so, whether it is with the [Shia] Personal Status law ... or when President Karzai freed some gang rapists from jail well before their term had ended because he wanted to do a favor for a political ally... There have been many occasions when women’s rights have been traded away, despite the supposed protection of the constitution.”⁵⁰

Another point of contention with the current peace process is that the concept of transitional justice (‘no peace without justice’) has lost ground since the creation of Afghanistan’s Action Plan for Peace, Reconciliation and Justice in 2005, as a result of a multi-pronged and multi-year process involving the Afghan government, civil society and various international actors. The four-year plan provided a detailed road map to address such issues as truth-seeking, institutional reform and criminal accountability in terms of laying Afghanistan’s past to rest.

Flash forward to 2011. “As currently conceived, neither the reconciliation nor reintegration plans in Afghanistan include a built-in process of transitional justice.”⁵¹ In fact, just the opposite – in January 2010, the Afghan Parliament passed an amnesty bill that provides immunity from prosecution to all perpetrators of war crimes committed during the course of Afghanistan’s various wars.

This is in direct violation of the government’s commitments articulated in the Action Plan, “which states... *that considering the clear Koranic verses and the international law, no amnesty should be provided for war crimes, crimes against humanity and other gross violations of human rights.*” The Amnesty Law renders the Action Plan *null and void*, especially given that the time limit set out in the plan has now expired.

As well, the new Amnesty Law (Art. 3 (2)) provides impunity for crimes committed after the passing of the law, as long as the individual later joins the process of national reconciliation, thus giving a green light to current crimes committed in opposition to the government, not just crimes of the “past.”

While this is of concern to those committed to a just and lasting peace, it is particularly worrisome for Afghan women because, as we have already seen in Afghanistan, crimes

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Senate Standing Committee on Human Rights. The Honorable Nancy Ruth (Chair) and The Honorable Mobina S.B. Jaffer (Deputy Chair) *Training in Afghanistan: Include Women*. December 2010. Pg.18. www.parl.gc.ca

⁵¹ Rowell, Jennifer. Op Cit. No.29. Pg. 14.

committed against females *because of their gender* tend to be ignored, downplayed or condoned.

As the CARE Canada report points out: “Reconciliation and reintegration without justice sends an unequivocal signal to women about the degree to which their rights are valued in comparison to the men who have wrought havoc on their lives and instilled incalculable physical and/or psychological harm. It sends a further signal to those being reintegrated that harm is ok, that the crimes they perpetrated can be swept under the carpet, or may even have been justified.... Reintegration without justice will damage women’s slender gains in empowerment and sense of equality, and directly contribute to the high level of impunity that currently characterizes national life in Afghanistan.”⁵²

According to Afghan women, the “Amnesty Law – and the weakness of the international response [to it] – sent the wrong signal about the prospects of a just reconciliation.”⁵³ One female MP observed: “[i]t looks like they are preparing the ground for more criminals to come, by giving them an amnesty.”⁵⁴

As a Human Rights Watch report on women and the reconciliation process in Afghanistan points out, “Afghan women assert their rights in what is already a deeply hostile political environment.”⁵⁵ What is needed is “in-built guarantees to protect women’s rights (including the credible mechanisms required to enforce them).”⁵⁶

WHERE TO GO FROM HERE?

*“From a woman’s point of view, why am I in favor of reconciliation? Because in many parts of the country, in the south and southeast, women are losing opportunities because of the instability. Schools are closed. Health services are poor. Working opportunities are absolutely closed. Participating in the political process like elections has been badly affected. How much longer do women have to wait? ... But it must be reconciliation in a framework, in some boundaries. We have to draw some lines.”*⁵⁷

As we have seen from the London and Kabul Conferences, as well as the Consultative Peace Jirga, a place at the table was not guaranteed for women, and each time they had to engage in strenuous advocacy in order to secure their representation.⁵⁸ In fact, Afghan women have fought hard for every legal, political and social gain they have made over the past nine years. Because of their actions, the inclusion of women in Afghan life is now guaranteed on paper. These gains include the following:

⁵² Ibid. Pg. 15.

