

## **”We were full of hope for a better future...”**

### **Position paper by *medica mondiale* on the situation of women in Afghanistan, July 2010**

**“We were full of hope for a better future. And many of us have worked to improve the life of women. But now it is getting more and more difficult each day to continue this work. It is quite simple: unless international community extends its support, we are unable to continue the work**

**Humaira Rasuli, Director of *medica mondiale* Afghanistan**

#### **1. “Each day I live in fear” – The pressure on the women is growing**

Nine years after 11 September and the start of the operation “Enduring Freedom“, which justified its commitment not only with the hunt for terrorists, but also with the fight for women’s rights, the situation of women and girls in Afghanistan is still catastrophic.

87 per cent of all the women “are beaten on a regular basis“, according to UNIFEM survey. 80 per cent of all the marriages are concluded under compulsion, half of all the wives are below the age of 16. Hence high is the number of pregnancy risks and maternal mortality. If these girls elope their husbands who often are much older than they are, they often end up in prison – without legally valid indictment, for their ‘crime’ does not exist in the Afghan criminal code of law contrary to the presumption of many policemen, prosecutors and judges.

According to UNAMA (UN Assistance Mission in Afghanistan) rape is common place “in all parts of the country“. Raped women are considered to be guilty of the crime, which is why they rarely publicise the crime or even report it to the authorities. UNAMA: “The current reality is that ... women are denied their most fundamental rights and risk further violence in the course of seeking justice for crimes perpetrated against them.”

The number of women who consider suicide to be the only way out of their desperate situation is growing. According to a report by Institute for War and Peace Reporting (IWPR), the number of suicides committed by women has grown within the year 2009 by 50 per cent in the province of Herat alone. For the last six months the Regional hospital reports 85 cases of self-immolations and self-poisoning (Petroleum or rat poison are often the only means for committing suicide for those women who are relegated to stay inside the house), 57 women died of it. Hamida Hussein of the department for women’s issues in the regional government explains: “If nothing is done to address the rising number of suicides in the province, the loss of life will reach unacceptable levels.”

Along with this every day violence in the families the pressure is currently growing on women who commit themselves for attaining their rights.

- With so- called ‘Night Letters’ women are threatened massively. These threatening letters and also the scenes of rape passed on via the mobile phone are sent anonymously as bulk mail or sent specifically to singular female activists. The Afghanistan NGO Safety Office (ANSO) writes in a security report dated May 2010, thus, for example, entire villages are terrorised, and requested not

to cooperate with organisations, which collaborate with the government. Author of the Night Letters are “Armed Opposition Groups“, i.e. Taleban or other radical rebel groups close to the Taleban.

- These groups turn their threats into a reality. Among the women who were killed last year, were Sitara Achakzai, a women’s rights activist and member of the provincial parliament of Kandahar, the journalist and women’s rights activist Zakia Zaki or Malalai Kakar, the highest ranking police woman of Kandahar. The actress Parwin Mushkatel, who left the country, after her husband was shot, explains: “The atmosphere is getting worse every day. Women are decreasingly able to work.” Those who still do are in fear of death. “Each day I live in fear“, an employee of an international Non-governmental organisation (NGO) told the Journalist Ann Jones in a report on the situation of Afghan women. Three of her female colleagues were abducted, beaten, tortured and threatened by death, if they continued to work for the NGO.

The UNAMA Report on the situation of women states: Women’s organisations, female journalists and the female members of Parliament – 25 per cent according to the quota stipulated in the Constitution – are massively intimidated, especially since the Parliament is “controlled by fundamentalist warlords“. The report quotes one female member of Parliament: “Most of the time women don't dare even say a word about sensitive Islamic issues, because they are afraid of being labelled as blasphemous.”

Due to the deteriorating security situation *medica mondiale* Afghanistan had to close the office in Kandahar in 2008 and put the work there on halt. Since mid-2009 *medica mondiale* Afghanistan only works within the boundaries of the cities of Kabul, Herat and Mazar.

