



An independent organization formed with the assistance of the International Rescue Committee to advocate for the solution of problems affecting refugee women and children.

RIGHTS, RECONSTRUCTION AND ENDURING PEACE:

Afghan Women & Children after the Taliban

14 December 2001

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I. Introduction

Recent events have opened the door to a restoration of the rights of Afghan women. Ensuring respect for women's rights must be a pillar of the international community's political strategy in Afghanistan. It serves a number of other purposes:

1. The United Nations, Member States and others are obligated not only to **avoid** discriminating against women and girls, but also to help **prevent** and **remedy** discrimination where it exists.ⁱ
2. It is a litmus test of the new regime's capacity and willingness to respect and enforce human rights law generally.
3. Experience and economic analysis demonstrate that integration of women in all aspects of society is essential for poverty eradication and economic development.ⁱⁱ
4. Ending the violence and repression used to subjugate women and girls helps break down the public-private cycle violence and frustration that threatens the durability of peace accords.ⁱⁱⁱ
5. Non-discriminatory use of human resources is key to cost-efficiency at a time when the international community is wondering where it will find the money to pay for its undertaking in Afghanistan.

The international community must, therefore, act now to ensure that the rights of women and children are enshrined in law and respected by all actors in Afghanistan. While this may be a gradual process, it must begin immediately, with all UN agencies and donor countries committing to the goal of equal rights for women in Afghanistan. Realizing this goal will require a long-term commitment by the Afghan and international communities. The commitment is well worth it, given the benefits to be reaped not only by Afghan women and girls, but by all of Afghan society – and its friends and neighbors.

As the conflict in Afghanistan enters a new phase, there are obstacles as well as opportunities for Afghan women and children. Although the Taliban no longer controls the majority of Afghanistan, women and children are far from enjoying the basic freedoms and rights acknowledged in legal instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and the 1951 Refugee Convention and its Protocol. Challenges exist for all Afghan women and children -- including those who never left their homes, those internally displaced within Afghanistan, and those living in exile in refugee camps in the region.

The international community is seeking billions of dollars to reconstruct Afghanistan, and key institutions like the World Bank and the United Nations Development Programme (UNDP) are preparing strategic plans in partnership with donor governments. It is important at this early stage for all of these actors not only to include, but prioritize, in their plans the promotion of the rights of women and girls, as well as their full participation in economic, social and political life.



The Women's Commission for Refugee Women and Children has monitored the situation of Afghan refugee and displaced women and children for the past decade. The purpose of this paper is to identify issues of concern for Afghan women and children in the return and reconstruction phases, and to make recommendations to the international community on how it can and should respond to these new challenges.

II. Peace and Security

The security situation in Afghanistan is perhaps the most formidable obstacle to the provision of humanitarian assistance and the start of reconstruction. While the peace process is underway, security is needed to establish access routes for the delivery of emergency humanitarian aid, as well as to create an environment conducive to long term development assistance.

Aid agencies report that the security situation has delayed the delivery of humanitarian supplies to an estimated one million people. While in recent weeks the UN World Food Programme has been more successful in moving greater volumes of food into the country, continued instability and violence is preventing food from getting to some of the neediest districts, including those containing camps for the internally displaced. Afghan women living in these camps suffer from a triple dose of personal insecurity: as women, as inhabitants of dangerous rural areas, and as forced migrants. Thousands of internally displaced persons are without shelter or are subject to violence at the hands of warlords and bandits operating in the countryside.

There are recent reports from aid agencies of rape and other forms of gender-based violence against Afghan women. The rights of Afghan women and girls are routinely violated and the current instability within the country will continue to place them at risk of violence and assault.

Fighting factions and armed bandits make the security situation extremely dangerous for other Afghans and aid agencies as well. Many of the staff of international organizations are locally hired Afghans. Afghan women who run aid organizations and those working for international aid agencies have said they fear for their safety when traveling in certain parts of the country.

Although the Taliban no longer control most of Afghanistan, there are still many Afghans who do not believe women and girls should have active roles in public life. In some places, they will continue to threaten, harass and attack women and girls who work and study outside the home. Moreover, Afghan women operating education, health care and skills training programs in Pakistan would like to bring those services to Afghanistan, but fear doing so because of these attitudes, combined with the insecurity and violence that continues to exist in many parts of the country.

