

WHY INTERNATIONAL HUMAN RIGHTS TREATIES FAIL TO PROMOTE, AFGHAN  
WOMEN'S EMPOWERMENT; POLITICAL PARTICIPATION

By  
Mohammad Nazeer Mayar  
ID 18372009

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Mohammad Nazeer Mayar, BU

ID – 18372009

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## Approval

The Thesis titled “**Why Human Rights Treaties Fail to Promote, Afghan Women's Empowerment; Political Participation**” submitted by Mohammad Nazeer, student ID 18372009 has been accepted as satisfactory in partial fulfillment of the requirement of the degree of MA in Governance and Development Programme.

### Examining Committee:



Supervisor:  
(Member)

---

Dr. Ahrar Ahmad  
Professor, Emeritus  
Black Hills State University, America



External Expert Examiner:  
(Member)

---

Dr. Niaz Ahmed Khan  
Professor, Department of Development Studies  
University of Dhaka



Programme Coordinator:  
(Member)

---

Dr. Md. Selim Reza  
Academic Coordinator  
BIGD, BRAC University



Departmental Head:  
(Chair)

---

Dr. Imran Matin  
Executive Director  
BIGD, BRAC University

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## Abstract

In this thesis, I try to recognize critical barriers to international human rights treaties in Afghanistan. In particular, concentrate on the treaties that stimulate women's rights and avoid women's forcefulness in post-conflict circumstances. The lack of the rule of law and customary procedure in Afghanistan are several barriers. There are also obstacles notwithstanding these obstacles; national laws and policies in Afghanistan foster women's rights and empowerment. However, it is not enough to have supporting rules and guidelines for women's empowerment and political participation. Still, a systematic change in patriarchal structures is required by a thorough analysis of gender and the commodification of gender. To plan for women's development and democratic involvement in Afghanistan, the Afghan Government must take steps to pledge to the international community to eliminate hurdles and ensure the enforcement of human rights treaties.



## INDEX OF ACRONYMS & ABBREVIATIONS

AIHRC	Afghanistan Independent Human Rights Commission
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
EVAW	Elimination of Violence Against Women
FWCW	Fourth UN World Conference on Women
FMPs	Female Members of Parliament
GDP	Gross Domestic Product
GNP	Gross National Product
GII	Gender Inequality Index
IEC	Independent Election Commission
IPU	Inter parliamentary Union
MGDs	Millennium Development Goals
MOWA	Ministry of Women Affairs
NDI	National Democratic Institute
OCHA	United Nations office for the Coordination of Humanitarian Affairs
PDPA	People's Democratic Party of Afghanistan
PR	Proportional Representation
RAWA	Revolutionary Association of Afghan Women
SDGs	Sustainable Development Goals
SNTV	Single Non-Transferable Vote
UNDP	United Nations Development Program
UN	United Nations
UNESCO	United Nations Educational Scientific and Cultural Organization
UN Women	United Nations Women Organization

# CHAPTER I

## INTRODUCTION

### 1.1. Overview

For more than three decades, Afghanistan has become a battleground. This long-running fight has resulted in massive volatility, human suffering, and mass exodus. It devastated the country's economy and social system; badly weakened political services and institutions. During this time, the governance system and the rule of law reverted to conservative norms that raised further threats to women's rights and protection.

The new Government in Afghanistan began to restore stability and facilities only after the overthrow of the Taliban regime in 2001. (Evans, 2004). Afghanistan government signed the Bonn Deal, which was mediated by the UN, in December 2001 on the formation of a democratic government. The Bonn<sup>1</sup> Agreement stipulated a timeline for national elections and the endorsement of a constitution in 2004.

The Afghan Constitution was ratified in January 2004 after a series of detailed discussions and deliberations at a national conference of 502 delegates, representing both men and women from all over Afghanistan. ( Sadat (2004)

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<sup>1</sup> The Bonn Agreement is also called “Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of permanent Government Institutions.” aims at ending the tragic conflict in Afghanistan and promoting of national reconciliation. Lasting peace, stability and respect for human rights in the country. (Bonn Agreement 2001)

Afghan women's rights were seriously impacted, and women suffered tremendously because of many decades of continuing violence. Gang rape, sensual assaults, and additional spells on women were widespread during the control of fundamentalist Regimes before the Taliban rule in Afghanistan (Naiz 2003). Women were required to resign, including school, outside the home, and political engagement, from all government environments during the Taliban rule. Women had to avoid engaging outside of their communities in the societal, traditional, and governmental domains. By barring women from being seen in any public setting, the Taliban removed women from public life (Telesetsky 1998). Since the Tali's demise and the establishment of a new autonomous state, many women have been able to rehabilitate into the workforce, return to education, fight for their rights as government officials, and effectively navigate the legal system.

## **1.2. Problem Statement**

The high prevalence of human rights abuses in Afghanistan as a nation after the war, particularly abuses of women's human rights, still suffers. The Taliban regime has collapsed for 20 years, but Afghan women continue to suffer injustice and violence. Regarding violence against women, health, and economic status, the country ranks among the five most hazardous areas for women in the world (Thomson Reuters Foundation 2011). *Al Jazeera's* findings on the globally coordinated study, Global Rights, reveal that violence against women is tremendously high in Afghanistan: nine of every ten Afghan women are reported to be subjected to some form of violence, be it psychological, emotional, sexual, or marital (2019).

Because of the sanctuary, political, and economic transitions, the 2019 Afghan presidential election and the formation of a government between the top two presidential candidates harmed the country's human rights situation (UN Security Council 2019). Despite the United Nations Human Rights Council's declaration, the New Government focuses on the importance of human rights. Mainly women's rights as part of its social change agenda, the unstable and precarious

situation have increased women's fears that there will be more barriers to women's rights in the world. Ashraf Ghani, new President of Afghanistan, views women's rights as a high-priority undertaking (DW 2019). The UNAMA expressed its support for the Government's effort to fight against sexual abuse and encourage women's equality (2019).

After visiting Afghanistan, the UN Exceptional Rapporteur on Forcefulness upon Women, Rashdia Manjoo, observed some positive shifts in legislative and administrative reforms. However, it attracts government agencies' attention to resolving problems such as the documentation of abuse against women and the proper understanding and compliance of women's rights legislation. She encouraged the Government to help lodgings by having adequate funding (Human Rights Council 2017).

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

This research aims to recognize the main hurdles to the enforcement of international human rights treaties in Afghanistan, taking into account the concerns connected to ongoing human rights matters, particularly women's rights desecrations in Afghanistan. Conflict, finance, politics, law, and corruption are a plethora of diverse problems. In this thesis, however, I concentrate only on barriers to the enforcement of international human rights treaties and hiding Afghan women's political involvement. I often examine how local frameworks and national legislation and practices, particularly women's rights laws in Afghanistan, correspond to the application of international human rights. In this research, I use the term 'treaty' for all United Nations' international human rights agreements.

In Afghanistan, the elevation of women's rights is an ethical obligation and a significant monetary element in Afghanistan's growth. Since 2001, women have had a considerable influence in Afghanistan, participating in the country's development. Nevertheless, there is an immense disparity in the gains achieved over the last 20 years and where women continue to be reached.

Due to uncertainty and political turmoil, the advances gained over the past fifteen years could be lost. In Afghanistan, the insecure security condition is becoming a rising risk to women in several diverse regions. The Government must recognize the effect women have already had and cover the approach for their sustained inspiration in the future development to support the change that has been achieved. Afghan women must be involved in the peacebuilding progression (as the Afghan peace negotiation team comprises only one female member out of 21 men in Doha) and security. They are part of every permanent solution to the country's myriad ongoing problems.

This research has been organized into seven chapters. In Chapter One, you'll find an introduction, a problem statement, the study's purpose, significance, and a summary of women's history in Afghanistan. In Chapter Two, I provide background information on Afghanistan and women's roles in the post-2001 reconstruction of the country. The third chapter explores the past of international human rights negotiations in Afghanistan. Chapter Four offers information about Afghanistan's political institutions and legislation mechanisms, as well as Afghan government regulations and strategies for women's rights and empowerment, in addition to the gender mainstreaming concept and ideas and frameworks for assessing women's empowerment. In Chapter Five, I explain the basic concepts used in the research and the nature of my analysis and methods of acquiring and analyzing data. My thoughts and conclusions are discussed in the last two pages. It also contains suggestions for the Afghan Government, civil society organizations, and UN agencies to ensure that universal human rights laws are enforced in Afghanistan to protect and support women's rights.

#### **1.4. Methodology**

It seemed to be the best course of action to understand better the barriers to the enforcement of international human rights treaties in Afghanistan. And the degree to which domestic laws and policies promote human rights and women's equality and interviewing experts and evaluating national

policies and rules. The use of qualitative analysis techniques and snowball sampling is also emphasized in this dissertation. Afghan officials involved in policymaking or implementing international human rights conventions in Afghanistan were sent an open-ended survey. The input was obtained from numerous organizations, including UN, USAID, USIP Officials, Lawyers, Parliamentarians, and NGO Leaders.

The aim of choosing these divisions to include in my study is to help me gain a profound empathetic of the obstacles to the enforcement of international human rights laws and, in particular, of those which exclusively promote the human rights and political contribution of women, such as UNSCR 1325 and CEDAW. Besides, the expert perspectives would enrich my study to clarify the relevance of these documents to the advancement of women in Afghanistan and to make realistic suggestions to the Afghan Government, the Afghan civil society, and the United Nations in Afghanistan.

I conscripted my study contributors by email utilizing the process of snowball sampling as the coronavirus pandemic continues to endanger the lives of thousands of people over here. Snowball sampling raises a qualitative sampling technique in which, by other informants, the researcher receives admittance to study contributors. This methodology is widely used in the social sciences in various fields. The architecture of snowball sampling catches social awareness that is perceived to be complicated and evolving.

This sampling technique is ideal for the use of natural social networks (Noy, 20017). After working in women's rights and empowerment in Afghanistan IDLG (Independent Directorate of Local Governance) for more than five years, I utilized my channels and connections to gather the data precisely in both organizations, as mentioned above. I sent emails to my contacts about our own Pashto & Dari languages, telling them the questioners of my research. Then I translated the details into English and quoted them accordingly in my study.

## **1.5. Study Design**

My study is a blend of qualitative methodology and policy analysis. The open-ended questionnaire and the email were exchanged with the study participants. The email contained details about their participation being optional. If they wanted to join in the survey, they would answer 10-12 interrogations by typing their responses in an open-ended questionnaire, which would take about an hour to complete. I also promised them that they would minimize the chance of involvement by removing their email and other identifying facts after saving the questionnaire to my laptop with password protection.

## **1.6. Data Collection and Analysis**

I have gathered facts for my literature review, mainly from the UN documents and reports, the Government of Afghanistan website, the United States Institute for Peace (USIP) websites, other INGO and NGO websites, the Afghanistan Central Statistical Office, and library services. I evaluated all data obtained from second sources using qualitative approaches and made suggestions. Here are some samples of the kind of questions I asked about my studies.

## **1.7. Research Questionnaire**

How do the proposed legislative structures help Resolution 1325 implementation?

چارچوب های قانونی موجود چگونه از اجرای قطعنامه 1325 پشتیبانی می کنند؟

What are some of the most significant barriers to the adoption of Resolution 1325 in Afghanistan?

How do you think these barriers should be resolved?

برخی از اصلی ترین موانع اجرای قطعنامه 1325 در افغانستان چیست؟ به نظر شما چگونه می توان به آن موانع رسیدگی کرد؟

What should the Government of Afghanistan do separately from what they are doing now to ensure compliance with Resolution 1325?

دولت افغانستان باید کاری متفاوت از آنچه اکنون برای اطمینان از اجرای قطعنامه 1325 انجام می دهند ، انجام دهد؟

What part will civil society play in enforcing Resolution 1325?

جامعه مدنی چه نقشی می تواند برای اطمینان از اجرای قطعنامه 1325 بازی کند؟

What kind of leverage and assistance can the UN have to enforce Resolution 1325?

