Acknowledgements
This policy brief was developed by Ms. Clare Hutchinson, Vice-President of Tolmec Ltd. and former NATO Secretary General’s Special Representative for Women, Peace and Security. It was made possible with the support of the Government of the Republic of Korea.

About the project
Building on the findings of the Engaging Women in Sustaining Peace: A Guide to Best Practices (Community of Democracies 2019), which recommended strategies of women’s involvement in post-conflict settings and conflict resolution, this Policy Brief aims to provide an in-depth analysis of the current and projected state of the rights of women and girls in Afghanistan and include policy relevant recommendations for the international community aimed at a recommitment to support for the full realization and protection of the fundamental rights of women and girls in Afghanistan.

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Introduction

The 2030 Agenda for Sustainable Development is a universal set of goals, targets, and indicators endorsed and adopted by UN member states at the United Nations Sustainable Development Summit in September 2015. The United Nations Sustainable Development Goals (SDGs), were introduced to replace the Millennium Development Goals which expired in 2015. The SDGs are composed of 17 goals, subdivided into 169 targets and 304 indicators. All member states are expected to make concerted efforts towards achieving the goals by 2030.

Sustainable Development Goal 5, (SDG 5) “Achieve Gender Equality and Empower all Women and Girls”, is a stand-alone goal which aims to achieve gender equality and women empowerment. The focus of SDG 5 is ending all forms of discrimination, promoting the full participation of women and girls in public and private spheres, combatting violence and harmful gender practices, and supporting equal opportunities for women at all levels including through economic decision-making, access to resources and technology. Apart from the stand-alone Goal 5, gender equality also intersects with all 53 SDG indicators.

The Islamic Republic of Afghanistan endorsed the SDGs, in September 2015, and introduced concrete steps affirming commitment to the SDGs, by aligning the goals with Afghan national priorities and development frameworks, including Afghan National Action Plan (NAP) for the implementation of Security Council Resolution 1325 on Women, Peace and Security. The resulting Afghanistan Sustainable Development Goals (A-SDGs) were a blueprint for the government to realise transformative and lasting change. The Government launched the second National Peace and Development Framework (ANPDFII) in July 2020, to re-affirm its commitment to the goals of SDGs. The A-SDGs also built on a body of governmental policies related to women’s empowerment and gender equality, primarily the National Action Plan for the Women of Afghanistan (NAPWA), 2008-2018.

Despite the ambitious commitments, progress in implementing and achieving the A-SDGs was slow and ad-hoc. Afghanistan faced significant existing and emerging challenges, which affected development efforts. Many factors contributed to this, including the spread of the COVID-19 pandemic and its subsequent socio-economic consequences, a decrease in economic growth, the prolongation of the peace process, low capacity in the government ministries, lack of robust accountability frameworks for monitoring the Afghanistan government’s commitments and the rampant insecurity and cultural norms.
Afghanistan's Second Voluntary National Review on the Sustainable Development Goals reported on the lack of progress on implementation of SDG 5. Recognizing that despite the adoption of “laws, policies, national strategies, and programs in place to safeguard and advance women’s rights, implementation remains weak”.

This paper outlines the progress and challenges to the implementation of SDGs in Afghanistan until August 2021. Extensive desk research was undertaken, using data from extant literature and media outlets and statistics are provided, however access to data has been challenging, especially from rural areas, and when available is often conflicting.

Primary interviews were conducted with Afghan women both in country and part of the diaspora. The recommendations at the close of the paper are collated from the collective discussions with Afghan women and NGOs working on or in Afghanistan. For security, references to any individuals have been removed.

Ultimately this paper is a historical overview of the progress in achieving elements of gender equality, but does not present a complete picture. Given the events of August 2021, recommendations offered can only be aspirational.
Background

The international community responded to the fall of the Taliban in 2001 with robust political and military initiatives. In late November 2001 a UN-sponsored conference in Bonn, Germany, brought together the majority of the key Afghan ethnic and tribal leaders, which resulted in a plan for Afghanistan's future, the Bonn Agreement. Three out of the 25 signatories of the Agreement and forty percent of those present in the consultative forums, set up by the UN to inform the negotiations, were women.2

Noting the importance of the participation of women throughout the process, including their representation in administrative and governance bodies, the Agreement laid the foundation for Afghanistan's transition process and called for the “establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government.” The Bonn Agreement also established a Ministry of Women's Affairs (MoWA), which acted as the primary agency for women's advancement, and to protect women's legal, economic, social, political, and civic rights. (In 2021 the Taliban closed MoWA replacing it with the Ministry of Propagation of Virtue and the Prevention of Vice).

In 2003 the Government of Afghanistan ratified, without any reservations, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The adoption of CEDAW introduced a number of changes in the political and economic landscape including promoting women's political participation. Additionally, the adoption of the Afghanistan National Development Strategy 2008-2013 (ANDS) promoted the advancement of gender equality in all sectors. The ANDS was backed by a National Action Plan for the Women of Afghanistan (NAPWA), 2008-2018, which served as the government's main instrument for implementing policies and commitments on women's empowerment and gender equality. NAPWA committed the Afghan Government to increase women's representation in the civil service to 30 percent. In July 2015, the Government of Afghanistan adopted its first National Action Plan (NAP) on Women, Peace and Security, 2015-2018 and 2019-2022.

Additionaly, women's rights were firmly entrenched in the new Constitution promulgated in January 2004 by the Constitutional Loya Jirga (Grand Council). The Constitution established a gender quota in the Wolesi Jirga, or House of the People. Sixty-four delegates out of 250 in the Wolesi Jirga would be reserved for women. The Constitution also protected women's rights through various Articles, including Numbers 43, 44, 53, and 54 which articulate provisions on education, healthcare, welfare, and employment services for women.