⁵³ Reid, Rachel. Op Cit. No. 2. Pg. 54.

⁵⁴ Ibid.

⁵⁵ Ibid. Pg. 13.

⁵⁶ Rowell, Jennifer. Op Cit. No. 29. Pg. 13.

⁵⁷ Cortwright, David and Persinger Smiles, Sarah. Op Cit. No.19. Pg.1.

⁵⁸ Reid, Rachel. Op Cit. No.2. Pg. 40.

- Afghan Constitution – Article 22 commits to gender equality; Article 43 guarantees the right to education for all Afghans; Article 83 guarantees women a minimum number of seats in Parliament;⁵⁹
- The National Action Plan for the Women of Afghanistan (NAPWA), which is the “government’s main vehicle for implementing policies and commitments to advance the status of women”⁶⁰ and sets out in detail how this will be achieved through 2017;
- The Elimination of Violence Against Women In Afghanistan (EVAW) Law, which was enacted in 2009 and addresses a number of harmful traditional gender practices, including forced and child marriage as well as other forms of violence against women and girls;
- The Afghanistan National Development Strategy (ANDS), which is the overarching strategy for the government and donor community to address economic development and social advancement. It lists gender equality as a cross-cutting issue and the “Improved Participation of Women” as one of its goals;
- The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Afghanistan ratified in 2004 without any reservations;
- UN Security Council Resolutions 1325 on Women, Peace and Security, which addresses women’s participation in conflict prevention, conflict resolution and peacebuilding, and 1889, which concerns the indicators for these issues.

Although these provide Afghan women with the broad legislative and moral parameters for both domestic and international commitments to gender equality and women’s legal, social, economic and political empowerment, as we have seen above, commitments on paper do not necessarily translate into reality. The question then becomes how to ensure women’s broad-based and substantive participation in the peace process. Their full partnership will help guarantee that their current hard-won rights are not traded for the political opportunism and deal-making of a ‘rented peace.’

From the beginning of the process, Afghan women’s groups have continually called on the government to fully implement their commitments, including Resolution 1325 at the international level, and NAPWA and EVAW at the domestic level.⁶¹ Full implementation of these commitments “would offer additional protections that might guard against potentially negative impacts of reconciliation and reintegration.”⁶² Given that the constitution can be amended, Afghan “women argue that the government needs to articulate more explicit guarantees,” including for access to education, health,

⁵⁹ Approximately 25% in the Lower House and 17% in the Upper House.

⁶⁰ This is the full title of NAPWA.

⁶¹ Please see the Afghan Women’s Network London Conference Communique. Op Cit. No.27.

⁶² Reid, Rachel. Op Cit. No.20. pg. 45.

employment and freedom of movement.⁶³ As one woman summed up: “Women should be able to carry on their activities – in civil society or parliament or political affairs.”⁶⁴

While the official reconciliation and reintegration tool, the Afghan Peace and Reconciliation Program, commits to the principles of gender equality,⁶⁵ there is very little to indicate that women will be brought into the peace equation in any substantive way. Although parts of the APRP take a holistic approach focusing on communities made up of both “males and females,”⁶⁶ the document is short on how the program will concretely guarantee a peace dividend for women based on their gender and not just because their husbands, fathers, brothers, etc. have benefited from the program. For a peace and reintegration program to pay peace dividends for a whole community, women’s empowerment needs to be an integral part of the program.

In May 2010, the Afghan Women’s Network (AWN), a broad-based coalition of women’s groups, issued a statement of recommendations concerning the APRP. Noting that in order “to create sustainable democracy and economic prosperity in Afghanistan, all its citizens— men, women, youth, and children—must be allowed to contribute.”⁶⁷ Among other recommendations, they asked:

- That a minimum of 25% of seats be guaranteed for women in all decision-making bodies, including the HPC, the Joint Secretariat of the APRP, Provincial Peace and Reconciliation Committees, Community Development Councils, and the Grievance Review Board.⁶⁸ It should be noted that 25% is in line with the gender quotas for both national and provincial electoral bodies. “Ensuring that women leaders are included and can meaningfully participate at all levels in reintegration and reconciliation is one of the best safeguards against the rights of women and girls being sold short in the name of peace.”⁶⁹
- That funding for reintegration and reconciliation projects and programs “include a significant gender component.”⁷⁰ Afghan women have pointed out that their gender-specific needs must be taken into consideration “in the design and implementation of projects, including health and education programs... [They further suggest that] if land or property is redistributed as part of reintegration, women should have the right to be listed on property deeds... [pointing] to an

⁶³ Ibid. pg. 44.

