

# THEIR LIVES ON THE LINE:

WOMEN HUMAN RIGHTS DEFENDERS  
UNDER ATTACK IN AFGHANISTAN

AMNESTY  
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**AMNESTY  
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*Cover photo:* Fauzia Nawabi from Afghanistan Independent Human Rights Commission interviewing inmates at a women's shelter in Mazar-e-Sharif © Marcus Perkins

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## GLOSSARY OF TERMS

**Baad / Badal:** The exchange of girls for marriage to pay off a debt or end a feud between families.

**Burqa:** An enveloping outer garment worn by women to cover their bodies when in public.

**Chador:** A headscarf.

**Eid:** A Muslim holiday marking the end of the month of Ramadan (fasting).

**Hamam:** A bath.

**Hanafi:** One of the four schools of Sunni Islamic jurisprudence.

**Hezb-e-Islami:** A political faction.

**Jirga:** A council.

**Kafir:** A non-believer.

**Mahram:** A male escort who is a relative.

**Meshrano Jirga:** An Upper House of the National Assembly.

**Mullah:** A Muslim cleric.

**Night letters:** Written threats delivered to homes under the cover of night.

**Shari'a:** Islamic law.

**Shura:** A decision-making body of a group of people who have been given authority to discuss a particular issue and find a solution (eg. community elders).

**Ulema:** A religious council.

**Wolesi Jirga:** Lower House of the National Assembly.

**Zina:** Sexual intercourse outside of marriage.

## ACRONYMS

**AIHRC:** Afghanistan Independent Human Rights Commission

**ANP:** Afghan National Police

**AREU:** Afghanistan Research and Evaluation Unit

**AWN:** Afghan Women's Network

**CAT:** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**CEDAW:** Convention on the Elimination of All forms of Discrimination against Women

**CERD:** International Convention on the Elimination of All Forms of Racial Discrimination

**CID:** Criminal Investigation Division

**CRC:** Convention on the Rights of the Child

**DOWA:** Department of Women's Affairs

**EU+:** European Union Plus (which includes Canada, Norway and Switzerland)

**EUPOL:** European Union Police Mission in Afghanistan

**EVAW:** Elimination of Violence Against Women

**FRU:** Family Response Unit

**HRD:** Human Rights Defender

**ICCPR:** International Covenant on Civil and Political Rights

**ICESCR:** International Covenant on Economic, Social and Cultural Rights

**ICG:** International Crisis Group

**MOI:** Ministry of Interior

**MOWA:** Ministry of Women's Affairs

**NAP 1325:** National Action Plan for UN Security Council Resolution 1325

**NAPWA:** National Action Plan for the Women of Afghanistan

**NDS:** National Directorate of Security

**NSP:** National Solidarity Program

**NGO:** Non-governmental Organization

**ODIHR:** OSCE Office for Democratic Institutions and Human Rights

**OHCHR:** Office of the High Commissioner for Human Rights

**UNAMA:** UN Assistance Mission in Afghanistan

**UNSCR 1325:** United Nations Security Council Resolution 1325

**USAID:** United States Agency for International Development

**WHRD:** Women Human Rights Defender

# 1. EXECUTIVE SUMMARY

**“Anti-government groups are targeting prominent and outspoken women’s rights advocates [in order to] spread fear among other women’s rights activists [and] stop their activities.”**

Roghul khairkhwah, Senator for Nimroz province<sup>1</sup>

These words were spoken by Rohgul Khairkhwah, an elected woman Senator for Nimroz province in southern Afghanistan and a recipient of the Ministry of Women’s Affairs ‘Bravest Woman in Afghanistan’ award.

Senator Khairkhwah knows of what she speaks. On 4 August 2013, two days before the Muslim festival of *Eid*, the Taliban attacked her vehicle as she drove through Ghazni province on her way home. With her in the car were her husband and their three children, her brother and his three children. The Senator’s seven-year old daughter and brother were killed in the attack. Her other daughter, who was 11 at the time, was paralyzed as a result of her injuries. The Senator was shot nine times, sustaining wounds to her liver, lung and leg. She also lost a finger, and three others are now paralyzed. She spent the next two months in hospital recuperating from her injuries.

Despite her ordeal, Senator Khairkhwah returned to work after she was discharged. Given what she suffered, people did not expect her to resume her position in the Senate, but as she told Amnesty International: “I want to motivate other women to continue their work.”

Senator Khairkhwah continues to represent the people of Nimroz despite the threatening phone calls and texts she receives. After the attempt on her life, the Senator had both her telephone number and handset changed but a few months later the threats resumed. She estimates that she has received more than 100 threats since 2010.

Throughout this time, Senator Khairkhwah has kept the National Directorate of Security



(NDS), Afghanistan's intelligence service, informed of the threats against her. She has also informed the Senate Defence Affairs and National Security Committees of the abuse she has experienced, but the official response has been negligible. When the threats began, the NDS told her that they were merely "designed to create a climate of fear" because of the peace consultations she was a delegate to.<sup>2</sup> Two years later, Senator Khaikhwah still has no answer as to who is responsible for the murder of her daughter and brother.

But what is most shocking about Senator Khaikhwah's story is how common it is. Amnesty International interviewed more than 50 women human rights defenders from 13 provinces across Afghanistan between August and November 2014, and their experiences were disturbingly similar to the Senator's.

In 2013, the UN Assistance Mission in Afghanistan (UNAMA) released statistics that showed the number of women killed in the country had increased by 20% from the previous year, although the number of civilian victims had decreased.<sup>3</sup> The Special Representative of the UN Secretary-General in Afghanistan at the time, Jan Kubiš, told the UN Security Council that:

"the majority [of women killed] is linked to domestic violence, tradition, culture of the country, [but] women activists have been deliberately targeted."<sup>4</sup>

Who are women human rights defenders in Afghanistan? They are women and men who are peaceably engaged in activities to promote and protect nationally and internationally recognized rights of women and girls. While women comprise the vast majority of women human rights defenders in Afghanistan, men are also taking up this work, although they face their own unique challenges in doing so, including a lack of acceptance and recognition for their contributions. However, women working as women human rights defenders are targeted not only because of their words or actions in promoting and protecting women's rights, but also because of who they are – women in public life.

These women are perceived as defying cultural, religious and social norms concerning the role of women in society, regardless of whether they are doctors, journalists, educators, female police officers or elected representatives. This puts them at risk of sexual and other forms of gender-based violence. It can further restrict their movements. Also, they can be convicted of 'moral crimes', face gender-based attacks on their reputation and experience social isolation.<sup>5</sup>

The issue of women's subordinate legal, social and political position in Afghan society and the failure of the government to meet its obligations to ensure gender equality and address discriminatory social attitudes forms the basis of this report. Cultural, religious and social norms are at the root of the various kinds of abuse experienced by women human rights defenders. As such, challenging those entrenched patriarchal patterns is central to the struggle to ensure that women and girls in Afghanistan are able to exercise their rights in full.

The nine case studies in this report illustrate the range of violence women human rights defenders are confronted with on a daily basis: from threats, harassment and intimidation to physical attacks on their family members and property and unlawful killings. Amnesty International has chosen these cases in order to fully represent the diversity of regions,

ethnicities, age groups and professions of women human rights defenders in Afghanistan.

A common thread emerging from the interviews as well as from reports by NGOs and research organizations is that the pattern of abuse against women human rights defenders is matched by the government's systematic failure to provide an environment that protects them or to bring the perpetrators of abuses to justice.

One woman's rights activist told Amnesty International:

"The authorities here are trying to ignore women and their problems, and even if there is evidence of women being targeted ... no one will bother to do anything about it. They are fine with women being targeted."

This institutionalized indifference on the part of the authorities to the threats, harassment and attacks that women human rights defenders face is a result of weak state structures, particularly within the judiciary and law enforcement and security agencies. It is reinforced by an enduring culture of impunity, a judicial system based on the ability to wield power rather than on a concept of justice and a multiplicity of competing legal systems.

While the Taliban and other armed opposition groups are responsible for the majority of abuses against women human rights defenders, they are not the only perpetrators. Government officials and powerful commanders and warlords who are supported by local authorities have also been implicated in committing human rights abuses against women human rights defenders.

Amnesty International found that existing support and protection services for women human rights defenders are especially lacking. They are under-resourced, overstretched with limited capacity and lack adequate security provision. This is a particular concern for staff in the provincial departments of women's affairs (DOWAs) who, as the case studies demonstrate, are themselves at grave risk because of their role as frontline defenders.

As one DOWA head explained:

"I want to work in all 15 districts [of my province] but I don't even have enough fuel in my car to travel. It affects my performance and what I can achieve."... Another DOWA head shared her frustrations about her attempts to increase security for the DOWA: "I keep asking for a police checkpoint in front of the office but we still haven't been provided with one. If it was a powerful commander asking they would have been given one."<sup>6</sup>

Women human rights defenders are afforded a degree of support from the international community, but up until now this has been on a limited and *ad hoc* basis. A recent strategy advanced by the European Union Plus (EU plus additional diplomatic missions) will, once operational, offer an additional protection mechanism for Afghan human rights defenders, including emergency protection and ongoing monitoring. However, the strategy has yet to be tested and questions remain concerning how successfully it will be implemented, including mainstreaming the particular needs of women human rights defenders and especially those in the rural areas of the country.

International funding has generally focused on short-term projects with little input from the beneficiaries. This has impacted on the types of activities women human rights defenders have been able to undertake and especially on the ability of organizations to provide services to those in need of protection, since longer-term funding is required for their delivery. It has also done little to encourage a more enabling and supportive environment for the work that women human rights defenders do.

Afghanistan stands at a critical juncture. Women human rights defenders are increasingly expressing concern over the erosion of women's rights amid a revitalized conservative movement; they worry this trend will only continue. At the same time, there has been a national and international shift in focus away from 'development' towards 'security.'

The high level of insecurity in the country continues to have an impact on women's ability to exercise their rights, restricting their access to public life and creating a dangerous and difficult environment for women human rights defenders. As a result, some women's rights defenders are censoring their words and restricting their activities and their associations. Some are ceasing their human rights work altogether or are trying to make themselves and their activities as invisible as possible in an attempt to keep themselves safe from harm.

The Government of Afghanistan is ultimately responsible for women human rights defenders' safety. Yet, it is failing in its obligations to protect them and to provide adequate remedy for the violations they experience. The systemic failure of security and law enforcement agencies to respond to threats and investigate incidents of attacks reported by women human rights defenders is a human rights violation rooted in patriarchal traditions that normalize gender-based violence and render it acceptable. Laws and policies alone cannot achieve transformative social change; the Afghan government must also demonstrate the political will to implement fully its human rights obligations, backed by financial commitment from donors.

It is therefore important that the international community continues to assist the Afghan authorities to build capacity within state institutions, in particular those related to the judiciary, law enforcement and security, as well as to ensure the meaningful participation of women at all levels within these institutions.

All relevant stakeholders in Afghanistan require a comprehensive, coordinated, well-resourced and countrywide effort. With this, tragedies like that suffered by Senator Khairkhwah, as well as the violations described in the case studies, may cease to be part of the everyday reality of women human rights defenders.

## METHODOLOGY

Amnesty International conducted field research for this report between August and November 2014, interviewing male and female women human rights defenders from Balkh, Faryab, Helmand, Herat, Jowzjan, Kabul, Kandahar, Kunar, Laghman, Nangarhar, Sar-e-pol, Samangan, and Zabul provinces. In all, delegates interviewed more than 50 women human rights defenders<sup>7</sup> both individually and in focus group discussions. These interviewees represent the spectrum of public life and include government officials, police officers, health care professionals, teachers, prosecutors, defence lawyers, civil society activists, academics, journalists and politicians. Amnesty International also interviewed families of defenders who have been killed because of their activism. The defenders also reflect a diversity of socio-economic backgrounds, ages and ethnicities. Interviews were conducted with Pashtun, Tajik, Hazara, Uzbek, Sunni and Shi'a women human rights defenders and included both illiterate and university-educated defenders ranging from their mid-twenties to their mid-seventies.

Many of the interviews were conducted directly by a Dari and Pashto-speaking Amnesty International staff member, while professional interpreters were used for other interviews. To ensure their safety, the real names of most of the women human rights defenders interviewed and the locations of their interviews have not been disclosed in this report.

Amnesty International also spoke to a range of other contributors in Afghanistan, including non-governmental workers, religious leaders and government officials from the Ministry of Women's Affairs (MOWA), Ministry of Interior (MOI) and Attorney General's Office, as well as staff from the Afghanistan Independent Human Rights Commission (AIHRC). In addition, meetings were held with members of the international community including UNAMA and UN Women, diplomatic missions and international NGOs.

Amnesty International particularly wishes to thank those women human rights defenders who contributed their experiences, personal and professional, to this report. Their courage and determination in the face of often deadly opposition have been instrumental in keeping the issue of women's human rights on the political agenda and at the heart of Afghanistan's future. Their experiences and expertise have been critical in shaping this report's recommendations.

## RATIONALE FOR THIS REPORT

**“It has been increasingly dangerous over recent years to be a woman in public life in Afghanistan, and there has been a growing body count of women who have been brave enough to ignore the risks. With the withdrawal of international forces and the deterioration we are seeing in women's rights, there is every reason to fear that these dangers will become even worse in the years ahead.”**

Heather Barr, Senior Researcher on Women's Rights in Asia, Human Rights Watch <sup>8</sup>

Several reports have been published over the past few years that examine Afghan women's rights and/ or gender issues in relation to the transition, the ongoing conflict, political participation, the police and media freedom, among other issues. These publications have provided helpful insights and a baseline understanding of the current situation of women in public life in Afghanistan. However, until now there has not been a systematic analysis of women human rights defenders *per se*.

With a new government in place and 2015 marking the end of Afghanistan's 'transition phase', it will be important to examine the current socio-political context under which women human rights defenders are currently operating; the commonalities of their experiences, the challenges they face and the potential opportunities at hand. Critical to this, will be a thorough assessment of the protection needs of women human rights defenders; the types of support and assistance they are able to access and the gaps in support.

It is therefore hoped that this report will contribute to this understanding and spur further action in providing support and protection to Afghan women human rights defenders.

## RESPONSIBILITY TO WOMEN HUMAN RIGHTS DEFENDERS

While Amnesty International found the Taliban and other armed groups were responsible for the majority of attacks and abuses against women human rights defenders throughout the country, the duty to protect defenders and bring the perpetrators of abuses to justice rests squarely with the Afghan authorities. This is therefore the focus of the current report.

Amnesty International continues to condemn all attacks on civilians and deplores the increase in these incidents.

## **2. BACKGROUND: INTERNATIONAL FRAMEWORK FOR WOMEN HUMAN RIGHTS DEFENDERS**

### **2.1 RIGHTS AND FREEDOMS PROVIDED TO HUMAN RIGHTS DEFENDERS**

The adoption of the Declaration on Human Rights Defenders<sup>9</sup> by the UN General Assembly in December 1998 provided formal recognition to those individuals and groups who, often at great risk to themselves, work to promote and protect internationally and nationally recognized human rights.<sup>10</sup>

The fundamental rights and freedoms the Declaration recognizes include: the freedom of expression and opinion; the freedom of peaceful assembly; the freedom of association, including the right to form, join and participate in non-governmental organizations; the right to access and disseminate information on human rights and advocate for their acceptance; the right to participate in public affairs and the right to access and communicate with international bodies.<sup>11</sup>

The Declaration also acknowledges that human rights defenders have the right to “effective remedy and to be protected in the event of the violation of [these] rights,”<sup>12</sup> and that the responsibility for ensuring the protection of these rights, the prevention of abuses and the remedy for violations lies with the state.<sup>13</sup>

International human rights treaties signed and ratified by individual states, particularly the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESR),<sup>14</sup> similarly provide human rights defenders with rights and freedoms, including freedom of movement, freedom from discrimination and the right to a private life.<sup>15</sup> They also provide human rights defenders with protection against threats, attacks and other abuses, judicial harassment, criminalization, arbitrary arrest and detention and from stigmatization and marginalization.<sup>16</sup>

Since the Declaration's adoption there has been significant progress in developing international standards and institutions to support and sustain the work of human rights defenders. This includes the establishment of a UN Special Rapporteur on the situation of human rights defenders to aid the Declaration's implementation. And in March 2013, the UN Human Rights Council adopted Resolution 22/6 on "Protecting human rights defenders," which lays out how this should be achieved, by "[urging] States to create a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity."<sup>17</sup>

## 2.2 DEFINING HUMAN RIGHTS DEFENDERS

When the issue of human rights defenders first emerged on the international stage, there was little recognition of the particular challenges confronting women human rights defenders. However, as the framework for human rights defenders has evolved, awareness has grown of the need to address women defenders' specific concerns.

In December 2013 the UN General Assembly adopted a Resolution<sup>18</sup> focusing solely on women human rights defenders.<sup>19</sup> It provides a more comprehensive understanding of the structural and systemic discrimination and violence they face and calls upon states to create a safe and enabling environment for them.<sup>20</sup> In addition, the mandate of the Special Rapporteur now integrates a gender perspective throughout his or her work, along with "address[ing] the specificities of the situation of women human rights defenders and the particular challenges they face."<sup>21</sup>

As the Women Human Rights Defenders International Coalition<sup>22</sup> notes, women around the world who are actively working to defend their own rights as well as the rights of others, face formidable challenges; not only because of what they do but also because they are women. Women who defend human rights are at risk of sexual and other forms of gender-based violence. Their movements are restricted; they can be convicted of 'moral crimes,' face gender-based attacks on their reputation and experience social isolation.<sup>23</sup>

While women who promote and protect human rights are at greater risk of discrimination, violence and abuse than their male counterparts, those who specifically defend women's rights face additional ordeals. This is because they are perceived to be challenging accepted cultural norms and social constructs pertaining to gender and the role and status of women,<sup>24</sup> which are at the foundation of every society.

Nowhere is this truer than in Afghanistan. Any women participating in public life in the country's current insecure and conservative climate may be regarded as a threat to fundamental religious and patriarchal traditions. Thus, the vast majority of women in public life in Afghanistan, whether they are teachers, doctors, engineers or elected representatives, are women human rights defenders.

Not all women human rights defenders are women, however. Some men are also working to defend the rights of women and girls and in this regard Afghanistan is no different.



Despite the developments in international standards and norms, there is no universal definition for women human rights defenders.<sup>25</sup> Nonetheless, there are consensus criteria that involve promoting and/or protecting human rights as well as the application of the principles of universality and non-violence.<sup>26</sup> It is also recognized that women human rights defenders face additional challenges. This includes women who promote and protect human rights and therefore battle discrimination and gender-based violence to have their voices heard, as well as those who defend women's rights in particular, challenging institutional beliefs that women should be restricted to the private sphere.<sup>27</sup>

For the purposes of this report, women human rights defenders are therefore defined as women and men who, individually or collectively, work peacefully to promote and protect nationally and internationally recognized women's human rights. They are defined by their actions rather than by their profession, job title or organization.

Women working to defend women's rights are additionally targeted because they are women as well as for defending women's human rights.

### 3. THE CURRENT SOCIAL, POLITICAL AND LEGAL CONTEXT FOR WOMEN HUMAN RIGHTS DEFENDERS IN AFGHANISTAN

“The women of Afghanistan are articulate, savvy, and resourceful. We have a long history of strong women... they are very determined to make the best out of a very difficult situation.”