UN Security Council resolutions 1325, 1314 and 1261 on women and armed conflict and children and armed conflict require peacekeeping missions to include gender



advisors and child protection advisors. These individuals are to be trained in women's rights and children's rights and should work to ensure that peace support operations and peacekeeping missions operate in accordance with international law, standards and guidelines.

Security is also an issue in Pakistan. Since they began operating in the late 1980's and early 1990's, Afghan women's organizations in Pakistan have been threatened and harassed by conservative elements opposed to gender equality. Now, with Taliban soldiers entering Pakistan, women's organizations may face additional threats and harassment and will require monitoring in coming weeks and months.

The positioning of a stabilizing force in Afghanistan should allow the development of a coalition government supportive of the full participation in civil society of all people, regardless of sex, ethnicity or religious sect. Afghan women have served in security forces (both police and military). (General Sohaila Seddiqi, recently appointed Minister of Health for the interim government, is one example.) Women who have experienced crimes or other abuses are usually more comfortable reporting to female police officers. These facts favor women's incorporation into all security forces -- both national and international -- but diminish in no way the need for gender awareness training across all forces and levels of service and command as a matter of priority.

Child soldiers will be in need of demobilization and reintegration assistance, responsive to needs very different from those of their adult counterparts.

Children are estimated to make up more than half of landmine casualties in Afghanistan, which remains one of the most densely mined countries in the world. Most mines are remnants of the war with the Soviet Union. In 2000, the Mine Action Program for Afghanistan (MAPA) recorded 1,003 mine and unexploded ordnance (UXO) casualties throughout Afghanistan. Of these casualties, over half involved children under age eighteen. Almost 50 percent of mine victims are believed to die before reaching a medical facility.

Afghanistan has not acceded to the 1997 Mine Ban Treaty. The Taliban and the Northern Alliance have accused each other of laying new mines in frontline areas; but both parties deny using landmines. Investigations in 1998 and 1999 indicated that, while new mining was a concern, it was reported not to be substantial. The use of cluster bombs in the current conflict nonetheless poses a grave risk to children, who are often attracted to the bright yellow cans of unexploded devices.

A comprehensive demining program, landmine awareness training and the destruction of small arms stockpiles would go a long way toward reducing the risk of explosive damage to the population. Women and girls are particularly deserving of these efforts, not only because they are reported to receive fewer prostheses than do men and boys, but also because they are often responsible for collection of wood, water and other resources where landmines may be present.



III. Repatriation

International standards require that repatriation activities be informed, voluntary, safe and dignified. These requirements are particularly critical in the Afghan context, as Pakistan and Iran have frequently pushed refugees back across the border against their will, in violation of the 1951 Refugee Convention and Protocol.

Return has been used in other situations as the sole vehicle for achieving ethnic integration as well as promoting multi-ethnicity and eventually reconciliation. Yet, in the highly politicized context in which return often occurs, caution must be exercised to ensure that relevant protection standards are respected.

An essential part of any repatriation effort is the provision of services and assistance. Successful repatriation must be accompanied by a commitment from the international community to a substantive and prolonged engagement to reinforce local efforts.

In many cases, Afghan families send the men or older boys ahead to check land and property, and to investigate whether it is safe for the entire family to return. When this happens, Afghan women are left on their own in refugee camps and villages, and may be at greater risk. Still others live in the urban homes of relatives or friends. Moreover, some Afghan women may not wish to return to Afghanistan at the same time as their family. UNHCR and other agencies working with them are ideally placed to ensure that women have the possibility to voice such opinions free of family pressure. In these interviews, Afghan women will likely be most comfortable speaking with female staff. It is equally important that refugee women have easy access to UNHCR protection staff.

Regardless of their reasons for remaining, mechanisms can be put in place to ensure that women left behind who have trouble accessing food, shelter, health care and medicine – but for which they are eligible -- do not miss out. Unfortunately, those who are reliant on family support can also be subjected to neglect or abuse, including domestic violence and early marriage. Moreover, as has been seen in Pakistan, refugee women left without support are often forced to turn to other means to survive, including begging and prostitution. Diligent community service monitoring often provides the first indication of such human rights violations within the family and community.