برای اطمینان از اجرای قطعنامه 1325 ، سازمان ملل متحد چه نوع فشار و پشتیبانی را باید اعمال کند؟

### **1.8. Limitations of the Study**

There are many restrictions, but not restricted to, the obtainability of adequate secondary data, the conveyance of questionnaires via email, and the follow-up here in Afghanistan with authorities. The experts who replied were either women activists or worked in gender in Afghanistan, so most of the views confirmed my position on the issue. People working in other countries were either ignorant of international human rights conventions or did not answer my emails. Finally, the coronavirus pandemic got things fucked up, but I couldn't reach out to the interviewees face to face because of their health insurance.

### **1.9. Key Concept**

I. Human Rights: People are allowed all fundamental rights and dignity regardless of ethnicity, sex, nationality, religion, or other position. Human rights include constitutional, legal, educational, cultural, and economic rights. Finally, the right to liberty to choose in all territories is a fundamental human right (Christodoulou 2017).

II. Women's Human Rights: Acknowledging that women's rights are human rights and women's inequalities are pure because of their femininity (Christodoulou 2017).



III. Gender: Gender indicates social capacity, obligations, and characteristics based on sex for women and men. Consequently, these characteristics and attitudes are histories, meaning and time-specific and acquired through socialization. Gender orientation describes beliefs and assumptions of how to behave and contemplate as male and female. The gender strategy examines the structure and how it transfers tasks, duties, decision-making powers, and admittance to and management of capital to women and men (Christodoulou 2017).

IV. Gender Mainstreaming: Gender mainstreaming is a mechanism of translating gender viewpoints, anguish, and practices into laws, strategies, and services in all fields and at all stages. The word encourages gender sensitivity in planning, executing, monitoring, and appraising legislation and policies and benefits for better equality (Christodoulou 2009). Gender mainstreaming does not include developing individual initiatives, services, or even elements for women but instead positions gender viewpoint as a vital part of both politics and programs. Gender mainstreaming does not entail creating different tasks, projects, or even programs for women. It involves gender mainstreaming in resource assignment, decision-making, creation, execution, tracking, and assessment of various guidelines, advocacy plans, analysis, and programs (OSAGI Gender Mainstreaming 2001).

V. Patriarchy: Patriarchy is a social arrangement that systematically governs the substantial, monetary, and societal influence of males over females (Christodoulou 2017).

VI. Feminism: Feminism is a philosophy that promotes equal opportunities and freedoms for women to make decisions in their lives. Suitable options include political, legal, educational, economic, and the right to adequate knowledge to create an independent life judgment. Feminism is another way to describe it, a worldwide movement that discusses various women's problems worldwide, taking into account different backgrounds (Christodoulou 2017).

VII. Feminist Theory: Feminist philosophy is an evaluation of women's role in society, founded on a built-up conviction in current unjust and discriminatory situations, which then lays out proposals and scales for improvement (Christodoulou 2017).

VIII. Empowerment and Women's Empowerment: Empowerment involves improving people's capacity to make conscious decisions in life if they have already been deprived of the capability to do so. It is about both the mechanism and the result of taking charge of one's life by participating in decision-making at all stages and growing capacity, experience, self-determination, and confidence (Christodoulou 2009). Increasing women's influence in empowerment approaches does not refer to power over, or manipulating, formulation of power, but rather to substitute types of energy: power over, power over, and control over, the use of individual and collective resources to work for shared interests without pressure or dominance. Women's empowerment concerns women having power and influence over their lives. It means raising visibility, creating self-assurance, widening options, and forcing and controlling capital and behaviors to change processes and systems that strengthen and reinforce gender segregation and injustice. The empowerment process is as critical as the purpose (OSAGI Gender Mainstreaming 2001).

IX. Peacebuilding: The term peacebuilding has been discussed for a long time, and various meanings have been laid down for the term, but eventually, in 2007, the Secretary-Policy General's Committee pronounced it as: "A range of steps aimed at reducing the likelihood of conflict overturning or relapsing by improving national aptitudes at all altitudes of clash managing and laying the groundwork for lasting peace and peace (United Nations Peacebuilding Fund).

*"We can no longer afford to minimize or ignore the contributions of women and girls to all stages of conflict resolution, peacemaking, peacebuilding, peacekeeping, and reconstruction processes. Sustainable peace will not be achieved without the full and equal participation of women and men" Kofi Annan MP2019*

### 1.10. Women's Status in Afghan History

Any change in Afghan culture's political processes has significantly impacted women's positions in society (Sabri 2019). Reflecting closely over a century in Afghan history, the country was a place where rulers and politics were shaped and discarded based on their political ideologies around women's roles. The Taliban regime, which was deposed by Western armed forces and is now protecting itself as a battle for women's rights, is a recent example (Ahmed Ghosh 2003). Analyzing women's positions in Afghanistan over time, rather than only during and after Taliban rule, shows that Afghanistan's women were always an essential source of strength. Here is a historical timeframe for the role and status of women in the history of Afghanistan.

<b>Timeframe</b>	<b>Status of women in Afghan history</b>
<b>1880</b> <b>Maiwand Battle</b>	A lady called Malalai, from a small town, figured prominently in the Maiwand War, also remembered as the Second Anglo-Afghan War. When the Afghan forces were about to defeat their war, and their values dropped, Malalai's cheering comments and curtain as a banner reinvigorated the troops to fight and win the war. Though she was killed in the fighting, she is still considered the champion of Afghanistan. Later, several hospitals and colleges were named for her (Qazi 2011).

<p><b>Abdul Rahman Khan's Rule</b> <b>(1880-1901)</b></p>	<p>The first Amir who tried to modernize Afghan society was Abdur Rahman Khan. In addition to his effort to associate the nation into a consolidated region, Amir Abdur Rahman Khan also worked to reform customary laws and traditions that were disadvantageous to women's status. He raised the minimum age for marriage, assured women's freedom to inherit land from their fathers and husbands, and transferred divorce rights to women, for instance. The first liberal Afghan queen was the wife of Amir Abdur Rahman Khan. Without a veil, she engaged in international relations. She was involved in politics and took part in numerous missions to explore politics with opposing parties (Ahmed Ghosh 2003).</p>
<p><b>Habibullah Khan's Rule</b> <b>(1901-1919)</b></p>	<p>Amir Habibullah Khan adopted the political ideas of Mahmoud Tarzi, and a brilliant Afghan philosopher also regarded as the founder of journalism in Afghanistan. He claimed that Afghanistan must be turned into a democratic society and rejected philosophies that would maintain Islam and progress in the dark age. He was also recognized as an activist for women's rights who would take firm positions in Afghanistan to support women's rights. He was also the Habibullah Khan and Amanullah Khan's</p>

	<p>consultant to reform Afghanistan into a new society (Qazi 2011).</p>
<p><b>Amanullah Khan's Rule (1919-1929)</b></p>	<p>In the third and final Anglo-Afghan war of 1919, the British were conquered by Amanullah Khan. Amanullah Khan pursued his innovation agenda by liberating women from conservative territorial values. In 1923, he established the first Afghan constitution, which laid the foundation for its legal hierarchy; it has promoted females' education in the region. He also explicitly campaigned toward segregation and the use of veils, although he claimed that there were no such provisions in Islam. Amanullah Khan's wife and other female family members have been socially and politically involved. The first women's magazine, a women's hospital, and a women's security agency were founded by his sisters and wife (Ahmed Ghosh 2003). However, in 1928, tribal and religious leaders firmly rejected the democratic changes that they were seeking to bring about by increasing girls' age for marriage and eliminating the custom of dowry or bride price (Qazi 2011).</p>

<p><b>Mohammad Nadir Shah's Rule</b> <b>(1929-1933)</b></p>	<p>King Nadir Shah acted against the whole of Amanullah Khan's reforms in fostering women's rights in the country to satisfy the tribal and community leaders. He also banned the publication of the first women's magazine (Qazi 2011).</p>
<p><b>Mohammad Zahir Shah's Rule</b> <b>(1933-1973)</b></p>	<p>The Prime Minister, during his leadership, was King Zahir Shah's cousin, Mohammad Daoud Khan. Daoud has put a lot of work into bringing change to women.</p> <p>In 1941, women began to participate in Afghanistan's mainstream employment, and female nurses, doctors, and educators served their country. In 1959, female royal family members began posing in public without a hijab to warn other women to obey. There was a community of citizens opposing this independence, but the Government silenced them.</p> <p>In 1964, in Afghanistan's Third Constitution, women were given their political voting rights and nominated to elective office. In 1965, the Political Organization of Afghanistan women were created to support women's education and campaign against wedding prices and forced marriages. Zohra Yusuf Daoud, Daoud Khan's daughter, was crowned the first Miss Afghanistan in 1972. (Qazi 2011).</p>

<p><b>Mohammad Daoud Khan's Presidency (1973-1979)</b></p>	<p>Mohammad Daoud Khan overtook his cousin, proclaimed the republic in Afghanistan, and became Afghanistan's first president.</p> <p>Afghanistan saw an increase in women's education and jobs in private schools in the 1970s; Establishments the percentage of women in the Afghan parliament and the number of university faculty members. However, Only the capital and big cities saw an increase in women's status.</p> <p>Created by Meena Keshwar Kamal in 1977,</p> <p>However, women were still permitted to work and follow their education in this era of the Progressive Association of Women (Qazi 2011). Afghanistan Afghanistan (RAWA). The organization was founded to facilitate the establishment of a secular government (Qazi 2011).</p>
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<p style="text-align: center;"><b>Afghan-Soviet War (1979-1989)</b></p>	<p>In 1979, Afghanistan endured a decade of war, marked as the beginning of Soviet occupation.</p> <p>Many citizens, including women and children, were murdered during the Afghan-Soviet war. Women tended to enjoy fundamental liberties in the capital and large cities alone.</p> <p>Before Afghanistan, the Soviet Union backed the Afghan People's Democratic Party (PDP), which massively supported a social change in 1978. (Ahmed Ghosh 2003). Nahid, a high school student, arranged a large protest in 1980 by bringing together girls from numerous schools in Kabul against the Soviet occupation. Her commitment to the nation continues admired and spoken about.</p> <p>Afghan first woman paratrooper, now General of the Afghan National Army, were in Afghanistan in 1984. (Qazi 2011).</p>
<p style="text-align: center;"><b>Dr. Najibullah's Rule (1989-1992)</b></p>	<p>Although the war between Afghanistan and the Soviet persists, women's rights and status did not change markedly under Najibullah's rule (Qazi 2011).</p>
	<p>In 1996, With its partners, Pakistan and Saudi Arabia, the United States supported the Taliban in countering the civilian war and combating uncontrolled political</p>



<p style="text-align: center;"><b>Taliban Rule (1996-2001)</b></p>	<p>groups. The Taliban grew more worried about Afghanistan and women later (Heath &amp; Zahedi 2011). More limits on the public life of women were imposed under the Taliban regime. All public spaces wanted women to withdraw. Women could not go to school or even see a male physician. Only when wholly wrapped in Burqa and supported by a male family member could women leave their homes. Women try to rape and compel them to marry in the Taliban (Ahmed Ghosh 2003). In 2001, the United States occupied Afghanistan and justified it for Afghan women as a "liberation" (Heath &amp; Zahedi 2011).</p>
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To conclude, even during the civil war and Taliban power, Afghan women were not always marginalized. Afghan women in history were not, however, UNIFORMLY repressed; periods and regimens were developed in Dawoud Khan and King Amanullah Khan, where voices and their presence were essential and remembered. Through a look back, it is clear that women played a crucial role and were an instrumental part of the nation's growth throughout Afghan history. However, village and tribal leaders' presence hindered shifts in women's positions because they were scared of dropping dominance and masculine control (Ahmed Gosh 2003). Heath and Zahedi argue that gender laws should be consciously considered and applied to prevent any sort of retaliation (2011).

Huma Ahmed Ghosh believes that to redefine her role in society, we must restructure and redefine women's roles in the family and culture. More attention is given to the role of women as caretakers, as in Afghan culture. She is persuaded that supporting women by giving them schooling, jobs, and access to opportunities will help transform women's roles in the family and society (2003). Women's emancipation begins with education, a path forward for jobs, and economic freedom, allowing them to engage politically in the country and the world. It will make a significant contribution to increased growth in Afghanistan.