Afghan First Lady Rula Ghani<sup>2829</sup>

#### 3.1 SETTING THE STAGE

The tenth century Persian poet, Rabia Balkhi, is perhaps Afghanistan's first known woman human rights defender. According to legend, Rabia Balkhi was a princess who was secretly in love with her brother's slave. When her brother, who had ascended the throne upon their father's death, found out, he had Rabia Balkhi locked in a *hammam* and her veins cut. As she lay bleeding to death, she wrote poetry all along the walls of the *hammam* with her blood. Her mausoleum, located in the northern province of Balkh, near the city of Mazar-e-Sharif, and built on the ruins of the *hammam*, is now a shrine for Afghans.

Although Rabia Balkhi is known as a poet for lovers, she is more than that. She symbolizes the struggle of Afghan women and girls to pursue lives of their choosing, free from the dictates of oppressive traditional cultural practices.

Today, despite some legislative protection, Afghan women and men who defend women's human rights do so using little more than their voices and their pens. And they continue to face harassment, threats and attacks from the Taliban or other insurgents, from government authorities, powerful commanders and warlords and even from their own families; risking death for the right to be heard.

## 3.2 OVERVIEW

**“Many Afghans, especially women, fear that achievements made in the protection and promotion of human rights since 2001 will be increasingly at risk. There are signs that hard-won gains may be forfeited for the sake of short-term political goals, undermining the fragile stability to which respect for human rights and the rule of law has contributed.”**

UN High Commissioner for Human Rights, January 2014<sup>30</sup>

The end of 2014 marked the departure of international military forces from the country followed by a reduction of economic and political support from the international community. At the same time, conservative forces and ideas have slowly been increasing their positions and leverage within Afghan institutions, enabling them to intensify their attacks on women's rights.

The year also brought a change in government. Although the present national unity government has promised greater accountability and a curtailment of the abuses of the previous one, concerns remain that human rights will be deprioritized as economic and security problems increase and international interest and foreign aid decline. Even more worrying are the recent overtures made to the Taliban to bring them into government.<sup>31</sup> As one women's rights activist commented: “It will be very easy for them to ignore our rights after we worked so hard to get them.”<sup>32</sup>

These developments stand in marked contrast to the early days of Afghanistan's state-building exercise following the 11 September 2001 attacks in the USA, when there was a major drive to quash the excesses of the former Taliban regime, particularly regarding women's rights and gender equality. Frequently cited successes include: the 2004 Constitution, which guaranteed the equal rights of women and men, education for all and a minimum quota for women in the Afghan parliament;<sup>33</sup> the adoption of a National Action Plan for the Women of Afghanistan (NAPWA), the government's main vehicle for implementing policies to advance the status of women through 2018; and the adoption in 2009 of the Elimination of Violence Against Women Law (EVAW Law). Integral to this was a significant increase in women's engagement in public life.

However, these legal and policy advances have not translated into sustained change on the ground. Entrenched social and cultural barriers have meant that many of the rights accorded to women on paper have yet to be established in practice, despite the mechanisms put in place to facilitate them. As such, Afghanistan remains near the bottom of the UN Development Programme Gender Inequality Index.<sup>34</sup>

For several years now, there has been a growing backlash against women's rights amid a renewed conservatism within the country. This is reflected in the 2013 election law, which rolled back the quota for women's representation in provincial councils from 25% to 20%, and removed it altogether for district councils.<sup>35</sup> It can also be seen in the response to the EVAW Law, deferred by parliament when it was debated in 2013 (after being signed into law by Presidential Decree). In a heated debate in parliament, the law was called "un-Islamic" and questions were raised about the minimum age of marriage for girls,<sup>36</sup> the prohibition against forced marriage and the existence of shelters for abused women and girls, which were called "immoral."<sup>37</sup>

Against this backdrop, there has been a significant increase in threats, intimidation and attacks against people at the forefront of promoting and protecting women's rights, in particular in the south and south-eastern parts of the country. Many women human rights defenders have been threatened and their homes or family members have been attacked. Some have even been killed for their activities, while others have had to flee the country for fear they will be next.

The backlash against women's rights and the corresponding increase in violence against women human rights defenders in all areas of public life has also had a significant effect on the broader environment in which they work. As one women human rights defender told Amnesty International:

"In some districts [in Faryab] it is too dangerous for women to work as teachers [and in] most districts girls are taken out of school at 11 or 12 [years of age]... In 2009, 11 women ran for provincial council. In 2014 only five women [were willing to run.]"<sup>38</sup>

Women human rights defenders face threats and violence not only from the Taliban and other armed opposition groups but also from state actors, and in particular, law enforcement and security officials. They are also at risk of harm from powerful commanders and warlords, who are either connected to state authorities or are the local officials themselves. As another woman defender explained:

"The threats now come from all sides [so that] it's difficult to identify the enemies. They could be family, security agencies, Taliban, politicians."<sup>39</sup>

Yet, there has been little movement by the authorities to meet their legal obligations to prevent violence, modify discriminatory attitudes and protect women's rights and those who defend them. The commitment on paper to gender equality has not been matched in practice. Neither has the existence of legal and policy measures translated into positive action by the state. This lack of implementation is due to failures of political will, insufficient prioritization of resources and endemic corruption. Perpetrators operate in a climate of

impunity, with the authorities failing to carry out prompt, impartial and thorough investigations into threats and attacks against women human rights defenders, or to bring those responsible to justice.

Ultimately, Afghan women and men who, by dint of their words or their actions, attempt to promote, support and defend women's human rights continue to live in very precarious and dangerous times.

### 3.3 PROTECTION FRAMEWORK FOR AFGHAN WOMEN HUMAN RIGHTS DEFENDERS

#### INTERNATIONAL LEGAL FRAMEWORK

##### UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Afghanistan signed and ratified CEDAW without reservation in 2003, one of only a handful of Muslim-majority countries to do so. Afghanistan submitted its "Combined First and Second Periodic Report to the CEDAW Committee" in July 2013. The Committee's response to the government's submission includes several recommendations directly relevant to the protection of women human rights defenders.<sup>40</sup>

##### UN SECURITY COUNCIL RESOLUTION 1325

Adopted in 2000, Resolution 1325 recognizes the disproportionate impact of conflict on women and girls and calls for a gender perspective to be integrated into conflict resolution, peacekeeping, and peacebuilding.<sup>41</sup> Among other things, the Resolution "*urges* Member States to ensure increased representation of women at all decision-making levels ... for the prevention, management, and resolution of conflict."<sup>42</sup> It also "calls on actors to adopt ... measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary."<sup>43</sup>

The Resolution is included in the mandate for UNAMA, as well as other Security Council Resolutions on Afghanistan.<sup>44</sup> Several of Afghanistan's key donor countries have developed and implemented national action plans on 1325, which detail their policies and priorities in this area.<sup>45</sup>

## **DOMESTIC LEGAL, POLICY AND INSTITUTIONAL PROTECTIONS FOR WOMEN HUMAN RIGHTS DEFENDERS**

### **CONSTITUTION (2014)**

The Constitution establishes an individual complaints mechanism for “violations of personal rights” through the Afghan Independent Human Rights Commission (Article 58). It recognizes the authority of international treaties to which Afghanistan is a signatory (Article 7),<sup>46</sup> and it provides for the following rights and freedoms that enable women human rights defenders to undertake their work: freedom from discrimination (Article 22), freedom of expression (Article 34), freedom of association (Article 35), freedom of peaceful assembly (Article 36), right to private life (Articles 37 and 38), freedom of movement (Article 39).

### **ELIMINATION OF VIOLENCE AGAINST WOMEN LAW (2009)**

The EVAW Law criminalizes 22 acts of gender-based violence and enshrines victims’ rights, including the rights of prosecution and compensation. Offences under the Law that relate to threats and attacks on female women’s rights defenders include: Articles 17 (rape); 20 (burning or the use of chemical substances); 22 (injury and disability); 23 (beating); 29 (abusing, humiliating, intimidating); 30 (persecution/ harassment), and 35 (prohibition of the rights to education, work and access to health services). The law also establishes a national High Commission for the Elimination of Violence against Women, along with provincial counterparts to oversee its implementation.

### **PENAL LAW FOR CRIMES COMMITTED AGAINST INTERNAL AND EXTERNAL SECURITY OF THE DEMOCRATIC REPUBLIC OF AFGHANISTAN (1987)**

The law addresses assassinations of “state personalities” and political and social leaders in the context of “sabotag[ing] the people’s sovereignty.”<sup>47</sup> This includes the deliberate targeting and killing of state officials, including elected representatives and government workers as well as civil society leaders, some of whom fall within the definition of a women human rights defender. The law prescribes stricter punishment for perpetrators of these crimes.<sup>48</sup>

### **MINISTRY OF INTERIOR POLICIES**

#### **Order 112 (2011):**

Developed in order to address the “existence of human rights violations within the police and improve human rights, [and] gender equality ... [and] to take legal, proper

and necessary action against any illegal actions.”<sup>49</sup> This includes “continuously monitor[ing] Police performances identify[ing] human rights violators and offenders and deal[ing] with them according to provisions of law,” as well as providing training to MOI personnel to raise awareness of human rights;<sup>50</sup>

Policy on Prevention of Violence against Women and Children at Ministry of Interior and Society Level (2013):

Aims to ensure the effective implementation of the ERAW Law by Afghan National Police as well as to enable women to join and remain in the law enforcement sector.<sup>51</sup> This is to be achieved through “regular prosecution of violence cases against women and children” along with the provision of “support, protection and proper treatment of victims,” and training for personnel on ERAW. The Policy also provides for capacity enhancement and training for female police, including the provision of “proper transportation and livelihood facilities,” as well as addressing formal complaints of harassment and abuse of women police officers.<sup>52</sup>

## MINISTRY OF WOMEN'S AFFAIRS

MOWA is responsible for the development and implementation of government policy with regard to women, including legal protection. As part of its mandate, MOWA oversees gender mainstreaming within government through the coordination of gender units which have been established at all ministries, including those with protection mandates. MOWA is also one of the few ministries that has provincial counterparts, covering every province in the country.

## PROTECTION MECHANISMS FOR WOMEN HUMAN RIGHTS DEFENDERS

### NATIONAL

#### AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION

The AIHRC’s mandate includes a mechanism to investigate and follow up on individual complaints of human rights abuses, including those experienced by human rights defenders. It has the authority to “intervene directly with the police and security officials once complaints are received of threats or intimidation of defenders by State or non-State actors.”<sup>53</sup> It also has the mandate to refer complainant petitions to the courts or “other competent authorities”; and to make recommendations to the authorities for remedial legal or administrative reform.<sup>54</sup>

The Commission is also empowered to “submit opinions, recommendations, proposals and reports to local, regional and national authorities ... [and] provide advice and information to



the country's human rights treaty reporting processes.”<sup>55</sup>

Additionally, it works with Afghan NGOs “to advocate for increased respect for human rights, including the protection of human rights defenders.”<sup>56</sup>

The Commission has four thematic sections – women's rights, transitional justice, children's rights and disabled rights – along with a section for monitoring and investigating complaints and one for human rights training and public awareness raising. The AIHRC is able to service all 34 provinces through its 14 regional or provincial branches. Each field office is comprised of these six sections. The Monitoring and Investigation Unit has the overall responsibility for following up on complaints received, although they work closely with other sections, including the Women's Rights Unit, in seeking possible remedies to violations.<sup>57</sup>

## PROVINCIAL DEPARTMENTS OF WOMEN'S

The DOWAs<sup>58</sup> operate as frontline women human rights defenders, providing support and protection to the women in their province. Among other services, DOWAs offer legal and psychosocial consultations and referrals, follow up on cases with the police and judiciary and assist women to access shelters.<sup>59</sup> As one DOWA head stated: “We are the first door for women experiencing violence.”<sup>60</sup>

## AFGHAN HUMAN RIGHTS AND WOMEN'S NETWORKS

Domestic human rights and women's networks or umbrella organizations can, by virtue of their activities and their outreach through regional or provincial offices, provide a measure of moral support and ‘safety in numbers’ as well as advocate on behalf of human rights defenders at risk.<sup>61</sup> The largest umbrella organization for women is the Afghan Women's Network (AWN), which represents approximately 120 organizations and 3,000 individual members. The AWN is currently developing several projects that will incorporate support for women human rights defenders.<sup>62</sup>

## INTERNATIONAL

### EUROPEAN UNION PLUS LOCAL STRATEGY FOR HUMAN RIGHTS DEFENDERS IN AFGHANISTAN

The European Union Plus <sup>63</sup> (EU+, which includes Canada, Norway and Switzerland), recently developed a local strategy for protecting Afghan human rights defenders, in consultation with local stakeholders, and based on the European Union Guidelines for Human Rights Defenders. This is the first formal strategy for human rights defenders to be devised specifically for the Afghan context.

The protection mechanism of the strategy includes:<sup>64</sup>

- Raising awareness among government officials and the international community concerning the situation of human rights defenders;
- Monitoring individual cases, including following up with the government, trial monitoring, visits to defenders in detention/prison, and issuing press statements on individual cases;
- Emergency funding of up to €10,000 for human rights defenders at risk, to assist with legal representation, medical expenses or evacuation to another country;
- Facilitating visa issuances including “‘just in case’ long-term visas for well-known human rights activists”<sup>65</sup>;
- Providing funding for an EU programme for human rights defenders that will include establishing safe houses covering all 34 provinces;
- Exploring the feasibility of establishing a 24/7 helpline;
- Establishing a database of human rights defenders as well as key contacts in the provinces who can “disseminate information to HRDs, identify and monitor cases and forward information to the Afghan HRD network and EU+, as well as provide assistance to HRDs in acute danger;”
- Advocating for a presidential decree on human rights defenders.

The EU+ will evaluate the Strategy’s implementation throughout 2015 and if necessary make revisions to it at the end of the year.<sup>66</sup>

#### OTHER DIPLOMATIC MISSIONS

There are some embassies outside the EU+ with strong human rights and gender equality agendas and who advocate on these issues to the Afghan government. They also support local organizations and follow up on individual cases. Some also have policies on assisting individual human rights defenders at risk. Such assistance can include issuing visas and providing ‘stop gap’ funds that can be accessed quickly to assist with protection measures, such as the installation of bars on windows, alarm systems and temporary relocation.<sup>67</sup>

## UN ASSISTANCE MISSION IN AFGHANISTAN

As part of its human rights work, UNAMA engages in “protection, advocacy and capacity-building activities ... [including] closely monitor[ing] the situation of Afghan human rights defenders.”<sup>68</sup> UNAMA has a field presence in 13 provinces with outreach into the other provinces. Each of its field offices incorporates a human rights unit staffed by international and/or national operatives who maintain relationships with all human rights interlocutors. Although they “don’t have the resources to focus on individual cases,” they act as a “referral” and “coordination” mechanism.<sup>69</sup>

## UN SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

The Special Rapporteur’s mandate includes the ability to seek and receive information on individual cases involving human rights defenders.<sup>70</sup> Although the Rapporteur has limited powers to intervene in cases where a defender is at risk, the mechanism does permit them to urge governments to take action in such cases. He or she may also make recommendations about strategies to better protect human rights defenders and to follow up on these recommendations. Additionally, the Special Rapporteur files annual and country reports to the UN Human Rights Council and corresponds with individual governments on specific issues.

In 2012, the Special Rapporteur sent a communiqué to the Afghan government following the assassinations of two DOWA representatives in Laghman province (see case study 10). Although communications between the Special Rapporteur and governments are confidential, “observations” from these exchanges are included in reports issued by the Special Rapporteur. In an addendum to her 2012 annual report, the Special Rapporteur raised the issue of the killings and “urge[d] Afghan authorities to increase efforts to bring the perpetrators of these crimes to justice.”<sup>71</sup>

## 3.4 LIMITATIONS OF THE PROTECTION FRAMEWORK

Although there are various legal and policy measures that provide protection to Afghan women human rights defenders, there is no comprehensive legislation that takes into account the full range of violations and abuses they may be subject to, or that offers them effective remedy.

The government’s record on meeting its obligations under both CEDAW<sup>72</sup> and UN Security Council Resolution 1325 is already patchy. In 2014, AWN produced a civil society monitoring report on the extent of the Resolution’s implementation in Afghanistan. Using 11 indicators, including the “index of women’s participation in the justice and security sectors,” the “number and percentage of SGBV<sup>73</sup> cases reported, investigated, prosecuted and penalized,” and the “number and quality of gender-responsive laws and policies, the report concluded that “[t]he women of Afghanistan continue to face exclusion from important

decision-making and peacebuilding processes.<sup>74</sup>

One likely reason for the Afghan government's dismal performance in fulfilling its international obligations is the lack of legal clarity in the Constitution between the adherence to international human rights norms on the one hand and the primacy of Islamic law on the other. Article 7 affirms that Afghanistan "shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights." However, Article 3 states that "[n]o law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan." This is backed up by Article 130, which affirms that Hanafi<sup>75</sup> jurisprudence takes precedence "if there are no provisions in the Constitution or other laws about a case."<sup>76</sup>

Traditionally, there has been a conservative and inherently patriarchal interpretation of Islamic law in Afghanistan. For example, women and girls who leave home, often because of domestic violence, are charged and convicted with moral crimes under Shari'a. And while fleeing home is not punishable under Afghan law, the "Afghan Supreme Court has instructed its judges to treat women and girls who flee as criminals."<sup>77</sup> As well, women and girls can be convicted of *zina* (sexual intercourse outside of marriage, a crime under Islamic law),<sup>78</sup> which carries a 15-year sentence, even if they have been raped or forced into prostitution.<sup>79</sup> It is therefore unsurprising that the two norms consistently create tensions in legal issues concerning women's rights.

As the governmental body responsible for women's rights, MOWA has had only marginal success in fulfilling its objectives. It remains weak, with limited capacity, and even less power to influence policy where it is needed. This is partly due to a complete lack of programming resources for its gender coordination and mainstreaming responsibilities, which limits its influence.<sup>80</sup> It is also, however, because "male members of parliament have questioned its very existence, on the grounds that it is ineffective and hence unnecessary."<sup>81</sup>

Additionally, the ministerial gender units serving as a platform to address gender issues throughout government are mainly staffed by junior employees with little authority to move agendas forward from discussion stage to ministerial policy.<sup>82</sup> §

There is also a lack of coordination between the relevant authorities with regard to the protection of women human rights defenders, despite the presence of gender units. This may reflect the fact that there is no cross-governmental platform that addresses the protection issues of human rights defenders, including those of women's rights defenders.

Institutional corruption is widely considered to be a major impediment to the effective functioning of law enforcement agencies and the judiciary as well as to the ability of women human rights defenders to access justice.

On the ground, women human rights defenders are confronted with threats, intimidation, harassment and attacks because of their work, with little support from the authorities and a combined lack of resources or effective remedies for the violations they experience. As one women human rights defender expressed to Amnesty International:

“If I knew what a protection mechanism looked like, I would tell you but I haven’t had any experience with this.”<sup>83</sup>

However, the difficulties in meeting the protection needs of women human rights defenders in Afghanistan have also been exacerbated by inconsistencies on the part of the government, the international community and civil society in addressing them. Overall, there has been a lack of support for defenders on the frontlines outside the main urban centres.

Afghan civil society and external actors, such as diplomatic missions and international organizations, provide some measure of protection. But ultimately this responsibility lies with the state, which has consistently shown a lack of political will to deliver on its obligations.

As the case studies in the next section illustrate, the failure of the government to uphold its obligations to ensure the protection of women human rights defenders has affected their ability to carry out their work and impacted on their daily lives and that of their families.