Another important part of repatriation is adequate monitoring, or in-country follow-up. Such monitoring in Afghanistan will ideally include individual interviews with returnee families. Such interviews, along with other assessments, can provide accurate, up-to-date information on the situation in Afghanistan to enable prospective returnees to make a free and informed choice. It can also help ensure the sustainability of repatriation by designing appropriate reintegration schemes. For example, a Women's Commission assessment on the situation of returnees from Iran to Herat in 2000 revealed significant emotional trauma among adolescent girls who suddenly found themselves without education or other activities. Women and children became ill due to poor hygiene conditions in Afghanistan and they lacked an understanding of how to change habits to reduce infection.



Afghanistan's infrastructure will require a massive overhaul before large-scale repatriation can begin. The intervening time can be used to inform women and girls about conditions in Afghanistan relevant to their situation, and to train them on addressing the health needs of their families. Clearly, the more the rights of women and the girl child are respected in Afghanistan, the more likely refugee women will return.

Finally, separation of children from families is a distressingly common consequence of complex emergencies involving displacement and flight. Prior to the recent violence, displacement had already left some children separated from their families. Recent reports from local groups in Pakistan indicate that separated and orphaned children have arrived in Pakistan unaccompanied or with neighbors, having lost their relatives in the bombings and ongoing violence. UNHCR also reports that many families have become separated during their flight to Pakistan. As some Afghan refugees now prepare for the long journey back to Afghanistan, even more children risk separation from their families.

Afghanistan has suffered from significant "brain drain" over more than two decades. With the proper incentives, Afghan professionals and others with skills that are at premium inside the country could be convinced to return. A focus on repatriating women professionals would facilitate the return of women to positions of authority and increase the likelihood that women's and children's needs will be met and potential tapped. Care should be taken in any such scheme, however, to ensure that returning Afghans are not seen to be usurping jobs and benefits to which those who remained through the conflict feel entitled.

IV. Asylum and Resettlement

Neighboring countries, especially Pakistan and Iran must not deport refugees/ force return before conditions are safe. Countries of asylum must abide by international law, providing protection to refugees who enter their territory.

Third-country resettlement will continue to be necessary for some Afghan women and children. The backlog of approved resettlement cases requires clearing. Women-at-risk in particular need immediate access to protection solutions such as resettlement. Inevitably, there will be Afghan women and children who prove unable to return to Afghanistan and who will necessitate third country resettlement as a protection option.

UNHCR will need to pay special attention to the resettlement of individual refugees with urgent protection needs, including women-at-risk, minors and elderly refugees. In Pakistan, programs like the International Rescue Committee's Durable Solutions Project -- which provides referrals to UNHCR and is designed to accurately identify refugees with special needs -- will need to continue, and perhaps be upgraded.

In addition, those Afghan asylum-seekers who arrive in asylum countries directly will continue to require full consideration of their refugee claims and protection, when it is

needed. Afghan women fleeing gender persecution will need equal access to asylum systems and refugee status, as well as a generous consideration of their claims.

According to a World Bank study, the average peace agreement runs a fifty percent risk of breaking down in the first five years (Mallaby). Although an accord has been reached in Afghanistan, fighting continues in the south, ex-warlords-*cum*-bandits operate in large swathes of the countryside, and important sectors of the population – including the returning population – still support the repression of women. Realistic consideration of application of the “ceased circumstances” cessation clause of the 1951 Refugee Convention will not be possible for years.

V. Reconstruction

Two decades of war have wreaked devastation in Afghanistan. Schools lack basic educational materials and teachers are in short supply. Basic medical care, especially for women, has severely deteriorated. Homes have been destroyed, leaving people in makeshift shelters. The economic infrastructure is in disarray.