2 “Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions”, December 2001
Implementing the SDGs

By 2020, there was some notable progress in Afghanistan, including on gender equality. Legislative and institutional change initiated economic growth, a boom in media and mobile phone use, enhanced opportunities for social and political activism and positive growth in educational access. Women entered the workforce in large numbers, including in the government. Twenty one percent of Afghan civil servants were women, sixteen percent in senior management roles, and twenty-seven percent members of Parliament. Thirty-three percent of girls were enrolled in primary school and thirty-nine percent in secondary education. Life expectancy increased and infant mortality was reduced by nearly fifty percent. Afghanistan's legal framework—at least on paper—offered women many protection and opportunities. The limited comprehensive and coherent data collection mechanisms make it difficult to genuinely assess progress, especially in rural areas. Approximately 80 percent of Afghans live in rural areas, with minimal access to basic services, and limited access to education and employment.

Despite the reported gains, Afghanistan continued to face major challenges. In 2019, the country ranked poorly on the Human Development Index (HDI)³ and scored 154 on the Gender Inequality Index,⁴ and ranked 170th out of 189 on the Global Gender Development Index (GDI).⁵ Since the take-over by the Taliban, Afghanistan has fallen to last place out of 170 countries on the Women, Peace and Security Index.⁶

Overall 55 percent of the population were recorded as being multidimensionally poor, and this has spiked during the COVID-19 pandemic, exacerbated by the Taliban take-over and subsequent international funding withdrawal, leading to the current humanitarian crisis.⁷

The Afghan government and MoWA took significant steps towards promoting women's rights, yet discriminatory practices against women continued. Existing gender laws were never fully implemented and restrictive sociocultural norms and insecurity impeded progress on combatting violence. In 2013, the CEDAW Committee expressed its deep concerns for the continuation of adverse cultural norms, practices and traditions, such as child and forced marriage.⁸

While marriage of girls before the age of sixteen was prohibited under Afghan law, early marriage was and remains common across all regions and among all ethnic groups. The Government adopted a National Action Plan to Eliminate Early and Child Marriage in 2017, but seventy to eighty percent of marriages still take place before the age of sixteen,⁹ and up to eighty percent of Afghan women report early or forced marriage.¹⁰ Poverty, patriarchy and lack of access to education, coupled with harmful cultural practices like baad (marriage used to settle feuds or repay debt) are the drivers of early child marriage.¹¹ The risks of violence increase for married girls.¹²

The recent Taliban decree banning forced marriages, a move apparently intended to address the concerns of the international community, is welcome but remains to be seen if it ushers in true protection for women's rights.

Cultural practices and strict gender norms and rules have also hindered Afghan women's ability to participate in the labor force.¹³ Although the ANPDFII committed to ensuring the full political, social, and economic participation of Afghan women in national development, through disbursement of USD 250 million to women's economic empowerment programs,¹⁴ women's contribution to the economy have been either completely non-monetized, hugely underpaid or undervalued.¹⁵

World Bank Data highlights that women's share of jobs in urban areas increased between 2007 and 2017 with rates as high as forty eight percent in 2018 and there has been growth in the number of women operated businesses in urban centres.¹⁶ Education and health appear to have the greatest potential for employing women as these sectors are usually aligned with traditional gender roles and most sectors of employment tend to be (not legally) closed to women.¹⁷

In Afghanistan, agriculture continues to be the backbone of the rural economy – about seventy percent of the population in rural areas engaged in agriculture. The Ministry of Rural Rehabilitation and Development (MoRRD) launched an Economic Empowerment Rural Development Programme in 2016 aimed at increasing the overall socio-economic status of rural women by focusing on removing legal constraints to women's economic participation and increasing the availability of training and access to finance.

9 Submission to the UN Committee on the Elimination of Discrimination against Women, 75th session, 2020
10 The World's Worst Places to Be a Woman, AMNESTY INT'L, 2019
12 Progress for women is progress for all - UNFEM 2009
14 Afghanistan National Peace and Development Framework (ANPDF) 2017 to 2021
15 “The Asia Foundation Annual Survey, 2020
16 Labor participation rate, “Percent of Female Population Age 15 and Above,” World Bank Data Bank

Human Development Report – Gender Inequality Index (GII), 2019
United Nations Development Programme, Gender Development Index (GDI), 2019
Women, Peace and Security Index, Georgetown University, 2021/2
Oxford Poverty and Human Development Initiative 2017 (later stats are not available)
Women & Gender in Afghanistan Edited by Steven A. Zyck, 2012
According to the Afghanistan Women’s Business Federation (AWBF), women’s entrepreneurship and economic participation in the past decade has changed through establishment of women only collectives and associations. For example, the Food and Agriculture Organisation funded “Integrated Dairy Schemes Project” implemented in Balkh, Herat, Kabul, Kunduz, and Jalalabad showed some success creating regular weekly income for women milk producers. In Herat women established a saffron producer association and in Ghoryan district, 480 women leased land for farming. The Kabul Women Farm Store, a women-only store for agricultural services provided women with much-needed training and use of greenhouses, and the Afghan Pride Association (APA) was a processing center owned and operated by women.

But overall women seeking to enter the work force in Afghanistan faced formidable barriers, even when economic opportunities existed. Although Afghan law entitled women to own and claim property, traditional and cultural norms often prohibited or restricted them. Only an estimated two percent of women owned land, most of them widows. Low levels of education, lack of awareness of legal rights and procedures, family and community expectations, and fear of being socially ostracized, all made it difficult for women to claim inheritance, even when explicitly given to them.

19 USAID, Landlinks https://www.land-links.org/country-profile/afghanistan/4152867438f507-e08d18b7-8b2d
The Bonn Agreement gave Afghan women unprecedented opportunities for political participation with the backing of the international community. In December 2001, a month after the fall of the Taliban, Sima Samar became Deputy Prime Minister and the first minister of Women's Affairs in Afghanistan. By June 2002 she had resigned after receiving numerous death threats.

The Emergency Loya Jirga (ELJ) held in June 2002 offered the first opportunity to include a wide range of voices and constituencies in the political process. Out of 1,500 delegates, 160 seats were reserved for women, although more than 200 women participated.20 This paved the way for the new Afghanistan Constitution which included a quota of seats for women within each branch of legislative power. Article 84 of the Constitution guaranteed women fifty percent of the seats in the upper house (Meshrano Jirga) and Article 83 stipulated that 68 of the 249 total seats (27%) in the Wolesi Jirga are reserved for women, comprising at least two women for each of the 34 provinces of the country.