- In May the Religious Council in the province of Herat took a decision which continues to massively curtail the freedom of movement of women: Women should not be longer allowed to travel without a ‘mahram’, i.e. without a male escort. “If women go to work or vocational training or other purposes without a mahram, this contradicts the Sharia“, the Council declared. “Even though Islam provides for education for both women and men, according to Article 3 of our Constitution no action which is against the Sharia can be accepted. We call upon all of the fathers and brothers to protect the dignity of the women and not to allow them to do such acts. We call upon the Afghan government to prevent such acts against the Sharia in this Islamic country.” The Council expressly forbids women to work for a foreign NGO.
- “It appears that some provinces would like to prepare the ground for the Taleban with such decisions“, the head of the Legal Aid Department of *medica mondiale* Afghanistan fears. Even though this body is not an official legal instance and stands for a highly conservative interpretation of the Sharia, the decision is an expression of the current situation and has considerable weight. The change in the political climate also drew consequences for *medica mondiale* Afghanistan: One female co-worker in Herat had to resign due to the pressure coming from her own family, another female co-worker was threatened with divorce by her husband, for she travelled to Kabul without him. Another female co-worker had to move to another apartment following massive threats.

In February 2009 President Karzai signed the “Shiite Personal Status Law“, which caused a stir throughout the world. The law that Karzai apparently wanted to secure the votes of around ten per cent of the Shiites prior to the Presidential elections in August of 2009, defined women as slaves who don’t have any rights on their own body and other basic rights. This passage was eliminated again following local and international protests, other rules on the law of succession or divorce law remained in place,

There are some in parliament and in the ministries who do not even consider women as citizens. Such men deem our efforts to improve the lives of women ‘unIslamic.’” Women working on behalf of women often face charges of importing Western ideas and denying Afghan values. Some of these politicians are opposed not only to women’s rights but to all liberal values, including liberal Islamic values

## 2. The London-Conference: No “Afghanisation” without women’s rights

**”The international community in former times used to exert pressure on the government. Now it no longer does so. Women did not have a voice at the London Conference on the future of Afghanistan.”**

Humaira Rasuli, Director of *medica mondiale* Afghanistan

On July 20 the continuation of the London Afghanistan Conference will take place in Kabul. At the London-Conference in January 2010 the so-called “Afghanistan“ was voted among other things, that means the successive hand-over of the responsibility for military security to the Afghan government. Within the scope of this changeover the West withdraws at the same time from its duties, to strengthen human and women’s rights and to support the democratisation of society. In principle the “Afghanisation” is appreciated, however, currently it would be fatal due to the massive errors, which the military forces and the international community committed in rebuilding the country:

- Right from the start, the establishment of the state was wantonly neglected by the international community. This applies especially to the establishment of Justice and Police. Germany has taken on a leading role in the establishment of the police system. After the most recent increase in the funds the training of Afghan policemen and women (6-8 weeks of training) continues to be absolutely inadequate. What is especially missing is a concept of the rule of law and the orientation at human rights. Thus German policemen who according to the new concept of “Partnering“ are out in the villages together with their Afghan colleagues, still report brutal invasions by Afghan Policemen. Right from the start it was a mistake, to put warlords on the government bench. how can one establish a democracy with adversaries to democracy?
- In the justice system despotism and discrimination continue to be a daily occurrence. Many judges and prosecutors still lack constitutional knowledge. Corruption and massive procedural errors on all the levels of justice are a daily occurrence.
- Organisations of the civil society never took central stage in the establishment of the state. Especially women were never considered to be the overriding target group, so that women’s rights organisations were hardly able to profit from international programmes. This now takes its toll, since one is not able to continue rebuilding on sustainable structures. This means: The change in strategy toward the enhancement of the rebuilding of civil society which the German Federal Government announced after the London Afghanistan Conference is welcome but comes way too late. The amount of 10 million Euros which the German Federal Ministry for Economic Cooperation and Development allocated for 2010 as NGO-Facility does not encounter functioning structures. In addition, the prevalence of the military strategy clearly continues to be valid.
- What considerably complicates the establishment of the state and the trust of the population in the state apparatus is the existing climate of impunity: In December 2009 the Parliament enacted a law which makes war crimes of the last 30 years exempt from punishment. Thus warlords and other war criminals in Parliament, the government and public authorities remain unchallenged. The international community readily accepted this ‘Amnesty law’. At a so-called Victims Jirga in Kabul in May hundreds of participants have vehemently contradicted this position.
- A pullback of the international community carries the risk that the climate which is already increasingly conservative and extremely threatening for women continues to get worse. The ones who would suffer the most from this development were the Afghan women.