⁶⁴ Ibid. Pg. 45.

⁶⁵ Afghanistan Peace and Reintegration Program Document. Op Cit. No. 10. Pg.12: “The people of Afghanistan demand a just peace which can guarantee the rights of all its citizens, including women and children...”

⁶⁶ Ibid: “Community recovery should begin from the premise that all citizens have suffered from the conflict and that reintegration benefits should be seen as a collective benefit and peace dividend for the entire community – men, women, victims and minorities.”

⁶⁷ Afghan Women’s Network. *Afghan Women’s Leaders’ Priorities for Reintegration Statement and Recommendations*. May 25,2010. Pg. 1.

http://www.huntalternatives.org/download/1991_may_19_recommendations_final.pdf

⁶⁸ Ibid.

⁶⁹ Reid, Rachel. Op Cit. 2. Page 42.

⁷⁰ Afghan Women’s Network. Op Cit. No. 67. Pg.2.

existing government compensation fund for civilians, where money tends to be distributed to the male heads of families because government officials and the military only interface with men.”⁷¹

- To include the Ministry of Women’s Affairs (MOWA) in the Joint Secretariat.⁷² Currently MOWA is not mentioned in APRP at all, although both decision-making and implementing bodies for the program incorporate a broad spectrum of Afghan ministries, including the Ministries of Education; Hajj and Religious Affairs; Public Works; Agriculture, Irrigation and Livestock; Social Affairs, Martyrs and Disabled; as well as the Government Media Information Centre. This is important because “women [don’t] have much representation in the government departments and ministries where significant decisions are being made. [U]nless this imbalance is addressed, the risk of their rights being sold short is very real.”⁷³ MOWA, and its provincial counterpart, the Department of Women’s Affairs, can play a vital role in not only ensuring that gender is mainstreamed within all aspects of the program but also leading in civic education on the gender equality principles and guarantees encapsulated by the country’s legislative framework.
- To register male and female participants of the program separately. This would not only ensure that women are “able to access benefits should their spouse be killed, leave the family, and/or re-join fighting forces,”⁷⁴ but would also help provide women access to the “basic services, Civic Education, Literacy, and Technical and Vocational Education and Training and Employment”⁷⁵ that will be provided to ‘targeted communities’ under APRP. This will be particularly helpful to women living outside large urban centers, where access to basic services, let alone these types of initiatives, remains obstructed by a large cultural as well as geographic barrier.
- To create “a national monitoring body composed of government, civil society, and community representatives [of which 25% should be women] to ensure... adherence to all conditions related to the reintegration and reconciliation programs.”⁷⁶ Within APRP, monitoring at the national level resides with the Joint Secretariat, which is the main coordinating body of the program. At the local level, communities will arrange the means to observe and monitor all activities related to APRP, including the planning, implementation, and completion of activities financed under the program.⁷⁷ Monitoring on a broad-based level will help secure women’s full participation throughout the process. As well, “the government’s poor track record on inclusion means [that] oversight is needed to ensure meaningful representation, rather than tokenism.”⁷⁸ As one women’s

⁷¹ Cortwright, David and Persinger Smiles, Sarah. Op Cit. No.19. Pg.25.

⁷² Afghan Women’s Network. Op Cit. No. 67. Pg. 3.

⁷³ Reid, Rachel. Op Cit. No. 2. Pg. 7.

⁷⁴ Afghan Women’s Network. Op Cit. No. 67. Pg. 2.

⁷⁵ Afghanistan Peace and Reintegration Program Document. Op Cit. No. 10. Pg.11.