In July 2013, a revised Electoral Law, governing presidential and provincial elections was approved by the President which reduced the quota for women to twenty percent. Initially a draft of the new electoral law eliminated the quota for women's representation entirely, a compromise was ultimately reached that resulted in a reduction of the quota to 20%, due in large part to the advocacy of Afghan civil society and outspoken voices in Afghanistan’s lower house of parliament.

Progress towards women's political participation was steadily evolving. In 2018 the Independent Electoral Commission (IEC) reported that a record number of women were campaigning for a seat in the 250-member Afghanistan parliament. By 2019, Afghan women held twenty seven percent of seats in the national parliament and by 2020, the number of women who served as Ministers, Deputy Ministers, and Ambassadors was at its highest. Sixty-nine women were Parliamentarians, twelve women served in the Executive (three Ministers: Women’s Affairs, Public Health and Labour, Social Affairs, Martyrs and Disabled), one served as General Director, one as Director of Independent Commissions, five women served as Deputy Ministers, one Governor (Bamiyan) and one Mayor (Nili, Daikundi) as well as the Deputy Speaker. Afghanistan also deployed its first woman Ambassador to the United Nations and women made up four percent of the country’s senior and managerial positions.21

The AMDGs target was thirty percent representation of women in the parliament by 2020.22 However, despite the international declarations and commitments and the relatively strong numbers, women's political participation continued to be limited in many regions. The potential for women to build political power and contribute to the political transition, while clear on paper, was often minimized and constrained by cultural and economic factors. Many women reported sexual harassment, or lack of perceived legitimacy.23

Women’s political participation also increased in voter registration, but the proportion of women registered as voters declined from forty one percent in 2010 to thirty four percent in 2018.24 Many women reported lack of security or lack of access. Many women were turned away from polling stations because of the lack of female poll workers and a shortage of female police officers or security guards.25 Afghanistan’s electoral authorities' decision to photograph all voters using facial recognition software, as an anti-fraud measure, restricted women especially in conservative areas, where most women and older girls cover their faces outside the home. According to the Free and Fair Election Foundation of Afghanistan (Fefa), out of the 9.6 million registered voters, only thirty-four percent were women, with the majority of registered voters in urban areas.26

With the majority of the population living in rural areas, it was critical that there was adequate representation outside of Kabul. The Constitution outlined a process of decentralization, “the government, while preserving the principle of centralism – in accordance with the law – shall delegate certain authorities to local administration units for the purpose of expediting and promoting economic, social, and cultural affairs, and increasing the participation of people in the development of the nation”.27 While the efficacy of the National Solidarity Program (NSP) continues to be questioned, the establishment of Community Development Councils (CDCs), which aimed to ensure equal representation by men and women, spotlights some positive results for women.

Gender balance was embedded in the CDC’s membership election process, but it was not always possible to ensure women’s integration in the decision-making process of the CDC, given strongly prevailing conservative/traditional attitudes to the status of women in some regions. Overall research highlights by 2019, almost 50 percent of the elected community development council members were women and over half community development plans included at least one priority project requested by women.

22 Islamic Republic of Afghanistan, "Combined Periodic Reports to CEDAW,” CEDAW (2011:32)
26 https://www.fefa.org.af
27 2004, Constitution, Article 2, Chapter 8
Interestingly, there was a direct correlation between the increased women members of community development councils and the higher rates of women's participation and socialization outside the household. For example, women's participation in dispute mediation and involvement in aid allocation had increased by twenty one and fourteen percent, respectively.\(^{28}\) Although in many communities' gender norms prevailed and women were often stymied by interference by men blocking information or controlling project funds.\(^{29}\)

\(^{28}\) 2015 World Bank evaluation
\(^{29}\) UNHABITAT, report “From the People, For the People, With the People”, 2017, HS/069/17E
Education

Girls’ education was one of the success stories of post-2011 Afghanistan. The Afghan government prioritized girls’ education, and the Constitution mandated education for every child up to ninth grade (lower secondary school, ages 13-15). While reliable baseline data is scarce, overall trends clearly show that Afghan women and girls made considerable gains in education in some regions.

By 2017, thirty-three percent of girls were enrolled in primary school and thirty-nine percent in secondary school. Until recently, enrollment rates for girls were increasing more rapidly than for boys, substantially reducing the gap in access to education.  

As many as 3.5 million girls were enrolled in school, though the number of girls actually attending school was lower. Literacy rates among girls rose from twenty percent in 2005 to thirty-nine percent in 2017.  

By 2018, there were approximately 70,000 women in teaching jobs and approximately 9,000 new schools were built, some of them specifically for girls.

As common across Afghanistan, there were significant rural-urban differences and despite the gains made in urban areas, Afghanistan’s patriarchal structures ensured that girls were often excluded from education in rural communities, with approximately 1.45 million girls at the primary and lower secondary levels out of school.

In response to the rural disparity and to provide more educational opportunities for girls in mountainous, inaccessible, or out-of-reach out areas, Community-Based Education (CBE) was introduced. CBE classes were typically established in community buildings or houses, sometimes mosques, with a smaller cohort of children. This model of education proved to be successful as a reliable, culturally accepted model for delivering primary education in areas where the formal education system did not operate, including in some remote Taliban controlled areas.

Despite growing support for girls’ education, there remained a serious number of challenges which prevented girls from attending school. Early marriage, insecurity, oppressive traditions, limited transportation to school, and traditional cultural beliefs. A lack of trained female teachers, especially in rural areas, compounded with the lack of all-girls schools, (between 2001 and 2018, only 2,712 of the schools were for girls) and the lack of separate bathroom facilities, all directly impacted the number of girls attending school.