### 3. The Kabul-Conference: Women's rights must not be negotiable!

**"If the conflict is to be wound down, real compromises will have to be made on the constitution, women's rights and civil liberties."**

Afghan Scene, most popular English language Magazine for Expatriates in Afghanistan, June 2010

The fear that the future development which Kabul Conference shall prepare the ground for will have catastrophic consequences for Afghan women, applies especially if shortly the Taleban will be at the negotiating table as partners for the peace talks. As the former Head of the Pakistani Secret Service Hamid Gul declared, the conditions of the Taleban for seizing the combat operation are the following: Withdrawal of the foreign troops, deposition of President Karzai and the introduction of the Sharia – which means a very conservative interpretation of the Sharia. Admittedly, the Constitution even does not allow laws which contravene the Sharia; the decisive factor here is, however, how the Sharia is interpreted.

Women's organisations fear that the women's rights – which they arduously fought for – could be subjects for negotiation to play to the Taleban. In view of the fact that the international community has lost sight of women's rights for years and it does not react in regard to the growing attacks and threats, the fears voiced by the women can be considered to be more than justified.

This also showed at the "Peace Jirga", which took place at the beginning of June. The traditional assembly by around 1,600 delegates debated a possible path towards peace. Even though the share of women was above 20 per cent with around 400 – and thus the obligatory quota was formally observed – in reality the women were not able to voice their concerns. A relevant critical monitoring of the event, partly financed by the German Gesellschaft für Technische Zusammenarbeit, a federally owned organisation, with a half a million Euros, by German Institutions did not take place.

"A rapid look at the participants further undermines the hope of any outcome that would entail an end to the ongoing violence or even a step towards such a vision", Wazhma Frogh writes who is a young Afghan Women's Rights Activist, in her blog on the website of the "Afghanistan Analysts Network". "The famous men who became the driving forces of the agenda and mandate of the Jirga, do not have any track record that can be linked to peace and security. They are the so called warlords and faction leaders that fought each other and ruined cities and killed Afghans during the civil war and today enjoy a superior status among the government and society with cruel impunity for their current and past injustices and war crimes." And further: "During the three days, no plenary speech opportunity was offered to any woman to express women's concerns and perspectives on what could happen if Taliban militants were incorporated in the government or on other social and political processes."

Following the Peace Jirga ten Afghan women's organisations spoke up. On the initiative of *medica mondiale* Afghanistan and Afghan Women's Network, the women who are organised in the Peace-Building Network gathered together and said in a joint declaration: "The Afghan women will not accept a peace negotiation

which causes any harm to or loss of the achievements they have gained over the last ten years." In this sense they demand a suitable participation of women in the upcoming Kabul-Conference.

### 4. Mingling of Military and Human Rights Work /Development Cooperation – the wrong strategy

**"We seriously ask the international military forces to avoid all kinds of mistakes during their operations that result civilian casualties. We ask them not to repeat the mistakes. The Afghan people are tired of hearing repeated statements of apologies of the NATO forces to Afghan citizens."**

Afghan Women's Network in a declaration on 8 March 2010

The Western troops are responsible for one third of the civilian deaths due to the so-called Collateral damage. The Afghan population is more and more sceptical with regard to the international mission.

Against this background, it is especially fatal for the work of human rights organisations, that a baleful intermingling of military actions and civil commitment takes place. This is done above all by the "Provincial Reconstruction Teams", which have picked up their task since the end of 2002: Soldiers, who are subject to the command of NATO, perform reconstruction work, for example by building wells and schools. The declared aim is to "win the hearts and minds" of the people. However, the military cannot be a factor for development!