⁷⁶ Afghan Women’s Network. Op Cit. No. 67. Pg. 1.

⁷⁷ Afghanistan Peace and Reintegration Program Document. Op Cit. No. 10. Pg. 1. Annex III.

⁷⁸ Reid, Rachel. Op Cit. No.2. Pg. 42.

activist aptly remarked: “Sometimes the government circulates data saying ten per cent of women in the ministries are women. But when you see the data, women will only be hired as cleaners, or helpers... We want women in decision-making positions.”⁷⁹

- To bring a broad partnership with civil society into the process “to ensure inclusivity and effectiveness... [and] that the voices of women and youth are heard in the appropriate format.”⁸⁰ It is important to engage civil society throughout the process “as they are prepared to work for [the goal of reintegration] in their communities and possess the tactical knowledge and intelligence on how to conduct”⁸¹ these type of activities.
- To “create a national oversight body to monitor and investigate grievances in order to distinguish between serious crimes and lesser crimes.”⁸² As we have seen above, there are serious concerns about the lack of a transitional justice process within the peace and reintegration program. The APRP is committed to “afwa” (forgiveness) and ‘grievance resolution.’ This in effect puts the Amnesty Law into practice. But as the AWN Communiqué notes: “Amnesty without conditions is not acceptable and should not be given without a clearly stated and verifiable commitment to the rule of law.”⁸³

What of the role of the international community in the peace and reintegration process? Given that international donors are funding the process and that both UNAMA and ISAF are participants in the Joint Secretariat, they should hold the government of Afghanistan accountable to their commitments of gender inclusion and equality as outlined in the APRP program document and as defined by Afghanistan’s legislative framework. This might help to guarantee women’s substantive, rather than token, participation in the process, both as drivers and as beneficiaries from the peace dividend.

It should also be mentioned that most of the Afghan voices speaking out on women’s issues tend to come from the urban educated elites, which represent a small minority in this country where literacy rates for females are estimated to be around 20%. According to the HRRAC report, gender-equality programs “have remained focused in major urban centers ... [and] while large quantities of money have been spent on gender programs, most of the money has only been allocated to large centers, with little attention paid to rural areas, villages and towns... [This] limited geographic focus of gender equality programs has led to a lack of awareness about the problems faced by women who live in distant provinces.”⁸⁴ The report concludes that the government needs “to produce a comprehensive program that can solve women’s problems at the grassroots level and

⁷⁹ Ibid.

⁸⁰ Afghan Women’s Network. Op Cit. No.67. Pg. 2.

⁸¹ Therios, Marika and Kaldor, Mary. Op Cit. No. 32.

⁸² Afghan Women’s Network. Op Cit. No. 67. Pg. 2.

⁸³ Ibid.

⁸⁴ Esmaty, Nasrat and Asadullah, Ahamdi. Op Cit. No.38. Pg.18.

reduce the number of marginalized and excluded women throughout the country.”⁸⁵ This will go a long way towards building a durable peace for the country.

Finally, it should be pointed out that while the thought of having the Taliban back in power is a threat to all Afghan women, it means different things for different women in Afghanistan. For women in the Pashtun and war-stricken provinces where opportunities are being lost because of the insecurity, having Taliban as part of a pragmatic power-sharing arrangement may not be viewed so badly, especially if it means an end to the bloodshed.

As well, like their male counterparts, women involved in public life in Afghanistan come from the various ethnic groups of the country. While it is considered mandatory that there be a representative from every ethnic group in Afghanistan for every gathering of national or international importance, this rule only seems to apply to the men. As we saw at the London Conference where there was only one female representative, Afghan women are seen to represent only their gender rather than their ethnicity as well. Yet, for Afghan women as well as men, ethnic tensions can come into play, and thus, their ethnicity as well as their gender can affect the perspective they bring to the table.