To be effective and enduring, all aspects of reconstruction planning and implementation will need to involve women. Past experience has demonstrated that having women in key decision-making positions helps ensure that women’s issues are addressed and women beneficiaries are reached. The World Bank and other international financial institutions, all UN institutions, government and non-government organizations will need to make the rights of women and children a priority in their Afghanistan projects and operations, if they want them to be truly effective and efficient. UNIFEM has seconded a gender advisor to work with the humanitarian coordinator. This is a positive first step toward the necessary placement of gender experts at the highest levels of the UN in Afghanistan, as suggested in the Afghan Women’s Summit (4-6 December, Islamabad). In the interests of effectiveness and efficiency, all UN and NGO programs will need to mainstream gender into their operations. Clearly, international agencies will have to ensure gender equity in their recruitment efforts for Afghanistan programs.

Worthy of consideration is an “Afghan Women’s Initiative”, building on lessons learned from the Bosnian, Rwandan, and Kosovar Initiatives.^{iv} These initiatives provided millions of dollars in funding for women’s programs that promoted empowerment of women including the economic independence of women, with an emphasis on skills training and micro-enterprise development.

The rights of children and adolescents -- with special attention to girls – must rank among the highest priorities for peace and reconstruction planning in Afghanistan. These rights require -- but are not limited to -- formal education, demobilization and reintegration of child soldiers, provision of health care and reproductive health services, trauma counseling, and skills training for adolescents and young adults. Experience in other conflict areas has proven that adolescents can be effective agents of change in rebuilding society as peer counselors, educators and role models, if given the opportunity.



Aid agencies will have to coordinate and collaborate with local women's organizations and their networks to be effective and avoid missed opportunities. Due to the limited absorptive capacity of these groups, plus security considerations, assistance will nonetheless need to be provided in a way that allows maximum flexibility over the long-term.

A. Livelihood

After decades of war, female-headed households are a reality for many Afghan families. Sixty percent of the population is female due to war-related deaths and disappearances of men. In other post-conflict situations such as Kosovo, Rwanda and Bosnia, women have supported their families through income-generation activities and micro-credit programs. Such projects have led to the increased self-reliance of female-headed households and have allowed women to stay in their homes, rather than travel to aid distribution sites -- a risky prospect in situations where generalized violence is the norm. Self-sufficient women are less likely to be subjected to sexual exploitation or other abuses.

Traditional income-generation project activities for women, such as embroidery and needlework, have received the bulk of support in recent post-conflict situations in other parts of the world. These projects may have non-financial benefits; but often there is no market for the products produced, and the effort fails to generate income and financial autonomy. In Afghanistan, if income-generating projects for women are to be successful, their objectives will need to be clear; a market feasibility study will be necessary; and the longer-term viability of the project when the outside funding source is removed will have to be considered.

Successful projects have included a service or product that is needed and can be integrated into the local economy.^v Integrating livelihood projects into the local economy is important in the Afghan context, where women have experienced extreme discrimination and will likely continue to do so for some time to come.

The protracted three-year drought, combined with the devastation brought by conflict, have resulted in a need for new strategies to resurrect the economy. Crop substitution will be necessary to provide alternatives to poppy production. International development agencies charged with rebuilding Afghanistan have identified support to the agricultural sector as an immediate priority. It is crucial that attention be given to the role of Afghan women in these efforts, given their responsibilities for agricultural production and livestock raising in some rural areas.

As women return home, a variety of programs designed to address the different needs of urban and rural women will be needed. Innovations such as women's collectives -- which guarantee women's control over resources -- are worth exploring. Assessment of the feasibility of women and men working together in such programs, plus program monitoring, will be important components.

Women in refugee camps have gained language and program management skills. This will facilitate the UN-led humanitarian and reconstruction operations' employment of Afghan women in all programs and across all program and management levels.

B. Education

In a post-Taliban Afghanistan, girls and boys must enjoy equal access to education. In recent years, Afghanistan's educational infrastructure has been destroyed. Although reliable statistics are unavailable, recent estimates put the overall literacy rate at approximately 31.5 percent, with the female rate as low as 4.7 percent. According to UNDP, less than one-third of children were enrolled in schools in 1999. Data from 1990 indicated that approximately 49 percent of those children who were able to enter primary school made it to grade 5.

