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Supporting Afghan Women in the 2014 Transition

Summary

- Women's civic engagement during the 2014 elections reached an all-time high, with women voters constituting 37.6 percent of all votes and three hundred female candidates running for provincial council posts.
- Women's political participation has been supported by the national constitution's quota system but may be threatened by new constitutional reforms or a failure to nominate a significant number of female ministerial candidates.
- The new national unity government must affirm its commitment to implementing the Elimination of Violence Against Women law while increasing the availability of legal recourse and protections from harassment and violence.
- Still severely underrepresented in the security sector and judicial system, women can be supported with increased funding from the National Defense Authorization Act, gender-based violence trainings, and better facilities for female employees.

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Introduction

Civic engagement in Afghanistan is at an all-time high. Despite allegations of electoral fraud during the 2014 Afghan presidential election, the process set new precedents for the roles that the country's vibrant civil society groups can play as the country transitions to a new national unity government following months of delay.

According to the Independent Election Commission (IEC), 37.6 percent of voters in the presidential runoff were women, at least thirty thousand more than in the 2009 elections.¹ Female voter turnout was so high that many polling stations for women ran out of ballots. Most important, women campaigned for political positions at unprecedented levels. Dr. Habiba Sarobi, who served as Afghanistan's first female governor in Bamiyan province, became the first woman to run on a vice presidential ticket, with third-place candidate Zalmay Rassoul. At the provincial level, the IEC reports that “nearly 300 women ran for provincial posts in 2014,” comprising 12 percent of the candidates.² Even in Kandahar province, one of the country's most conservative, women filled one in ten spots on the ballot.

Momentum for women's rights also came from the rhetoric that presidential candidates used throughout the campaign season. Dr. Ashraf Ghani targeted his outreach toward educated and

elite urban women and made history on International Women's Day when his wife, Rula, addressed the crowd. By contrast, Zeenat Karzai, Hamid Karzai's wife, rarely appeared in public during the ten years of Karzai's time in office. Ghani pledged in June that if elected he would appoint the first female judge to the Afghan Supreme Court, which he later reaffirmed in his victory speech that September. Dr. Abdullah Abdullah—the second-place finisher who became the chief executive of the new national unity government—advocated integrating women into the Afghan National Security Forces (ANSF) to enhance their involvement in the security sector.

Presidential hopefuls also engaged directly with their female constituencies. In February 2014, the U.S. Institute of Peace and Equality for Peace and Democracy, a local Afghan non-governmental organization, jointly hosted a two-day dialogue in Kabul, during which presidential candidates spoke with more than 220 female civil society leaders from all thirty-four provinces regarding their agendas for women's advancement.³ The presidential dialogue engaged eight out of the eleven candidates, either personally or with proxy vice presidential representatives, on issues ranging from women's literacy rates to 2009 election fraud.

As analyst Anna Larson writes, "Ghani's rhetoric may simply be part of his overall strategy to get elected, but it provides a basis, at least, for Afghan women's groups and international actors alike to push for real political change."⁴ The forecast for Afghan women appears to be encouraging. But advocates must hold the new Ghani and Abdullah administration to the promises the candidates made during their campaigns as leverage for political action. Ghani and Abdullah both signed the Afghan Women's Network's Six Point Petition to the Front Runners of the 2014 Presidential Election,⁵ a robust plan addressing everything from establishing women's shelters to providing judicial and health services. In October, they signed Afghanistan's first National Action Plan to implement UN Security Resolution 1325, a comprehensive strategy for integrating women into the formal peacebuilding process and political infrastructure. As the new administration sets policy for the rest of its term, it should focus on three key areas: rule of law, political participation, and security sector reform.

Rule of Law and Judicial Reform

Among the top issues for the new Afghan administration is support for women's access to justice and rule of law. While the environment for seeking legal protections for women has proved challenging, improving the availability of legal recourse will provide a robust foundation.

In the immediate future, the new administration must affirm its commitment to comprehensively implementing the Elimination of Violence Against Women (EVAW) law, which provides "new criminal penalties for various abuses including rape, child marriage, forced marriage, domestic violence, sale of women and girls, and *baad*, the giving of girls to resolve disputes between families."⁶ President Karzai originally signed EVAW into law through executive decree in 2009, but it incited so much parliamentary backlash that it still has not passed through the legislature.⁷ There have since been myriad attempts in both the parliament and judiciary to repeal or weaken the EVAW law due to objections to the law's provisions against underage marriage and its resolve to establish women's shelters.⁸ To ensure the law's implementation, President Ghani must engage with members of parliament and with Afghan religious and civil society leaders, who can support the agenda by further educating law enforcement and judiciary practitioners on the law's provisions.⁹ Further, the administration must also continue to work with the Criminal Law Review Working Group and Ministry of Justice, the primary groups who have spearheaded efforts to incorporate the law into the new penal code. Thus far, the ministry's support for EVAW has proved promising, but it will be crucial that civil society work with their leadership to ensure that the law is not weakened in its incorporation.