## 4. CASE STUDIES

**“In Afghanistan, women's rights defenders continue to be regularly threatened and intimidated, and high-profile women, mainly political activists, have been assassinated, and their killers have not been brought to justice.”**

UN Special Rapporteur on violence against women, its causes and consequences <sup>84</sup>

The following case studies reflect the realities and experiences of those who speak out for, and work on behalf of, women's human rights in Afghanistan. They illustrate the range of violence women human rights defenders are confronted with on a regular basis, including: threats, harassment and intimidation that may force a defender to change his or her routine behaviour or self-censor their words or actions; physical attacks on them, their family members or property, that may compel a defender to quit their work or relocate to another part of the country; and unlawful killings. All these actions can have lasting and devastating consequences not only for the family of the defender, but also for the broader environment under which women's rights advocates are struggling to effect change. The cases were selected in order to represent the diversity of regions, ethnicities, age and professions of women human rights defenders.

## THE WOMEN POLICE OFFICERS

**“Women and policing is one of the most intractable issues. The general environment for gender is difficult [in Afghanistan] but within the police, it’s like promoting veganism in a den of lions.”**

Testimony from an international NGO operating in Afghanistan<sup>85</sup>

As the institution in charge of enforcing the country’s laws, the Afghan National Police (ANP) are on the frontline of defending and protecting women’s human rights. This is especially so since Family Response Units (FRUs) were established inside local police stations, beginning in 2005. FRUs are responsible for addressing domestic violence cases, including harmful traditional practices, such as early or forced marriage, and the exchange of girls to honour a debt or settle a feud. In addition to the FRUs, the EVAW Law requires police to investigate complaints of violence against women and girls and other women’s rights abuses.

As state authority representatives, the ANP are a primary target for the Taliban and other anti-government forces. However, women police officers have been specifically targeted for abuse as their presence in the security forces challenges deeply entrenched attitudes regarding the participation of women in public life.

But while women police officers in Afghanistan are at risk of intimidation and violence from external elements, they also face discrimination from within the police force. As they break down traditional gender roles by working in a male-dominated profession, they must also frequently contend with harassment and maltreatment from many of their male colleagues, including their superiors.

The two case studies below lay bare the challenges, as well as the harm, that women police officers often endure, both inside and outside the police force.

### **4.1 A BRAVE HEROINE TO SOME, A THREAT TO OTHERS: LIEUTENANT “HOMAIRA”<sup>86</sup>**

The explosion at the house happened one morning in the middle of summer, when several of the occupants were there. The grenade attack partially destroyed the building and injured a young boy. The target was a senior woman police officer.

Homaira has been a policewoman for six years. She was recruited into the force after finishing her university studies. She is the only female head of department in her province and is also a member of an ethnic minority. As a senior police officer, she has been a strong



advocate for her female colleagues:

“If I play the role of a whistle-blower, it's not only to highlight problems, but also solutions. [We need to] change the recruitment methods for police, based on merit not favours ... [We must have] separate changing rooms, toilets, and prayer rooms for male and female police. [There needs to be] more capacity-building and training for female police officers; healthy competition and opportunities for promotion, and a safe environment for female police officers.”

It is exactly this kind of talk that has landed Homaira in trouble with her colleagues and managers. She has raised these and other gender discrimination issues with MOI and international organizations, such as UNAMA and the European Police Mission in Afghanistan, EUPOL:

“Whenever we had some international advisers talking to staff members, I would talk about lack of capacity-building for female police officers. I asked for policewomen to receive training outside of Afghanistan, and transportation to and from work for female police officers. Slowly I got a reputation within the force that I was advocating on behalf of female police officers. I talked to the women about the problems they were facing. I wanted to use my authority for the benefit of them [because] the majority of policewomen are discriminated against or experience abuse.”

Homaira also had the opportunity to speak about the experiences of women police officers with the former Minister of the Interior, Bismillah Mohammadi, at a meeting convened in Kabul with heads of FRUs and other senior women police officers from across the country.<sup>87</sup> She spoke about sexual harassment, abuse, gender discrimination and the lack of promotion for female police officers:

“Women officers from Kandahar, Helmand and other provinces also raised the same issues – lack of promotion, harassment etc. It was a shared pain between all of us.”

Homaira told Amnesty International that up until 2011 she had faced verbal harassment from male police officers but there then followed a series of more serious incidents, which subsequently led to an increase in the number, and severity of threats:

“Before 2011, I wasn't threatened so seriously. I would receive softer comments from my colleagues. ‘Are you the spokesperson for your colleagues?’ It was a way of telling me to stay within my limits. But I realized I couldn't keep quiet and say nothing. This is why they started making threats against me.

I was [also] under a lot of pressure to accept bribes. One police officer came to me saying that each of us has to contribute a share of bribes. I told him, ‘the only way I can give you a share is to give you part of my salary’. He felt threatened and insulted and started screaming at me. I complained to the MOI. My colleagues then wrote a letter to the MOI complaining about me. They accused me of being corrupt, with bad morals, and of being a prostitute. In the letter they said I was an insult to the

police force. An investigation team from Kabul came but they couldn't find that I had done anything wrong and [so] they rejected the complaint."

It is not only from her colleagues that Homaira experiences harassment and intimidation, but also from her superiors:

"My commander would always pick on me, find holes in my work, shout at me and undermine me. When I confronted him, he said 'you have to sleep with me and have an affair with me, otherwise I will make your life hell.'"

## SEXUAL HARRASMENT IN THE AFGHAN NATIONAL POLICE

Amnesty International has heard many such stories concerning sexual harassment within the ANP. MOI has two policies (detailed in Section III) that address this issue and it has been recognized by donors as one of the major obstacles to fully integrating women police officers into the security forces:

"Women in the police force have faced particularly high levels of harassment and at times sexual assault, exacerbated by the government's failure to provide women with safe working conditions. Women's justified fears of this have contributed to the country's miniscule number of female police officers, which remains below 2% of the police force."<sup>88</sup>

Part of the problem lies in the fact that there are very few facilities for women police officers, including separate washrooms or changing areas:

"There are just a handful of female toilets in all the police stations of Afghanistan, and women using male latrines are particularly vulnerable to sexual harassment."<sup>89</sup>

Because of the intervention of international advisors who supported her by being physically present in her office for hours, Homaira says that the demands for sexual favours from a supervisor stopped.

International colleagues provided more detail to Amnesty International of the kinds of bullying and harassment Homaira faced with her superiors:

"A vehicle was donated to [our unit]. However, the head of the Criminal Investigation Division (CID) would take the vehicle whenever he liked, often giving it to male colleagues for personal use. [He would] bully her in meetings in front of other colleagues and make complaints [about her]. He limited her liberty by not allowing her to attend trainings and conferences which she is officially invited to."<sup>90</sup> They also asserted that Homaira was bullied more than other female colleagues because she was vocal about the problems faced by women police officers.<sup>91</sup>

A few days before her house was attacked, Homaira had publicly advocated on behalf of another woman in the ANP who had been physically assaulted by her supervisor.<sup>92</sup> Homaira says that public approach was the only way she and her colleagues felt they could affect the outcome but it was not without consequences:

“One of my colleagues, higher up than me, said, ‘isn’t it enough that nothing so far has happened to you? Do you want something to happen to you? Why are you doing this? You can’t stand against us because we have powerful connections.’ ”

When asked who might be behind the grenade attack – the Taliban, the people behind the violence perpetrated against the victims she assists in her work or someone inside the police force – Homaira told Amnesty International she did not know. It could be fellow police officers who want to intimidate her into quitting her job, although Homaira thinks this is less likely. The CID and the NDS also claim they have no idea who is responsible. If they do, they have not communicated anything to her. She has not heard from either since the original investigation that immediately followed the incident.

After the attack, Homaira asked for extra protection from the police force but months later she still has not received any additional support. She worries not only for her safety, but also for her family, especially since the grenade attack on her *home*: “My family is also carrying the burden of my work in a place where just being a woman is a crime.”

When asked why she continues to persevere in the face of so much adversity, Homaira replies:

“I am not one to give up. I joined the force because I saw how female police were being treated and also behaving. I thought, ‘why don’t I join the police and show them a different example of a female police officer.’ MOI needs to [get] serious about the protection needs of female police otherwise we will continue to face problems. Attitudes in the force won’t change otherwise.”

## 4.2 SISTERS IN UNIFORM: ISLAM BIBI AND NEGAR BIBI<sup>93</sup>

**“A female police officer from the volatile Afghan province of Helmand has been abducted and killed ... She is the fourth policewoman from the province to die in the past year. Helmand has become the most dangerous province for women to serve in the police, with gunmen killing Helmand’s senior policewoman in September as she drove to work, just months after her predecessor died in a similar attack.”**

Heath Druzen, Journalist<sup>94</sup>

The murder of Helmand police officers, Islam Bibi and her colleague Negar Bibi, continue to make headlines.

Amnesty International met the families of both women, the two most senior women police officers in Helmand, a year after their assassinations, which occurred within months of each other, in July and September 2013, respectively.

Both were shot dead by unknown assailants on motorbikes as they were on their way to work. To date, no one has been arrested or charged with either murder and their families are unaware of any investigation into their deaths.

Although unrelated, the two Pashtun women shared a friendship akin to the intimacy of sisters. The immediate families of both women concur. They showed Amnesty International a photograph of the two women in uniform, their heads close together and their arms casually flung around each other’s waists, beaming at the camera. The picture was taken 15 days before Islam Bibi was killed.

Islam Bibi joined the police force in 2005 and rose to the rank of second lieutenant,<sup>95</sup> working directly under the head of the CID; a remarkable achievement, given that her education had curtailed after the age of 10. She started receiving threatening telephone calls two years after becoming a police officer. The callers who didn’t identify themselves would tell her: “Stop working. You searched our house, our neighbour’s house. We couldn’t kill you then but we will.”

Islam Bibi’s family estimates that she received well over 100 telephone calls in six years, threatening her life and her family’s lives. A typical threat would be:

“Your family [will also be] killed because they’re helping you to perform your job. Afghan women shouldn’t be doing this [type of work].”

Islam Bibi and her husband and six children had moved house six months prior to her death, just as they had done several times since the threats began. Her husband told Amnesty International that she changed her telephone SIM card approximately 50 times, always using an unregistered number. But despite changing her number so often, “within a week, she

would start getting the threatening calls again.” She received the last threat three weeks before she died. The caller threatened:

“We know where you live. If you don’t quit your job, we will kill you.”

Threats also came from some members of her family. According to an interview she gave a few months before she was killed, Islam Bibi’s father, brother and sisters were all against her working as a policewoman. In the interview, Islam Bibi says that her brother brandished his pistol at her on three separate occasions.<sup>96</sup>

Islam Bibi also received more than a dozen ‘night letters’<sup>97</sup> over the years. Night letters are written threats delivered to the house at night. Islam Bibi received at least four signed by Mawlawi Abdul Bari Mubarez, the Special Representative of the Taliban’s supreme leader Mullah Omar, with the last night letter arriving about 10 days before she died.

According to her husband, Islam Bibi reported the threats to the security forces but they did nothing. Islam Bibi asked her department for a car for safe transport in light of the threats against her but none was ever provided. The morning she was killed, Islam Bibi called the office dispatch for transport to work. When she was informed she would need to make her own arrangements, her brother-in-law, who is also a police officer, came to pick her up on his motorbike and take her to work. She was shot and killed 50 meters from her home. Her brother-in-law was also wounded in the attack.

After Lieutenant Bibi was killed, Negar Bibi succeeded her as the most senior female police officer in the province. She experienced similar threats and intimidation. Her husband told Amnesty International:

“There were [several dozen] phone calls; different telephone numbers, different voices, [but all] speaking Helmand Pashtun. Three nights before she died, she [received a phone call] asking her, ‘You’re still alive, how is that possible?’”

The day before she was murdered, Negar Bibi received her last threatening phone call. She was sitting with her son at lunch when the call came through, telling her they would do the same to her as they did to Islam Bibi.

According to her family, Negar Bibi reported the threats she received to the head of CID as well as to the NDS. However, “they did not take the threats seriously.”

A few days before she was assassinated, Negar Bibi talked to her son about her concerns for his safety. He told Amnesty International,

“She told me she didn’t want me to take her to work anymore because she didn’t want to put me at risk. It was 7:30 in the morning. She refused my offer of a ride. I left and stopped for gas. I saw [my mother] walking up to the main road to get a ride. She got two bullets in her back and one in her neck. The other female police are worried for their safety. Two policewomen quit [after my mother was killed].<sup>98</sup> When she would get threats to leave her job or she would be killed, she [would] respond: ‘I won’t, because I’m serving my country.’”

Negar Bibi served as a police officer for 11 years. She was the first woman police officer in Helmand province, despite having no formal education.

Like Negar Bibi, Islam Bibi was also devoted to her job. She “wanted to serve her country and was proud to be a policewoman,” her husband tells Amnesty International. He goes on to call both her and Negar, “the lions of Helmand who were as brave as any man.” Islam Bibi’s son picks it up from there: “[My mother] was meeting an important need. There is a big need for other women to do what she did. She was a champion.” But it is her brother-in-law, injured in the attack on Islam Bibi, who completes the story of these two ‘sisters in uniform’:

“All women working for the police are servants of their community, their country. It is the government’s duty to protect them.”

## THE JOURNALIST

**“Female journalists in Afghanistan face particularly formidable challenges. Along with the threats, intimidation, and violence faced by all journalists, female reporters are impeded by social and cultural restrictions that may lead to them being targeted not only for coverage that angers powerful people, but also simply for being women.”**

Human Rights Watch<sup>99</sup>

The case study below illustrates these realities all too well.

### 4.3 BARING HER HEAD PUBLICLY: “NARGIS”<sup>100</sup>

Perhaps the biggest convention that Nargis, who is Tajik, is challenging is her refusal to appear on television wearing a *chador* (headscarf). For the past two years she has been employed as an on-air reporter with a foreign media's Persian language service, and is one of just a handful of women journalists in the country willing to risk the opprobrium that comes with this. Although her bosses are supportive, Nargis tells Amnesty International that some of her male colleagues refuse to speak to her because of her decision to bare her head publicly.

Nargis has been challenging Afghan customs about how women are expected to behave in society since she was a teenager in western Afghanistan. At that time, she hosted a local TV show focusing on gender issues. Each week, Nargis and her colleagues would explore a different topic, such as gender-based violence, child marriage or education for girls. The programme was cancelled after religious leaders demanded it be shut down and advertisers started pulling out. Nargis then joined a youth programme.

In her current reportage, Nargis says she tries to showcase the positive aspects of what women are achieving in Afghanistan. But exercising her right to choose not to wear the *chador* has placed Nargis on the receiving end of threats and intimidation. After a group of men tried to force her into their car as she was leaving her office one night, her employer arranged for her to be driven to and from work, even though she lives a five-minute walk from her workplace. She says:

“I was coming out of my office. ... A car pulled up in front of me. There were four men in it. Two got out and one grabbed me and shoved me toward the car. I started shouting and people noticed so they took off.”

A few weeks before the incident, Nargis received two threatening emails to her personal account. Their content was broadly the same: “You are a kafir [non-believer] and a slave to the U.S. The Islamic Caliphate will return, and we will deal with you because you don't wear a chador.”



Nargis tells Amnesty International that she didn't complain to the authorities about these incidents because she didn't feel there would be any sense in doing so. Instead she trusts her employers, not the government to take care of her security needs and help her stay safe.

Her family is increasingly uncomfortable with her independence, and now her father is trying to arrange a marriage for her:

"I fought for more than two years to gain my freedom. I can't say no [to my parents] so I am putting them off but I am living on 'borrowed time'. I want to lead a different life than my mother. I want to travel and see the world. When I lie in bed thinking about this, I'm more scared about [being forced to marry] than I am about a suicide attack.

"I came back to Afghanistan [after studying abroad] to bring changes to my country, to give passion and hope to girls. There are so many untapped stories [here]. I want to show another face of Afghanistan to the world. There are more than 200 women with PhDs in Afghanistan. I want to show this empowerment of women. But now I am just going to work and home. In two years, I haven't been to a restaurant because of the harassment I know I'll get. I thought I would be able to bring changes to my society but I can't."

## THE EDUCATOR

**"Despite the gains [in education], serious gaps remain, particularly in terms of security. Insurgents have attacked girls' schools, students and staff."**

Catherine Powell, Council on Foreign Relations Fellow<sup>101</sup>

According to the Global Coalition to Protect Education from Attack, "the UN reported more than 1,000 attacks on education [in Afghanistan] in 2009-2012, including schools being set on fire, suicide bombings and remotely detonated bombs, killings of staff, threats to staff and abductions." The most frequent attacks were directed at girls' education.<sup>102</sup> These attacks are continuing. In February 2015, insurgents blew up a girl's school in Kunar province, destroying 80% of the compound. This was preceded by an attack on a girl's school in Nangahar in January.<sup>103</sup>

The case study below highlights the consequences of defending the right of girls to receive an education in Afghanistan.

#### 4.4 THE 'SOLDIER' FOR GIRL'S EDUCATION: "MALALAI"<sup>104</sup>

**"I was returning home from work by car, when they detonated a bomb and my husband received serious wounds to his face and hands. The children and I had a lucky escape and received minor injuries but the car was completely destroyed.**

Malalai, former head of an Afghan girl's school

Unfortunately, this was not the only time Malalai and her family were targeted because of her work as an educator. Malalai, a Pashtun, is the former head of a girl's school in Afghanistan, where she worked until 2014, after which she sought asylum in Europe because of attacks against her and her family.

### MALALAI'S STORY

"Five years ago, unknown men kidnapped my son. He was 18 years old at the time. They are the people who are opposed to the progress and are the [real] enemies of this country. Three days later I received a call from the kidnappers who told me that I could talk to my son for as long as I wanted, as this was the last time I would speak to him.

My husband spoke to them and asked them, 'why are you doing this to us?' They said, 'because you're working for the government [running a girls' school] and for the Americans. And you still say you have done nothing and ask why we are cruel to you?'

They handed the phone to my son and he asked me to come and take him back home. My son said that the kidnappers had told him to warn 'your mother and father to stop working or they will face severe consequences.' That was the last time I spoke to him.

[Over a] year later, after heavy rainfall, a flood brought my son's corpse to the [surface]. His body was caught in a tree. Nomads living close by found his body and contacted the police who then contacted us. My husband went to the police station and recognized the body as our son's. The hospital gave us the post-mortem report. My son had 12 gunshot wounds to his body. The doctors told us that he had been killed at least three months before his body was found.

Before that, when we had been searching for him, we saw some 30 other corpses. My husband and his brothers, other relatives and villagers, whenever they heard that a corpse had been recovered, went rushing to see if it was my son's body. We suffered a lot of torment searching for my son."

Malalai first started receiving threats and intimidation in 2005, when she recognized a need for a girls' high school in her area and began to campaign for one. At the same time, she was also encouraging parents to let their daughters get an education. But the more public and vocal Malalai became about the need for girls' education in her province, the more she became a target:

“Mullahs started accusing me of being an infidel and Western, and saying that I had given up my religion. This is enough in a traditional fundamentalist society to turn people against you and this is why I came under attack.”

A few years later, Malalai and her family were targeted once again:

“When I was having guests, our home came under attack. Around midnight, we heard a big explosion. We thought it was my brother-in-law's house that was attacked. We ran out and saw dust and debris in our home and realized that it was us that had been hit. The rocket destroyed the bathroom and damaged another room. All the windows and doors were shattered.

[The authorities have done nothing about the incident]. They just say, ‘yes, yes, we are investigating’ but they don’t take it seriously.”

Malalai is not planning on giving up the fight for the right of girls to be educated in her country. She says: “I will always carry the flag of education on my shoulder like a soldier till I fall down and die.” She continues:

“My father was a very liberal man and he made sure that all his children were educated. He told us to work for the progress and prosperity of the country. When he was dying he took a vow from his children that we would serve the country even if this meant sacrificing our lives. So we are committed to fulfilling our father's wish and the only way to fight ignorant people is to promote education in this country.”