Along with the growing number of civilian casualties of the military missions, which reduce this aim to absurdity and due to the mingling of the military and humanitarian mandate, the danger is that the population no longer considers the work of human rights organisations such as *medica mondiale* to be politically independent, but rather as a part of the military and its political aims. That these aims do not so much rest in fighting poverty and the democratic rebuilding of the country, but rather in "fighting terrorism" (which at international level led to a rise in terrorism) and the geostrategic importance of Afghanistan as a transit country for oil-pipelines, is no secret to the Afghan population. The recent report on natural resources, which promises revenues worth billions to foreign companies, contribute to the impression that the measures taken for the 'Establishment of peace' and establishment of the state can be considered at best a means to an end and half-hearted accordingly.

Now Development Minister Dirk Niebel has continued to aggravate the problem by pushing the strategy of "Networked Security", which expressly stipulates the combination of military and human rights actions. Within the scope of the German change in strategy toward an intensified civil rebuilding ("Development Offensive") the Minister ties the financial backing of organisations dealing in development cooperation and Human Rights Organisations to the acknowledgement of the Afghanistan-Concept of the German Federal Government. Minister Niebel explains the principle of "Networked Security" as following: "To me, networked security means closely coordinating our development policy, foreign policy, defence policy and other policy fields with a view to working together toward common goals. Networked security to me also means military and civilian organizations mutually complementing each other's work, for instance in the reconstruction effort in Afghanistan." For Human Rights Organisations this linkage is highly problematic and a change of paradigm in the cooperation between the ministry and NGOs: „For the first time in the history of the cooperation between the Federal Ministry for Development and the non-governmental organisations, the allocation of aid funds is tied to political guidelines, which are aimed at including our work into a political and military overall strategy“, the Association of German Development NGOs (VENRO) declares, which *medica mondiale* is also a part of. One consequence: „There is numerous evidence that male and female

collaborators of aid organisations or their target groups often are declared legitimate targets by insurgents, in so far as a military linkage to the civilian aid projects exists.“

## **5. *medica mondiale* demands:**

- The operation "Enduring Freedom" must be stopped and all the international troops be put under UN Mandate.

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- A clear separation line must be drawn between the military and civil organisations dealing in development and human rights cooperation. The German Federal Army may not be positioned as an army for fighting terror, but must also be positioned as a protection force for civil rebuilding.
- The interests of the international community have to be questioned both in the donor countries and by the Afghan civil society. If military and economic interests dominate, then the commitment is not oriented at the requirements of the beneficiaries, but at the interests of the donor countries. The specific aim of the mission in Afghanistan has to be the civil and democratic rebuilding of the country.
- The ratio of the provided funds must urgently be deferred to civilian rebuilding. Three fourths of the German expenditure for Afghanistan are invested in the military mission only one fourth goes into the civil rebuilding. Funds for women's projects make up for one per cent of the total expenditure. Therein exactly the relevance is mirrored which the position and the rights of the Afghan women have taken in the eyes of the international community. However, a decent monitoring by the donors is required, for large sums vanish into malfunctioning governmental structures.
- No Afghanisation exists without strengthening the civil society at the same time, especially of women's rights organisations! Women have to participate in all the political proceedings. The Afghan government has to guarantee a 25 per cent quota for all the political bodies.
- The Afghan government has to set up a national action plan, in order to guarantee the inclusion of women on the basis of the UN Resolution 1325 in the peace and reconciliation process. The UN Resolution which was adopted in the year 2000, "urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict". Germany also has not yet set up a national action plan, ten years after the adoption of the resolution. This plan has to be set up urgently to guarantee a systematic and coherent support for Afghan women.
- The international community must insist that the Afghan government finally implements the National Action Plan for Women in Afghanistan (NAPWA) which was already adopted in 2005 and that all political powers (Executive, Legislative and Judiciary), the private sector and the Afghan civil society will be included in this process.
- The International Community has to strengthen Afghan women through specific Empowerment Programmes and support women in decision-making positions. The self-confidence of the Afghan women and of the Afghan women's organisations has grown. In spite of massive threats an Afghan women's movement has formed, which urgently requires the support by the International Community!
- Each payment made by the donor countries has to be made conditional on the observance of Human Rights! In doing so, the rights of women must be a dimension which cannot be neglected.
- The international community has to put pressure on the Afghan government, to withdraw the 'Amnesty law' and to end the climate of impunity for war criminals. In 2003 Karzai government had ratified the Rome Statute of the International Criminal Court, which is in complete contrast to the 'Amnesty law'. The national Afghan Government Action Plan on "Peace, Reconciliation and Justice" has to be reinstalled and implemented.