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

While Afghanistan is a Muslim preponderance region, traditions are generally embraced by traditions (Sabri 2018). Caldwell suggests that culture and customs' symbolic importance to women's role can be regarded as intermediate mechanisms that can be altered by a broad phase of change in growth, political, moral, and social environments (1994). It is essential to be conscious of the Muslim world's cultural and economic development of the Islamic countries precisely to understand women's rights in Islam better. In those areas, the pre-Islamic patriarchs' society influenced Islam's perception worldwide, and faith was accused of women's misuse (Spierings, Smits & Verloo 2008).

Control in a masculine society is centralized under the control of men, i.e., women are economically and politically oppressed by men (Hodgson 1999). Patriarchal ideology sees women as the lower and men's subordinates (Haryanti & Suwana 2019). Therefore, a male perspective and a pre-Islam society heavily affected the understanding of religion. Caldwell argues that Islamic rules are seen to serve as guidance for social behaviors. Still, very often, it is the Arab culture that controls social actions and conduct (1994).

However, there are considerable differences in numerous countries' political, socio-economic, and cultural facets within the Muslim community. It shows that women's advancement is affected not

only by Islam but also by the varied cultural heritages and economic growth of the countries concerned (Spierings, Smits & Verloo 2008). Some countries have a greater number of women involved in organized political and economic relations, and others have a lesser percentage based on their economic growth and cultural legacy. In other Muslim countries such as Morocco, Indonesia, and Uzbekistan, the proportion of women who have worked in the formal economy in Omán are, for example, 19,2percent, with 41,4 to 62,3percent. (Spierings, Smits & Verloo 2008). Women's civil rights, counting academic, political, economic, and social life, are protected in Islam. According to Haliru Bala, Islam not only indorses gender equality but also supports and protects women's rights (2010).

The findings showed that Islam treats men and women similarly in terms of duty and reward, education, and subordination to God. Both are required to follow Him and fulfill His orders in their daily lives. A woman has the right to land, civil liberty, matrimonial rights, moral obligations, adequate care, equal work, and political equality. (Bala 2010, p.1).

To justify its case, Bala (2010) cites two sayings from Prophet Muhammad.

First, "Acquiring knowledge is compulsory for every Muslim man and woman" (AlTabarani). In another quote, the Prophet says: Whoever has a daughter and does not treat her badly or prefers his son over his daughter would be granted entrance to heaven by God. " (Hakim). The author of 'Believing Women' book is attempting to interpret Islam from women's perspectives, and she "has made it her life's work to interpreting the Qur'an, in a woman-friendly way" (Pal 2015, p. 7).

The book "*Between Feminism and Islam*" by Zakia Salime gives a strong Moroccan example of the "Feminization of Islamic Movements" A feminist group initiated a petition in Morocco back

in 1992 To obtain one million signatures to address and fight for gender discrimination. Since it formed the right language regarding women's rights during Islamist demonstrations, the women's political movement had a significant influence. In places like Morocco, where politics and religion are mixed, Islamist women have more legitimacy. All such Islamists are developing a global society of women's rights based on Islamic law. The party demanded unconditional ratification of CEDAW and a more gender-sensitive interpretation of Islam through a million-signature petition campaign. The patriarchal view of Islam was more prevalent (2019).

We have to contend with conditions on the ground, and I understand that there is still considerable opposition to questioning power relations. In a masculine culture like Afghanistan, which is close to Morocco in terms of overlapping political and religious systems, I agree that male domination problems are usually correlated with religion. People will not doubt them and embrace them as they are. However, we should still argue against harmful norms and practices and criticize them. Therefore, using the same medium is the perfect means of questioning current power relations. In this situation, a better way to solve the challenges will be to find answers inside the faith. I advocate that liberal Islamic frameworks be used to promote women's rights and equality.

## CHAPTER II

### BACKGROUND INFORMATION

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

After 2001, Afghanistan faced intense brutality, military operations continued, and the Taliban's continuing threat. In Afghanistan, the road to reconciliation and gender equality has been a challenging one. I'm seeking to illustrate the part women have performed in a variety of industries since 2001, as well as the challenges they face. Women have had a major impact in Afghanistan since then, taking leadership positions and making substantial gains in the legal, medical, economic, and educational fields. To promote women's success, we must recognize the effect that women have already had and pave the way for their continued influence in future growth.

#### **2.2. Education Sector**

Probably the most significant investment in Afghanistan's future would be to develop a comprehensive education system. The most critical approach to encourage women's upward mobility is to have access to education. Many schools began to work again after the collapse of the Taliban, many women were willing to come home as teachers, and many girls now had the chance to go to school. Women's literacy rate has been noticeably increased, from 29 percent in 2005 to 48 percent in 2018 (National Risk and Insecurity Assessment 2011 – 2018). Article 43 of the Afghan Constitution mandates education resulted in major change. Which states that the state shall establish and enforce successful programs in the areas where it speaks to enhancing balanced education, providing compulsory intermediate education throughout Afghanistan, and preparing the foundation for the education of mother tongues (2004, p. 12).

There are around 15,479 schools in Afghanistan throughout the country, both primary and secondary. There are 3.6 million females out of about 9 million students estimated in the Central Statistical Office (CSO) (Yearbook 2017-18). Nearly one-fourth, or 63,416, of the 201,088 female teachers. In Afghanistan, there are 126 public and private universities for both males and females. 52,832 of 256,140 students are female in the nine institutes of medical sciences. A 34.1 percent rise was also noticed compared to last year (Yearbook 2014-15).

These numbers reflect the considerable change, but not generally; all registered students are in school. Differences in male relatives' mindsets and Afghan security uncertainty continue to threaten women and girls' access to education. In contrast, girls have a lower registration percentage than children. Numerous cultural and political influences influence this. Afghanistan is a conservative culture, and there is a vast population in the region in rural areas. They rely then mainly on the potential of a female to marry and give birth to children. In the early years of a girl, these are called vital targets. More than half of a woman is married by age 20. (BBC Asia 2018). Many people cling to their traditions and feel connected for girls to go to school with a woman's job early. Additional hurdles to access schooling for girls include the shortage or even absence of schools in rural areas, resulting in girls who have to travel long distances to schools and the possibility of violence to and from schools (National Risk and Insecurity Assessment 2017 – 2019).

Unrelenting rural poverty is another reason for low female enrollment rates. The desire for kids to work and raise dough for their families poses a stumbling barrier for boys' and girls' schooling. About 36 percent of the country is in need, according to the South Asian Human Development Survey (2018). Girls account for just one-third of the people seeking school in the country's most impoverished areas, as household duties fall on them and become income sources.

The Human Development report on South Asia emphasizes that, "Today's economic development will not be viable tomorrow if men and women are not provided with health and education, since

there will not be sufficiently stable and efficient working population to recharge the structural transformation." (2018, p. 124). In our constitution, Some articles promise that everybody has the right to education. The Afghan Constitution's Article 43 " All Afghan people have the right to education, which the Government must provide free of charge in state educational institutes up to the B.A. level. " (2004, p. 12). Considering these obstacles' persistence, women's role in the education sector has already positively affected Afghan life and will tend to do so in the ahead. Many young girls are ready to go to school as more women have taken teaching jobs. As more women are educated, a more comprehensive portion of the population would be prepared to join the workforce, adding more to reconstruction.

### **2.3. Economic Sector**

The lack of adequate infrastructure, social legislation, and utilities for companies has adversely affected Afghan economic development. In addition to these difficulties, as a result of underlying patriarchal social and political systems, women in Afghanistan face a much more considerable amount of obstacles. Afghanistan's GDP consists of 24percent of agriculture, 55percent of utilities, and 21percent of the industry (World Factbook 2019). With 48 percent of women participating than 86 percent of men with an overall employment share of 67percent of the total population, men have far higher access to workforce involvement. Among the 48percent of women in the labor market, only 25percent are working in paying jobs (The World Bank 2019). Based on UNIFEM data, businesswomen constituted just 5percent of its business owners (2016). 78percent of women-owned firms are small initiatives with ten or fewer workforces, according to the Construction Markets Survey (2016). More than 1,000 female firms registered with the Afghanistan Investment Service Agency (AISA), comprising 3.1 percent of the association's overall membership. Women-managed firms produce 2.8percent of the general jobs of AISA-registered enterprises (Building Markets Report 2016). In Afghanistan, many international

projects promote and facilitate the participation of women in entrepreneurship. Goldman Sach's has trained more than 300 Afghan businesswomen<sup>2</sup>, and Peace through Business has taught and as long as mentorship programs for 200 ambitious female entrepreneurs.<sup>3</sup>

For sustainable development in Afghanistan, women are a valuable resource. Women can impact the Afghan economy on a variety of levels with proper assistance. Many Afghan women work as company owners, traders, and workers in the economic field because of the social and political conditions. However, an appropriate and welcoming atmosphere for women in various public spheres still needs to be created. Whose experience to date has led to global prosperity, and they are willing to move forward in the future.

#### **2.4. Civil Society Sector**

The contributions of activists and civil society groups can be credited primarily to the strides achieved in creating an increasingly democratic Afghanistan. 1400 women's movements and feminist organizations have formed across the country over the past 15 years and advocate equal rights and opportunity (Durand 2018). Over the past decade, civil society has made considerable strides in Afghanistan, shaping national and foreign policies. More than half of the organizations are currently working on women's concerns, and women are steadily engaged as workers and volunteers (Durand 2018).

Afghan women have championed reform and justice in these organizations and campaigns. Afghanistan's women protested numerous patriarchal laws and practices and lifted their voice against Shiite Family Law injustices in 2009 (Radio Free Europe 2009). Persuading international responsiveness and support and forced policymakers to make strategic changes, movements have

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<sup>2</sup> Goldman Sachs 2016

<sup>3</sup> Peace Through Business®



originated from growing numbers of civilian organizations. However, there are disproportionately high rates of abuse against women. Afghan women undergo various kinds of abuse, whether emotionally, sexually, or physically coerced to marry or mixed (Aljazeera 2018).

The legislation on the prevention of forcefulness against women was implemented in 2009 by a Presidential Decree with women's organizations and lawyers (Foreign Policy 2015). EVAW has made 22 incidents of abuse criminal and made it the Government's duty to track and ensure women's welfare. Afghanistan held the First National Conference on Afghanistan's Civil Society in 2011 Freedom and Equality for All. The defenders here claimed that they were "ready to assume responsibility for acting, to promote the common good and justice, to provide equal opportunities and to esteem the rights and self-worth of everyone" (Agenzia Fides News 2016). Women have played a notable role in the public sector and have committed to policy reforms and actual steps towards fair justice.

## **2.5. Health Sector**

Like the increasing legal participation of women, women's role in the health sector is not only vital for Afghanistan's restoration. Still, it may also mean a difference between life and death. Afghanistan has some of the highest maternal and infant mortality rates in the country and a low life expectancy for women. The rates of maternal and infant mortality are very high in Afghanistan. The infant mortality rate is 115.08 deaths per 1,000 live births; therefore, Afghanistan ranks as the top country for infant mortality rate and ranks 22<sup>nd</sup> in maternal mortality rate with 396 deaths per 100,000 live births<sup>4</sup>. According to the CIA World Factbook, life expectancy at birth is low, as in Afghanistan, with an average of 50.87 years for the entire population and 49.52 years for men and 52.29 years for women (2018). The reality that women are medical practitioners is not the foremost accountable for these harsh realities. Traditional limits and cultural tabus prohibit

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<sup>4</sup> CIA World Fact book 2018

women from receiving medical attention from men, and women are absent in many health facilities. Half of the population of Afghanistan is at risk without women in the health sector. Female medical professionals have been entering the workforce over the past 15 years with astounding results.

Just 21 percent of Afghan medical facilities had a female employee in 2002, but that number had risen to 60 percent<sup>5</sup> by 2009 (Acerra, Iskyan, Qureshi, & Sharma 2009). There have been initiatives to increase the number of trained female doctors and midwives. Even though infant and maternal mortality rates are still high, the actual death rate is down almost 30 percent from 2001. (Acerra, Iskyan, Qureshi, & Sharma 2009). To overcome urgent health needs, USAID has collaborated with the Ministry of Public Health and Afghan Health NGOs and supported the necessary support. Besides, USAID has also corresponded with other donors to ensure healthcare facilities' availability throughout Afghanistan and especially women<sup>6</sup>. However, even with changes, health coverage is grossly unavailable in rural areas. As far as Afghanistan's health-care system is concerned, it keeps growing, and resources become more easily accessible; women's expanded presence in the medical field would support both males and females.