## THE INTERNATIONAL ORGANIZATION WORKER

“[Fundamentalists] in the country see [Afghans working for international organizations] as traitors for cooperating with foreigners. The Taliban has repeatedly declared that death awaits the ‘collaborators with the enemy.’ Many Afghan employees [of international organizations] have already been murdered, while others could face grim prospects when their [employers] leave.”

Der Spiegel, German weekly magazine<sup>105</sup>

Although Afghan women human rights defenders employed by international organizations may be less at risk than their counterparts who work for local NGOs or state institutions, they are not immune to those perils, as the following case study indicates.

### 4.5 “LAILUMA”<sup>106</sup>

“Why are you working for infidels? You’ve become Christian. Suicide attackers have identified your home and will come for you if you don’t stop working for [the international organization].”

A phone threat received by Lailuma

Lailuma, a 35-year-old Uzbek from Faryab province, heard those chilling words in December 2013 from a local Taliban commander in the course of her work monitoring human rights in her province with an international organization. The death threat was uttered in front of one of her foreign colleagues.

A few weeks after she was threatened in person, she received an anonymous phone call also threatening her life if she did not quit her job. She informed the security personnel in her organization about the threats and they advised her not to use the office vehicle anymore for travel to and from work and to always wear a *burqa* outside, which she continues to do.

When Lailuma received a second anonymous threatening phone call a few weeks later, her organization changed her SIM card and moved her out of the province for three months. Since returning to Faryab she and her family have changed residence, renting a place in an area where she feels safer. This meant giving up the home that she had lived in for eight years with her husband and two children.

While she has not received any threats of late, Lailuma knows she is still at risk, not only

because she continues to work for the same organization but also because she has been active in promoting women's rights in Faryab since 2007. She has spoken on television about violence against women and regularly takes on government officials regarding their lack of response to violations of women's rights. Because of her activism, she had been harassed and intimidated before, but had not received death threats until the call that December.

In response to the government's lack of action, Lailuma and other women's rights activists in Faryab decided to set up an informal 'women's leadership network'. They have had success lobbying the provincial education department to hire more women in supervisory positions in schools. And because of the limited access to public space for women and girls, they lobbied donors to build a park for women and their children.

Lailuma expresses similar sentiments to "Nargis" (case study 3) in response to questions about going to the authorities to report the threats. She says:

"They won't do anything [to help] me. I have seen this many times before [with other women human rights defenders]. I trust [my organization] to help me. You can see what they [provide] but even they can't keep me completely safe." And, as she later explains, "the government is very weak here. There is low capacity and lots of corruption."

Despite the successes of the network, Lailuma knows she is fighting an uphill battle when it comes to pushing for women's rights in her province:

"We are struggling against traditional culture and patriarchy – families who don't allow their women to go outside ... [But] the biggest challenge for women's rights and [women human rights defenders] is the lack of security".

Lailuma is grateful for the assistance her organization has provided in helping her to keep safe and she knows that other women human rights defenders, particularly public servants, do not have access to the same level of support services she does.

## THE POLITICIAN

**“The Afghan government and the international troops supporting it have failed to adequately protect women working in public office and as human rights defenders.”**

Amnesty International, 2010<sup>107</sup>

Amnesty International expressed this concern five years ago, following an attack on Nadia Kayyani, a provincial council member from Baghlan.<sup>108</sup> She was left in a critical condition after being attacked in a drive-by shooting in April 2010. Since then there have been further attacks on women politicians across the country, including the kidnapping of a female parliamentarian, Fariba Ahmadi Kakar, and the attack on senator Rohgul Khairkhwah, both of which took place within one week of each other in Ghazni province in 2013.

In November 2014, another parliamentarian was wounded in a bombing in Kabul. At the time of writing, the most recent attack occurred in February 2015. A roadside bomb planted near a school in Jalalabad was detonated as Angeza Shinwari, a member of the Nangarhar provincial council, drove past. She was seriously wounded in the attack and died five days later. Her driver was also killed and four other civilians were wounded.

Angeza Shinwari, who had been elected for a second term to the provincial council in 2014, was well known for her work on women's rights, including campaigning against 'opium brides' – a practice in which impoverished opium farmers marry off their daughters to settle debts.<sup>109</sup>

Yet, despite the dangers they face, women politicians continue to speak out for women's rights. As Fawzia Koofi, another prominent women's rights parliamentarian, and herself the survivor of an assassination attempt in 2010, commented in a recent interview: “You cannot talk about women's education, women's economic empowerment and social empowerment without their political participation.”<sup>110</sup>

### 6. “ADEENA” AND “FAHIMA”<sup>111</sup>

Adeena and Fahima know well the challenges of being a woman politician in Afghanistan. Adeena is an educator and a former member of parliament in the Lower House. Fahima currently serves as a provincial council member and was previously a Senator in the Upper House.

They are from the same province in the south of the country and told Amnesty International about the difficulties of being elected officials from one of the most conservative areas of the country. Fahima talks about the uphill battle to get women a share of the development assistance provided by the national government, which continues to be controlled by the men in her province despite the quota system that gives women representation in government:

“Women in [our province] need economic development and income generation. Most of them are illiterate [because many] people are still against girls’ education ... [H]umanitarian aid that is designated for women is sold on the black market<sup>112</sup> but aid that is for men goes to them ... We women have no power to change this situation. Even among educated men there is no liberal way of thinking [about women’s rights].”

Adeena and Fahima faced similar forms of discrimination in carrying out their duties as elected officials. As Fahima tells Amnesty International:

“There is one roof but two climates. My male colleagues are given a car and bodyguards. I don’t have either. All my male colleagues are able to get in immediately to see the Governor but he makes me wait for hours outside with no protection.”

Adeena explains: “[I was told by colleagues] ‘you’re a prostitute because you work outside the home’... The bottom line is they don’t want women [in politics]. They make problems for you until you quit.”

Adeena almost did quit even before she was elected to the Lower House in 2005:

“When I was running for Parliament, my brother was killed campaigning for me. I wanted to resign then, but my mother who was grieving [over the loss of her son] told me, ‘how can you give up after everything we have been fighting for.’ I realized [she was right] ... Just look at all the suffering of women in this province. [Its] the driving force that keeps me struggling against all the odds.”

It is what kept her going following a hand grenade attack on her home in 2011, while she was an MP. Although no one died in the attack, Adeena understood that she was being sent a very clear message – women are not safe in this province if they choose to participate in public life.

Fahima has also faced difficulties because of her role as an elected official. She explains that:

“[she has] received lots of threatening telephone calls from the Taliban – too many to count. ... I am scared of the threats because [the Taliban attacked] the provincial council ... [but] more problematic is the discrimination ... In meetings we are told we can’t speak because we are women ... [I was] forced from a meeting [because] I said I am equal [to men] ... [Also], the harassment by the soldiers at the Governor’s compound [is so bad that] I give up and leave without seeing him ... Our constituents expect [results] from us but we can’t provide for them like our male

colleagues ... Since I face discrimination every step of the way, the best possible strategy is not to fight back.”

## THE DOCTOR

**“Afghanistan remains one of the world’s most dangerous places for women to have children<sup>113</sup>... The threat to women’s health, and maternal health in particular, is made worse by the social and historical realities facing the country.”**

Afghanistan Research and Evaluation Unit<sup>114</sup>

The difficulties in women being able to access health care in Afghanistan are well documented.<sup>115</sup> Among the myriad challenges is the lack of qualified female health care practitioners. But as Amnesty International discovered in the course of researching this report, those who provide medical services to women and girls are at great risk of threats and attacks from the Taliban or other insurgent groups. This is especially true for those providing care to those suffering from gender-based violence, as the following case study attests.

### **4.7 ‘YOU CAN SEE THE CONSEQUENCES IF YOU DON’T LISTEN TO THEIR WARNINGS’: “BRISHNA”<sup>116</sup>**

Brishna, an ethnic Pashtun medical doctor, originally from a province in eastern Afghanistan but now living in another area of the country, says the problems she faced go back several years to when she was working in a clinic with women and girls who were victims of sexual violence, including some who had been raped by their male relatives:

“They came to my clinic needing help [otherwise they would have been killed by their relatives or members of their community as an ‘honour’ killing]. I would receive threatening night letters and phone calls from the Taliban, warning that they would kill me and my family because of my work. We reported [the letters and calls] to the police, but nobody listened to us.

One day, two years later, I heard an explosion and rushed outside. My children had been playing in the front yard. One of my sons was very badly wounded and lying on the ground. [He] had to have medical treatment for almost a year and we were busy moving him from hospital to hospital. The incident affected him badly and he became mentally ill. He is always tired and depressed and always asks why this happened to him. After the incident I tried to seek justice and asked the relevant government agencies to find the perpetrators, but they ignored us and did nothing.



Some months after that, my brother was killed in another attack. The police did nothing; they didn't catch the culprits. They can do nothing. Whenever we ask, the police say the case is under investigation. They have done nothing so far. We moved from [our province] after these attacks."

Brishna continued to work as a medical doctor after she and her family moved to their new location. However, she imposed limits on her work, anxious to keep a low profile to protect her family:

"But now, once again, the threats have resumed. When I first received threats I [didn't take] them seriously. But now, what they say, they mean, and I expect the worst ... I've already changed my location. But where can I go now? Maybe I can come to Kabul but the most important thing is how I can protect my children. The whole family is affected by the threats, and there is a lot of tension at home. My daughter screams at me, 'why are you being attacked?'

After the threats, I put pressure on my son to be careful about where he goes and whom he meets. I'm worried he will be recognized. My son said, 'I'm going crazy, I feel like throwing myself under a car. How long do you want us to flee and hide?' But the worst thing in your life is not being able to protect your children."

Despite the tragic events in her life and the substantial cost to herself and her family because of her work, Brishna remained steadfast and resolute: "There are too many cases of violence against women. I have witnessed 30 to 50 cases in a month. When I tell [the women] to report their case to the police they refuse because their family would be ashamed of them and would treat them very badly. They don't go to the police and instead, they tolerate the violence and harassment.

We have to help our people, particularly women. They need us, and we have to serve the country and the people. I can't sit at home and do nothing; this is not in my nature."

With the latest threats against her, coupled with the deteriorating security situation in the country, the change in Brishna is dramatic:

"The reason I have stopped going to work is that you can see the consequences if you don't listen to their warnings. They will just say, 'we warned you.' Wait until the dust settles and then maybe I will be able to start again. But it's difficult to [know] when the dust will settle. I hope that by not working I will be safe. If the Taliban say they will do something they are serious about it. There is a security gap everywhere so I don't think it will be difficult to for the Taliban to do something harmful."

She hasn't reported the most recent threats to the police because "you don't know who you're reporting it to and how the information will be used." She continues:

“The government is so powerless. They can't do anything or they blame you for what is happening to you. At the end of the day, you carry the burden of threats yourself and that's why I don't have the confidence to report the threats.

I don't think anyone inside or outside is ready to hear our concerns. With the election chaos and security situation, things are getting worse. Should I suggest to the international community to take all the women activists out of Afghanistan? What should I ask? I don't know really. To other women human rights defenders, what should I say, should I tell them to stay strong? I don't know how long you can stay strong if you see your child being butchered, or your close family members being killed. But women human rights defenders across the world [aren't in] any better situation than I [am]. Even if you tell the leaders what we're going through, they don't really understand the extent of the pressure we're under.”

Brishna believes the government will not act on their obligations to provide protection for her or ensure that the conditions are there for her to continue her work. As she tells Amnesty International:

“I don't know how to end this situation. The more I think, the crazier I become. All possible scenarios come to mind. I feel I'm losing my mind. I don't see any solution ... I can't see how I can get out of this situation.”

## THE LAWYER

The legal system tends to favour power structures that oppress women and girls. It supports a culture of impunity and presents significant obstacles for defenders of women's rights.<sup>117</sup> As a result, using the system to protect women's human rights is fraught with challenges and risks, even when you are a man, as the following case study illustrates.

### 4.8 STANDING UP FOR WOMEN'S RIGHTS: "MIRWAIS"<sup>118</sup>

**"There should be men supporting every institution for women like this one."**

Mirwais, Afghan lawyer

Mirwais, a lawyer for a shelter for women and girls fleeing violence, shares with Amnesty International how he came to this point of view. When he began his career, he never expected to find himself working for a women's shelter. He had never given much thought to the endemic discrimination faced by women and girls in his society, nor did he know much about women's rights. But upon finishing law school in 2010, he had the opportunity to intern at a shelter and he has been there ever since.

He tells Amnesty International that working at the shelter has opened his eyes and given him a new understanding of the position of women and girls in Afghanistan: *"Now, I am a firm believer in gender equality."* However, he has not told his family where he works. This is because of the misconceptions about the purpose of shelters, and the prejudices surrounding who lives there and why. Many people, including lawmakers and community elders, believe that shelters are places of prostitution and that 'immoral women' occupy them. Mirwais explains:

"I haven't told my family [where I work] because I don't want word of it to get around in my family and community. They don't have a positive view of shelters and wouldn't understand."

Mirwais, who is 27, is proud of his role in defending women's rights. But there is often fear associated with his work. He says:

"I work on some high-profile cases and there are always threats associated with these cases. A woman escaped from the home of her husband, a powerful local commander, who killed their two children. The commander is in hiding and has been sentenced to death in absentia. The court [who sentenced the commander] is always warning me to be careful."

Just over a year ago, a government prosecutor kidnapped a young woman and sold

her into prostitution. She managed to escape and made her way to the DOWA. They brought her to the shelter because she [had been] rejected by her family, and there was no other option. The perpetrator was arrested and charged. One evening a lawyer friend of mine called me and asked for my home address. He then showed up at my door with the perpetrator who had a gun. The perpetrator didn't want the court proceedings to go ahead and told me, 'if you don't stay away from this case, I will kill you.' We spoke [and eventually] he calmed down. I felt afraid, but when he threatened me like that, it only made me want to work harder on the case.

My main fear comes from cases where the perpetrator has been prosecuted and convicted. I worked on one high-profile case [that made international headlines]. In court, after one of the perpetrators [who was a member of the Afghan Local Police] had been sentenced he [turned to me and] said, with people listening, 'it doesn't matter who it is – you, your son, we will come seek revenge for your doing this.'

I didn't report the incident to the police or the NDS because there is no sense in reporting to the authorities. They don't do anything. I feel at risk because the perpetrator is from the same part of the country as me. But even if I leave this work the threat will still be there, so why leave?"

## THE DEPARTMENT OF WOMEN'S AFFAIRS EMPLOYEE

**“I truly believe that MOWA and DOWA are the sixth finger in the hand of the Afghan government. This is why they are being ignored and receive no support from [anyone in the government], from the president to the lowest staff member in government.**

Dr Shah Bibi, Head of Department of Women's Affairs, Laghman Province<sup>119</sup>

The Ministry of Women's Affairs, as the government agency responsible for promoting and protecting the rights of women in Afghanistan, is an especial target for those who oppose gender equality. And as the implementers of MOWA's policies, DOWA employees are on the frontlines of women human rights defender work, as the case study below illustrates.

### **4.9 THE 'SIXTH FINGER OF GOVERNMENT': DR SHAH BIBI/ NAJIA SEDIQI/ HANIFA SAFI**

Dr Shah Bibi is matter-of-fact about the risks she faces in her current position as Director of the DOWA in Laghman province, eastern Afghanistan, telling Amnesty International:

“After the killing of the two [previous] DOWA directors in Laghman, we [all DOWA heads in Afghanistan] are now allocated three bodyguards but if the enemy decides to harm, they will harm, even if we have 100 bodyguards.”

Dr Bibi, who was previously a member of parliament, was appointed to the position two years ago, after the previous two directors, Najia Sediqi and Hanifa Safi, were killed within six months of one another in 2012. Amnesty International interviewed Dr Bibi as well as the families of Najia Sediqi and Hanifa Safi.

The common thread to the three interviews were the threats that the three directors received on a regular basis because of their work supporting survivors of gender-based violence, including organizing protective shelter for them.

According to the son of Hanifa Safi:

*“Whenever she had a new case, it [came] with threats against my mother. They were always telling her to hand over the victim to them. We kept informing the NDS, MOI, MOWA and all other relevant security agencies, and from time to time my mother would receive letters from the NDS informing her of a possible threat against her life and telling her to be careful with her movement around the province. But she was too brave to let these threats stop her from what she wanted to do.*

*After the threats increased, she started wearing a burqa and was not using the*

*government allocated car most of the time, as it was easy to trace her from the plate number and make and colour of the car."*

The husband of Najia Sediqi shared similar stories:

"When my wife became the acting director she started receiving threatening phone calls. Sometimes people would say, 'these women are Americans puppets. They are working for the interests of the Americans.'

[My wife] told her sister that someone named Abdul Fatah warned her to leave her job and stay home or she would be killed by him. Another person, his name was Rahman, also warned my wife, 'that you are working for Americans and we will not spare you.'"

The threats against Dr Bibi have continued:

"Since I became DOWA director I have received many threats as well. The threats are in the Pashto language with a Laghmani accent. I was told, 'we will kill you the same way we did your predecessors. We will kill anyone else who dares to take this position after you as well.' I told him, 'Why do you want to kill me? I didn't do anything illegal.' The caller said, 'you are encouraging women to divorce, you break up families; this is why we want to kill you. Women should stay home and have nothing to do with politics.' The Taliban even called my driver and said that 'I will kill you with the "Raisa" ['manager', in Pashto]."

Another experience common to all three heads was the lack of action on the part of the government to the threats and attacks. As Dr Bibi explains:

"I raised this issue with the NDS and with MOWA. Let's see what happens. I haven't heard anything from NDS. I also informed the governor about the threats. [But] the government is not taking cases of attacks against women very seriously."

She continues:

"The first DOWA Director Hanifa Safi apparently received many threats but no one took [them] seriously. The second DOWA director Najia Sediqi received threatening phone calls and other threats but no one did anything for her until she was killed even though her husband was a respected Hezb-e-Islami [political faction] commander during the Jihad times.<sup>120</sup> But when it comes to targeting women, the Taliban and Hezb-e-Islami have no mercy on anyone, even on their own people.

After the threats I shifted my home to [another province], and [now] I travel between there and Laghman everyday which takes me hours of travel ... I accepted this position knowing the dangers I may face but still no one seems to be caring about it. Every day when I leave home I think that I will not return alive and my children are as scared as I am about a possible Taliban attack against me."

The families of Najia Sediqi and Hanifa Safi provided Amnesty International with details of

their own experiences regarding the lack of action in response to the threats that the two women faced during their tenures as DOWA directors. The son of Hanifa Safi explains:

“Despite all the threats she was receiving, my mother didn’t have a bodyguard. No one did anything for her safety and protection. The Laghman police chief, in response to my mother’s request for protection, said, ‘send your son to the police academy so we can train him and then he can protect his mother.’ And this is what I did. She was not only the director of DOWA she was also a member of the Laghman provincial High Peace Council<sup>121</sup> but no one did anything for her safety. She even didn’t have a car allocated by the government at first and my father was driving her around in his own taxi. Later the government gave her a Corolla car [but] she had to pay for the fuel and maintenance most of the time out of her own pocket.”

Even now, the families of the two murdered women received little in the way of support from the government. Dr Bibi comments:

“In Afghanistan no one takes any threats seriously until the person dies. Then they will make a nice commemoration for her, and that’s the end of it. There should be prevention before the threat.”

Hanifa Safi’s husband explains:

“My wife was not just an ordinary woman; she was brave, intelligent, hard-working, loving and, more importantly, very devoted to her work and profession. She received 270 certificates of appreciation for her work from different agencies.