32 WOMEN’S ACCESS TO JUSTICE IN AFGHANISTAN, USIP, 2014
33 Support for Gender Equality, lessons from the US experience in Afghanistan, Special Inspector General for Afghanistan Reconstruction, 2021
Judicial

The Constitution of Afghanistan guaranteed justice for women and girls, including constitutional protections for equal rights, and measures to support the elimination of violence. Since the Bonn Agreement judicial reform has attracted the attention of the international community, with investment in gender-related capacity building of justice personnel, judges, prosecutors, police officers, prison wardens and officials at the Ministry of Justice (MoJ). Additionally, many laws have been introduced or amended. A criminal code was officially introduced in November 2017, which updated relevant legislation including those relating to the elimination of violence against women. Justice institutions were outfitted with modern facilities, more women were recruited as judges, prosecutors and police officers and awareness of women's rights was improved to reflect international standards.

However, Afghanistan has always operated under dual systems of governance, with formal justice, never fully reaching into all rural areas, where customary laws take precedence. Customary laws are not formal state laws. They are unofficial rules and principles. Customary laws increasingly gained authority as the central government lost much of its ability to maintain control and provide security to the public. Although often in conflict with Afghan legal norms and international standards of human rights, an estimated 80 percent of disputes in Afghanistan are resolved by traditional resolution mechanisms outside the formal justice system. 34

The most prevalent non-state institutions for local dispute resolution were the traditional village jirga (circle) or shura (council) because they were perceived as more accessible, more legitimate, more effective, less corrupt, and faster in resolving disputes than the Afghan state courts. The decisions reached were more likely to be respected and enforced than those of formal justice mechanisms. Illiteracy also played an important role in discouraging using the formal courts – the overwhelming majority of Afghans are unable to make applications, or read the laws. 35

The presence of the shuras and their increasing prominence in community decision making and dispute resolution had mixed results with regards to women’s access to justice. The level of women’s participation in community decision-making processes differed from community to community. Typically, a woman’s case was represented in a community forum by a male family member, although there are exceptions. In some areas, it was acceptable for women community leaders to act on behalf of women, raising their issues and serving as ad hoc advocates but the majority of community forums consisted entirely of local men. 36 Women’s rights groups frequently criticized community mechanisms for perpetuating gender inequality and enforcing discriminatory practices through sanctioning discriminatory practices.

Women’s participation in the judicial sector as judges and police officers rose incrementally since 2001. From 2007 to 2018, the proportion of female judges grew from five to thirteen percent predominantly in Kabul 37. Women also made-up six percent of prosecutors and six percent lawyers. Research highlights that the higher number of women in the judiciary did not always result in gender-friendly legal response. For example, a prominent female prosecutor in Herat was known to take a more conservative or harsh stance toward women with regard to moral crimes than her male counterparts. Overall, the small increase of women in the justice sector was encouraging and provided incentive for further investment in gendered security sector reform prior to August 2021.

34 Human Development Report Afghanistan 2007:105
37 Special Inspector General for Afghanistan Reconstruction, Lessons Learned Program, 2021
Violence against women and girls

Violence against women remains a grave impediment to achieving the SDGs and women’s empowerment globally. Although Afghanistan’s legal framework offers women and girls many protections, high levels of violence against women remain. Eighty-five percent of Afghan women have allegedly experienced at least one form of domestic violence (physical, sexual, or psychological), and an estimated seventy-four percent of children aged between 2 and 14-years experience violence.

To address the endemic violence against women, the Elimination of Violence against Women Law (EVAW) was adopted by Presidential Decree in 2009. The Law referenced “fighting against customs, traditions and practices that cause violence against women contrary to the religion of Islam,” and was aligned with recognized international treaties to which the Afghan government is a signatory.

The Law was lauded for dramatically expanding the list of abuses against women that constituted criminal offenses, including forced marriage, under-age marriage, rape and baad. The law marked a high point after years of struggle by women’s rights activists who had helped shape the law and advocated for its passage. Its enactment provided legal fulfillment of the Constitution pledging equal rights, and the obligations undertaken by Afghanistan when it ratified the Convention on the Elimination of Discrimination against Women without reservations.

The EVAW law reinforced the Afghan National Police’s duty to assist victims, protect individual’s rights and freedoms, and detect, combat and investigate crime, by explicitly obliging the police to receive and register complaints of violence against women, deal with them according to the law, and inform the Ministry of Women’s Affairs of its actions.

The UN worked closely with the Afghan government to establish national Family Response Units (FRUs). The FRUs trained women in crime scene investigation, interviewing and taking statements. Some stations dedicated an office on the station’s perimeter staffed by females that prevent women entering male-dominated stations to report crimes. The staffing of the FRU’s with women was both an incentive to report and to increase women’s participation in the legal system.

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38 Women and Men in Afghanistan: BASELINE STATISTICS ON GENDER
40 Law on Elimination of Violence against Women (EVAW), August 2009 Issue No: (389)
41 “Still a Long Way to Go” UNAMA, December 2012
42 A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan, UNAMA 2011
43 Articles 5 and 26 of the Police Law, Article 29(2) of the Interim Criminal Procedure Code, and Articles 7 and 13 of the EVAW law
participation in the Afghan National Police. The Ministry of Interior adopted the “Strategy for the Integration of Afghan National Police Female Personnel” in 2013 which outlined measures for recruiting more women and preventive measures to create an enabling environment for the protection of policewomen from sexual harassment and violence. Additionally, the Council of Ministers approved the country’s first-ever “Regulation on Women’s Protection Centers” in September, 2011. The regulation recognized that shelters were an essential element of protecting women and girls from abuse.

To further support implementation of the law and address impunity, the ‘Special Violence against Women Unit’ of the Attorney General’s Office was established in March 2010, with a mandate to investigate and prosecute cases of violence against women and assist victims throughout the process. Yet, a December 2013 report on the enforcement of the EVAW law found that although the preceding year had witnessed a 28 percent increase in official reports of violence against women to police and prosecutors, actual prosecutions increased by only two percent. And, the high number of cases of self-immolation of girls and women in the southern and south-eastern regions of Afghanistan were most often not investigated by police, despite Article 21 of the EVAW law, which criminalizes forced self-immolation.