The creation of the EAW law and its consolidation into the penal code represents a major milestone for the women's rights movement in Afghanistan. Its success is threatened, however, by several proposed laws that would erode legal protections for Afghan women. According to Human Rights Watch, several proposed laws would reinstate stoning as punishment for adultery, abolish the seats set aside for women on provincial councils, and otherwise compromise women's socioeconomic status.¹⁰ One such law is the Shiite Personal Status Law, which Karzai also signed in 2009 shortly after he signed the EAW law into decree. The law seriously threatens the safety and equality of women and girls by providing legal justification for domestic violence and underage marriage while blocking a woman's unilateral right to appeal for divorce from her husband, even when she has been physically abused or raped.¹¹

A great deal of work remains to be done to solidify women's access to both informal and formal justice institutions in Afghanistan. These goals can also be accomplished by working with civil society to raise parliamentary support for legislation protecting women from harassment and violence. Additionally, as many legal aid services are currently provided by international organizations, locally funded nonprofit organizations, and the Ministry of Women's Affairs on an ad hoc basis, committing resources to expand the Ministry of Justice's scope and capacity—particularly its reach in the provinces—is also critical.

Political Participation and Governance

In addition to supporting rule of law, it will be crucial to include women in the political and security transition process to ensure institutional reform at the national and subnational levels.

The new administration must ensure constitutional safeguards for existing quotas supporting women's political participation. This is especially important this year, as the political deal that established Afghanistan's national unity government also allowed for provisions to revise the country's constitution with a constitutional *loya jirga*, thus creating an opportunity for dissenters to roll back gains giving women space in parliament and the thirty-four provincial councils.

The national constitution's quota system currently calls for women to fill a quarter of parliament seats, catapulting representation levels to ranks well above those in the United States. While reserved seat quotas do not necessarily ensure women's enfranchisement, and critics argue that some candidates have played proxy roles for male relatives to gain access to parliamentary power, quotas provide a crucial foundation for women's involvement in politics and policymaking. Afghanistan now has sixty-eight women members in parliament's lower house, twenty-eight women senators in the upper house, and a total of one hundred and seventeen women in the provincial councils. However, President Ghani only nominated three female ministerial candidates for office, two of whom were subsequently withdrawn due to age and dual-nationality restrictions. At the time of publication, this left only Najiba Ayubi as head of the Ministry of Women's Affairs. While falling short of pledges that the cabinet would include four female ministers, it does at least indicate a desire from President Ghani for more inclusive policymaking and reforms on women's issues.

Likewise, as tensions rise within parliament over antiviolenence legislation, including the EAW law, it is possible that the quotas may be revoked without executive-level support. When the EAW law was first brought to the parliament for discussion, conservative parliamentarians responded by lowering the quotas for women's provincial councils, which are not protected in the constitution. This action resulted in a loss of twenty-one quota seats for women in those councils.¹²

In the administration's first year, it should specifically focus on engaging women in the 2015 parliamentary elections and on the High Peace Council (HPC), the government-appointed body charged with exploring peace talks with insurgent groups. Currently, women fill only 13 percent of HPC seats.

Security Sector Reform

Women's involvement as actors in the greater security infrastructure will also be vital in ensuring stabilization as international forces draw down and transfer power to the ANSF against a volatile Taliban insurgency. Recruitment and retention of women in the ANSF and security sector will help cultivate a security force that is more representative of the population. By providing expanded access to the local community, a gender balance will improve the security force's capacities to manage crises and gather information and better equip them to address reports of domestic violence,¹³ which are on the rise in Afghanistan.¹⁴

Today women comprise approximately 1 percent of the Afghan National Police, with approximately 1,400 police officers registered with the force—3,600 less than the target of 5,000 that the Afghan government had previously set. Even fewer women hold positions in the army or within the judicial system (women represent a mere 10 percent of the judicial corps), penal system, or other policy-setting security institutions.¹⁵

To promote the inclusion of women in Afghan forces during the security transition, the U.S. Congress has earmarked a minimum of \$25 million from its fifty-second National Defense Authorization Act to stimulate an increase in the number of women in the ANSF. The new Ghani administration should work with the United States to double funding for the 2016 fiscal year, which would help cover the costs of human rights and gender-based violence training in police and army training academies and finance new facilities for women serving in leadership positions in the security and judicial sectors. This is particularly important as the ANSF and the Afghan Local Police both have been widely criticized¹⁶ for cases of sexual assault against women within their ranks. Similarly, the new administration should provide baseline security for female politicians who have been increasingly targeted; a suicide bomber targeted—unsuccessfully—lawmaker Shukria Barakzai's motorcade in November 2014.¹⁷

Conclusion

As the new national unity government passes its one hundred-day mark, the political rhetoric employed during the 2014 campaign season must translate into political action on behalf of Afghanistan's women. The new administration recently highlighted its approach in a strategy paper for the December 2014 London Conference, highlighting education, economic advancement, and inheritance rights as key deliverables, and the international community will be closely monitoring these gains among others. It is essential that the new administration also work to sustain the gender equality gains made since the fall of the Taliban in 2001. Despite significant advances, these gains remain fragile, and the new administration must prioritize support for women in the judicial, political, and security sectors. While women will undoubtedly be affected by the drawdown of U.S. and North Atlantic Treaty Organization security support, the vibrancy and robust resolve of women's civil society groups, demonstrated during the presidential campaign, suggest that Afghan women are up to the challenge.

Notes

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ABOUT THIS BRIEF

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