My family and I have lost our faith in the government and security agencies here. After Hanifa was killed, no investigation was conducted into the killing and no report or information was shared with us. Some officials came to her funeral and sent their condolences, but that was it. It seems to us that her life and our lives have no value to the officials here, not to MOWA or others sitting in Kabul, not to the provincial authorities.

After she was killed, [in spite of having] worked for the government for 27 years they only gave her pension for five years – only from the time she started her work as director of MOWA. The government didn’t [take into account] her other 22 years of service. We feel betrayed by our own government. I went to Kabul to meet with the Minister of MOWA but she refused to meet with us despite [the fact that] we spent hours in her office waiting. She snuck out the other door and didn’t let me meet her. The president’s office told us that the government would be allocating a piece of land to the families of both Hanifa Safi and Najia Sediqi, but we received nothing and it was [all a] lie.”

Najia Sediqi's husband continues:

"After the attack, we just saw the police come to the site of incident, and that was it. No one came to [talk to] my daughters, to me, to the eyewitnesses to ask questions, not at all. I had to go to the police and other security officials in the province. I knocked on their doors and asked for an investigation. Finally, the police arrested a man, Abdul Fatah, and charged him with collaboration in the murder of my wife. [Two other men were] arrested [but they] were released. Only Abdul Fatah received three years' imprisonment. He was released after only spending 18 months in prison.

I tried to meet with the MOWA minister a number of times but unfortunately I was never able to. Hundreds of millions of dollars are funded to eliminate violence against women in Afghanistan but it doesn't work because the law is never implemented.

We haven't received any support or protection from the government since [my wife] was killed. President Karzai gave us 100,000 Afghanis (US\$2,000), and with that money I had to buy a pistol for the protection of my family.

The last threat I received was from Abdul Fatah who told me that, 'Your daughter testified against me, just watch what I can do to her.' This threat is [just hanging there] and I don't know how to protect my family aside from having a gun with me at all times."

Najia Sediqi's husband highlights another critical issue: that the families of the murdered women are continuing to receive threats:

"When he was arrested, police told Abdul Fatah that my daughter had identified him as a prime suspect in collaborating with Najia Sediqi's murder. Then my life became hell. Every day we received many threatening phone calls from the Taliban to change our testimony against Abdul Fatah but we didn't.

During the trial, and in front of the judge and everyone else, Abdul Fatah threatened my daughter and told her, 'By testifying against me you did a very bad thing to yourself. You will meet the same fate as your mother. You still don't know what else I can do and what am I capable of doing.'

After Abdul Fatah was arrested my home was attacked twice. Unknown gunmen broke into our home and wanted to kidnap my youngest brother who is now living with me for security reasons.

We left our home and now live somewhere else. I am still receiving threats, especially after Abdul Fatah was released. He is looking for my daughter who is just 13 years old. I am taking [my two daughters] to and from school. I can't leave them by themselves. I shared all the numbers [of the people who threatened me] with the NDS and still nothing was done about it."



Hanifa Safi's husband shares a similar experience:

"We are still receiving threats, even after Hanifa was killed. We informed the police and the NDS but they do nothing and ignore us. The threats come by phone and in night letters. It seems that human life is very cheap in the eyes of the Afghan government. Here chickens are worth more than humans, because for killing a chicken you have to buy it first. But for humans, [you don't have to buy them first before you kill them], and particularly women's lives are worthless and cheap.

My family and I are still waiting for answers. We want to know how it happened, who did it and why they did it, and what happened to the perpetrators. I want protection for my family who are still under threat and I want the government to see us as human beings, not numbers."

# 5. KEEPING WOMEN'S HUMAN RIGHTS DEFENDERS SAFE

The following section explores the gaps and challenges as well as the opportunities regarding the Afghan government's ability to fulfil its obligations to protect women human rights defenders.

## 5.1 FAILURES OF IMPLEMENTATION

### LACK OF RULE OF LAW

**"We have enough regulations and policies. What we need now is rule of law."**

Head of a Women's NGO<sup>122</sup>

Most experts with whom Amnesty International spoke determined that the current legal framework offers adequate protection for women human rights defenders as outlined in Section III. The problem they noted is the lack of effective interpretation and implementation of relevant laws by the authorities. They point to the ERAW Law in particular – the main legal protection for women human rights defenders in the country – as a clear example of the systematic failure of the state to implement its own laws.

Although ERAW Commissions have now been established in 28 provinces, only 16 of them are currently functioning.<sup>123</sup> In one example, a woman human rights defender from Faryab told Amnesty International that, although the Commission in her province had been set up four years ago, its members hadn't met for over two years. The UNDP had provided initial financial support but once the funding ended the Commission stopped functioning.<sup>124</sup> While the registration of reported incidents of violence against women and girls increased in 2013 by almost 30% over the previous year, prosecutions using the ERAW Law increased just 2% during the same period.<sup>125</sup> As UNAMA noted in their report on ERAW, "Increases in reporting and registration of incidents of violence against women by police and prosecutors [has] not lead to a similar increase in the use of the ERAW Law."<sup>126</sup>

While this is partly due to insufficient allocation of resources, the lack of political will to tackle the issue of violence against women and girls remains the main impediment. As a lawyer familiar with ERAW explained to Amnesty International: *“The ERAW Law requires ministries to allocate money for [its implementation]. But security bypasses this requirement. [They are] always making excuses not to prioritize violence against women. [There is simply] no political will or commitment.”*<sup>127</sup>

When the government does allocate the necessary resources and commits to its duties outlined in ERAW, the impact is clear. According to UNAMA, in those provinces where specialized ERAW units exist within the prosecutors’ office, there were more registrations of gender-based violations as well as prosecutions using ERAW, compared to those provinces where there was no specialized ERAW unit.<sup>128</sup>

Still, ERAW continues to be plagued by a lack of effective implementation stemming from gender biases. There is a “selective application of the administration of justice which focuses on reinforcing social norms and values that discriminate against women and a lack of emphasis on arresting and prosecuting male perpetrators of violence.”<sup>129</sup> Women continue to be jailed for “moral crimes”<sup>130</sup> at an alarming rate, despite ERAW. Statistics from the MOI in 2013 showed that the number of women and girls jailed for moral crimes had doubled from 2011.<sup>131</sup>

These findings are not surprising. Entrenched cultural, religious and social norms remain at the root of gender-based violence in Afghanistan. Added to this is a legal system that normalizes violence against women and girls as an accepted part of life. As one analyst has noted:

“Four years after the adoption of a law on violence against women ... women are still imprisoned for being victims of forced marriage, domestic violence and rape. The Afghan government needs to get tough on abusers of women, and stop blaming women who are crime victims.”<sup>132</sup>

Furthermore, while the ERAW Law is a major step forward in the legal protection of women’s human rights there are several weaknesses within it. This includes the failure to criminalize “honour” crimes, the lack of a clear definition of rape or the element of coercion that is required to distinguish rape from consensual *zina*,<sup>133</sup> and the requirement that a victim of gender-based violence must initiate judicial action.<sup>134</sup>

In determining whether ERAW is being applied to cases of threats and attacks perpetrated against women human rights defenders, most activists and analysts that Amnesty International spoke with agree that the ERAW Law can also apply to violations and abuses that take place in the public domain, which is where the majority of violations against women do occur.

Amnesty International found that, of the violations and abuses occurring in the public sphere, those few that are being forwarded to the prosecutors’ office in Herat and Mazar-e-Sharif all concern harassment in the workplace. In these cases an official letter is written to the employer outlining the complaint and it is left up to the employer as to how best to address it.<sup>135</sup> In discussions with the Attorney General’s Office as well as with lawyers familiar with

EVAW cases, no examples were provided in which cases of violence perpetrated against women in the public domain were prosecuted under EVAW. The spirit, and thus the application, of the law, is in the context of violence that occurs within the private sphere.<sup>136</sup>

While EVAW is garnering some success in providing an avenue for remedy for women and girls experiencing gender-based violence in the private sphere, it is not being employed to help protect women human rights defenders.<sup>137</sup>

## **LACK OF RESPONSE FROM LAW ENFORCEMENT AND SECURITY AGENCIES TO VIOLATIONS EXPERIENCES BY WOMEN HUMAN RIGHTS DEFENDERS**

Women human rights defenders spoke at length about the shortcomings of the justice system and, in particular, its lack of responsiveness to complaints they made about the threats, intimidation and attacks they were experiencing.

According to the family of police officer Islam Bibi (case study 2), despite the repeated death threats made against her, very little action was taken by her superiors in the police or by the NDS, though both were informed of her situation:

“For two days she [would get] transport, then it was stopped. The NDS would search the roundabout near our house for a few days for an hour or so each day [but other than that there] was no further action. They didn’t take the threats seriously.”

A woman politician told Amnesty International:

“I [complained] to the NDS [about the threats] but they have never gotten back to me. Once they arrested a man for a night letter. They asked me if I knew him. I said no, so they released him.”<sup>138</sup>

Lailuma (case study 5) complained about the death threats she was receiving to the NDS, “but they didn’t do anything. They told me, that they had located [the man who threatened me]. ‘We know he is Taliban, but we can’t do anything about it.’” She commented: “it’s not surprising [because] the NDS is collaborating with the Taliban in [my province.]”

Adeena (case study 6) told Amnesty International that there was no investigation into the death of her brother after he was killed while campaigning for her, or the grenade attack on her home: “It took police two hours to come after the grenade attack and then they only arrested the neighbours. They never came back to us with any further information although we know the neighbours weren’t responsible... [And] to this day we don’t know who killed my brother.”

As a woman human rights defender who survived a recent attempt on her life summed up:

“The government didn’t take the threats seriously, they’re not supporting women. That’s why they haven’t arrested anyone in relation to this case even though they claim they are respecting women’s rights and democracy. They receive lots of funds for the protection of women in Afghanistan but they’re not doing anything. [After the attempt on my life], they didn’t even ask basic questions like ‘why do you think you were targeted?’”<sup>139</sup>

The systemic failure by the authorities either to investigate or prosecute crimes perpetrated against women human rights defenders reinforces the message to women human rights defenders that they will not receive either protection or justice from the authorities. Neither Mirwais (case study 8), nor Nargis (case study 3), have reported their threats to the authorities because they see it as an exercise in futility. One woman human rights defender commented: “I don’t trust the security agencies to help me. If something happens to me, my family will be the only ones to help me.”<sup>140</sup>

It was only after three heads of departments of women’s affairs were assassinated in 2012, including two in Laghman province (case study 9), that the authorities ensured that security was uniformly provided for all DOWA heads in the country. Still it is not enough. As the head of one DOWA told Amnesty International:

“The DOWA [is located] in a rented building that is very vulnerable in terms of security. We don’t have many guards and the province is very insecure and volatile, which is why I am leaving my own bodyguards to stay overnight in the office.”<sup>141</sup>

The widespread failure of the authorities to take action against violations and abuses experienced by women human rights defenders is in direct contrast to the government’s recent decisive response to the issue of sexual harassment. In October 2014, President Ashraf Ghani raised the alarm bell, describing the level of sexual harassment experienced by girls as “shocking.” In response, he “ordered the Ministry of Education to report every incident of sexual harassment in schools, to take action against harassers and further directed ministries to develop a plan to resolve the problem of sexual harassment in educational institutions.”<sup>142</sup>

The Afghan authorities must take decisive action for women human rights defenders under threat and ensure that the relevant government institutions, including the Ministry of Interior and the National Directorate of Security, take seriously and respond to every official complaint received from defenders. Furthermore, they need to take joint action in providing protection to women human rights defenders at risk.

## GENDER IMBALANCE IN STATE PROTECTION

Amnesty International found patterns of gender bias in accessing state protection. Illustrations of this gender imbalance were provided from officials in the field to the upper echelons of government. A senior official at MOWA informed Amnesty International that her male colleagues at other ministries receive more bodyguards as well as sentries in front of their homes.<sup>143</sup> Local officials shared similar stories.

It was a common complaint that Amnesty International heard from both women government employees and elected officials. As an international police advisor from case study 1 explained:

“If a male colleague had received the same [threats from the] Taliban that Homaira has, they would give him a protection force and a guard at his residence.”<sup>144</sup>

A member of a provincial council told Amnesty International:

“I am supposed to have two bodyguards but I haven’t seen them for a year. [Each time I have had them] after a few days the police come and take them away so you never know what’s going on. This doesn’t happen to my male colleagues.”<sup>145</sup>

A parliamentarian elaborates:

“Two times the NDS has informed me about serious threats from the Taliban and that I should leave the country. But if the same threat was made to a man, they wouldn’t tell him to leave, they would give him resources like a bullet-proof car and extra security.”<sup>146</sup>

Because of the lack of access to protection, women human rights defenders are often forced to take measures for their security into their own hands. There are very few options open to them in this regard, particularly if they do not have the support of an influential family or the resources to pay for bodyguards, armoured vehicles or protection for their homes. One such defender who prosecutes ERAW cases told delegates that she pays for her bodyguard out of her own pocket.<sup>147</sup> But as case study 8 (Mirwais) demonstrates, there are many risks associated with taking on ERAW cases. As well, her protection should be a state responsibility and not her own.

Women human rights defenders, especially those without resources, take what precautionary measures they can, including wearing a *burqa* in public; being accompanied by a *mahram* (male relative escort); changing their daily routines with regard to routes, vehicles and the times they travel; and temporarily or permanently changing their locations as Brishna (case study 7), Malalai (case study 4) and Lailuma (case study 5) were all forced to do.

Still, as Brishna’s situation clearly indicates, these measures are still not enough to keep women human rights defenders safe from harm.

## **VIOLATIONS COMMITTED BY STATE AUTHORITIES AND THOSE WITH TIES TO GOVERNMENT OFFICIALS**

As noted in Section III, although the majority of threats, intimidation and attacks against women human rights defenders are perpetrated by non-state actors, increasingly violations are being carried out by government officials, or by powerful commanders, who are either connected to state authorities or are the local officials themselves. Homaira's situation (case study 1) demonstrates this point. As a woman police official, she is a target for anti-government insurgents. As an officer dealing with cases of violence against women, she has also made powerful enemies in the community, including local commanders, many of whom have connections to the authorities in her area:

"I am receiving a lot of death threats from local commanders [because of my work]. They don't want me to put complaints [from their female family members] through official channels. Many times they wanted me to hand over the victim to them and I have received direct death threats in my office."

At the same time, her male colleagues and bosses have increased their harassment of her because of her vocal stand on the treatment of women police officers within the force. As Homaira tells it:

"many times my male colleagues would fill my ears with the words, 'a good woman would never join the police' – meaning that I had to act badly. I wanted to prove to them that a good woman can join the police force and not for economic gain ... I know that I don't have connections or power. If anything happens to me, I know there won't be an investigation but I have to speak out to try to change the system."

One women human rights defender who is a public official, and who survived an attempt on her life acknowledges that, while the Taliban were likely responsible for the assassination attempt, she knows that she is also in danger from security forces because in her official capacity, she has admonished government security institutions – the NDS, Ministry of Defence, MOI – for their failure to address the security situation of women.<sup>148</sup>

As a women human rights defender explained to Amnesty International:

"There are three categories of threats [against me]. The first is the Taliban. I have received many night letters and telephone threats. They have also threatened my relatives. I survived two suicide attacks [as part of two larger attacks on elected officials]. The second is the government itself. They create as many obstacles as possible. I received a direct threat from a district governor when I refused to give him a bribe to implement a project. There is also harassment from the police and NDS. The third is the discrimination I face [in general]. Because I am a woman and [an ethnic minority] – there is a lot of character assassination against me."<sup>149</sup>

The authorities have done little to address abuses committed by officials under their command. The two directives issued by the MOI that deal with the failure of the ANP to address violations perpetrated by their own officials, have not been complied with. For institutional change to occur, there needs to be senior-level commitment to ensuring full implementation of policies designed to bring about reform. Yet, a senior MOI official, whose portfolio includes gender, informed Amnesty International that sexual harassment in the ANP was no longer an issue as it had been fully addressed by the ministry through the establishment of women's police councils and other support mechanisms for women police<sup>150</sup>, despite strong evidence to the contrary.<sup>151</sup>

As UNAMA points out:

“mechanisms to protect women from abuse of power and sexual harassment within the police force are not enforced. [T]he current situation of women in the ANP is not conducive to their protection, advancement and gender equality.”<sup>152</sup>

Donors interviewed by Amnesty International cited continuing inadequacies and weaknesses in vetting procedures, training, reporting chains and accountability and oversight mechanisms as the reasons for the lack of progress in reforming law enforcement and security agencies and reducing the number of violations against women human rights defenders committed by officials.

## **LACK OF WOMEN IN THE JUDICIARY AND LAW ENFORCEMENT SERVICES**

Part of the problem lies in the fact that there are very few women in the law enforcement, security and judicial sectors. Figures from 2014 show that out of a total of approximately 152,000 police officers, only 1,971 were women – just over 1% of the force.<sup>153</sup> Although there is continuing active recruitment of women into the ANP, this figure is far below the target of 5,000 women set by the Ministry of Interior, a benchmark that was recently increased to 10,000.<sup>154</sup>

There are significantly more women to be found within the judiciary – 2014 figures show 10% of judges and 22% of lawyers are women.<sup>155</sup> However, women in both sectors tend to be gender-segregated within their professions. The majority of women police officers are concentrated inside Family Response Units or as part of security to perform searches on women at public institutions and government buildings. Very few women are found in the criminal investigation division for example, where it is determined which cases are investigated and then turned over to the prosecutors' office. And there is only one female head of a police station in the country.



As “Homaira” (case study 1) illustrates:

Female police officers are not given the same credence as our male counterparts - our role is seen as symbolic. Even higher-ranking female police officers are not taken seriously. One of the female police officers was a high school graduate, computer literate and had work experience but was forced to stay at the door to search women coming into the police station.”

Ultimately, the low numbers of women in law enforcement and the judiciary translates into a correspondingly low number of women being able to access justice and hinders the implementation of EVAW. As the AWN monitoring report on the performance of Security Council Resolution 1325 in Afghanistan notes:

“It is critical to include more women in the ANP and [justice sectors], especially in Afghanistan where violence against women cases are rampant. Having low participation in the security and the justice sectors means that women’s access to security and justice is significantly reduced ... It is not uncommon for male security and justice officials to handle women’s rights cases with cultural biases. For example, it is commonly presumed that it is the right of the husband to beat his wife to educate her when he deems it necessary.”<sup>156</sup>

The deliberate targeting of women in these sectors, the social stigma attached to their working in non-traditional sectors, particularly within law enforcement and security, and the increasingly restrictive space for them in public life indicate that the statistics for women are unlikely to significantly increase in the current environment. That will only happen if the government is willing to commit the resources needed as well as create an enabling environment and increased opportunities for women to follow career paths in the judiciary and law enforcement.

## **LIMITATIONS OF DOMESTIC PROTECTION INSTITUTIONS**

### **PROVINCIAL DEPARTMENTS OF WOMEN’S AFFAIRS**

The DOWAs are under-resourced, making a challenging environment even more difficult for its over-stretched staff. As one DOWA head explained: “I want to work in all 15 districts [of my province] but I don’t even have enough fuel in my car to travel. It affects my performance and what I can achieve.”<sup>157</sup>

DOWA representatives who met with Amnesty delegates, including from Herat, Kandahar, Laghman, Mazar-e-Sharif, and Zabul provinces, all spoke of the need for capacity building for themselves and their staff, but said that the opportunity to receive training was limited.

Despite the fact that DOWA employees are on the frontlines of women human rights defender work,<sup>158</sup> lack of funding puts them at greater risk because few of their resources are allocated for security as case study 9 makes clear.