Despite the strong legal framework in place, old traditions remained. Reports on violence against women concluded that almost 90 percent of women experienced at least one form of interpersonal violence and 90 percent of Afghan adults, including women, believed that wife beating was justified under some conditions. The Afghan Independent Human Rights Commission reported that 98 percent of cases of violence against women happened within households.

Afghanistan cultural norms allowed for the perpetuation of violence against women as a “private family matter” and often cases, especially in rural areas, were addressed through traditional councils, (Jirga). The informal courts, generally based on patriarchal tribal and customary laws and practices, handled an estimated 80 percent of cases. Interpretation and implementation of EVAW by local authorities was flexible at best. Local justice systems often lead to outcomes denying women protection and justice and reinforcing impunity.

Although the extensive use of traditional justice was inconsistent with international best practice and the spirit of the EVAW; pervasive gender-bias in the policing sector, lack of trust in the formal justice system, fear of reprisal, financial constraints, lack of freedom of movement and impunity for perpetrators all contributed to the lack of official reporting and use of legal frameworks. Because of the stigma surrounding domestic abuse, even where domestic abuse was initially reported, women faced continuous and significant pressure to drop their cases. In some provinces, 75 percent of domestic abuse cases were abandoned, unresolved, or withdrawn by the victim. By 2017, only 18 percent of perpetrators of murder and “honor killings” of women were convicted and imprisoned. Although there is little data available on the extent of honor killings, the incidences of these crimes were reportedly higher in the south and east of the country and in conservative, mostly rural areas.

Despite the adoption of EVAW Law and increasing efforts to address violence against women, the diminishing status of women’s rights in Afghanistan came back into focus in March 2009 when the Shia Personal Status law, was passed by parliament. The law regulated the personal affairs of Shia Muslims, including divorce, inheritance, and minimum age of marriage, but, severely restricted the rights of Afghan Shia women on matters of custody, as well as in seeking redress for marital rape.

Additionally, in 2012, the President endorsed a National Ulema Council decision that contravened the EVAW Law, by declaring that violence against women be permissible within strict limits of Islamic law. Furthermore, in March 2017, a revised penal code was adopted by presidential decree to incorporate all the provisions of the EVAW law and strengthen the definition of rape. But, in August 2017, President Ghani ordered the Ministry of Justice to remove the EVAW chapter from the new penal code. Courts have regularly viewed a woman’s allegations of rape as an admission of the crime of extramarital sex, exposing sexual assault victims susceptible to be charged with Zina. In 2013, Human Rights Watch (HRW) estimated that “half of all women in prison and about 95 percent of girls in juvenile detention in Afghanistan had been arrested on ‘moral crimes’ charges.”

The consequences of violence against women in Afghanistan has continued with dire consequences. Pervasive gender-based violence has driven many Afghan women and girls to attempt suicide. In the relatively more developed Herat province, there were approximately 1,300 registered suicide attempts by women and girls—mostly between 15 and 25 years old—during the period of March 2018 and February 2019. The economic situation in Afghanistan has also made the trafficking of women and children a rising concern, sixty percent of Afghanistan’s trafficking in women and children cases happening domestically.

50 UNAMA and UNDP: the Afghan Independent Human Rights Commission
51 Women access to justice in Afghanistan, USIP ORG
52 MINISTRY OF WOMEN’S AFF. OFF AFG., Status of Women in Afghanistan 17 (Dec. 2015)
53 Human Rights Watch by the Afghan Independent Human Rights Commission women’s rights department, July 2009
54 General Administrative Affairs Department Department of Parliamentary Affairs and Taqneen Annex 265 Number: 51141828 Date: 11/29/1887
55 UN Assistance Mission in Afghanistan (UNAMA) Arbitrary detention in Afghanistan, January 2009
56 World Report, Human Rights Watch, 2013
57 Fariba Aram, Suicide Attempts On The Rise In Herat: Officials, TOLO NEWS (Feb. 16, 2019)
58 Report of the Special Rapporteur, supra note 32

48 Human Rights Watch; Dr. Soraya Sobhrang, 2009
49 Implementing Afghanistan’s Elimination of Violence against Women Law, Human Rights Watch
Health and maternal

Public healthcare in Afghanistan was based on the Basic Package of Health Services (BPHS) and Essential Package of Hospital Services (EPHS), both designed by international donors to cover primary healthcare. In 2019, the BPHS and EPHS were merged into the Integrated Package of Essential Health Services (IPHS). It is estimated that about 80 per cent of public health services were contracted out to international and national NGOs, with the remainder provided by the Afghan Ministry of Public Health.\(^59\)

There was some genuine improvement in women’s access to health care, especially with regards to maternal health. In 2002 complications in pregnancy and childbirth were the leading cause of death among Afghan women of reproductive age.\(^60\) By 2010 the maternal mortality ratio had dropped significantly in urban areas.\(^61\) Between 2003 and 2018, the proportion of births attended by a skilled medical professional increased from 11 percent to around 59 percent. This was the fastest pace of progress seen across any low-income country\(^62\) and the life expectancy of Afghan women rose from 58 years in 2002 to 66 years in 2018.