- The German Federal Government has to install an independent control commission in order to monitor all of the activities made up until now in Afghanistan, to measure the further developments and also the setbacks of all the implemented activities.
- Women's rights are not negotiable!

### ***medica mondiale* in Afghanistan**

Since 2001 *medica mondiale* is committed to working for women and girls in Afghanistan. The project work is focussed on the cities of Kabul, Herat and Mazar-i-Sharif. The Project site of Kandahar had to be abandoned due to the security situation at the end of 2008.

Some specific projects aimed at women are precious steps on the path towards democratisation and reinforcement of the civil society. Below are to show some examples from the work of *medica mondiale*:

- The female lawyers represented an approximated total of 2,200 women in the law suits –About 2,000 of these cases were reached to acquittal or a significantly lower sentence than the one claimed by the prosecutors for the women.
- More than 1,200 women were able to make use of psychosocial counselling. Therewith they had the opportunity, for the first time in their lives, to talk about their experiences which were burdened with More than a quarter of them had attended the counselling because of serious stress symptoms such as pain, trembling, shortness of breath, depression, aggression, feelings of anxiety etc.
- In a newly offered training around 60 Mullahs were informed on the consequences of child marriages and on the law of marriage registration, which is to prevent child marriages. After the training the participants agreed that marriage registration was not a 'western' idea and thus had to be rejected, but was absolutely in accordance with Islamic law.

### **The offers of *medica mondiale* Afghanistan:**

#### **Training of medical experts**

Only very few of the female patients who are victims of rape or other types of violence, mention the true cause for their troubles and violations. Since 2002 *medica mondiale* offers training to female doctors and medical staff in the trauma-sensitive treatment of female patients. First of all, Afghan doctors who lived in Germany treated around 10,000 female patients and passed their knowledge on to their colleagues. Since 2006 *medica mondiale* Afghanistan conducts seminars for female health professionals working in state hospitals, who are trained in Psychosomatics among other things.

#### **Legal Aid for women and girls**

A large part of the girls and the women in Afghan prisons were wrongfully jailed: girls who fled a forced

marriage or women who are accused of adultery, but who in fact often were victims of rape or forced prostitution. Female lawyers of *medica mondiale* Afghanistan see to it that they get a fair trial and try to achieve via mediation that they are safely reintegrated into their families. Since 2003 the female lawyers could achieve an acquittal for more than 2,000 women or else a considerably lower sentence.

#### **Psychosocial counselling and vocational training**

Psychologists and psychosocial counsellors offer individual and group counselling for women in Kabul and Herat. The demand for it is huge, for in Afghanistan there are hardly any places to go for traumatised

women. Since 2003 *medica mondiale* offers training for Afghan female experts coming from medical and psychosocial jobs. Up until today around 430 female social workers, female psychologists and midwives were trained in the basics of psychosocial counselling.

### **Campaigns for women's rights**

The statutory rights of women have to be actually implemented. Therefore *medica mondiale* Afghanistan conducts a big information campaign in the frame of awareness each year. Thus for the first time the organisation made out the extend of child marriages and in cooperation with the justice ministry to put themselves out for a registration of marriages: By observing the statutory minimum age for getting married of 16 years of age the wide-spread child marriages would be stopped. *medica mondiale* Afghanistan denounces the alarming number of self-immolations and conducts police trainings in order to teach policemen basic knowledge on women's rights and violence against women.