As one DOWA head told Amnesty International: “I keep asking for a police checkpoint in front of the office but we still haven’t been provided with one. If it was a powerful commander asking they would have been given one.”<sup>159</sup>

Another DOWA head shared her frustrations about the lack of security:

“I am getting threats against me and my family. At the same time [the DOWA office] is in a very vulnerable location so it would be easy to attack it. Should I use my bodyguards to protect my family or to protect the building and all the staff in it?”<sup>160</sup>

## AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION

While the powers of the AIHRC are quite broad and include the ability to put pressure on all three levels of government to take action, the Commission does not have the legal authority to provide effective remedy itself.

As well, although the AIHRC is responsible for assisting individuals in “defence of their rights,” this is only as good as a government’s ability to address human rights violations. But Afghan law enforcement and judicial institutions remain weak, culturally biased against women and susceptible to widespread corruption. As the AIHRC told Amnesty International:

“there have been positive changes in national laws but there is a huge gap between reality and the law ... Even if a case is taken up by the police and courts it can take 10 years, and in the process officials can be bribed or there can be political interference or many other things can happen for a case not to be resolved.”<sup>161</sup>

And as human rights defenders themselves, AIHRC staff have also come to harm. Amnesty International spoke with Commission staff who have been threatened and attacked due to their work, including one woman staff member who has had to be relocated twice because of the abuse she has experienced, including an attack on her home.<sup>162</sup>

Despite the AIHRC’s high level of engagement in raising awareness of human rights in Afghanistan, in December 2012 the government removed three strong, active Commissioners.<sup>163</sup> It then appointed five other Commissioners, most of whom lacked the necessary qualifications, in a process that raised concerns for its lack of transparency, inclusion or participation.<sup>164</sup> One of the appointees is a former Taliban official who has made public statements against women’s rights, including the ERAW Law, which he claims “violates Islam.”<sup>165</sup> While the Commission continues to be seen as a guiding force for human rights issues in the country, there are concerns that with these appointments its ability to be an effective advocate has been weakened to a certain extent.

## LACK OF DATA ON WOMEN HUMAN RIGHTS DEFENDERS

Collecting quantitative and qualitative data on women human rights defenders is critical for understanding and responding to their protection needs. The type of data that needs to be gathered includes: types of violations being perpetrated; who is being targeted and why; where the violations are taking place; who is committing them; the types of protection currently available to the defender; and the actions state authorities take in response to complaints brought to their attention. This type of information would help to identify gaps in existing protection mechanisms and how they might be addressed, as well as provide a baseline against which trends and developments could be analysed and monitored.

The lack of reliable data has not only made it difficult to fully understand the nature and extent of the challenges faced by women human rights defenders, it has also made it easier for the government to ignore the problem. It also means that the efficacy of policies and programmes designed to provide better protection to Afghan women human rights defenders cannot be effectively monitored.

UN Security Council Resolution 1889 (2009), one of the key 'women, peace and security' resolutions raises the issue of the need for data in addressing the monitoring of Security Council Resolution 1325. As 1889 notes, the collection and analysis of data is necessary in order to "systematically assess [the] particular needs of women and girls in post-conflict situations, including ... information on their needs for physical security and participation in decision-making and post-conflict planning, in order to improve system-wide response to those needs."<sup>166</sup>

While the issue of data is an important one, there is no easy solution to addressing the deficiencies in its collection. As governments are ultimately responsible for the protection of human rights defenders, the authorities need to be the ones keeping a record of threats and attacks reported as well as collecting data on official response and follow-up to complaints. But as an Afghan NGO reports "*[t]he Afghan government does not keep track of civilian female government employees who have been targeted through their work.*"<sup>167</sup>

However, the lack of trust that women human rights defenders have expressed in the police and other law enforcement institutions, as illustrated by case studies 3, 4 and 8, makes it difficult for the government to collect this type of data. Gathering information of this kind also remains extremely sensitive in a country like Afghanistan, where it could easily fall into the wrong hands and expose women human rights defenders to further harm.

## FAILURE TO ENGAGE WITH NON-TRADITIONAL STAKEHOLDER

Combating entrenched patriarchal patterns has been left to women's rights activists with some support from donors. However, to date, there has been a lack of recognition that building momentum for transformational social change means building bridges to communities that do not necessarily share the same values or viewpoint. This includes male political leaders, traditional elders, religious clerics and religious women.

Men who work as women's rights defenders have sometimes felt excluded or sidelined from full participation in the issues. As one male defender who has worked with both Afghan civil society and the international community on women's rights told Amnesty International: "When you're a man working for women's human rights, you can feel alone. Women don't believe that a man can support women's rights."<sup>168</sup>

Afghan civil society and their international supporters are now recognizing this gap. As the head of a women's rights NGO expressed it: "We needed to engage men. Instead, we created women's rights as a monster for men."<sup>169</sup> A male women's rights activist who started an NGO working with religious leaders told Amnesty International: "I am ignored by the women's community. Whoever is wearing a chador or a beard is isolated but Afghanistan is a deeply religious country."<sup>170</sup>

A Shi'a cleric who is a member of a provincial *ulema* spoke to Amnesty International about the challenges of being a non-traditional ally for women's rights: "If a mullah speaks out in favour of women's rights, the community response is often that they are being supported by the international community."<sup>171</sup>

The international community is also starting to acknowledge their failure to engage with those who are not considered natural allies in the struggle for women's rights and gender equality. As one donor mentioned,

"We needed to learn how to package messages [about] women's rights in a Muslim context, [so we] could appeal to a wider audience."<sup>172</sup> Another donor commented, "We missed the boat in not working with religious leaders and men and boys on gender equality issues. We're working hard to correct that now."<sup>173</sup>

## 5.2 CHALLENGES

**“The year 2013 saw a string of assaults carried out against high-profile women. Many of the perpetrators openly stated that the motivation of their attacks was that their female victims were working, or in public roles.”**

Canadian Women for Women in Afghanistan<sup>174</sup>

### THE BACKLASH AGAINST WOMEN'S RIGHTS AND THE IMPACT ON WOMEN HUMAN RIGHTS DEFENDERS

As detailed in Section III, there has been a backlash against women's rights over the past few years, which has made the overall environment for women human rights defenders significantly more dangerous.

Women human rights defenders understand this message all too well. The head of the DOWA for Laghman province (case study 9) was forced to make additional changes to her life because of the assassinations of her two immediate predecessors, including relocating to another province, moving her four older children to Kabul, home schooling her two younger children and changing her travel routes and the times of day she travels.

Women human rights defenders are masking themselves and their activities in an attempt to draw attention away from their work. One women human rights defender who works for a provincial ERAW committee told Amnesty International they had had to change their name to “family support committee because of the sensitivities around addressing women's rights.”<sup>175</sup>

As a result of the ongoing harassment and discrimination they experienced, both Adeena and Fahima (case study 6) have reduced their public presence. As “Fahima” explains: “I try to be as invisible as possible so as not to give the government reason to make problems for me ... Adeena tells Amnesty International: “I go everywhere with my burqa. If I reveal my face, it will cause problems for me. So I don't work with men or foreigners. I try to be as invisible as possible.”<sup>176</sup>

While ‘invisibility’ is one tactic that women human rights defenders are using in an attempt to keep themselves from harm, they are also censoring themselves. As Nargis (case study 3) explains:

“[When my] women's show was cancelled [due to threats] I started a new programme focusing on youth. I would still bring women's issues into the programme occasionally but in a more hidden and subtle way.”

Nargis now tends to stay away from risky women's rights stories, partly because of the censure and attacks she came under for attempting to portray the realities of women's lives in her first show. And to a certain extent this has put restrictions on which stories she is willing to explore. Brishna (case study 7) has stopped her activities providing much needed medical services to victims of gender-based violence altogether, because of the threats and violence she and her family have experienced.

## THE SECURITY AGENDA VERSUS WOMEN'S RIGHTS

As the country became less stable and more insecure, security considerations began to take priority for both the Afghan government and the international community. And when negotiations with the Taliban became a possibility, women's rights quietly began to be shelved. As one women human rights defender noted: "Afghanistan is using the insecurity to de-prioritize women's rights. It's an easy out."<sup>177</sup> But this has not only taken women's rights off the government agenda, it has also led to the removal of resources from gender programming. As a diplomat who works on women's issues told Amnesty International: "Women's funding falls into discretionary funding, what is known as 'off-budget,' so it's often used for security."<sup>178</sup>

## WEAKNESSES IN THE INTERNATIONAL 'GENDER MACHINERY'

Despite 13 years of engagement in Afghanistan, the international community has not been able to develop effective mechanisms for coordination on gender issues. The lack of coordination was a recurring theme in meetings Amnesty International had with both funders and women's rights activists. As one women human rights defender, who is the head of a large women's organization pointed out: "*The international community didn't come with a common goal for Afghanistan. Each country had its own strategy.*"<sup>179</sup>

Some spoke of how each funder has its own stakeholder that it must answer to. Others talked of competing interests and overlapping funding. As well, the international community has tended to focus on short-term projects rather than long-term sustainability. This has made it difficult for women's rights organizations to build capacity or implement initiatives designed to bring about systemic change. Project-based funding has also led to NGOs either being created or re-constituted in order to benefit from the international funding available,<sup>180</sup> with little accountability on either side.

This has impacted on the types of activities women human rights defenders have been able to undertake and especially on the ability of organizations to provide services to those in need of protection, since longer term funding is needed for their delivery. It has also done little to encourage a more enabling and supportive environment for the work that women human rights defenders do.

International community engagement on gender issues has also led to the creation of a 'gender elite', in which donors have focused attention and support on the same organizations and individuals, particularly those that are based in Kabul, who speak English and the 'language' of proposals and project management, and who reflect 'western' values. This has left women who are not educated, do not speak English or have access to the Internet, are from the provinces, or who are religious out of the equation.

All of this has led to an environment in which individual women human rights defenders and women's rights organizations are competing with each other for funding and support from the international community, rather than collaborating with each other. Additionally, it has created a two-tier system in which organizations based in the capital receive the lion's share of international support while organizations in the provinces are doing the frontline work yet lack the capacity.

### 5.3 OPPORTUNITIES

The gaps and challenges detailed above, paint a picture of grave concern for the safety of women human rights defenders under the current political and social realities in Afghanistan. However, the last few years have also seen some positive developments that could provide more effective support and protection for such defenders, despite the shrinking public space and increasingly dangerous environment in which they now operate.

#### LEGAL AND POLICY DEVELOPMENTS

MOWA is currently in the process of drafting two separate regulations that will be sent to the Ministry of Justice for review this year. One addresses "prevention of discrimination," targeting the workplace. The other focuses on "sexual harassment" experienced by women and girls in public life. MOWA hopes the regulations will help contribute to improving the overall conditions of women in public life.<sup>181</sup>

The Afghan government is in the process of finalizing its National Action Plan (NAP) for Resolution 1325, led by the Ministry of Foreign Affairs, in collaboration with international organizations and diplomatic missions. It is expected the NAP will be launched sometime in 2015.

## LOCAL WOMEN'S ASSOCIATIONS

Because of the lack of government action, Afghan women human rights defenders are starting to come together in loose coalitions to promote and protect their rights in their local communities. Amnesty International met with members of women's associations from Faryab and Herat provinces and was told of similar associations in Kabul and Balkh provinces.

The Association of Employed Women in Herat is the most structured of these informal associations. Apart from following up with individual cases of threats and attacks, the Association offers awareness-raising programmes on women's rights and mentoring of young women. It also works to expand employment opportunities for women and advocates on issues of concern to those in work. The Association funds its activities through membership fees.

## EU+STRATEGY

Although the EU+ Strategy has only been devised recently and is not yet fully operational, its existence sends a strong message to the government of the EU's recognition of the critical issues facing human rights defenders, as well as a commitment to support them and their work.

The Strategy's successful implementation will depend on a variety of factors, including the amount of resources committed to it, the coordination between the various EU+ members, the continued collaboration with human rights defenders and the political will at the highest level of the EU+ diplomatic missions. Still, the Strategy provides a baseline and incentive for other diplomatic missions to develop their own protection strategies for human rights defenders, including those working on women's rights.

If implemented effectively, the Strategy would exert pressure on the Afghan government to undertake their state obligations to meet the protection needs of human rights defenders, including the particular concerns of women human rights defenders.

## FUNDING INITIATIVES

While the reduction in economic support for Afghanistan is a pressing concern for both the Afghan government and civil society, there are a handful of major funding initiatives that, if implemented effectively, could make a difference to the overall work of women human rights defenders as well as in their individual lives.

PROMOTE is a US\$200 million plus, five-year programme funded by USAID which aims to provide the means for women to move into decision-making roles within government and the private sector, as well as within civil society and academia, in order to solidify their legal and



political gains. One of PROMOTE's four components focuses on women's rights groups and coalitions; another on strengthening women's leadership capabilities – both are key for women human rights defenders.

The programme, which is currently being rolled out, has been criticized by women's rights activists for perpetuating a contracting and sub-contracting trap in which most of the money ends up in the hands of American for-profit companies, among other issues.<sup>182</sup> However, the hope for the programme is that it will build an army of 'gender defenders' and 'gender champions' who will be equipped with the skills and resources to 'drive change' within the state and in society at large.<sup>183</sup>

The other initiative is Tawanmandi, a US\$60 million fund supported by the UK, Sweden, Denmark, Norway,<sup>184</sup> and Switzerland. The fund provides project funding to NGOs working in five sectors: anti-corruption, media, peacebuilding and reconciliation, access to justice and human rights. Gender is one of its "cross-cutting themes." To date, the funding has mostly been one-off, but a longer-term approach is being considered with a new tranche of funding in 2015.<sup>185</sup>

Although both programmes have their problems and detractors, it has also been acknowledged that they have the potential to build the capacity of organizations and networks in order to create an enabling environment for women human rights defenders, provide them with support and protection, and empower individual defenders through skills building and professional development.

There are also other donor gender initiatives with MOI, including US Congress funding of US\$25 million that is earmarked for gender integration within the Afghan National Security Forces. These include efforts to significantly increase the recruitment and retention of female police by building up an infrastructure for women, such as separate changing facilities, washrooms and prayer rooms.<sup>186</sup>

## 6. CONCLUSION

**“She was serving her country. She wanted to improve the status of women. I was really proud of what she was doing. [But I know others] were not supportive.”**

Husband of a former Woman Police Officer

These words were spoken by the husband of Malalai Kakar, Afghanistan’s highest-profile woman police officer. Lieutenant Colonel Kakar was assassinated on her way to work on 28 September 2008. Her 18-year-old son was wounded in the attack and died three days later from his injuries. Prior to her murder, Lieutenant Colonel Kakar had received repeated death threats by letter and by telephone. According to her family, the threats were shared with the NDS and the Kandahar police but “they did nothing to help her.” No additional security was provided to her, and as far as the family is aware, there were no investigations into the threats, or her death.<sup>187</sup>

The experience of Malalai Kakar and her family is shared by many women human rights defenders in Afghanistan. The patterns of abuse these women experience throughout the country are exacerbated by the systemic failures within the government to bring perpetrators to justice, or to provide a supportive environment for defenders.

As the case studies in this report have shown, police, prosecutors and courts consistently refuse to take threats against women human rights defenders seriously, with few investigations into complaints of violations and even fewer prosecutions or convictions. Women human rights defenders attempting to report violations are stigmatized, blamed and even threatened by those responsible for protecting them.<sup>188</sup>

The dangers that Afghan women human rights defenders face stem from deeply entrenched cultural norms, traditions and stereotypes concerning the role and status of women in society. Building a state based on the rule of law by strengthening the effective functioning of government institutions, ending a culture of impunity, and translating national laws into practice are necessary preconditions for creating an environment that affords women human rights defenders better protection. Ultimately, however, transformational societal change in gender relations is needed if women human rights defenders are going to be truly secure.

Institutional reform must go hand-in-hand with societal change. Laws and policies are of little value if there is no political commitment to make them a reality. As one women human rights defender who works on ERAW cases told Amnesty International: *"[even those families of the women I try to help] laugh that nothing will happen to them if I report the threats. [They know] the law won't protect me. Too many women are weeping in silence."*<sup>189</sup>

# 7. RECOMMENDATIONS

## TO THE GOVERNMENT OF AFGHANISTAN

### PROTECTION

- Take concrete steps to ensure that all allegations of threats or attacks against women human rights defenders reported to government authorities, including the Afghan National Police and the National Directorate of Security are fully and impartially investigated and perpetrators are held to account, and that this is monitored effectively by the Ministry of Interior;
- Build the capability of the Ministry of Women's Affairs and its provincial counterparts, the departments of women's affairs, to respond effectively to women human rights defenders at risk throughout the country, including by establishing a mechanism to monitor violence against women human rights defenders; providing temporary shelter; and assisting with temporary or permanent relocation to another part of the country;
- Ensure that all prosecutions of perpetrators of violence against women human rights defenders use appropriate legislation, including the Elimination of Violence Against Women Law and the Law for Crimes Committed against Internal and External Security of Afghanistan, in fair trials and without recourse to the death penalty;
- Ensure that allegations of violations or abuses committed by Afghan government officials against women human rights defenders are fully and impartially investigated by the relevant authorities, and that the perpetrators and any officials who fail in their duty to prevent abuses are held to account regardless of their rank, position or political affiliation;
- Ensure that there is no discrimination in the level of special protection provided to women elected representatives, government officials, and other women human rights defenders compared with their male counterparts and, where women experience particular risks because of their gender, ensure effective protection measures that take this into account;
- Set up a national consultation with relevant stakeholders, including women human rights defenders and civil society, to determine the specific protection needs of those who promote and protect women's rights and find additional ways of addressing them; and ensure those measures addressed to government are implemented;
- Extend an invitation to the UN Special Rapporteur on the situation of human rights defenders to visit Afghanistan.

## **POLICY OF LEGAL FRAMEWORK**

- Take concrete measures to ensure the full implementation of Ministry of Interior Order 112 and the Ministry of Interior Policy on Prevention of Violence against Women and Children at Ministry of Interior and Society Level, and set out sanctions for failure to enforce these policies;
- Ensure the two draft regulations from the Ministry of Women's Affairs on the prevention of discrimination in the workplace and addressing sexual harassment are developed into government policy;
- Ensure the adoption of the National Action Plan on UN Security Council Resolution 1325 and its mainstreaming across all relevant government ministries;
- Implement the recommendations on the situation of human rights defenders contained in all relevant UN reports, including the:
  - January 2014 Report of the High Commissioner for Human Rights on the Situation of Human Rights in Afghanistan and on the Achievements of Technical Assistance in the Field of Human Rights in 2013, particularly those related to addressing violence against women and girls, and the effective implementation of the Elimination of Violence Against Women Law;
  - July 2013 CEDAW Committee recommendations in response to the combined initial and second periodic reports submitted by Afghanistan;
- Sign and ratify, without reservation, the Optional Protocol to CEDAW.

## **STRENGTHENING INSTITUTIONS**

- Enhance the level of cooperation between key relevant ministries, including the Ministry of Interior, the Attorney General's Office, and Ministry of Women's Affairs, in receiving, documenting and following up on all official complaints received from women human rights defenders to ensure they are responded to in a timely, effective manner, and all relevant law applied;
- Strengthen the capacity of the provincial departments of women's affairs to deliver services relating to the protection of women by providing them with sufficient financial and administrative resources, political support, training and adequate security for staff and premises;
- Fulfil commitments under the National Action Plan for the Women of Afghanistan to increase the number of women in the civil service to 30% by 2018, ensuring that they receive sufficient training and support, with particular attention paid to the judiciary;
- Uphold commitments to increase the number of women in law enforcement agencies and ensure proper training, adequate training facilities and strategies for effective retention of women police officers that take into account their safety and protection. This includes the provision of separate changing rooms, washrooms and

prayer rooms, access to further training and adequate support to councils for female police officers;

- Address the culture of harassment of women in the security services, including through the provision of gender sensitization training in relevant curricula and an effective disciplinary procedure to deal with instances of discrimination and/or harassment of women police officers by their colleagues;
- Ensure the appropriate office within the Ministry of Interior effectively monitors and reports on the treatment of women police officers.