Publicly financed health facilities have resulted in some improved access to care but major gaps persisted in the quality and functionality of the health system. Basic medical services were unequally distributed across the country, and often absent in rural areas where the majority of the population live. Afghans have persistently struggled to overcome healthcare obstacles related to distance and the cost of transport and medical care. Large parts of the population in Afghanistan are still unable to access functioning medical facilities near their homes or obtain quality, free medical care. The distances they have to travel, violence and insecurity, pervasive poverty, and the costs of receiving medical care, have all created barriers to medical services. Afghanistan, until recently, had 172 hospitals and four doctors per 10,000 people and UN OCHA reported that around a third of the 37 million population had no access to a functional health centre within two hours of their home.\(^63\)

For women, the obstacles to healthcare in rural areas have been dismal. A lack of female healthcare providers, restrictive sociocultural practices, lack of education, and lack autonomy have constrained women’s access to health care. One of the biggest impediments

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\(^{59}\) “The continued struggle to access medical care in Afghanistan”, Médecins Sans Frontières/Doctors Without Borders (MSF), 2021
\(^{60}\) World Health Organization, Maternal mortality in 2000-2017
\(^{61}\) SIGAR audit and an analytical study in 2015
\(^{62}\) World Bank, (World Health Organization, 2014)
\(^{63}\) ‘The Continued Struggle to Access Medical Care in Afghanistan’, MSF, 2021
to healthcare across Afghanistan has been the growing insecurity and attacks on hospitals and healthcare workers. Healthcare facilities in Afghanistan have been attacked more often than almost anywhere in the world, forcing their temporary or permanent closure and depriving millions of access to vital medical services. 64

However, there has been some positive growth in the number of women working in healthcare, albeit marginally. Given the cultural make-up of Afghanistan, there has always been a strong prevailing cultural preference for women to be treated only by other women. Therefore, training female healthcare providers has been essential for expanding women’s access to adequate health care. The number of female healthcare providers, especially midwives, steadily increased over the years, from 25 percent in 2002 to 92 percent in 2017. In 2002 there were an estimated 467 trained midwives in Afghanistan; in 2018, there were an estimated 4,000. 65

From 2020, the spread of COVID-19 pandemic further reduced an already fragile health system, and limited the capacity of medical facilities to maintain regular services, due to the high numbers of infected health workers. While it is difficult to determine the full scale of the impact of COVID on Afghanistan’s healthcare system, the UN reported in 2021 that at least 90 health workers had died from the disease. 66 The true number of infections in Afghanistan is thought to be much higher, given that millions of vulnerable people have no access to health care, even before the pandemic.

64 The Lancet, World Report, Volume 395, June 2020
65 World Bank, (World Health Organization, 2014)
66 “The Continued Struggle to Access Medical Care in Afghanistan”, MSF, 2021
UN OCHA, Afghanistan: COVID-19 Multi-Sectoral Response, Operational Situation Report, 18 February 2021
Security Sector

While security sector is not a specific goal of SDGs, the security of women and access to economic and leadership opportunities is foundational for the goals. Increasing women in security and defense forces provided economic empowerment opportunities for women that had not been available previously.

In 2008, the Afghan government’s National Action Plan for the Women of Afghanistan noted that the number of women in the forces was too low and sought to address this gap by identifying affirmative action policy and strategies to increase the number of women serving in the Afghan National Defence and Security Forces (ANDSF). The result was a quota to increase numbers of women by 20 percent within 10 years.\(^{67}\)

Afghan Ministries of Defense and Interior attempted to increase recruitment and retention of women by issuing this quota for all uniformed Afghan National Army positions and establishing various gender working groups and offices assigned to improve gender integration efforts within the ANDSF. Some efforts were aimed at laying a foundation for a culture supportive of women—such as the army’s incorporation of trainings on gender, women’s representation, and respect for female service members into its Basic Warriors Training.

The Afghan government set ambitious goals to increase the number of women police officers in the Afghan National Police. In 2010, the Ministry of Interior aimed to recruit 5,000 women serving in the police forces by 2014. The Law-and-Order Trust Fund for Afghanistan (LOTFA) was initiated and by 2011, the LOTFA claimed to have 1,200 women in the Afghan National Police. The number of women serving in the police rose from 180 in 2005 to 3,650 in 2019.\(^{68}\) Specialized Family Response Units were also established to address violence against women and this generated recognition of the need to increase women police officers to work with female victims of abuse and violence.

Despite the international investment and Afghan Government initiatives, by January 2020, women service members made up just 3.25 percent of uniformed positions in the Afghan National Police, and less than 1 percent of uniformed Afghan National Army positions well below the initial 10 percent goal.\(^{69}\) Recruitment and retention of women were constrained by several barriers, including include familial pressure, sexual harassment and abuse from colleagues and superiors, few prospects for professional development, and lack of child care.

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68 Law and Order Trust Fund for Afghanistan (LOTFA) Annual Project Progress Report 2014, UNDP
69 SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION Report, 2020
Technology and media

The rapid growth and diversification of media since 2001 created roles for women as both consumers and producers of media content. The proliferation of hundreds of independent media outlets—television, print, and radio— included an increasing amount of content produced by and for women. Radio Rabia Balkhi in Balkh Province, where roughly 60 percent of the staff were women, produced women-focused broadcasts ranging from music and call-in shows to in-depth coverage of political issues. 70

More than 20 newspapers and several women’s radio stations were launched by and for women in Kabul. The launch of the Afghan Women Journalists’ Forum provided both an organizational focus and a political voice to women journalists, who added their efforts to shaping public opinion in the crucial debates on the future of Afghanistan. 71

Expanded internet access, mobile phone usage, and the birth of social media have also provided women with new platforms through which to engage on sensitive topics, build community, and push for social change on women’s issues.

Given Afghanistan’s difficult physical terrain, poor transport networks and cultural factors that restrict women’s mobility, the ability to communicate was one of the strategic options for overcoming geographical and time barriers. May 2013, the MoWA supported the launch of mobile technology programmes, specifically designed for women. The mobile literacy programme enabled learning literacy programme, a family hotline facility, an SMS service for teachers and students to fast-track their progress in education, and mobile health applications during pregnancy. 72

As prices dropped and networks expanded, Afghan women’s access to mobile phones grew. Afghan women were increasingly able to use mobile phones to connect with family and friends. In 2012, USAID reported that 80 percent of Afghan women surveyed had regular or occasional access to mobile phones. 73 Afghan women responded that owning a mobile phone made them feel safer, better equipped to cope with emergencies, more independent, and more able to access the family members and friends. 74

70 "Women’s radio initiative,” The New Humanitarian, 2003
71 THE POLITICS OF GENDER AND RECONSTRUCTION IN AFGHANISTAN, Deniz Kandiyoti, United Nations Research Institute for Social Development, 2005
72 UNESCO Mobile Literacy Programme in Afghanistan, Afghanistan, 2013 3
74 Women and Girls in the Afghanistan Transition, Council on Foreign Relations 2014
Conclusion

The investment in Afghanistan over the last 20 years provided a foundation for some notable advancement in implementing the SDGs. International aid and commitments from the Afghan Government supported progress in a number of areas, including education, women’s political participation and maternal health.