## **2.6. Legal Sector**

Women have been more involved in the judiciary, taking action on police officers and military officials and politics as prosecutors and judges. According to NATO, Afghanistan has 869 Afghan women in the Afghan National Army and 2,334 Afghan women in leadership positions in the Afghan National Police. The coming decade's goal is to hire and retain at least 10percent of the combined national police and military force (2018). According to the UNDP,

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<sup>5</sup> UNICEF. Afghanistan humanitarian update 18 Jan 2008.

<sup>6</sup> Health. (n.d.). Retrieved May 30, 2016, from <https://www.usaid.gov/afghanistan/health>

police departments have around 33 Family First Responders who are specially qualified to deal with female abuse (2018).

These initiatives are accompanied by the increasing strength of women prosecutors, judges, and decision-makers who can see cases in the courtroom. The First Afghan Women Judges Association, released in January 2003, has strived to change women judges' and lawyers' active engagement in the judicial system and encourage consistent quality legal advice for women in Afghanistan (Who is who in Afghanistan 2019). According to the International Development Law Organization (IDLO), since 2013, eight percent of the judges and six percent of the prosecutors were female (Out of the Shadows, Onto the Bench 2014). In June 2015, President Ghani also appointed the first female judge to become a High Council member, a member The appointment, however, required the Parliament's consent. The selection of the Supreme Court's first female judge to a high-ranking position, According to the IDLO report, 62 percent of the women polled recognize that working in the justice system presents challenges for women. Socioeconomic stresses, gender perceptions, and family and cultural stereotypes contribute to a woman's domestic status.

Furthermore, women face various logistical challenges in Kabul, such as a lack of safe transportation and suitable housing for them to learn law or Shari'a faculties or complete required legal instruction. A major stumbling block has also been identified as security. (Out of the Shadows, Onto the Bench 2018).

Although numbers are increasing, the comparatively low representation of women in the justice system makes it impossible for many women to obtain support. Some conservative men fail to accept the authority of female judges. But an accepted and friendly environment for women at the workplace still needs to be developed. These acts, primarily motivated and encouraged by women, simultaneously reflect the role of women in the restoration of the legal sector and the

positive effects on Afghans' lives. Further extending women's jurisdiction will allow more women access to legal assistance and asylum from dysfunctional families. Excessive female participation in courtrooms would encourage new interest for female judges and lawyers, allowing them to advance.

## CHAPTER III

### HISTORY OF HUMAN RIGHTS TREATIES

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

Afghanistan has long been a strong advocate of record security. Afghanistan became a member of the United Nations in the mid-twentieth century and has since ratified many human rights treaties and agreements. The United Nations has adopted several international conventions addressing a diverse set of human rights issues, taking into account all human rights concerns. Afghanistan is a signatory of the following international human rights treaties.

Agreement Date	Treaty/Convention
January 1983	The International Covenant on Civil and Political Rights (ICCPR)
January 1983	The International Covenant on Economic, Social and Cultural Rights (ICESCR)
July 1983	International Convention on the Elimination of All Forms of Racial Discrimination
July 1983	Convention on the non-applicability of statutory limitations to war crimes against humanity
February 1983	Convention on the Prevention and Punishment of the Crime of Genocide

April 1987	Convention against Torture and other cruel treatment, Inhuman or Degrading Punishment
March 2003	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
February 2003	International Criminal Court
March 1994	Convention on the Rights of the Child (CRC)

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

To accomplish my research, I shall focus only on the four major human rights law documents closely connected with women's rights. This includes the Universal Declaration of Human Rights, the International Convention on Economic, Social and Cultural Rights (ICESCR), the International Convention on Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Afghanistan joined the United Nations in 1946, and the General Assembly devoted a special session in 1985 to the country's human rights situation. In December 1985, it supported the first human rights resolution. The resolution discussed systemic human rights abuses and the impact of military activities on civilian populations (United Nations and Afghanistan).

The Universal Declaration of Human Rights was adopted in December 1948 in Resolution 217 A of the General Assembly. The 30 clauses of this declaration fall under the Charter of the United Nations on Human Equality, Universal Human Rights, and Equal Rights for Women and Men and willingness to foster social change and improved quality of living in greater democracy. Though Afghanistan was formerly a Member State, like the other Member States, it had already committed itself to protect and achieving human rights goals. The document states, "Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms" (Core International Human Rights Treaties 2006). The International

Convention on Economic, Social and Cultural Rights (ICESCR) was ratified and made available for membership by Resolution 2200A of the United Nations General Assembly in December 1966. In January 1976, it came into effect, and in 1983 Afghanistan signed and ratified the document. This system contains five parts and 31 publications prioritizing equal treatment for men and women. Under Clause 3 of this Convention, "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights outlined in the present Covenant."

On the other hand, article 7 of the convention emphasizes the importance of maintaining just and favorable working conditions, highlighting women. "Reasonable salaries and equitable remuneration for fair jobs with equal merit without sexism of any kind, with women's employment conditions not being inferior to men's, with equal compensation for equal work." (Core International Human Rights Treaties 2006).

In 1966, by resolution 2200A of the General Assembly, another Treaty, entitled The Universal Convention on Civil and Political Rights, was adopted (ICCPR). The paper was approved and signed by Afghanistan in 1983 in March 1976. Article 3 of this convention also put a particular emphasis on equal rights " The States Parties to the arbitration Agreement agree to guarantee that men and women have equal access to the civil and political rights set out in the arbitration Agreement." (Core International Human Rights Treaties 2006) The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in December 1979 and came into force in September 1981. Afghanistan has been a CEDAW signatory since 2003. This convention has four parts and 30 articles. Article 1 of this convention defines the term "Discrimination against women means any separation, omission or limitation of sex which, regardless of marital status, is a product of human rights and constitutional rights, or which affects or nullifies acceptance, enjoyment or practice by women, based on equality between men and

women, in the democratic, socioeconomic, cultural, civil or any other sphere." (Core International Human Rights Treaties 2006).

After Resolution 1296 was endorsed by the Economic and Social Council of the United Nations in 1968, the Security Council acknowledged the constructive potential of consulting with NGOs. UN and NGO consulting agreements were a successful start to Resolution 1296. After adopting the 1996 resolution, often referred to as a "second generation" of NGO-UN ties, relations were improved between the NGO and the UN. Being that, one of the critical objectives for NGOs to discuss was gender mainstreaming. Consequently, in 1975, delegates encouraged all Member States, during the UN World Conferences on Women, to set up agencies to foster gender equality and improve women's condition and status, which led to the formation of the UN Women Advancement Division. It also opened the way for linkages between various political involvement levels, from local women's organizations to foreign agencies and networks (Shepherd 2008).

The largest UN conference – the Fourth World Conference on Women – was held in Beijing in 1995, focused on the success of CEDAW since 1979 and the ever-growing ties between feminist organizations and the UN system. The Beijing Forum for Action, a global framework focused on negotiated actions taken by signatory countries to promote and protect women's rights, was the initiative's culmination. These helped shape many NGO working groups, and in 2000, they pressed for UN Resolution 1325. Shepherd (Shepherd, 2008).

The United Nations National Security Council passed Resolution 1325 on Women, Stability, and Security on October 31, 2000. This resolution promotes and recognizes women's engagement in all areas of conflict resolution, governance, prevention, and other peace and security-related matters. The resolution was approved under the United Nations Charter and hence had international legal effect. All UN Member States must adopt it (UNSCR 1325,



2000). The UN Security Council encouraged its representatives to adopt a National Action Plan or other national strategies to ensure that Resolution 1325 is enforced.

The Government of Afghanistan signed a National Action Plan on Gender, Reconciliation, and Security on October 22, 2014, in appreciation that Afghanistan's current President finds women's rights to be one of his top priorities (Bakhtar News 2014). As a member of the United Nations and a signatory to all major international human rights treaties, the Government of Afghanistan has prioritized integrating international human rights treaties into domestic law and laws to ensure compliance.

## CHAPTER IV

### LITERATURE REVIEW

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

Afghanistan's judiciary system is made up of both formal and informal justice systems. Abdur Rahman Khan, the Amir of Afghanistan, established the structured justice system in the 1880s. The institutional justice system was designed to restrict informal processes' dominance and the control of autonomous and conventional political representatives (Abawe 2016). Decades of constant confrontation and instability have undermined the Government's structure and forced the rule of law to return to traditional standards that drastically undermine the new Government's capability to uphold the rule of law and introduce human rights and policies in the country. After 2001, however, Afghanistan started to rebuild the entire structure. The Government of Afghanistan's current network consists of three branches: the Executive, the Judiciary, and the Legislature. An elected President and two Vice-Chairs govern the Executive Branch. According to the Afghan Constitution, the President can only manage for two terms of five years.

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

The (Legislative branch) National Assembly is made up of two houses: the Wolesi Jirga (lower house), which has 249 members, and the Meshrano Jirga (upper house), which has 102 seats. The Meshrano Jirga acts primarily as a consultative body (Pajhwak Afghan News, 2016). Both legislation must be signed by both the Jirgas and the President of the National Assembly. The Afghan constitution stipulates that at least two female delegates from each province be appointed to the Wolesi Jirga, which makes up 27 percent of the legislative

body. The presidential election to the Meshrano Jirga should be made up of half women. As of 2012, 28 percent of lower house members had reached the limit (MDGs Report 2016). The Afghan Government has also assured the representation of women in the legislative branch. However, there is still a need to improve women's role in parliament by encouraging them to facilitate gender equality in all government legal frameworks.

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

The Judiciary includes the Supreme Court, the Appeals Courts, and the Primary Court of Justice. A Chief Justice shall head the Supreme Court and eight other High Council presidents, and the President shall, with the approval of the National Assembly, appoint the nine judges (Hashimzai 2014). As per article 121 of the Afghan Constitution, the top judicial entity, the Supreme Court, "review compliance with the Constitution or laws, legislative decrees, international treaties, and international conventions, and interpret them, by the law" (2004). However, men are heavily dominating this division of Government. The branch's highest-ranking officials are all men. While the new President, Ashraf Ghani, nominated the first female judge to serve on the Supreme Court's High Council, the nomination required Parliament's approval, which it did not get (The Economic Times 2018). On the other hand, the female judge secured 88 out of 94 votes, indicating a shift in opinion and providing optimism for future attempts (The Economic Times 2018).

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

The Government's executive branch maintains that regulations are followed. The administration division consists of the President and the ministries. The BBC notes that four-woman ministers are elected to the Ministry for Higher Education, the Ministry for Labor and Women, and the Ministry of Counter-Narcotics (2018). In Government and societal affairs, inter alia, the Ministry of Justice plays a vital role. The Ministry of Justice is primarily active in revising and writing regulations and ensuring conformity with the Afghan constitution and Islamic values (Abawe 2016). The Government of Afghanistan must ensure that government officials in all ministries, particularly ministers of the Ministry of Justice, are directly involved in legislative processes and a sufficient number of educational and information programs on international human rights treaties

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

Despite a well-planned central government structure, the instability of protracted violence has resulted in a slew of constitutional provisions, transitional justice practices, and many new practices that have yet to be adopted. These traditions continue to rule the lives of the majority of Afghans. This presents significant threats, obstacles, and the implementation of a standardized rule of law for the new governance processes and infrastructures. Customary law and informal justice are in the region, representing an imperative barrier to the enforcement in all policies and public domains of international human rights law and gender equality. The first step is a set of training sessions for the tribal leaders and other significant persons. Second, to keep them from determining the cause of infringement of women's rights, the Afghan Government should create a transparency model. The Afghan Government will eventually begin working on formalizing the scheme in the long term.

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

There are various regulatory mechanisms around the world. The process is very long in Afghanistan. A bill is being turned into a statute through many measures. The first is the preparation of the statement by the Justice Minister and other related ministries. Secondly, the plan is forwarded for consideration to the Council of Ministers and all chambers. Third, the bill has the President's consent. Finally, the Gazette published it (Legislative Process Manual 2012).