## **CREATING AN ENABLING ENVIRONMENT**

- Consistently highlight the contributions of women human rights defenders to Afghan society and the development of the country, through public messaging and awareness-raising campaigns, both at the national and local level, in order to support the legitimacy and importance of work promoting and protecting women's rights and to counter prejudices;
- Recognize and reward government officials who champion women's rights consistently in the course of their work.

## **TO THE AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION**

- Monitor and document cases of violations and abuses experienced by human rights defenders, and refer them with recommendations to the Ministry of Interior or Public Prosecutor; track the responses to individual cases of violations, identify trends and developments and provide regular reports on the findings, including in biannual reports to the government; ensuring that the particular concerns of women human rights defenders are mainstreamed.

## TO THE INTERNATIONAL COMMUNITY

### TO DONOR PROGRAMMES

- Prioritize support and resources to women human rights defenders in insecure and volatile areas of the country;
- Fund training opportunities for women human rights defenders, particularly at the grassroots level, to learn about strategies and tools to assess and mitigate against the risks that they face;
- Prioritize financial and technical assistance to law enforcement and judicial systems, with benchmarks linked to improved access to justice for women human rights defenders;
- Continue to support the Afghanistan Independent Human Rights Commission with adequate financial resources and technical assistance, including support for staff protection;
- Channel development assistance towards commitments made under the Tokyo Mutual Accountability Framework on gender equality, women's empowerment and implementation of the Elimination of Violence Against Women Law;
- Fund public awareness campaigns, including media initiatives, that highlight the importance of the work of women human rights defenders and recognize their contributions to Afghan society;
- Strengthen coordination mechanisms for gender programming to reduce overlapping funding and competition between organizations; and support a collaborative and enabling environment for women human rights defenders.

### TO THE EU+ GROUP

- Ensure comprehensive funding and resources are available to implement fully the EU+ Strategy to protect human rights defenders;
- Ensure that the EU+ Strategy addresses the specific needs of women human rights defenders in rural as well as urban areas across the country;
- Develop the Strategy to include psycho-social and health components as well as support for the families of human rights defenders;
- Support the development, coordination and implementation, with and across other international actors, of human rights defender strategies that focus on the particular needs of women human rights defenders.

## TO COUNTRIES IN THE SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION

- Offer short-term safe havens for women human rights defenders at risk, including expediting visas where appropriate and ensuring these measures extend to defenders outside the main urban centres.

## TO THE DIPLOMATIC COMMUNITY

- Develop and implement sufficiently resourced protection mechanisms for human rights defenders, which are complementary to, and coordinated with, the EU+ Strategy and any other diplomatic protection mechanisms; and which mainstream the particular needs of women human rights defenders and include both the physical and psycho-social needs of defenders and their families;
- Push for meaningful inclusion of women in national and sub-national peacebuilding efforts, to ensure that the pursuit of reconciliation does not further undermine women's rights.

## TO THE UN AGENCIES IN AFGHANISTAN

### TO UNAMA

- Include data disaggregated by gender and other relevant factors when reporting on the situation of human rights defenders in the UN Secretary-General's reports to the Security Council and OHCHR's reports to the Human Rights Council;
- Strengthen advocacy for the application of all relevant legislation, including the Elimination of Violence Against Women Law and criminal procedure and penal codes, in cases of violations against women human rights defenders;
- Strengthen support and technical assistance to women human rights defenders, including through its current efforts on security sector reform, legislative reform, promotion of women's rights and engagement with civil society.



## **TO UN WOMEN**

- Expand technical and financial assistance to provincial departments of women's affairs, in order to strengthen their capacity to provide protection to women and girls in the provinces;
- Maintain and strengthen the ERAW Special Fund to ensure coverage to those individuals and organizations based in the provinces, particularly in insecure and volatile areas of Afghanistan.

## **TO OTHER STAKEHOLDERS IN AFGHANISTAN**

### **TO AFGHAN CIVIL SOCIETY**

- Form a countrywide mechanism for the coordination of women human rights defenders, to develop protection and risk prevention measures in conjunction with other stakeholders, raise awareness of the particular needs of women human rights defenders and advocate on behalf of those at risk;
- Strengthen efforts to engage and build alliances with potential 'change agents,' including religious and community leaders and male youth in order to deepen and sustain progress on women's rights and gender equality;
- Continue to develop local women's associations that provide support and advocacy for women and issues affecting them in their community.

### **TO THE AFGHAN MEDIA**

- Provide coverage to women human rights defenders and highlight their contributions to Afghan society.

### **TO THE NATIONAL ULEMA**

- Provide guidance to religious leaders concerning the rights of women and girls as protected under Afghan law, and condemn publicly incidents in which women human rights defenders have been attacked, threatened, defamed or stigmatized.

## **TO THE TALIBAN AND OTHER ARMED GROUPS**

- Immediately cease the deliberate targeting and violence perpetrated against women human rights defenders and withdraw orders that authorize attacks on them;
- Respect the rights of all human rights defenders and protect civilians in accordance with international humanitarian law.

# ENDNOTES

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<sup>1</sup> Amnesty International interview with Senator Khairkhwah, Kabul, 20 November 2015.

<sup>2</sup> The National Consultative Peace Jirga was held in 2010. The purpose of the three-day assembly was to build national consensus on a peace plan in an attempt to end the ongoing insurgency. Approximately 1,500 delegates attended, including 300 women, as well as tribal elders, religious leaders and members of parliament from all over the country.

<sup>3</sup> UNAMA, *Afghanistan Annual Report 2012: Protection of Civilians in Armed Conflict*, February 2013. p. 56. <http://unama.unmissions.org/LinkClick.aspx?fileticket=KOB5RL2XYcU%3D> (accessed 30 March 2015).

<sup>4</sup> Ben Farmer, 'Helmand's most senior policewoman: "My brother tried to kill me three times"', *The Telegraph newspaper*, 7 April 2013. <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/9975730/Helmands-most-senior-policewoman-My-brother-tried-to-kill-me-three-times.html> (accessed 13 December 2014).

<sup>5</sup> Women Human Rights International Coalition website: <http://defendingwomen-defendingrights.org/about/the-whrd-movement/> (accessed 23 February 2015).

<sup>6</sup> Amnesty International interview, 14 November 2014.

<sup>7</sup> One tenth of the women human rights defenders interviewed were men.

<sup>8</sup> Heather Barr, as quoted in *The Guardian*, Helmand's top police officer shot dead, by Emma Graham-Harrison, 4 July 2013. <http://www.theguardian.com/world/2013/jul/04/helmand-female-police-officer-dead-islam-bibi> (accessed 19 December 2014).

<sup>9</sup> The Declaration's official title is: *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. However, it is more commonly referred to as the 'Declaration on Human Rights Defenders.'

<sup>10</sup> The Declaration defines a human rights defender in the following manner: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Article 1, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (Declaration on Human Rights Defenders), A/RES/53/144, 8 March 1999.

<sup>11</sup> Articles 5 through 8, Declaration on Human Rights Defenders.

<sup>12</sup> Article 9, Declaration on Human Rights Defenders.

<sup>13</sup> Articles 9, 12, 14 and 15, Declaration on Human Rights Defenders.

<sup>14</sup> There are six major human rights Conventions that form the foundation for a broad range of rights to which individuals are entitled, and which states are obligated to uphold, if the country in which they reside has signed and ratified them. They are: International Covenant on Civil and Political Rights

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(ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention Against Torture (CAT), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Please see also Section 3.2, which details the specific rights framework for Afghan women human rights defenders.

<sup>15</sup> ODIHR, *Guidelines on the Protection of Human Rights Defenders*, Organization for Security and Cooperation in Europe (OSCE), 2014, Pp. 8-18: <http://www.osce.org/odihr/119633?download=true> (accessed 30 March 2015).

<sup>16</sup> Ibid. Pp. 3- 8.

<sup>17</sup> UN Human Rights Council Resolution, A/HRC/RES/22/6, *Protecting human rights defenders*, 21 March 2013, para 2.

<sup>18</sup> Although neither a Declaration nor a Resolution are legally binding under international law, Declarations show the commitment and intention of the international community and, as such, are seen to carry additional legal gravitas and universal acceptance. The Universal Declaration of Human Rights (1948) is one such example of this.

<sup>19</sup> UN General Assembly Resolution 68/181, *Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: Protecting Women Human Rights Defenders*. A/RES/68/18, 18 December 2013.

<sup>20</sup> Ibid. p. 2.

<sup>21</sup> UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, A/HRC/16/44, 20 December 2010, p. 6.

<sup>22</sup> The Women Human Rights Defenders International Coalition was formally constituted as a global network in 2008 to provide advocacy, support and resources for, and about, women human rights defenders, following growing international concern over their situation. There are 28 members of the Coalition of which Amnesty International is one.

<sup>23</sup> Women Human Rights International Coalition website: <http://defendingwomen-defendingrights.org/about/the-whrd-movement/> (accessed 30 March 2015).

<sup>24</sup> UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, A/HRC/16/44, 20 December 2010, p. 6.

<sup>25</sup> For an overview of who women human rights defenders are, please see *Women Human Rights Defenders*, OHCHR, September 2014: <http://www.ohchr.org/Documents/Events/WHRD/OnePagerWHRD.pdf> (accessed 30 March 2015).

<sup>26</sup> UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, A/HRC/16/44, 20 December 2010, p. 6.

<sup>27</sup> Women Human Rights International Coalition website: <http://defendingwomen-defendingrights.org/about/the-whrd-movement/> (accessed 31 January 2015).

<sup>28</sup> As quoted in The Huffington Post Blog, *A New Day in Afghanistan* by Charity Wallace, 12 February 2015: [http://www.huffingtonpost.com/the-george-w-bush-institute/a-new-day-in-afghanistan\\_b\\_6673506.html](http://www.huffingtonpost.com/the-george-w-bush-institute/a-new-day-in-afghanistan_b_6673506.html) (accessed 15 February 2015).

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<sup>29</sup> National Public Radio interview with First Lady Rula Ghani, *For The First Time, An Afghan First Lady Steps Into The Spotlight*, 19 February 2015: <http://www.wbur.org/npr/386950128/for-the-first-time-an-afghan-first-lady-steps-into-the-spotlight?ft=nprml&f=386950128> (accessed 22 February 2015).

<sup>30</sup> OHCHR. *Report of the UN High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2013*, Human Rights Council, A/HRC/25/41, p. 1

<sup>31</sup> David Loyn, *Taliban 'reject offer of government posts.'* BBC, 9 January 2015: <http://www.bbc.com/news/world-asia-30737664> (accessed 4 February 2015).

<sup>32</sup> Amnesty International interview, Kabul, 17 November 2014.

<sup>33</sup> Articles 22, 43, 44, 83 and 84 respectively.

<sup>34</sup> In its latest Gender Inequality Index, UNDP ranks Afghanistan 169<sup>th</sup> out of 187 countries: <http://hdr.undp.org/en/content/table-4-gender-inequality-index> (accessed 30 March 2015).

<sup>35</sup> "Moreover, the revised electoral law also requires that all provincial council candidates are 12th grade graduates (corresponding to a high school degree) for eligibility. This new rule is yet another obstacle to women's ability to compete for provincial council seats, as the majority of Afghan women are still illiterate and very few have attended school until grade 12." AWN. *UN Security Council Resolution 1325 in Afghanistan: Civil Society Monitoring Report*, November 2014, p. 10: <http://www.awn-af.net/cms/content/499> ('UNSCR 1325', accessed 30 March 2015).

<sup>36</sup> The legal age for marriage is currently 16 for girls and 18 for boys.

<sup>37</sup> In the end, the Speaker sent the law back to the recesses of the Parliamentary Joint Commission for further discussion without setting a date for when the Bill would be re-introduced in the Lower House.

<sup>38</sup> Amnesty International interview, 15 November 2014.

<sup>39</sup> Amnesty International interview, 13 November 2014.

<sup>40</sup> See in particular 9a, c; 11c, e; 13. 15d, e, f; 19a, b; 23a, b; 29a, c, d; 35 b and c. CEDAW Committee's concluding observations on the combined initial and second periodic reports of Afghanistan, 30 July 2013, CEDAW/C/AFG/CO/1-2

<sup>41</sup> Other Security Council Resolutions over the years have reaffirmed the UN's commitment to 1325, and its implementation. As well, over the past 14 years, the Council has adopted subsequent resolutions: 1820 (2008), 1888 (2008), 1889 (2009) and 1960 (2010), which comprise the Women, Peace and Security (WPS) agenda, creating an international policy framework for this issue.

<sup>42</sup> 1. UN Security Council Resolution 1325 (2000), 31 October 2000, S/RES/1325 (2000).

<sup>43</sup> 8 (c), Ibid.

<sup>44</sup> 65% of Security Council Resolutions on Afghanistan reference 1325, WILPF, *Women, Peace and Security Handbook: Compilation and Analysis of United Nations Security Council Resolution Language 2000-2012, 2<sup>nd</sup> Edition*, October 2012, p. 15: [http://www.peacewomen.org/sites/default/files/FINAL.Handbook\\_21Nov\\_2012-Word-PDF%20\(1\).pdf](http://www.peacewomen.org/sites/default/files/FINAL.Handbook_21Nov_2012-Word-PDF%20(1).pdf) (accessed 30 March 2015).

<sup>45</sup> Donor countries with 1325 NAP include the UK, Netherlands, Norway and Canada.

<sup>46</sup> Afghanistan has ratified all the main human rights conventions, including ICCPR, ICESCR, CAT, CEDAW, CRC, and CERD.

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<sup>47</sup> Article 3(1): “any person who assassinates a state personality or a political, social, or religious leader, or a representative of state and an ethnic, tribal and national leader in order to sabotage and weaken the people’s sovereignty, will be convicted to life in prison, or execution, and confiscation of property.” *Penal Law for Crimes Committed against Internal and External Security of the Democratic Republic of Afghanistan*: <https://www.unodc.org/tldb/showDocument.do?documentUid=1917> (accessed 30 March 2015).

<sup>48</sup> Amnesty International interview with Attorney General’s Office, Kabul, 25 November 2014.

<sup>49</sup> MOI Order 112 (March 2011), English version, p. 2.

<sup>50</sup> Ibid. p. 3.

<sup>51</sup> MOI Policy on Prevention of Violence against Women and Children at Ministry of Interior and Society Level, 28 November 1391, Purpose (2,3,4 & 5), English version.

<sup>52</sup> Ibid. Sections A – At the Ministry of Interior Affairs Level, and B – In the line of policing in society and community.

<sup>53</sup> As quoted in OHCHR, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, 16 January 2013, A/HRC/22/47, p. 15:  
[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.47\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.47_en.pdf) (accessed 30 March 2015).

<sup>54</sup> Article 10, *Decree of the Presidency of the Interim Administration of Afghanistan on the Establishment of an Afghan Independent Human Rights Commission*, 6 June 2002:  
<http://www.aihrc.org.af/media/files/Laws/decrees.pdf> (accessed 30 March 2015).

<sup>55</sup> Ibid. Article 9.

<sup>56</sup> As quoted in OHCHR, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, 16 January 2013, A/HRC/22/47, p. 16:  
[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.47\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.47_en.pdf) (accessed 30 March 2015).

<sup>57</sup> Amnesty International interview with AIHRC, Kabul, 5 November 2014.

<sup>58</sup> Amnesty International interviews with DOWA staff from Herat, Kandahar, Laghman, Mazar-e-Sharif and Zabul provinces.

<sup>59</sup> All shelter residents must be registered with MOWA.

<sup>60</sup> Amnesty International interview with DOWA head, 16 August 2014.

<sup>61</sup> *EU+ Local Strategy for Human Rights Defenders in Afghanistan*, p. 4, as well as Amnesty International delegate interviews with women’s NGOs and women’s rights activists in Kabul, Herat, Kandahar and Mazar-e-Sharif, August and November 2014.

<sup>62</sup> This includes a general hotline 3434 for victims of gender-based violence, including women human rights defenders. Amnesty International interview with AWN, Kabul, 6 November 2014.

<sup>63</sup> The strategy was an initiative by Amnesty International UK, which worked with the EU office in Kabul to help turn the European Union Guidelines for Human Rights Defenders into a local strategy.

<sup>64</sup> 3. Action Plan for promoting and protecting HRDs and their activities in Afghanistan. *EU+ Local Strategy for Human Rights Defenders in Afghanistan*, pp. 6-8.

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<sup>65</sup> The strategy calls for the development of an agreement between Member States of the EU+ on a “process for providing swift assistance, including the issuing of visas for HRDs under threat,” as well as the issuance of longer-term “just in case” visas in accordance with EU+ national legislation, p. 7.

<sup>66</sup> *EU+ Local Strategy for Human Rights Defenders in Afghanistan*, p. 2.

<sup>67</sup> Amnesty International meetings with Diplomatic Missions, Kabul, November 2014.

<sup>68</sup> UNAMA website: <http://unama.unmissions.org/Default.aspx?tabid=12285&language=en-US> (accessed 15 January 2015).

<sup>69</sup> Amnesty International interviews with UNAMA human rights staff in Kabul, Herat, Kandahar and Mazar-e-Sharif, November 2014.

<sup>70</sup> Special Rapporteur of the situation on human rights defenders, OHCHR website: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx> (accessed 10 March 2015).

<sup>71</sup> OHRHC, *Report of the Special Rapporteur on the situation of human rights defenders: Addendum – Observations on communications transmitted to Governments and replies received*, A/HRC/22/47/Add.4, p. 5.

<sup>72</sup> CEDAW Committee's Concluding observations on the combined initial and second periodic reports of Afghanistan, 30 July 2013, CEDAW/C/AFG/CO/1-2.

<sup>73</sup> Sexual and Gender Based Violence

<sup>74</sup> AWN, *UN Security Council Resolution 1325 in Afghanistan: Civil Society Monitoring Report*, November 2014, p. 29: <http://www.awn-af.net/cms/content/499> ('UNSCR 1325', accessed 30 March 2015).

<sup>75</sup> Hanafi is one of the four schools of Sunni Islamic jurisprudence.

<sup>76</sup> Article 130, 2<sup>nd</sup> paragraph: “If there is no provision in the Constitution or other laws about a case, the courts shall, in pursuance of Hanafi jurisprudence, and, within the limits set by this Constitution, rule in a way that attains justice in the best manner.”

<sup>77</sup> Human Rights Watch, *Afghanistan: Surge in Women Jailed for 'Moral Crimes'*, 21 May 2013: <http://www.hrw.org/news/2013/05/21/afghanistan-surge-women-jailed-moral-crimes> (accessed 11 March 2015).

<sup>78</sup> Although *zina* is considered a crime in Afghanistan in all circumstances, criminalizing consensual sexual activity is against international law. As well, by criminalizing *zina*, rape victims are deterred from reporting sexual violence perpetrated against them in case they are charged with *zina*.

<sup>79</sup> Ibid.