Women were offered more opportunities to participate in public life, enter the workforce, including in the security sector. More than 1,000 Afghan women had started their own businesses by 2019. Reflecting the expanded education and economic opportunities, a new generation of Afghan women were actively shaping Afghanistan’s future, playing key roles in government and the private sector. By 2020 women held 27 percent of seats in the lower house of parliament, a quarter of all civil servants and 16 percent of senior management roles were held by women. Coupled with a growing body of legislation that recognized gender equality and supported women’s empowerment and protection of women and girls, there were some nascent positive shifts towards achieving gender equality.

The establishment of the MoWA was a progressive step in advancing women’s rights and supporting a vibrant women’s civil society. The Ministry had taken tenacious steps to improve women’s status, from introducing legislation on elimination of discrimination and violence against women, to empowering women through participation in education, economic, social and political processes. The National Action Plan for Women of Afghanistan will be remembered as one of the major steps towards supporting women in the areas of social and economic empowerment and international assistance to further develop programmes on maternal health, teacher training, capacity building for women entrepreneurs also provided a foundation for women’s rights to be advanced.

However, there has always been a glaring division between rural and urban in Afghanistan, and this also applied to the implementation of the SDG’s. While there was some recorded progress, albeit sporadic and ad-hoc, it was primarily centered in urban areas, especially Kabul. Within the provinces there has also been stark variations. In the southeastern areas, women are particularly at-risk to organized violence and intimate partner violence. Acceptance of wife beating was widespread (between 67 and 97 percent), and levels of women’s participation in domestic decision making were very low (between 3 and 21 percent). The highest rates of violence were observed in Ghor, Herat, and Wardak provinces.75

Violence against women has remained to this day a constant impediment and across the country discrimination and violation has been widespread. Although legislation was adopted to protect and address violence against women and girls, most notably the EVAW Law, implementation was rare and perpetrators of violence, harassment and discrimination against women were not brought to justice.

In rural provinces overlaps and contradictions between traditional justice and legal frameworks were frequent. A majority of the disputes, including violence against women and girls in rural regions were handled by traditional justice mechanisms. Rulings often contravened official laws protecting or empowering women.

The comparison between the ‘on-paper’ rights-based approach and the actual was very different. Civil society observed push-back against women’s rights over the years, which is at odds with the governmental reporting. By 2021, there was evidence of roll-back in the achievements for gender equality. Afghanistan ranks last on the Global Gender Gap Index 2021 and the Women, Peace and Security Index, 2021. Eighty-seven percent of women and girls have experienced at least one incident of intimate violence, and twenty-eight percent of girls were married before 18.76

The ‘take-over’ by the Taliban in August 2021, has derailed the efforts to implement all forms of progress, especially within the realm of women’s rights. Healthcare has largely been dependent on international investment but this has generally been limited to urban centers, with rural and remote areas, removed from basic health care services.

While the Taliban had initially assured the protection of women’s rights within Islamic law, there has been a general curtailment of Afghan women and girls’ fundamental rights and freedoms. These range from limiting their right to work to the absence of women from major decision-making fora and the restrictions on women’s freedom of movement. It should be noted that these policies are applied disparately around the country, with some provinces becoming significantly less restrictive than others.

However, Afghanistan continues to bear a legal obligation under international human rights law to guarantee the human rights of women. Specifically, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 2003, Afghanistan is required to eliminate discrimination against women. The Taliban is obliged to respect and protect human rights, as the duty to respect, protect and fulfil human rights obligations applies regardless of states’ political, economic and cultural systems.

75 UNICEF 2012
76 UNICEF 2021
Recommendations

Despite the return of the Taliban, at this time there may still be scope and possibility to continue work towards advancing the SDGs in Afghanistan. Project implemented or funding must include men and women, and consider the sensitivities of the current cultural and political context. Recognizing next steps for Afghanistan with regards to women’s rights must come from the grassroots.

Afghan women call for a reintroduction of a safe and secure environment for their full and equal participation in the country’s public and political life and a role in shaping its future. The protection of women’s and girls’ human rights must be central to all laws, policies, political processes and institutional practice and the allocation of resources must be aligned with their priorities which include freedom from violence, freedom of movement, freedom of expression, access to education and health care including reproductive health care, equal participation in cultural life, the right to work.

Afghan women call for the provision of humanitarian aid ‘without conditions’ to alleviate the disproportionate harm to women and girls. However, all humanitarian aid must be based on women designed relief and delivery. In any program or project/funding assistance women must be central members of community development councils in Afghanistan—particularly those in rural areas—consulted on the design and implementation of humanitarian programs. Women council members must be included in the conceptualization, implementation, and monitoring of program activities. Female council members should serve as local partners, not just beneficiaries. The international community should make the promotion and protection of women’s rights a main priority of the delivery of aid and support.

The following recommendations are based on conversations with Afghan in country and in the diaspora.)

- Continue funding to health and midwifery programmes. Identify the rural regions that are in need of women’s and infant/children’s health care support and provide tailored assistance, funding and training programs. (The programs and funding can be discussed and presented to Minister of Health (to gain acceptance and trust at the political level), however any support or funding must be allocated through international health programs that include local women CSO. Funding will not be issued without the buy-in sign off of women health providers).

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Focus group discussions Afghan women November & December 2020
The community-level women’s agricultural producer groups and associations were developed to support both men and women. These groups operate at all levels to enhance women’s entrepreneurship. Programmes to support both men and women capacity skills building in agri-business or small business. Subsidize and support women-owned and led tailors/bakeries/food manufacturers. (Previously the UN Habitat Community Fora, set up women’s community fora (WCFs) to provide opportunities for income generation and to support women’s community leadership roles. The WCFs operated in difficult conditions under the Taliban but the programs were successful).