When the Taliban captured Kabul in 1996, it issued edicts severely limiting educational and other rights of women and girls. The Taliban's edicts included a ban on women and girls from attending non-religious schools and universities. Since 1999, international agencies have been permitted to open schools and provide educational opportunities for a limited number of girls and boys. Although female higher education is still severely restricted, reports from Herat, Kandahar and Kabul reveal female higher learning at nursing facilities.

Education is an imperative step on the road to economic independence, and is often a prerequisite for income generation training. Experience has shown that women benefit more from such projects when they are literate. Because of the dismantling of the educational system by the Taliban, and decay due to two decades of war and neglect by all parties, tremendous needs exist, including the provision of textbooks, repair and rehabilitation of schools, and teacher training.

The educational system is, moreover, the ideal place to lay the groundwork for patterns of conflict transformation and gender equality – including healthy constructions of masculinity -- that will prevent future human rights abuses and violent conflict.

Remedial education designed for students who have missed years of schooling must be addressed. It could include adolescent, non-formal education, with an emphasis on livelihood training.

The removal of the prohibition against girls' education is only the first step in creating an all-inclusive educational system. Parents need to be assured that their children will be safe in school. Afghan women have been running education programs in Afghanistan and in the refugee camps in Pakistan for many years. Their involvement in and advice on the establishment of the new educational system, and how best to ensure girls' access to education, will be invaluable. It will be important to avoid the mistakes of the Soviet era, when Afghan children were forced into co-educational classrooms, with boys and girls mixed together. Parents rebelled against this and -- in some cases -- fled to Pakistan, rather than submit their children to co-educational instruction. In other cases,

girls' household duties and early marriage decrease regular attendance and increase the dropout rate. Special programs to assist girls in completing school should be a priority; these programs will require outreach to families and communities.

Education also reduces the rate of child labor, a common and growing problem in Afghanistan, as well as among Afghan refugees in Pakistan and Iran. The UN reports that the number of children working in Kabul has nearly doubled in the past five years to as many as 50,000. In the Pakistani border town of Quetta, home to approximately half a million Afghan refugees, children perform a broad range of labor tasks. Recently, worsening economic circumstances have reportedly forced children as young as seven to work cleaning houses, making bricks, repairing cars and weaving carpets. The UN reports that some industries, such as the Pakistani carpet industry, use child workers as bonded laborers. In Karachi, Pakistan, as many as 15,000 orphaned or abandoned Afghan boys collect garbage for daily wages and live in squalid conditions.

Educating children and adolescents who remain in refugee situations will also need to be prioritized. Such prioritization will enhance young refugees' capacity to contribute to reconstruction upon return. It will also reduce the frustration from inactivity and lack of education that can lead to violence and/or extremism. By the same token, if education is neglected in Afghanistan, some families may prolong their stay in Pakistan in the interests of their children's education.

C. Health

Afghan women and children have long faced abysmal health conditions. According to figures on children's health published by the United Nations High Commissioner for Refugees (UNHCR) and UNICEF in 2001:

- An estimated 25 percent of Afghan children die of preventable causes before the age of five.
- Diarrhea, acute respiratory infections, and vaccine-preventable diseases account for approximately 60 percent of these child deaths.
- Mothers in Afghanistan have the second highest maternal mortality rate (17 per 1000 live births) in the world, with an estimated 16,000 maternal deaths annually.
- Approximately 250,000 children per year die of malnutrition. Twenty percent of all newborns are born malnourished.
- The average life expectancy in Afghanistan is 46 years.

Clearly, the physical health, or lack thereof, of the primary caregiver has tremendous implications for children everywhere. While the general health situation in Afghanistan has long been bleak, it has been compounded by gender inequality under the Taliban. Lack of experienced and educated medical staff in hospitals and clinics is largely a result of the Taliban's restrictions on female employment, the disruption in the educational system (resulting in few new graduates), and the flight of trained medical personnel. Initiatives like General Seddiqi's,^{vi} will be ideal ones to support, and replicate elsewhere in the country.

Another factor contributing to the poor health situation is the lack of adequate funding. The health system in Afghanistan has been almost entirely dependent upon the international aid community. Many Afghans with training and skill have left the region, and hospitals have been looted by successive waves of fighters.