<sup>80</sup> MOWA's 2010-2011 fiscal budget was 0.14% of national budget expenditure, despite the fact that it is one of the few Ministries to have decentralized its offices to the provincial level. AREU, *Women's Rights, Gender Equality and Transition: Securing Gains, Moving Forward, September 2013*, pp. 13 and 33: <http://www.areu.org.af/Uploads/EditionPdfs/women%20and%20Transition.pdf> (accessed 30 March 2015).

<sup>81</sup> ICG, *Women and Conflict in Afghanistan*, Asia Report No. 252, 14 October 2013, p. 15: <http://www.crisisgroup.org/~media/Files/asia/south-asia/afghanistan/252-women-and-conflict-in->

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[afghanistan](#) (accessed 30 March 2015).

<sup>82</sup> Amnesty International interview with MOWA, Kabul, 18 November 2014.

<sup>83</sup> Amnesty International interview, 15 November 2014.

<sup>84</sup> As quoted on *Frontline Defenders* website: <http://www.frontlinedefenders.org/afghanistan> (accessed 27 January 2014).

<sup>85</sup> Amnesty International interview, Kabul, 3 December 2014.

<sup>86</sup> Homaira is a pseudonym. The interviewee's name has been changed to protect her identity. Amnesty International interviews with "Homaira" for this report were conducted on 17 August and 11 November 2014.

<sup>87</sup> Police officers working with Family Response Units are often at additional risk because they are intervening in cases, such as forced marriage and domestic violence, which are considered to be 'private family' matters within the cultural norms dominant in Afghan society, and therefore not a matter for state intervention.

<sup>88</sup> Human Rights Watch, *Afghanistan: Fight Rampant Sexual Violence*, 14 October 2014: <http://www.hrw.org/news/2014/10/14/afghanistan-fight-rampant-sexual-harassment> (accessed 28 December 2014). See also Oxfam Briefing Paper 173, *Women and the Afghan Police*, 10 September 2013: <http://www.oxfam.org/sites/www.oxfam.org/files/bp-173-afghanistan-women-police-100913-en.pdf> (accessed 30 March 2015).

<sup>89</sup> Human Rights Watch, *Afghanistan: Fight Rampant Sexual Violence*, 14 October 2014: <http://www.hrw.org/news/2014/10/14/afghanistan-fight-rampant-sexual-harassment> (accessed 28 December 2014). See also Section V with regard to the issue of sexual harassment of female police.

<sup>90</sup> Amnesty International interviews with one current and one former international police advisor, stationed in western Afghanistan, on 12 and 22 December 2014 respectively.

<sup>91</sup> Ibid.

<sup>92</sup> Because of the pressure brought to bear by Homaira and her female colleagues, the MOI was forced to remove the accused from his post. However, the victim withdrew the complaint she had laid after five days because of threats she received from the perpetrator and he was then returned to his post.

<sup>93</sup> Amnesty International interviews with the families of Islam and Negar Bibi for this report were conducted on 20 August 2014.

<sup>94</sup> *Stars and Stripes* newspaper, 22 February 2014: <http://www.stripes.com/news/afghan-policewoman-killed-in-pakistan-fourth-in-a-year-from-one-province-1.266924> (accessed 13 December 2014).

<sup>95</sup> Both Islam and Negar had first lieutenant ranks conferred upon them after their deaths.

<sup>96</sup> Ben Farmer, 'Helmand's most senior policewoman: "My brother tried to kill me three times"', *The Telegraph* newspaper, 7 April 2013: <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/9975730/Helmands-most-senior-policewoman-My-brother-tried-to-kill-me-three-times.html> (accessed 13 December 2014).

<sup>97</sup> Night letters are threats on paper delivered to the victim's home under the cover of night.



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<sup>98</sup> There are approximately 30 female police officers in Helmand, “less than half of 1% of the province’s 7,000-strong police force:”

<http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/10159122/Helmands-top-female-police-officer-shot-dead.html> (accessed 13 December 2014).

<sup>99</sup> Human Rights Watch, “*Stop Reporting or We’ll Kill Your Family.*” *Threats to Media Freedom in Afghanistan*, January 2015, p. 31:

[http://www.hrw.org/sites/default/files/reports/afghanistan\\_0115\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/afghanistan_0115_ForUpload.pdf) (accessed 30 March 2015).

<sup>100</sup> Nargis is a pseudonym. The interviewee’s name has been changed to protect her identity. Amnesty International interviews with “Nargis” for this report were conducted on 3 September and 28 November 2014.

<sup>101</sup> Catherine Powell, *Women and Girls in the Afghanistan Transition*, Council on Foreign Relations Working Paper, June 2014, p. 5: <http://www.cfr.org/women/women-girls-afghanistan-transition/p33152> (accessed 30 March 2015).

<sup>102</sup> <http://www.protectingeducation.org/country-profile/afghanistan> (accessed 22 December 2014).

<sup>103</sup> ‘Insurgents Blow up Girl’s School, Clinic in Kunar’, Khaama Press, 7 February 2015:

<http://www.khaama.com/insurgents-blown-up-girls-school-clinic-in-kunar-29031> (accessed 26 February 2015)

<sup>104</sup> Malalai is a pseudonym. The interviewee’s name has been changed to protect her identity. Amnesty International first interviewed “Malalai” on 26 February 2013. Amnesty International interviewed her again for this report on 19 August 2014. This case study reflects a combination of both interviews.

<sup>105</sup> ‘A Question of Morality: Germany’s Afghan Staff Fear Reprisals’, *Der Spiegel International Online*, 16 April 2013. <http://www.spiegel.de/international/world/afghan-employees-of-german-military-face-threats-from-taliban-a-894494.html> (accessed 19 January 2015)

<sup>106</sup> Lailuma is a pseudonym. The interviewee’s name has been changed to protect her identity. An Amnesty International interview with “Lailuma” for this report was conducted on 15 November 2014.

<sup>107</sup> ‘Attack on Afghan female politician highlights growing risk to women’, Amnesty International, 8 April 2010: <http://www.amnesty.org/en/news-and-updates/attack-afghan-female-politician-highlights-growing-risk-women-2010-04-08> .

<sup>108</sup> Ibid.

<sup>109</sup> ‘Afghan officials’ tributes to Afghan female politician’, *BBC World News* website, 16 February 2015: <http://www.bbc.com/news/world-asia-31489949> (accessed 18 February 2015).

<sup>110</sup> ‘Fawzia Koofi: “The leadership turns off our microphones when we speak”’, *The Observer Online*, 9 February 2014: <http://www.theguardian.com/politics/2014/feb/09/fawzia-koofi-afghanistan-mp-turn-off-microphones> (accessed 30 March 2015).

<sup>111</sup> Adeena and Fahima are pseudonyms. The women’s names have been changed to protect their identities. Amnesty International interviews with “Adeena” and “Fahima” for this report were conducted on 23 November 2014.

<sup>112</sup> Much of the aid to the provinces is distributed through the government’s National Solidarity Program

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(NSP) and programmes for women include aid for widows and female heads of households, as well as projects designed to help illiterate women learn skills such as sewing that could help them earn an income.

<sup>113</sup> 'Health care for children and women in remotest Afghanistan', by Rajat Madhok, UNICEF Afghanistan website: [http://www.unicef.org/infobycountry/afghanistan\\_72846.html](http://www.unicef.org/infobycountry/afghanistan_72846.html) (accessed 10 March 2015).

<sup>114</sup> Fistula Foundation website: <https://www.fistulafoundation.org/countries-we-help/afghanistan/> (accessed 15 February 2015).

<sup>115</sup> "Afghanistan's rates of infant, under-five, and maternal mortality are still among the highest in the world. ... Interventions also need to emphasize the quality of available services, and work to address the norms and attitudes that keep many women from being able to use these services." AREU, *Women's Rights, Gender Equality and Transition: Securing Gains, Moving Forward*, p. 27: <http://www.areu.org.af/Uploads/EditionPdfs/women%20and%20Transition.pdf> (accessed 30 March 2015).

<sup>116</sup> Brishna is a pseudonym. The interviewee's name has been changed to protect her identity. Amnesty International interviewed "Brishna" on 26 February 2013 and again on 19 August 2014. This case study reflects a combination of both interviews.

<sup>117</sup> 'Statement by the Special Rapporteur on violence against women finalizes country mission to Afghanistan and calls for sustainable measures to address the causes and consequences of violence against women, including at the individual, institutional and structural level', 12 November 2014: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15284&LangID=E> (accessed 30 March 2015).

<sup>118</sup> Mirwais is a pseudonym. The interviewee's name has been changed to protect his identity. Amnesty International interviews with "Mirwais" for this report were conducted on 20 August and 1 September 2014.

<sup>119</sup> Amnesty International interview with Dr Bibi, 15 August 2014.

<sup>120</sup> 'Jihad times' is a commonly used expression to refer to the period during the Soviet invasion and occupation of Afghanistan when resistance forces called *Mujaheeden* were formed (approximately 1979 – 1992).

<sup>121</sup> A national High Peace Council was established by former Afghan president, Hamid Karzai, in September 2010 to oversee the Afghan Peace and Rehabilitation Process, (APRP); a mechanism that was set up to allow the Taliban to demobilize and reintegrate into Afghan society. Provincial versions of the Council were also established.

<sup>122</sup> Amnesty International interview with the head of a women's NGO. Kabul, 18 November 2014.

<sup>123</sup> UNAMA, *A Way to Go: An Update on the Implementation of the Law on Elimination of Violence Against Women in Afghanistan*, 8 December 2013: <http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20REPORT%20on%20EVAW%20LA W%208%20December%202013.pdf> (accessed 30 March 2015).

<sup>124</sup> Amnesty International interview, 15 November 2014.

<sup>125</sup> UNAMA, *A Way to Go: An Update on the Implementation of the Law on Elimination of Violence Against Women in Afghanistan*, 8 December 2013, p. 3.

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<sup>126</sup> Ibid.

<sup>127</sup> Amnesty International interview, 17 November 2014.

<sup>128</sup> UNAMA, *A Way to Go: An Update on the Implementation of the Law on Elimination of Violence Against Women in Afghanistan*, p. 16.

<sup>129</sup> Ibid. p. 21.

<sup>130</sup> These include *zina* and 'running away from home.'

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> Please see footnote 78 with regard to issues around *zina* and consensual sexual relations in international law.

<sup>134</sup> UNAMA, *Harmful Traditional Practices and the Implementation of the Law on the Elimination of Violence Against Women in Afghanistan*, 9 December 2010, p. i:  
[http://unama.unmissions.org/Portals/UNAMA/Publication/HTP%20REPORT\\_ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/Publication/HTP%20REPORT_ENG.pdf) (accessed 30 March 2015).

<sup>135</sup> Amnesty International interviews with the EVAW unit in prosecutor's office, Herat and Mazar-e-Sharif, 12 and 16 November 2014.

<sup>136</sup> Amnesty International interviews with AIHRC – Herat, Kabul, Kandahar, Mazar-e-Sharif; prosecutor's office – Herat and Mazar-e-Sharif; police – Herat; UNAMA – Kabul, Kandahar, Herat and Mazar-i-Sharif, August and November 2014.

<sup>137</sup> Also of potential concern is the current review process with regard to reform of the penal code. President Ghani has indicated that he would like to see the criminal components of the EVAW Law removed and incorporated into the penal code as part of this process. Women's rights activists worry that this configuration would significantly dilute its efficacy.

<sup>138</sup> Amnesty International interview, 23 November 2014.

<sup>139</sup> Amnesty International interview, 20 November 2014.

<sup>140</sup> Amnesty International interview, 23 November 2014.

<sup>141</sup> Amnesty International interview, 15 August 2014.

<sup>142</sup> 'Afghanistan: Fight Rampant Sexual Violence', Human Rights Watch, 14 October 2014:  
<http://www.hrw.org/news/2014/10/14/afghanistan-fight-rampant-sexual-harassment> (accessed 30 March 2015).

<sup>143</sup> Amnesty International interview with MOWA, Kabul, 18 November 2014.

<sup>144</sup> Amnesty International interview, 12 December 2014.

<sup>145</sup> Amnesty International interview, 23 November 2014.

<sup>146</sup> Amnesty International interview, 8 November 2014.

<sup>147</sup> Amnesty International interview, 18 November 2014.

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<sup>148</sup> Amnesty International interview, 20 November 2014.

<sup>149</sup> Amnesty International interview, 23 November 2014.

<sup>150</sup> Amnesty International interview, 26 November 2014.

<sup>151</sup> According to AWN's monitoring report on the implementation of UN Security Council Resolution 1325, "Assault and sexual harassment of policewomen by male colleagues is a serious problem that remains to be addressed." *UN Security Council Resolution 1325 in Afghanistan: Civil Society Monitoring Report*, November 2014, p. 16: <http://www.awn-af.net/cms/content/499> ('UNSCR 1325', accessed 30 March 2015). See also 'Afghanistan: Fight Rampant Sexual Violence', Human Rights Watch, 14 October 2014: <http://www.hrw.org/news/2014/10/14/afghanistan-fight-rampant-sexual-harassment> and Oxfam Briefing Paper 173, *Women and the Afghan Police*, 10 September 2013: <http://www.oxfam.org/sites/www.oxfam.org/files/bp-173-afghanistan-women-police-100913-en.pdf> (both accessed 30 March 2015). As well, Amnesty International interviewed donors and those providing technical assistance to the ANP, all of whom spoke of widespread sexual abuse and harassment of women police officers. See also Case Study 1 in this report.

<sup>152</sup> UNAMA, *A Way to Go: An Update on the Implementation of the Law on Elimination of Violence Against Women in Afghanistan*, December 2013, p. 21: <http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20REPORT%20on%20EVAW%20LA%20W%208%20December%202013.pdf> (accessed 30 March 2015).

<sup>153</sup> It should be noted that this is a jump of 400 from 2013, when the figure was 1,570. AWN, *UN Security Council Resolution 1325 in Afghanistan: Civil Society Monitoring Report*, November 2014. p. 15: <http://www.awn-af.net/cms/content/499> ('UNSCR 1325', accessed 30 March 2015).

<sup>154</sup> UK Foreign and Commonwealth Office, Corporate Report, Afghanistan – Country of Concern. Updated 16 October 2014: <https://www.gov.uk/government/publications/afghanistan-country-of-concern/afghanistan-country-of-concern> (accessed 15 December 2014)

<sup>155</sup> AWN, *UN Security Council Resolution 1325 in Afghanistan; Civil Society Monitoring Report*, November 2014, p. 15: <http://www.awn-af.net/cms/content/499> ('UNSCR 1325', accessed 30 March 2015).

<sup>156</sup> Ibid. p. 16.

<sup>157</sup> Amnesty International interview, 12 November 2014.

<sup>158</sup> Every DOWA employee the Amnesty International delegation spoke with, including representatives from Herat, Kandahar, Lachman, Mazar-e-Sharif, and Zabul, talked about how they, and often their families, experienced threats, harassment and intimidation on a continuing basis. As one DOWA head summarized it: "If they kill the head of DOWA, they kill all the women in the province."

<sup>159</sup> Amnesty International interview, 12 November 2014.

<sup>160</sup> Amnesty International interview, 16 August 2014.

<sup>161</sup> Amnesty International interviews with AIHRC staff Kabul, 5 November 2014.

<sup>162</sup> Amnesty International interview, 16 August 2014.

<sup>163</sup> Amnesty International, *Amnesty International Report 2012: The State of the World's Human Rights*, p. 55: <https://www.amnesty.org/en/documents/pol10/001/2012/en/>

<sup>164</sup> 'Report of the High Commissioner for Human Rights on the Situation of Human Rights in Afghanistan and on the Achievements of Technical Assistance in the Field of Human Rights in 2013', UN Human

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Rights Council, A/ HRC/25/41, 10 January 2014, p. 2:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx> (accessed 30 March 2015).

<sup>165</sup> 'Afghanistan: Weak Appointments Undermine Human Rights Body', Human Rights Watch, 4 July 2013: <http://www.hrw.org/news/2013/06/18/afghanistan-weak-appointments-undermine-rights-body> (accessed 30 March 2015).

<sup>166</sup> 6. UN Security Council Resolution 1889 (2009), S /RES/1889 (2009)

<sup>167</sup> Orzala Ashraf Nemat, Ajmal Samadi, *Forgotten Heroes: Afghan Women Leaders Killed in Impunity, Ignored in Justice*, Afghan Rights Monitor, December 2012, p. 2: <http://reliefweb.int/sites/reliefweb.int/files/resources/Forgotten%20Heroes%20Afghan%20Women%20Leaders%20Killed%20in%20Impunity%20Ignored%20in%20Justice.pdf> (accessed 27 February 2015).

<sup>168</sup> Amnesty International interview, 17 November 2014.

<sup>169</sup> Amnesty International interview, 2 September 2014.

<sup>170</sup> Amnesty International interview, 1 September 2014.

<sup>171</sup> Amnesty International interview, 11 November 2014.

<sup>172</sup> Amnesty International interview, 2 December 2014.

<sup>173</sup> Amnesty International interview, 7 January 2015.

<sup>174</sup> Canadian Women for Women in Afghanistan, *Women in Afghanistan's Government Fact Sheet*, <http://www.cw4wafghan.ca/sites/default/files/attachments/pages/cw4wafghan-womeningovt.pdf> (accessed 30 March 2015).

<sup>175</sup> Amnesty International interview, 1 November 2014.

<sup>176</sup> Amnesty International interview, 23 November 2014.

<sup>177</sup> Amnesty International interview, 17 November 2014.

<sup>178</sup> Amnesty International interview, 26 November 2014.

<sup>179</sup> Amnesty International interview, 1 September 2014.

<sup>180</sup> This process is known as 'NGOization.'

<sup>181</sup> Amnesty International interview with MOWA, Kabul, 18 November 2014.

<sup>182</sup> Amnesty International interviews with Afghan women's NGOs and diplomatic missions. November 2014. See also the introductory remarks of Afghan First Lady, Rula Ghani, at the Oslo Symposium, Women's Rights and Empowerment in Afghanistan. 22 November 2014.

<sup>183</sup> Amnesty International interview with US Embassy/ USAID, Kabul, 19 November 2014.

<sup>184</sup> Norway has decided not to contribute to the second tranche of funding.

<sup>185</sup> Amnesty International interview with Tawanmandi, Kabul, 1 December 2014.

<sup>186</sup> Amnesty International interviews with U.S. and other donor embassies, Kabul, November 2014.

<sup>187</sup><sup>187</sup> Amnesty International interview with the family of Lieutenant Colonel Kakar, 13 August 2014.

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<sup>188</sup> EU+ Local Strategy for Human Rights Defenders in Afghanistan, p.4

<sup>189</sup> Amnesty International interview, 1 November 2014.





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# THEIR LIVES ON THE LINE

## WOMEN HUMAN RIGHTS DEFENDERS UNDER ATTACK IN AFGHANISTAN

In the last few years there has been a significant increase in violence against those people who promote and defend women's human rights. They are targeted because they are perceived as defying cultural, religious and social norms concerning the role of women in Afghan society.

Based on interviews with more than 50 women human rights defenders from 13 provinces as well as contributors from civil society, government, donors and the diplomatic community, this report presents nine case studies that illustrate the range of violence women human rights defenders confront on a daily basis; from threats, harassment and intimidation to physical attacks on property and family members and unlawful killings.

A common thread to their experiences is that the pattern of violence against women human rights defenders is matched by the systematic failure of the Afghan authorities to provide a safe environment for their work or to bring perpetrators of abuses to justice.

Existing support and protection services for women human rights defenders are especially inadequate. They are under-resourced, overstretched with limited capacity and lack sufficient security.

Laws and policies by themselves cannot bring about transformative social change. The Afghan authorities must also show the political will to implement fully its human rights obligations, backed by financial commitment from donors.

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