CONCLUSION

“The government of Afghanistan is under enormous pressure from all sides. The main troop-contributing nations are also under immense domestic pressure to bring their forces home. These pressures should not result in the Afghan people being short-changed in hasty and careless deals that will only result in a rented calm. It will take visionary leadership from both the government and its supporters to ensure that any reintegration and reconciliation process results in a just and inclusive peace that protects the rights of all Afghans, including women and girls.”⁸⁶

As this report has attempted to illuminate, Afghan women have a wide range of concerns regarding the peace and reconciliation process: “lack of women’s representation, particularly on higher level decision-making bodies, a lack of transparency, the absence of explicit guarantees of their constitutional freedoms, the risk of deal-making rather than reconciliation, a lack of trust that the government is committed to protecting women’s rights.”⁸⁷ It is also clear that there needs to be a rethinking on justice and impunity before reintegration and reconciliation can begin to take root in a country that has been at war for 30 years now.

However, as this report has also attempted to illustrate, there are some possible entry points for the inclusion of women in the process to ensure that they have the possibility to voice their concerns and protect the rights and freedoms they have struggled to gain over the last decade from being traded away for an illusory peace. In the policy recommendations below, these entry points are highlighted along with recommendations

⁸⁵ Ibid.

⁸⁶ Reid, Rachel. Op Cit. No.2. Pg. 7.

⁸⁷ Ibid. Pg. 40.

as to how the international community, and Canada specifically, can meaningfully support Afghan women in this process.

POLICY RECOMMENDATIONS

“To safeguard women’s rights, the Committee recommends that the Government of Canada ensure that its support for any national peace process that emerges in Afghanistan is framed by two fundamental principles: women’s meaningful participation in the peace negotiations and the full preservation of women’s rights such as those currently guaranteed in the country’s Constitution.”⁸⁸

1. The international community should use their diplomatic offices to actively encourage and support the government of Afghanistan to uphold, implement and promote the commitments it has made within the country’s legislative framework regarding gender equality and women’s empowerment, to achieve the full rights Afghan women are entitled to under the following (as called for by Afghan women’s groups):
 - The Afghan Constitution (particularly Articles 22, 44, and 83);
 - CEDAW;
 - ANDS;
 - NAPWA;
 - EVAW.⁸⁹
2. The international community should support calls from Afghan women’s groups for a National Action Plan on Women, Peace and Security to be developed that is consistent with UN Security Council Resolutions 1325, 1820, 1888 and 1889, and for the Action Plan to be integrated into the APRP process.⁹⁰
3. Donors should support the growth and expansion of Afghan security forces to incorporate the protection of women as one of their functions through the recruitment of more women in all security sectors, investment in police Family Response Units to address family violence, and training for security forces on the rights of Afghan women including the EVAW Law.⁹¹
4. Contributors to APRP’s Peace and Reintegration Trust Fund “should ensure that a proportion of the financial incentives [provided] to communities to support reintegration are used to support women’s empowerment and development and the protection of their human rights [along with] rigorous monitoring and redress.”⁹² Oversight will be needed to ensure that women are integrated as full participants and gender needs are mainstreamed within both short and long-term programming.

⁸⁸ Standing Senate Committee on Human Rights. Op Cit. No.50. Pp. 5-6.

⁸⁹ Esmaty, Nasrat and Asadullah, Ahamdi. Op Cit. No.38. Pg. 25.

⁹⁰ Afghan Women’s Network. Op Cit. No. 27.

⁹¹ Ibid.

⁹² Ibid.

5. “The training for 12,000 civil servants at the subnational levels should include skills building in analyzing and responding to women’s development and security needs. Affirmative action policies should be developed to ensure a significant portion of sub-national-level civil servants are women.”⁹³ This will be key to the successful inclusion of women in the APRP process given the large number of Ministries and other government bodies involved in the development and implementation of the program (at least 14).
6. Donors and other international participants of APRP, should actively support Afghan women’s groups’ recommendation for a broader partnership with civil society in the peace and reintegration process so that the voices of women and youth are heard in the course of its development and implementation.⁹⁴
7. Donors and other international participants in APRP should actively support Afghan civil society’s expressed grave concern over the lack of a transitional justice mechanism within the current peace and reintegration process and use their diplomatic offices to encourage the government to reinvigorate the Action Plan for Peace, Reconciliation and Justice and implement its activities within an agreed time-frame.⁹⁵ They should continue to reiterate their concerns with the Amnesty Law, in line with Afghan civil society demands on these issues.
8. Continuously monitor the APRP process as it unfolds, including regular consultations with Afghan women leaders and civil society organizations dedicated to improving women’s lives in the country.
9. Ensure commitments to the APRP process are delinked from domestic pressures and exit strategies of troop contributing countries. In order for peace and reintegration to take effective root in the local community, timelines need to be established that reflect the needs of the local community, rather than external factors.
10. Continue to support efforts to strengthen the rule of law and build traditional justice mechanisms to effectively address gender crimes.