There are a number of viewpoints on a policy strategy. Article 95 of the Afghan Constitution states that: "The proposal for drafting laws shall be made by the Government or members of the National Assembly or, in the domain of regulating the judiciary, by the Supreme Court, through the Government. Proposals for drafting the budget and financial affairs laws shall be made only by the Government." Initiatives originating with the administration or the judiciary are known as government bills and are subject to the process mentioned above. Legislative bills have a very different procedure and are called bills by senators or private members (Legislative Process Manual 2012).

It is imperative to ensure that Afghan civil society's strong participation and substantial impact on political growth. It understands the legislation and legislative mechanisms help proponents of women's rights to build methods for activism. The analysis of law and policymaking will also help define what structures are crucial for mainstreaming gender into rules, services, procedures and change patriarchal thought within these key policy and legislative institutions.

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

Afghanistan has rules and legislation to protect women's rights and women's dignity. Afghanistan is a fertile region of the world. The Afghan Constitution promises that women and men be held pretty before the law and bans all forms of discrimination. The Afghan Government has set up the Ministry of Women's Affairs (MoWA) to serve as a political authority and the Afghanistan Independent Human Rights Commission (AIHRC) to track and uphold human rights to meet the constitution's commitment to women's empowerment and gender equality. In addition to the adoption in 2007 of a national women's action plan (NAPWA), the Abolition of Violence against Women legislation (EVAW) was implemented in 2009, and the Afghan National Growth Policy (ANDS) as a cross-cutting gender strategy was established in 2008. (NAPWA 2008).

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

In 2004, the Afghan Constitution adopted a strong emphasis on equal rights and errands in men's and women's eyes and prohibited all abuses that are contradictory to every Afghan citizen. Article 22 states, "any discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law." Besides, women's rights to education are protected in Articles 43 and 44 and workers' rights in Article 48.

Finding out that, while promising women's voting freedom, Article 84 of the Constitution emphasizes that women should comprise at least half the designated Senate," the President must appoint 50 percent of these people from among women." Article 83 deals with equality of serving people in the members' houses and states that at least 27 percent shouted. (Constitution 2004). Under the electoral law enacted in 2013, nearly 30 percent of the parliament's seats and 20 percent in the regional local governments are reserved for women.

#### **4.2.2. Afghanistan's National Women's Action Plan**

In 2007, MoWA developed its Ten-Year National Action Plan for Afghanistan's Women (NAPWA 2008). In 2008, a text endorsed by Cabinet and was a crucial mechanism for the enforcement and advancement of legislation for gender equality in the Constitution. NAPWA was approved by the Cabinet. Two primary gender equality and women empowerment goals were approved for NAPWA. It seeks to abolish sexism against women, develop women's awareness and expertise as human resources and ensure that women engage fully and reasonably in all fields and facets of life (NAPWA 2008). Women's governance and political contribution represent embodiments of women's empowerment, a requirement identified in this strategy to ensure that women govern, decide in the sun, achieve the maximum capacity, and impact structures, frameworks, and decisions affecting their welfare. They are women's leadership and political participation in women. Three goals (I) The achievement of a crucial community of women in high-level decision-making, strategy, and legislative roles in key government agencies, including judicial and security sectors. (II) To foster a business-friendly climate for women and private sector leadership. (III) A critical mass of women engaged in societies and politics (NAPWA 2008-2020, p 4950).

NAPWA promotes gender equality in line with legislation, which can be the first step towards gender inclusion through different public spaces in Afghanistan at all stages. Fair justice under the law is central to the battle of women for equal rights. The breadth of the exercise of women's rights relies on the State's capacity to respect, maintain and enforce these rights. Afghanistan's Government aims to amend its legal structure and justice system so that women's and girls' rights can be practiced equally. Men and children can be guaranteed equal protection and non-discrimination as provided in the constitution of international conventions and norms. (NAPWA, p.

37-38). 2008-2019. Gender mainstreaming in strategies, budgets, schedules, and operations is needed in all government agencies. NAPWA commits 30percent by 2018 in the hope of improving the status quo in the given sense to increase the participation of women in civil service, both elected and nominated agencies, at all levels of Government (NAPWA 2008-2019).

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

There is a detailed gender equality plan, also in the Afghanistan National Development Strategy (ANDS). The goal of the policy on gender equality is to "address and reverse women's historical disadvantage [by] chang[ing] women's position in society, their socio-economic condition and access to development opportunities." This paper acknowledges gender disparities in poverty because women do not contribute to their economic growth activities. The ANDS Campaign seeks to provide men and women with equality and respect in all facets of their lives. Three key results are discussed in the national action plan for women: (i) Government bodies that provide 'gender equality in recruitment, promotion, decision making, and the distribution of budgets; (ii) Measurable changes in the status of women as demonstrated by decreasing analphabetism; higher net admission rate in schooling and training programs; fair pay for equal work; lower maternal mortality; improved leadership and involvement in all fields of life; higher economic prospects for and management of productive assets and income; access to equality of rights; reduced insecurity and (iii) More social recognition of equality for men and women, as shown by women's expanded engagement in public life and policy debates. (ANDS 2008, p 14)

ANDS appeals for women to become more active in the safety field by a growing awareness of gender and women's rights. The goal is also to improve women's decision-making role and give women fair employment opportunities in the security sector. The paper ensures the enforcement of gender-sensitive laws and useful mechanisms for monitoring gender equality goals (ANDS 2008). In addition



to supporting women's participation in the security industry, this paper also supports women's inclusion in all aspects of safety decision-making.

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

In conclusion, in the presidential decree, which exposes Afghanistan's commitment to gender equality in the region, the Elimination of Violence Against Women Law (EVAW) was adopted in 2009. EVAW punishes women who inflict violence in the manner they are violated. "Widespread harmful practices and violence against women and girls have long prevented women from participating in public life and blocked their voices from being heard in political and decision-making forums, including initiatives aimed at promoting peace and reconciliation. Progress in implementing the EVAW law can contribute to improving the realization of women's human rights to enable them to fulfill their crucial and imperative role in the country's political, economic and social development" (UNAMA 2018, p 2).

The legislation highlights the priority of addressing and protecting victims of violence. The law of EVAW required the creation, organization, and oversight of the enflaw's enforcement. In 32 of 34 provinces in Afghanistan, EVAW commissions are established (MoWA report 2018). In Kabul, a high commission is set up to monitor and assist the regional commissions to combat violence against women (UNAMA 2016). The establishment in 8 provinces of specialized EVAW units has been optimistic on the registration, monitoring, and speedy settlement of the EVAW cases (UNAMA 2016). The Afghan government cannot create these units throughout the entire province due to a shortage of funding but is part of developing these specialist units in all the Afghanistan provinces in the future.

Legal reforms to promote the rights of women in the country to advance are important. It is by giving women new opportunities to invest in Afghanistan's development to ensure this happens.

Inevitably their presence would make Afghanistan secure and more prosperous for all its people, particularly women.

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

In terms of political participation in Afghanistan, women face many obstacles. Since Afghanistan is a male-dominated culture, it is a complex problem. Women are supposed to be at home in a conservative society like Afghanistan and act as caregivers. The other challenges are the socioeconomic, traditional, and moral conventional understanding in contradiction of women's inclusion in political matters. The limited knowledge of Islam by most men is an obstacle to women's political equality and exposure to the power system. Nevertheless, Afghan women are willing to participate in political matters at various stages, from voting to competing for the organization's top.

Afghanistan is also one of the top 20 nations with the most significant number of women in parliament in the world (Heath & Zahedi 2016). According to the seat reservation system provided for in the Constitution of Afghanistan (2004), the President appoints about one-third of the senators and half women. "... the President shall appoint fifty percent of these individuals from amongst women...." Article 83 reflects on the equity of the demographics of the members of the House of Representatives. It states that at least 27 percent should be female, which is about 68 out of 250 members, "The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province, on average, at least two females shall be the elected members of the House of People from each province" (Constitution 2004).

The quota system is a strong entry point in national and local politics for women. Heath and Zahedi propose constructive discrimination, like the seating scheme reserved, will also help women tackle barriers that would not previously have been necessary to join democratic institutions (2011).

### **4.3.1. What are electoral gender quotas?**

"Quotas in politics involve setting aside a percent or number for the representation of a specific group, here women, most often in the form of a minimum percent, for instance, 20, 30, or 40 percent. Quotas are used as a measure to increase the representation of historically excluded or under-represented groups" (Dahlerup, 2012, p.19). "Electoral quotas can be defined as regulations that require a certain minimum in numbers or percent of a specific group in public elections at [different levels]" (Dahlerup, 2012, p.19). By developing affirmative policies, gender quota is targeted at equality. Political gender quotas are used in decision-making roles to divide political influence equally. For gender quotas to become more balanced across different social spheres, the legislative process is intensified. Quotas with reserved seats, party quotas, and legislative quotas are distinct. Any of the leading ones are discussed further below.

**RESERVED SEATS:** The system of reserved seats is defined by constitutional changes and often by electoral legislation. It describes different women's seats (Krook 2009). This was applied in Africa, Asia, and the Near East after the 1930s (Krook, 2004). A scheme of reserved seating is currently being introduced in 24 countries. For women's political activity, reserved seats need a certain amount. These percentages vary from 1 to 10, although some countries have adopted more significant portions from 30 to 40 since 2000. (Krook, 2009, pp. 6-7).

**PARTY QUOTAS:** Party quotas are the world's most common form of gender quotas. In the early 1970s, some of Western Europe's political parties adopted it. The central principle of party quotas is implementing multiple initiatives to compel party boards to have a fixed ratio of women in their electoral candidatures. Political parties rethink strategies for this reason by creating new standards for recruiting candidates in the face of obstacles and prejudices towards women's political recruitment (Krook 2005; cf. Lovendusik and Norris 1993 cited in Krook, 2009). Partial quotas are handled at the level of single Member Districts in the countries that adopt majority regimes.

This ensures that in all districts, the party has candidates, a certain number of women are nominated (Opello 2006, cited Krook 2009, p.8).

**LEGISLATIVE QUOTAS:** In certain post-conflict countries in Africa and developing countries, such as Latin America, the Middle East, and South-Eastern Europe, legislative quotas have been used (Krook 2004). It is a more modern type of gender quota developed through constitutional and electoral changes since the 1990s. The quotas in law are very close to the quotas of parties. The two discuss the process of choosing a party. The contrast is that the national parliaments tend to determine how many women they are to be nominated for political offices from both parties with parliamentary quotas.

Somehow, seeing women in parliament validates it for voters to see women involved in their democratic relations. Still, It does not mean that women dominate the decision-making process. Others claim that women's presence would not give them sufficient authority to make decisions, compared to believing that the reserved seat system is preferable. The participation of females in parliament is seen as symbolic, according to the Human Development Report (2012). But not enough emphasis has been on developing women's leadership skills, and proper education and economic opportunity are not offered for women. Women's view of playing only ceremonial positions in parliament undermines their prestige and leads to less female participants' investment.

In Afghanistan, women have long engaged in politics. Women have been given the freedom of candidacy and voting rights in the Third Afghan Constitution of 1964. As per Heath and Zahedi; most parliamentarians consider women's inclusion in parliament to be positive. They reported that about 30 percent of women were seated due to misinterpretations of reserved seats during the 2005 parliamentary election (2016). Yet, women's rights and aspirations cannot be promoted by women in parliament.

To sum up, it is evident that the inclusion of women in the Afghan legislature hasn't, to date, led to the overall empowerment of women in general or the advancement of gender-based concerns. A variety of considerations face main challenges: views about the validity of their participation in Parliament, stereotypes about who they serve, and the emergence of cross-cutting ideologies and allegiances that fracture attempts to mobilize as a collective bloc. Underpinning these considerations is the critical concern of declining protection makes the principle of freedom of expression practically meaningless in 2018. Technical steps to strengthen the Parliament's operation are essential and can include the necessary structures to facilitate blocs and the manifestation of common interests. However, before Legislators are free enough to debate and vote on contentious topics such as the gender interest of women – confident that their views would not produce fierce resistance – the prospect of these desires being substantively pursued would remain uncertain (Heath & Zahedi 2016, p. 125).

Women have contributed significantly to Afghanistan's growth and will continue to do so. The undeniable influence of female politicians, police officers, students, business owners, physicians, and activists has helped Afghanistan's quality of life be dramatically improved. In the future, it is necessary to continue developing new opportunities for women in the rebuilding process. Inevitably, their presence would contribute to a better and more prosperous Afghanistan for all its citizens.