Afghan women, both inside Afghanistan and in neighboring countries, are at high risk from childbirth due to lack of medical care. Of the 1.5 million Afghans who have fled the conflict and country, more than half are women, and approximately 66,000 are pregnant. Due to anemia, malnutrition and other problems, approximately 10,000 of these are considered to be high-risk pregnancies. Inside Afghanistan, an estimated 300,000 women are pregnant, 50,000 of which are at high risk. Ninety-nine percent of births are reported to be unattended.

Against the background of such figures, reproductive health must be a focus of the international community's support for the rebuilding of Afghanistan's health care system.

As refugees return, the prevention of maternal and infant death will need to be prioritized through support for women's access to safe delivery and emergency care for complications of pregnancy and childbirth. Ensuring a safe blood supply and guaranteeing the availability of free condoms is critical to preventing the transmission of HIV/AIDS. The international community can best promote the safety of women and girls by immediately establishing protocols to prevent and respond to gender-based violence, through education campaigns, clinical management of sexual and physical violence, and psychosocial services. Health providers will need to begin planning for comprehensive reproductive health services for men, women and adolescents.

The damage to Afghan mental health done over twenty plus years of war, combined with the particular indignities to which women have been subjected in that time, will not be overcome just because the conflict ends, or even once relative security is restored. The effects of armed conflict and gender persecution have shattered social trust, destroyed social structures, and subjected individuals to such traumatic events as loss of homes and loved ones, displacement, and sexual violence.

Psychosocial assistance will be required and should focus on community based initiatives to meet basic needs of food and shelter, safety and security. Efforts to build tolerance and respect for human rights will also help to promote healing. Some individuals will require clinical interventions, but these must be sensitive to local customs and practices.

Given their heightened risk of certain human rights violations, women and children may require specialized care. Moreover, the frustration and rage that lives on in men and boys over such a long period of conflict may not be abetted by the slow and often faltering process of reconstruction and development that will likely follow. Such frustration and rage is often taken out on the women and children in a man's life. An abused wife may pass on her abuse to her children. Abused children run an elevated risk of abusing their own families and others in society as they grow. Dealing with the

mental health implications of the Afghan conflict is therefore essential to breaking the public-private cycle of violence that endangers reconstruction, development and women's rights generally.

Proper attention to mental health needs -- combined with promotion of healthy, equitable attitudes toward gender roles, and training in conflict mediation – can go a long way toward avoiding the personal, societal, political and military dynamics that foster violent conflict.

D. Participation

Afghan women's organizations in Afghanistan, Pakistan and Iran have been providing health, education, skills training and other services for some time. Many have received support from the international community and anticipate increased support in the coming weeks and months as return and reconstruction efforts get underway. There is an urgent need for a sustained technical support program for these organizations. This support should include training and assistance in proposal writing, project development and implementation, budgeting, report writing, communications and other management activities. This will enable women's organizations to expand and build their programs.

Women will need information on how to access new and renewed services provided through rehabilitation and reconstruction efforts. Their relative illiteracy puts them at a disadvantage in this regard as compared to men. Radio is an ideal mechanism for overcoming this obstacle. Various media – especially radio – should be exploited to spread information about political developments, rehabilitation and reconstruction projects as far and wide as possible.

The almost forty participants of the roundtable, Building Women's Leadership in the Reconstruction of Afghanistan (co-organized by UNIFEM and the Belgian government),^{vii} called for the creation of a "Commission of Afghan Women". This commission would work directly with the interim authority and provisional government agreed to at the UN-sponsored meeting held in Bonn in early December, coordinating efforts to provide names of Afghan women from within and outside of Afghanistan for consideration for leadership positions as new government structures are formed.

E. Legal Reform

Decades of war have undermined the rule of law in Afghanistan. Justice and accountability will clearly need to be priorities in the establishment of a new government in Afghanistan. In the interests of equity, such a focus will have to include laws guaranteeing women's rights to education, mobility, employment, health care and free expression. Afghanistan's legal system urgently needs to be rebuilt, including the drafting of criminal and civil codes. Jurists, prosecutors, attorneys, police officers, and court personnel will require training in women's rights; women's participation in all of these professions will need both support and encouragement.