The following section focuses on areas of potential engagement for both the **Government of Canada** and **Canadian civil society**:

In December 2010, the Standing Senate Committee on Human Rights released a report on Canada’s training role in Afghanistan after the end of its combat mission this year. Entitled *Training in Afghanistan: Include Women*, the report includes a number of

⁹³ Ibid.

⁹⁴ Afghan Women’s Network. Op Cit. No. 27.

⁹⁵ Amnesty International Letter Campaign in response to the Peace process:
<http://action.amnesty.org.uk/ea-campaign/clientcampaign.do?ea.client.id=1194&ea.campaign.id=9393>.
 Accessed February 22, 2011.

recommendations based on submissions from a wide variety of sources. The Government of Canada should use all means at its disposal to implement the report, including the following recommendations:

- Include the advancement of women’s rights as one of its five priorities for Afghanistan post-2011, consistent with its obligations under Resolution 1325;
- Ensure that Canadian diplomatic and financial support for any national peace process that emerges in Afghanistan is framed by: a) the meaningful participation of Afghan women from diverse backgrounds and the promotion of gender sensitive approaches to the negotiations; and b) the full preservation of women’s rights protections;
- Promote gender sensitive training for Afghan and Canadian security sector forces, including on the EVAW law;
- Assist the Afghan government to make concerted efforts to recruit female police officers and soldiers and to eliminate barriers to their participation in the security sector;
- Assist the Afghan government to develop local civilian monitoring committees to review the activities of security sector personnel;
- Support capacity-building throughout the entire justice sector, particularly in remote communities;
- Strongly encourage the Afghan government to hold perpetrators of violence against women accountable and to disallow those same perpetrators from holding positions in government;
- Promote initiatives to implement and raise public awareness of the Elimination of Violence Against Women Law;
- Prioritize small-scale and localized projects that reflect the will of those affected in its economic and social development assistance.⁹⁶

The Government of Canada should also implement “Building Peace and Security for all: Canada’s Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security” and, in particular, advocate for improved accountability mechanisms on the part of the UN and reporting by Member States on progress made to implement the Resolutions on Women, Peace and Security (SCRs 1325, 1820, 1888 and 1889).⁹⁷

It will be important for Canadian civil society to monitor whether Canada is meeting its verbal and paper commitments to the women of Afghanistan, including through the full implementation of its Action Plan on Women, Peace and Security as well as the Senate Committee on Human Rights’ recommendations. Civil society should also advocate for the Canadian government to actively “call for women’s rights to be guaranteed

⁹⁶ Standing Senate Committee on Human Rights. Op Cit. No.50. Pp. 6-7.

⁹⁷ Building peace and security for all: Canada’s Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security. Pg. 6.
http://www.international.gc.ca/START-GTSR/women_canada_action_plan-plan_action_femme.aspx

throughout Reconciliation & Reintegration negotiations [and] predicate Canada's support for these processes on full adherence to those guarantees."⁹⁸

Finally, Canada has the opportunity to lead by example. As well as ensuring that there is significant gender representation in the various local and national programs and processes the government supports, including those activities that do not necessarily have a specific gender component, Canada should continue to lead the way in appointing women to senior positions in its postings to Afghanistan and delegations that engage with all levels of Afghan society – governmental and non-governmental.



⁹⁸ Rowell, Jennifer. Op Cit. No. 29. pg. 10.

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