#### **4.4. Women's Empowerment**

The word control refers to the right to make strategic decisions about one's life. If the right to make decisions is denied to a group of individuals, the method of gaining this capacity and handing it back to those individuals is called empowerment. The concept of women's empowerment is the “enhancement of women's ability to make strategic life choices” (Narayan-

Parker 2005, p 84). That being said, empowerment entails multiple shifts, not just in terms of individuals who choose a lot but also in challenging power relationships (Kabeer 2005). The long-standing value system and tradition of injustice and patriarchy's unjust policies will entail complicated ties of power. Change means empowering women, whether political, cultural, socio-economic, or personal, with the freedom to make their own decisions. The empowerment mechanism should not be limited to settling immediate concerns and aiming to transform patriarchal structures in the long term (Kabeer 2005).

The UN Human Development Study reflects on women's independence, stating that “Women’s empowerment requires female autonomy in all areas of life— financial, economic, political, social and cultural, in and outside the home” (2015, p 83).

The research continues to resolve the numerous challenges to women's empowerment: “They are held back by biases in social beliefs, norms, and cultural values. They face discrimination in economic, political and social structures as well as policies, institutions and strategies.” (UN HDR 2015, p 83). Other causes impact women's advancement adversely, in addition to discrimination, and “Too often they are constrained by real and perceived physical insecurity. Violence against women, including domestic violence, is evident in all societies, among all socioeconomic groups and at all levels of education” (UN HDR 2015, p 83). In addition to affecting their capability, violence against women may prove very costly for every country. The UN looked at Australia and Vietnam as examples to measure a number. Such abuse affects the empowerment of females. It is impossible to calculate the full impact on human growth, but attempts have been made to estimate some of the values in monetary terms. Domestic and non-domestic violence against women and children is estimated to cost Australia A\$14 billion per year. Domestic abuse against women in Viet Nam costs about 1.4percent of GDP in missed wages, and out-of-pocket spending to manage health-related violence occurs in Viet Nam, resulting in an average production loss of 1.8percent of GDP (2018, p 84).

Women's empowerment in the South Asian region and Afghanistan poses numerous challenges, owing to society's male-dominated system. Women are viewed and forced to be at home as second-class residents since their primary duty is care-giving. The other significant obstacle to women's involvement in public life and their political participation is traditional religious understanding. However, women in South Asia have been able to participate in various political affairs levels, from voting to competing for top government positions. There are examples of two prominent Pakistani women Benazir Bhutto and Fatima Jinnah, questioning the laws of society by Bhutto as Prime Minister of Pakistan and Jinnah as President who guided Benazir Bhutto to win the Pakistani elections in 1988. (Richter 1990).

Many men's discrimination in interpreting Islam is a threat to women's political activity and exposure to authority. Professor Weiss discusses how women are confronted by using a community's religious ideology against them in her book *Interpreting Islam, Modernity, and Women's Rights in Pakistan*. Spiritual awareness policies in Pakistan explained this. In a general election in 1965, Mohammad Ali Jinnah's niece, Fatima Jinnah, was controversially contested in nationwide presidential elections. Jama'at-i-Islamy and others have supported it. The outcome of the argument was a fatwa or religious statement under which its candidacy has been condoned. The Pakistan People's Party won overwhelmingly during the election in November 1988, and it was expected that Benazir Bhutto would be prime minister. Around the same time, Islamist groups blamed Islam for prohibiting a woman from standing. In knowing this problem, other forces won out. The Fatwa was liberated and stated that the Koran forbade females to serve as President Amir or heads of state. However, women have not been the president of the National Party and the prime minister since there is no cap here, only for the presidency (2018).

In most patriarchal cultures and Afghanistan, religion is used against women since male conceptions allow their dominant position. Any effort to shift the ties of power to pave the way for women's

advancement means a great deal of change, and the best course of tackling this problem is to find a compromise inside religious awareness.

Arab Naz and Hafeez-ur-Rehman Chaudhry emphasize that due to masculine mind-sets' dominance, women in almost all cultures but with varying ways and degrees are the key barriers to women's equality in society. Sex has been a vital classification factor in most world cultures. Whether they were created or not, where men pay more for fair jobs, they control every part of their lives, including political practices and economic matters, educational privileges, the policymaking process, the monopoly on rights, legacy, etc. Women are obstructed from engaging in socio-cultural, economic, and political events during their daily communal life. The constraints put on women are affected primarily by enforced patriarchy, male domination, women's socialization, and women' (2017, p 51).

Measuring women's potential is very complicated because of the complexities of empowerment definitions, but some mechanisms have provided a workable guide to quantify women's empowerment. Narayan-Parker proposed a “Women’s Empowerment Framework of Dimensions and Indicators in the Household, Community and Broader Arenas,” which is commonly used for measuring empowerment. The dimensions entail: physical, socio-cultural, family-friendly, legal, political, and psychological and assess each by improvements in women's empowerment in home, society, and the wider arena. For example, the household level's political dimension looks into women’s “knowledge of political system and means of access to it; domestic support for political engagement; exercising the right to vote” (2005, p 83). At the community-level, it inquiries about “women’s involvement or mobilization in the local political system/campaigns; support for specific candidates or legislation; representation in local bodies of government” (Narayan-Parker 2005, p 83). The broader arenas examine “women’s representation in regional and national bodies of government; strength as a voting bloc; representation of women’s interests in effective lobbies and interest groups” (Narayan-Parker 2005, p 83).



To make empowerment estimation possible, Naila Kabeer and Deepa Narayan-Parker analyze three power factors within the empowerment measurement theory to assess empowerment.: 1) agency, 2) resources, and 3) achievements. They assume that the principles of change vary from others, such as gender equality. Such components concentrate on providing greater equality of choice. The first aspect, agency, demands that women play an active role in the process of transition. Women are a part of bringing change and can increase their ability to make decisions and become motivated by playing an active role. In these systems, women still need to be part of all the solutions and be included in all decision-making stages. The second aspect is resource distribution and access and women who act as potential social and human capital to enable them to make their own choices (2005). Achievements, or the effects and effects, are the third and last part. Finally, the willingness to meet milestones will show whether an entity is wholly empowered or still disempowered (1999). It should be necessary for women to set their priorities and work on those goals. Empowerment would only be deemed accurate if women themselves were directly engaged in the process of getting reform and were included.

Kabeer believes that policy reforms must be carried out so that women share in the policy changes, tracking and keeping the public, private, and all the other actors responsible for their actions in the implementation process. She believes that having access just restricts improvement capacity. Systematic education is vital to offer women the intellectual capability to query and criticize unequal norms and practices (2005).

Women's empowerment is an essential contribution to the international community and national governments' development goals. The efficiency of policies and programs should be tested, and change in women's empowerment evaluated by systemic structures and sitting metrics should make policymakers and the international community responsible for their commitments to women's empowerment (Narayan-Parker 2005). Empowering women is essential not just for women in Afghanistan but also for their growth and prosperity.

#### **4.5. Gender Mainstreaming**

It is essential to know the definition of gender before we move on to speak about gender mainstreaming. Gender is a socially defined role and accountability for women and men. The World Bank describes the term as follows: “The societal, observable, and ethnic traits, perceptions, and standards that come with becoming a woman or a male are referred to as gender.” (Gender Equality and Development Report 2012, p 4). Gender-related concepts represent essential subjects of debate because of inherent gender differences. Since these differences have an immense effect on women, the gender definition begins to involve women. In the sense of numerous countries across the world and across multiple fields, gender differences vary.

Legal status and rights, the domestic and economic separation of labor, violence against women, and sexism are disparate. There are also problems with discrimination. One of the primary examples of inequality within political control globally is the under-representation of women. Analyzing and recognizing gender disparities in power systems is also essential. Without women's perspectives, goals are also established in countries, regions, and cultures. It is crucial to have all decision-making prospects because women and men have different goals, desires, and interests (UN Gender Mainstreaming Report 2002).

Gender mainstreaming was first initiated at the Fourth World Conference on Women, held in Beijing in 1995. Gender mainstreaming is the primary priority for all strategies and initiatives that aim at understanding challenges and developing successful solutions, according to the Beijing Forum for Action Gender mainstreaming (UN Gender Mainstreaming Report 2002). Gender mainstreaming issues the consideration before adopting separate policies on women and men (Dingo 2012). In feminist politics, the gender mainstreaming definition is critically important "because it incorporates a gender perspective in all policies and decisions" (Paterson 2010, p. 395). Gender mainstreaming is a pledge to gender inclusion into all public policy fields, not a separate

policy question of women (Mazey 2000). In principle, at least, policymakers can ensure that gender is included in the legislative framework. Gender mainstreaming is a theoretically comprehensive approach. However, as the above contributions indicate, it is far from obvious how to accomplish mainstreaming in reality. Mainstreaming is a relatively recent approach to governance, and fewer procedural and operational models are available. However, it becomes apparent that the mainstreaming of sex allows more women to be included in public or private decision-making bodies and will have to be redesigned to address women's demands. More specifically, national leaders would also need to review objectively the way policy issues are conceptualized. In the course of introduction reform, the profound cultural and political ideals supported by organizations and large activist coalitions will be called into question (Mazey 2000, p 342-343).

Gender mainstreaming is essential when it is implemented in decision-making and governance systems from a gender perspective. Examining gender policy and decision-making seeks to clarify the effect of diverse decisions and policies on women's and men's lives and ensures all voices are heard. Gender mainstreaming is essential to resolve inequality and social change (Paterson 2010). The UN's emphasis is to make gender experiences a necessary part of the distribution of capital and decision-making processes. The development, execution, monitoring, and assessment of various policies, advocacy, research, standards, and projects also consider sexual perspectives (OSAGI Gender Mainstreaming 2001).

Uniquities and problems linked to gender mainstreaming range from social institutions, faith, community, and history in various parts of the world. Farida Shaheed explored the contextual constraints that could influence their survival, well-being, and networking methods for driving progress for women in the Muslim world. Circumstances vary across the countries for women and, because of the diverse ethnic, historical, and social systems, even Muslim women from different countries, face various inequalities and problems (Afkhami 1995). She discusses how situations affect constraints and boundaries., “Women’s lives are situated in a complex web of influence that

derives from personal and political developments, cultural and structural environments, and local, national and international concerns.” And she adds, “At any given time, this web of influences determines for the individual woman what is probable, possible, or out of bounds” (Afkhami 1995, p 78-79).

Evaluation of this kind of power framework is vital to recognize and integrate gender and commodification concerns “a gendered perspective into all policies, programs, and projects” (Caglar 2013, p 338). “...laws are shaped by socio-economic and political developments; they are imposed by those in power and involve a constantly changing selection of customs, traditions, religious codes and external sources...” (Afkhami and Shaheed 1995, p 86).

Gender integration is essential because it makes it easier for the community to objectively learn about programs, programs, legislation, and regulations that have varying impacts on women and men and allocate money to suit their needs. While I believe firmly in all the government strategies, policies, and regulations that gender mainstreaming is necessary. It is almost as essential to maintaining women's initiatives and services as affirmative action because women have been refused their rights for a long time.

## CHAPTER V

### FINDINGS AND ANALYSIS

#### **5.1. UNSCR 1325 and CEDAW**

Resolution 1325(UNSCR 1325) of the United Nations Security Council on Women, Peace, and Security constitutes the two most relevant international standards for the exclusive promotion of women's rights and inclusion, policy, peace and safety decisions, and the Convention on the Abolition of All Forms of Discrimination Against Women (CEDAW). UNSCR 1325 and CEDAW are two important international documents that promote gender justice agendas after disputes. The two papers support women's rights, and convergence occurs between the two articles; UNSCR 1325 clarifies that all Nations, whether at war or peace, must be able to apply CEDAW. For the introduction of UNSCR 1325, the CEDAW offers an excellent strategic direction. Acting with these documents together raises the effect of dispute and post-conflict fields of gender equality (UNWOMEN 2006).

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

The two international most important standards which concentrate solely on women's rights are UNSCR 1325 and CEDAW. These documents may be used as primary instruments for the advancement of women and gender integration. The three critical facets of women's empowerment philosophy are discussed in these documents: I: resources; II: agency; and III: accomplishment. These documents advise States to incorporate gender in all the other policies and rules and encourage the UN Member States to take specific steps to implement policies that deal with women's rights-related issues.