The community-level women’s agricultural producer groups and associations were highly successful. Developing programs for women and men, that are agreed and coordinated with the local authorities, religious leaders and create income generating results at local level. (It is critical that any program developed for women is complemented by one for men. Lessons learned show that only focusing on women economic empowerment can put women at risk to violence – in a traditional cultural environment men have difficulties accepting women receiving money for work if they do not. (The Do No Harm method must always apply).

Women’s access to mobile phone and technology was exponentially improving among women and girls. Continuation and expansion of women only Community Centres, where technology access and mobile phones can be available would benefit the community and provide essential ‘safe women only spaces. Capacity building on technology use, software training, health, religious discussion, child care, livelihood training - carpet-weaving, tailoring etc; women only driving schools (for medical and other emergency uses). (Organizations such as the Union of Afghan Women, the Women’s Vocational and Training Centre and the Women’s Association of Afghanistan, mobilized professional women who offered their services as doctors or teachers, offering literacy classes and skills training to numerous girls and boys in homes during the previous Taliban regime).

One of the success stories over the years has been the increase of access to education for girls. Community-based education has proven effective as a reliable, culturally accepted model for delivering primary education in areas where the formal education system does not operate. Community-based education was found to improve enrollment and educational outcomes for girls, in part because it is a culturally accepted model for girls’ education that enabled more families to send their daughters to nearby schools. Using similar models of education from neighboring nations provide financial assistance for specific programs for girls’ education. In addition, building more girls’ secondary schools, converting some boys’ schools into co-ed schools, introducing morning and afternoon shifts, and adding secondary level classes to existing primary schools.

Engage Afghan men and boys to challenge stereotypes and reduce hostility to women’s rights and their participation in public life. Engaging men and boys on gender equality and women’s rights issues is essential to further empowering women and girls. Arrange of activities that have previously proven successful can be utilized. Engaging male religious leaders as advocates for women rights can help mitigate the decline of women’s rights.

The freezing of international funds has had a dramatic impact on the limited health care available and declining supplies are compounding the fragile situation. The exclusion of women from the labor force, in medical centers and clinics and in schools, will directly impact the health, education and well-being of Afghan women and girls. COVID-19 will continue to be a challenge, therefore continued support is needed to combat COVID-19, especially for women and girls. Training for women-only testing sites established and public awareness and health literacy about sanitation and hygiene practices available in women-only areas. (Research highlighted women were disproportionately affected with few women doctors to be tested and treated).

Midwives have proven to be an essential resource for expanding maternal care to women and girls. Beyond being able to provide life-saving assistance, midwives serve as role models within their communities and have reported an increased sense of empowerment and agency that comes from their work. The impact of midwifery training also had “multiple indirect, second-order effects.” Training in health care and midwifery programmes, provided employment opportunities for women and thereby indirect empowerment. The women who went to receive the training became, over time, trusted decision-makers within their communities.

The international community must listen to the voices of Afghan women who are rightfully demanding a safe and secure environment for their full and equal participation in the country’s public and political life and a role in shaping its future. The protection of women’s and girls’ rights must be central to all laws, policies, political processes and institutional practice and the allocation of resources must be aligned with their priorities which include freedom from violence, freedom of movement, freedom of expression, access to education and health care including reproductive health care, equal participation in cultural life, the right to work, and safe passage for those who want to leave the country, among others.

Direct engagement with Afghan women leaders and tangible support from the international community to women’s networks is urgently needed to ensure better outcomes for Afghan women and for the nation as a whole. Afghan grassroots civil society organizations that advocate for women’s rights, particularly those that operate in rural areas should be provided with protection. Rural NGOs and legal aid centers and shelters should be provided with immediate assistance.
Despite the drastic changes unfolding in Afghanistan, the State continues to bear a legal obligation under international human rights law to guarantee the human rights of women. Specifically, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women. A call for reinstating the Ministry of Women's Affairs is urgently required to ensuring the access of women and girls to services across the country and ensure that women participate fully in the management and distribution of humanitarian assistance.

Assessment of how Islamic legal literacy, scholarship, and dialogue might help protect women’s rights in the coming difficult period is crucial to increasing the acceptance of these rights and therefore their sustainability.
Actions

- Provide humanitarian and financial aid based on conditions that recognize women and human rights.
- Support direct funding to women civil society in Afghanistan and financial support of Afghan women’s organizations globally.
- Include women in decisions on humanitarian delivery and aid is informed by gender analysis.
- Seek assurance for safety for international organizations to return to Afghanistan and continue delivery of service and support for women and girls.
- Provide financial support to public healthcare facilities countrywide (including in hard-to-reach rural areas); training additional healthcare workers, including female doctors, nurses, and midwives, to improve women’s access to healthcare.
- Re-establish midwifery programmes, women’s medical support and teacher-training for women.
- Encourage and support the utility of mobile health clinics for women in rural and remote areas.
- Provide equipment, and materials in public healthcare facilities for patients.
- Seek commitments from the Taliban to fully respect the right of girls and women to education, using good educational practices from similar nations.
- Continue funding building schools and clinics especially for women and girls and in rural areas.
- Identify entry points for Sharia law and women’s rights to converge, to protect women and support empowerment.
- Seek support for the continuation of shelters, violence against women programs, and training on awareness of violence against women.
- Provide psycho-social support to women and girls, suffering from trauma and recovery from abuse.
- Support early-childhood development programs via NGOs and INGOs.
- Call for human rights monitoring to be able to function and work freely through the Afghanistan Independent Human Rights Commission.
- Support delivery of assistance to combat Covid-19 especially through increasing testing and women health care professionals in rural areas.
- Support youth activities for at-risk young men and women, including violence reduction programs and awareness on violence against women.
- Call for the re-establishment of MoWA.
- Identify and finance areas of women’s economic empowerment that would be acceptable across cultural and religious divisions, including handicrafts and secure access to markets.