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

Most survey participants referred to UNSCR 1325 and CEDAW as a potent weapon to keep the government accountable for promoting, protecting, and encouraging women's rights in decision-making. This paper helps us keep the government responsible for ensuring that women's rights are completely secured and for taking steps in post-conflict countries such as Afghanistan to avoid various forms of abuse and harassment. Ensure the inclusion of women at all stages of decision-making in various fields. Most notably, ensuring that women's experience is incorporated into decisions and procedures surrounding peace and security.

UNSCR 1325 and CEDAW both serve as a valuable tool for feminists, women's organizations, and other stakeholders to campaign for women's dignity and involvement in peace processes and keep their respective governments and other participants liable. One of the opinion leaders emphasized the same point by saying, "1325 is a tool, through which all we, Afghan nation and women, can stand with the women of Afghanistan to promote and create an enabling environment for them to include them in all the national processes at all levels: from policy decision-making to grassroots implementation of those policies." And regarded CEDAW as "It's a universal declaration which provides comprehensive guidelines to government and authorities to protect, respect, and fulfill the rights of its citizens, specifically women, and girls." Another research respondent believes "CEDAW can play a major role if the government incorporated its provisions in the existing and future laws and policies."

Although due to the lack of knowledge regarding international law, one of the judges thinks it may not be considered a good tool in Afghanistan. Judge Najla Ayubi said, "I believe it is easy to introduce more prosperous countries rather than for countries as Afghanistan where even the individuals responsible for enforcing them are inadequate in the degree of awareness of these foreign laws and regulations." She claims that there is a need for enormous education and

knowledge growing initiatives regarding foreign laws within the implementation agencies and the general public.

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

Women represent almost half of the people of Afghanistan, and women will also be involved in the peace process and contribute to further prosperity. Women and men with their views of confrontation. Women's experiences are also essential to the study of violence and the production of peace mechanisms. Inclusiveness is vital to ensure the longevity of the peace process. United Nations Security Council Resolution 1325 underlines the importance of women's participation in the peace process, decision-making, and peace talks participation. The mindset of treating women as victims needs to shift to promote women's involvement to survive peace and stability (USIP).

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

The USIP delegate concentrated on integrating women as part of a permanent solution for stability by saying, “It means that women’s perspectives, priorities, ideas, and opinions are essential to developing sustainable solutions to conflicts that affect everyone.” One NGO leader said, “Women should be central actors for sustainable peace and security.” and went

on, “Based on my understanding, 1325 emphasizes the fact that sustainable peace is impossible without the active participation of women.”

In a more stable, egalitarian nation governed by statute, Benard (2008) suggests that women's participation and acceptance of gender parity play a key role. His research shows that national buildings will be more secure if the standard emphasis on defense was seen from human welfare. He insists that equity and an ordinary rule of law should be the nation's foundation from his starting point. Women can significantly be active from the early stages of the reconstruction period.

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

#### **Afghanistan**

Afghanistan suffers from a lack of the rule of law, poor governance, pervasive inequality, the prevalence of customary rules, and justice delivery practices at the local level as a post-conflict region. Financial regulation concerns, rising poverty prevalence and low perception among women about their rights, absence of democratic will among firm state officials other than the current President, high instability, lack of enough resources, and lack of enough pressure by women act are some of the significant obstacles noted by the research respondents. Furthermore, temporary international community programs and agendas for women's advancement and social opposition to international legislation due to implementation agencies' lack of recognition of UNSCR 1325 and other international human rights laws. One of the Parliamentarians, who was also a participant in my study, stated a shortage of money for supporting the National Action Plan for UNSCR 1325 implementation.

Smith also analyzed some obstacles for international human rights treaties to be implemented in Afghanistan and explained in his article that the Afghanistan administration recognizes that



the country's legal framework is not functioning efficiently. The government is trying hard to restore the rule of law and reform the country's judicial system. Moreover, as international human rights laws are not entirely integrated into Afghan regulations and policies, they pose a further challenge to their implementation. UN agencies' work in Afghanistan is not based on a human rights approach (2009).

Regardless of these barriers, legislation and regulations allow women to participate entirely in society, especially peace and safety-related women in the public arena and political will at the presidential level. A judge said, "The foundation of women's legal rights is in the Afghanistan Constitution, which broadly guarantees women's right and their access to different services and political participation. At the same time, Electoral law and National Action Plan for Women of Afghanistan can be counted as a framework for targeting the promotion of women's rights." Another research response stated that "Starting from the most authorized legal framework, which is the constitution, ANDS, NAPWA or we can say the foundation of women participation at different levels supports the implementation of UNSCR 1325." The Member of Parliament said, "Apparently the presence and interest of the international community, donors support, presence of women rights defenders, women NGOs and networks and media could support NAP implementation. After many years of advocacy, we were able to have NAP now finally."

To comply with Afghanistan's international human rights laws, understanding women's empowerment's complexities is necessary. While specific legislation and policies are significant considerations, they are not enough; the Afghan rules and procedures require a broader gender analysis. Women's empowerment would demand a systemic change of patriarchal attitudes among the institutions and structures, including the parliament of Afghanistan, the judiciary, the Afghan National Police, the Afghan National Army, the civil services, and civil society groups' intricate nature. The inclusion of gender in all laws and policies would enable change to pave the way for

women's empowerment. Gender mainstreaming allows the government to comprehend better various projects, programs, policies, and legislation and analyze their multiple effects on women and men and utilize resources to meet the multiple needs of women, and view females as social and human resources over time.

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

Afghanistan signs nearly all core international treaties on human rights. The Afghan Constitution requires that the Afghan Government stay true to regulations of the international human rights treaties. Article seven of the Afghan Constitution requires that "The state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights . . ." In 2001, the Bonn agreement formed a relationship between Afghanistan and the international community. Afghanistan signed the Afghanistan Compact at the London Conference in 2006 when the Bonn Agreement was concluded in 2005. This compact builds on Afghanistan's partnership with the world community and emphasizes peace building and rebuilding. The Compact aimed to strengthen Afghanistan's stability, government, the rule of law, human rights, and economic and social development (NAPWA 2007). It is the government's responsibility to recognize that duties are complex (Denhardt 2015). The Afghan government accounts nationally and worldwide for a broad range of stakeholders, given Afghanistan's economy's reliance on international aid and international partnerships and Afghanistan commitments.

As part of the UN system, treaty bodies monitor the state governments' implementation of the core human rights treaties. The treaty bodies are referred to as Commissions for Human Rights Surveillance and consist of state-elect independent experts. The individual experts in the committees should be unbiased and aimed at performing their duties. After the States have become

parties to any human rights treaty, the State Parties shall present an earlier report on significant progress in fulfilling their responsibilities under the Treaties and regular reports on significant progress. There are different timelines of the various human rights treaties (United Nations Human Rights Council).

CEDAW's first report was due in the first year, and constant updates are due every four years or upon the committee's special request. The initial ICESCR report will be due every five years for the second year after signing. The bodies shall submit concluding observations or recommendations to the state parties after they receive their report. They may also, where necessary, hold a dialogue, initiate investigations, or carry out investigations by visiting the States parties. The committee also follows up on the States' advisement concerned with improving human rights (United Nations Human Rights Council).

Civil organizations also have an important role as monitoring agents in this process by participating in the State report or the government report preparing a shadow report. Based on their research and findings, civilian society organizations can submit a separate progress report on human rights in the country. This allows the commission to assess whether governments are fair in their responsibility to the International Treaty on Human Rights (United Nations Human Rights Council).

The largest human rights body, the Human Rights Council, was established in 2006. This human rights agency was created to complement the function of existing mechanisms—besides the success and difficulties in the daily assessment and prosecution of State parties. The human rights mechanism enables the States Parties to accomplish their duties according to the Treaties' regulations. The foundations for its work are the UN Charter, the Universal Declaration on Human Rights, and the States' International Tracts on Human Rights (United Nations Human Rights Council).

The Government of Afghanistan is ultimately responsible for guaranteeing equal rights and establishing a non-discriminatory environment for Afghan citizens under the Afghan Constitution. Furthermore, To signify the main international Human Rights Treaties, the Afghan government ensures compliance with international treaties' commitments. The government must honor its international obligations to sustain its relationship with the international community.

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

Afghanistan has ratified nearly all of the main international human rights treaties. It allows states to amend and confirm all national legislation and practices with the clause of international conventions to be signatories of any UN convention. Ramcharan highlights the need to integrate all of the universal human rights conventions into domestic laws and policies. The treaties take precedence over them where the national rules or practices are in disagreement with the international treaties. Governments must also take special steps to enforce certain treaties by introducing a national security scheme to ensure consistency with their terms (2011). The human rights organizations advocate three central values of human rights: 1. Universality, 2. Equality, 3. Justice. These values provide the basis for establishing a global culture of human rights by promoting freedom and justice for the human race's future (Ramcharan 2011).

According to a human rights treaty, the State Parties are required to order a survey. This control mechanism is in place “to illustrate the degree of real stratification of the convention's privileges and freedoms” (Ramcharan 2011, p. 190). The monitoring process also serves to ensure that state parties fulfill their obligations. To ensure that national parties conform their federal rules and policies with the international conventions, reports will be submitted to the Human Rights Council and the relevant committees for each way (Ramcharan 2011).

The international community and national governments can devote money to enforce international human rights treaties. To put federal laws and policies in line with international treaties, all state

parties can guide resources. Systematic coordination between nations and international and regional organizations is required to steer efforts towards a shared objective of understanding human rights' values (Ramcharan 2011). Ramcharan established a legal reference list to support authorities, politicians, and advisors in ensuring that international human rights conventions are enforced. The list includes:

Firstly, upon adoption, a human rights convention must be adopted into national law, prioritizing any contrary national law or procedure. Secondly, in conformity with the treaty obligation, a government must set up a national security mechanism to ensure that its obligations are complied with. Thirdly, Governments have a responsibility to act precautionary actions against breaches of the human rights treaties' commitments. Finally, Human rights treaty commitments are better met in the context of democracy and the rule of law (2011, p. 1).

Since the signing of international human rights treaties, it has been the government's prime obligation to pave the way for their enforcement by improving the rule of law and legislative processes and enacting relevant national and domestic regulations. Women in Afghanistan will be greatly empowered by international human rights and those focused solely on women's human rights. Women's empowerment is a critical link in Afghanistan's growth. Women make up about half of the workforce, but they are underutilized as assets to the nation in building plans.

## CHAPTER VI

### RECOMMENDATIONS AND CONCLUSIONS

#### **6.1. Recommendations**

The government of Afghanistan, Afghan civil society, and the United Nations have all received research-based recommendations. The Afghan government has adopted policies and laws to ensure women's empowerment and rights, such as the National Action Plan for Women in Afghanistan, the Elimination of Violence Against Women, and the National Action Plan for Implementation of UN Security Council Resolution 1325. Given the present status of women's human rights, specific measures must be taken to integrate gender into all Afghan laws and regulations to comply with international human rights principles. By strengthening the rule of law and combating corruption, the government must also pave the way to implement international human rights treaties.

At the state, national, and international levels, civil society organizations will play a significant role in promoting international human rights treaties. Furthermore, civil society should support the Afghan government in increasing international human rights treaty recognition. Also, civil society organizations can exert significant pressure on the Afghan government to act as a watchdog, ensuring that women's human rights are upheld and that women will participate in decision-making at all levels, ensuring that their priorities are mainstreamed. Civil society organizations can also push the government to develop monitoring and review mechanisms to ensure that all facets of international human rights conventions are represented in national laws and policies.

UN organizations in Afghanistan and treaty bodies will play a vital role in advising the Afghan Government to implement human rights treaties into Afghan domestic legislation and rules. The

UN will leverage foreign donors and their member state governments' agendas to distribute funding to enforce international human rights treaties in Afghanistan. UN agencies in Afghanistan should assist the capacity-building of related government organizations in responding to international human rights treaties' provisions.

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

The Afghan Government is responsive to all its citizens. Under the Afghan Constitution, it is responsible for ensuring equal treatment and maintaining a non-discriminatory atmosphere for all its citizens. Also, it is the responsibility of the Afghan Government, which is a signatory to the main international human rights treaties, to ensure that national legislation and policies are consistent with international treaties. The Government must honor its foreign obligations.

The Afghan Government has several policies and regulations to ensure women's rights and equality in the region, such as the National Action Plan for Women in Afghanistan, the Reduction of Violence against Women, and the United Nations Action Plan to adopt the United Nations Security Council Resolution 1325. However, they are not enough. Broader gender mainstreaming steps are mandatory for all other Afghan laws and policies to ensure that the government complies with international human rights legislation. The judge who took part in my study stressed that the government should “evaluate the current legislation to fix the gap in in-laws and regulations.”

Given the Afghan Government's progress and the creation of the UN SCR 1325 National Action Plan, a special Committee of feminist women and men would facilitate and monitor the UN Security Council Resolution 1325. “Government must place the NAP implementation as one of its priorities,” according to a Legislative Study Participant, who also suggested “forming a committee of powerful women activists or civil society to monitor the development and respond to the president.”

The Government of Afghanistan is responsible for the briefing to UN treaty bodies on the application of CEDAW and United Nations Security Council Resolution 1325. The Government must also ensure that all provisions of both documents are integrated into national regulations and policies. Any substantial regulatory reform steps are taken to ensure the enforcement of international human rights treaties.

According to the plurality of research participants, the Afghan Government, with the assistance of civil society groups and UN agencies, must conduct a wide variety of awareness-raising campaigns on international human rights treaties for military personnel, police officers, legislators, and the general public as civil society organizations; have expanded access to remote parts of Afghanistan and UN agencies in terms of knowledge and finances.

The Afghan government should adopt a clear plan for all ministries to raise awareness of the government's role and obligation in ensuring international human rights treaties. One of the research respondents believes that the “Ministry of Women’s Affairs can take the lead and work with relevant ministries to mainstream gender into their policies as per the requirements of international human rights treaties.”

According to the research participants' recommendations, the Afghan Government should seek to create a robust forum for national and foreign NGOs to organize successful initiatives to enforce international human rights treaties.

According to many study participants, the Afghan government lacks Afghan women's mechanism to participate in peace processes. Women should be included in peace committees at the state and national levels, according to opinion leaders. Women should be included as third parties in every peace agreement, and their inclusion in peace negotiations should be mandatory.



The Afghan Central Statistical Office has been asked to gather gender-disaggregated statistics, subject to a more obvious initiative. Gender-disaggregated data will enable the government to evaluate its progress in decreasing gender disparities and closing gender gaps. It will assist in creating and implementing policies affecting women's rights and equality in the country and provide gender-disaggregated outcomes.

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

Civil society can play a crucial role in helping the Afghan government foster recognition of foreign conventions on human rights. Civil society should provide technical advice to ensure people know about Resolution 1325 and other international human rights treaties of the United Nations Security Council. Civil society should press the government of Afghanistan and watchdog to ensure that women are equally represented in the security sector's peace processes and leadership and ensure women's rights. Civil society should also advise the state to establish monitoring and evaluation mechanisms and ensure the implementation of all national laws and policies of the international human rights treaties. Further, the role of civil society in local, national, and foreign advocacy would be beneficial. One leading NGO said, "Civil society must collaborate, among the other international human rights instruments, with the Government to raise awareness and adopt Resolution 1325, and the CEDAW."

Some of the decision-makers who took part in my research thought civil society groups focused heavily on teaching women about gender and women's rights. To alter gender roles, the decision-makers preferred that education and awareness programs involve both men and women. Participants in the study believe that network organizations with thousands of NGOs and individual members, such as the Afghan Women's Network and the Agency for the Coordinating Body for Afghan Relief, should conduct global advocacy initiatives for their member organizations.

Development, wellness, and women's groups, among others, must engage in a meaningful and concrete conversation with the government on human rights, women's civil rights, and gender mainstreaming. "Civil society acts as a bridge between government and people," said study participants and parliament members. Civil society organizations are more responsive to civic demands and could play a critical role in addressing some of the most pressing challenges about women's human rights and empowerment." "Civil society organizations should use international human rights conventions as a platform to lobby for half of the population's rights and empowerment," she said, "for performing their position in a more substantive way and stronger advocacy." She also claimed that the government "gets its authority from women's votes" and that "women empowerment" is a priority.

Women NGOs can track the enforcement of international treaties on human rights, particularly those that focus solely on human rights for women. According to the study defendant and the Member of Parliament, "I believe Civil society is the only party worried about the application of UNSCR 1325 and CEDAW." She said, "As a result, they would work hard to ensure the completion of UNSCR 1325 National Action Plan by creating a pressure group to prioritize UNSCR 1325 in their campaign agenda," Since she feels that "constant campaigning on a national and international level will have a significant effect."

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

In urging and forcing Afghan authorities to implement all human rights treaties into Afghan domestic legislation and policies, UN agencies in Afghanistan can play a vital role. UN authorities urge Afghanistan's government to file an appeal to ensure the international human rights treaties are upheld. To facilitate the enforcement of international Human Rights Treaties in Afghanistan, the UN will affect international benefactors and their Member State governments' agendas. The United Nations agencies in Afghanistan should facilitate building the related

government institutions' capacity to answer international treaties' provisions on human rights. According to a USIP official, "Make sure that the government doesn't collapse!! Bring continuity to the structure and create stability." United Nations agencies should urge the administration, as outlined on two key documents: UNSCR 1325 and CEDAW, to prioritize international human rights obligations, including women's rights.

The UN Security Council would set up an oversight process to ensure international human rights treaties' enforcement. To track the enforcement of international human rights legislation and resolutions of women in the region, the Security Council should create a working group and taskforce.

The UN Secretary-General's Envoy for Afghanistan has to keep through with the Afghan Government to meet its foreign obligations. According to one opinion maker, "[The] The United Nations should also address the agenda with the leadership of the nation to ensure that the government and the appropriate institutions are currently following the agenda."

The UN agencies' staff in Afghanistan should be qualified and kept informed of the UN conventions and resolutions, particularly those concerning women's human rights. The UN should ensure that there is appropriate cooperation among UN agencies within the region.

UN organizations in Afghanistan should establish local language mechanisms and materials to increase awareness of the UN treaties and resolutions. Another researcher in the study stated, "The United Nations should conduct campaigns on the position and value of international human rights conventions for the community."

Together with the Afghan Government, UN agencies in Afghanistan can recognize primary barriers to UN conventions and resolutions. Establish a process to resolve these obstacles and promote the enforcement of universal human rights treaties.

## 6.2. Conclusion

Several decades of war have brought great harm to Afghanistan, with huge unsteadiness, human misery, and mass displacement. It disrupted the country's fiscal, social or legal systems and badly weakened political services, systems, and organizations. Destruction has led to the deterioration of the new government's capacity to uphold the rule of law and enact human rights legislation globally. Women's human rights in the country are jeopardized by a lack of the rule of law, meaningful democracy, widespread corruption at all levels, and a reliance on traditional legislation and informal justice practices at the local level. Women's human rights in the country are jeopardized by a lack of the rule of law, meaningful democracy, widespread corruption at all levels, and a reliance on traditional legislation and informal justice practices at the local level.

The war has not only harmed the structure, but it has also had a huge effect on Afghan women's rights. Women have endured enormous traumas, such as gang rape, sexual attacks, and other forms of violence. These have taken place frequently in the last three decades (Naiz 2003). Women were pushed out from all public spaces under the Taliban rule – including schools, jobs outside the home, and political participation. The Taliban prohibits women from civil life and public life (Telesetsky 1998). A new democratic constitution has been established after the Taliban's failure and implementing the Bonn Agreement. Many women were willing to return to college, research, and struggle for their right to be part of the legislature.

Despite main impediments, there are appreciative laws and policies and political will at the legislative level to ensure women's full transparency and accountability of decision-making, particularly peace and security and all social spaces. The Government of Afghanistan has implemented and ratified several international human rights treaties and has developed national laws and measures to assist women's rights. The Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Elimination of Violence Against Women Law, the National Action Plan for Women of

Afghanistan, the Afghan National Development Policy, and, most notably, the backbone of support for women's rights legislation, strategies, and activities are all found in these documents: “Any form of discrimination or distinction between Afghan people is prohibited. Afghan people, both men, and women have equal rights and responsibilities under the constitution.” Afghanistan, a signatory to almost all international human rights treaties, is responsible for associating its national policies and laws with the agreements' stipulations to prioritize national legislation. These documents promote the representation of women in the educational, economic, cultural, and political spheres. Supporting policies and legislation can only be beneficial if they are successfully enforced. The security of the future of Afghan people relies on the implementation of the rule of law. Bad governance, systematic structural abuse, and domestic judiciary procedures at the local level are the main factors that impede the legal system's performance. These problems also block security and stability reforms in Afghanistan (Esposito 2011). Slowly but steadily, the rule of law's development would promote the enforcement of all human rights regulations and provide Afghan women with the protection they demand at all tiers. Present Afghan President Ashraf Ghani considers women's rights to be one of his goals (DW 2015). Afghanistan signed a new Action Plan for the adoption of Resolution 1325. This is a positive step in taking into account Afghanistan's diplomatic obligations. It is necessary to note that women's participation and the recognition of gender equality play a key role in creating a more inclusive modern democracy ruled by law. Women should be involved in the rebuilding process from the early stages of nation-building in ways that will make more successful and better results (Benard 2008).

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## APPENDIX A

### UNSCR 1325 TEXT

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

The Security Council<sup>7</sup>,

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

***Recalling* also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third**

**Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,**

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

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

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

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

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<sup>7</sup> <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3CF6E4FF96FF9%7D/WPS%20SRES1325%20.pdf>

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

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

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

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

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

- 1. Urges Member States to ensure increased representation of women at all decisionmaking levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;**
- 2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;**
- 3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;**
- 4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;**
- 5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;**
- 6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programs for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;**
- 7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;**
- 8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;**
- 9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;**

- 10. *Calls* on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;**
- 11. *Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;**
- 12. *Calls* upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;**
  - 13. *Encourages* all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependents;**
- 14. *Reaffirms* its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;**
- 15. *Expresses* its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;**
  - 16. *Invites* the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;**
  - 17. *Requests* the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;**

APPENDIX B  
CEDAW TEXT

Convention on the Elimination of all Forms of Discrimination Against Women Full text<sup>8</sup>

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

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

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

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

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

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

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

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with

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<sup>8</sup> <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

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

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

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

## **PART I**

### ***Article 1***

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### ***Article 2***

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

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

***Article 3***

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

***Article 4***

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

***Article 5***

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on

the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

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

***Article 6***

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

**PART II**

***Article 7***

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

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

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

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

***Article 8***

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

***Article 9***

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

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



### **PART III**

#### ***Article 10***

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

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

#### ***Article 11***

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

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

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

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

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

### ***Article 12***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

### ***Article 13***

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

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

#### ***Article 14***

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

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

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programs;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

### **PART IV**

#### ***Article 15***

1. States Parties shall accord to women equality with men before the law.

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

#### ***Article 16***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage;  
  
(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;  
  
(c) The same rights and responsibilities during marriage and at its dissolution;  
  
(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;  
  
(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;  
  
(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;  
  
(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;  
  
(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
  2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## **PART V**

## *Article 17*

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### ***Article 18***

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

- (a) Within one year after the entry into force for the State concerned;
- (b) Thereafter at least every four years and further whenever the Committee so requests.

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

### ***Article 19***

- 1. The Committee shall adopt its own rules of procedure.
- 2. The Committee shall elect its officers for a term of two years.

### ***Article 20***

- 1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
- 2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

### ***Article 21***

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

### ***Article 22***

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

## **PART VI**

### ***Article 23***

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained: (a) In the legislation of a State Party; or

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

### ***Article 24***

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention. ***Article 25***

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### ***Article 26***

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

### ***Article 27***

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

### ***Article 28***

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

***Article 29***

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

***Article 30***

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

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

**APPENDIX D RESEARCH  
QUESTIONNAIRE**

1. Do you know what Resolution 1325 is?



2. What does Resolution 1325 mean to you?

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

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

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

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

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

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

9. Do you know what CEDAW is?

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

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

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

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"Thank you so much for your kindly cooperation."