Immediate steps are required to preclude Afghan law from discriminating against women, thereby negatively affecting their ability to achieve self-sufficiency, live with dignity and care for the next generation of Afghans. For refugee return and reconstruction, access to land will be among the most important factors for women. Widows must be able to exercise their rights to return to their family home and land, as well as to own a business. Inheritance laws will need to be gender-fair. Women's equal rights with men to consensual marriage and freedom to divorce will need to be recognized in national legislation, promoted and enforced. To ensure the relevance and effectiveness of Afghan legal reform, women will need to be involved in and consulted on all its aspects.

Since the Bonn meetings of early December, some Afghans have already called for separate courts for Shiite Muslims and Sunni Muslims. Imposition of religious law can be a death knell for the respect and enforcement of women's and children's rights. Reconstruction is an ideal moment for those assisting Afghans to rebuild their legal system to promote recourse to international human rights law and standards as a means of ensuring an all-inclusive system that neither prefers one religion over another, nor fosters division between religions.

VI. Recommendations: A Blueprint for Action

A. General

1. The international community must lose no time in ensuring that the rights of women and children are enshrined in law and respected by all in Afghanistan.
 - All UN agencies and donor countries should immediately and openly commit to the goal of equal rights for women and girls in Afghanistan.
 - Promotion and enforcement of the rights of women, children and adolescents – including their full participation in economic, social and political life – should be prioritized in plans currently being worked out between multilateral, humanitarian and development institutions and donor governments.
 - Such assistance should include age-sensitive demobilization, counseling and reintegration of child soldiers, support for abducted women and their children, and skills training for adolescents and young adults.
 - Gender should be mainstreamed throughout all UN programs.
 - A gender advisor should be appointed at the highest levels of the UN in Afghanistan.
 - All agencies should ensure gender equity in their recruitment efforts for Afghanistan programs.

B. Peace and Security

2. The international community must support a large and robust stabilization force in Afghanistan to secure the safety of vast portions of the countryside (including internally displaced persons' camps), provide security for food distribution and allow the development of a coalition government that will permit the full participation in civil society of **all** people, regardless of sex, ethnicity or religion.
 - Special measures should be taken to ensure the access of women, in particular female heads of household, to adequate and safe food distribution.
 - Women should be actively recruited to serve in this and other security forces, including police forces – both Afghan and international.
3. Any UN endorsed mission must, in keeping with UN Security Council resolutions 1314 and 1261 on children in armed conflict, include gender advisors and child protection advisors.
 - These individuals should be trained in women's rights and children's rights, and work to ensure that peace support operations and peacekeeping missions function in accordance with international law, standards and guidelines.
 - Training must be provided to any peacekeeping or stabilization force; this training should include information on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), sexual harassment and assault and Codes of Conduct.
4. Peacekeeping missions should be guided by Security Council resolution 1325 and ensure participation and protection for women and girls.
5. The situation of women forced into prostitution or trafficking during the years of armed conflict and gender persecution should be studied as a matter of urgency.
 - Measures to help those who want to leave sex work should be implemented as a matter of priority and urgency.
 - Concerted efforts should be made by all to avoid coercion of women and girls into servicing the sexual needs of armed forces.
6. The security of Afghan women's organizations should be monitored in coming months to ensure their safety from conservative elements still opposed to women's rights.
7. Both initial security operations and longer-term reconstruction plans must include a demining component, landmine awareness training of women and girls, and the destruction of small arms stockpiles.
8. A massive program to prevent gender-based violence, particularly rape and other forms of sexual violence, including forced marriage, should be a priority of the interim government and international community.

C. Repatriation

9. Promotion of large-scale repatriation should not commence until the requisite infrastructural minimums are in place to adequately meet the basic needs of the returnees.
 - The international community must take steps to ensure that any repatriation activities are informed, voluntary, safe and dignified. The Women's Commission urges a mechanism that enables women to have a voice in decision-making regarding return -- a voice free of family pressure.
 - Return interviews should be conducted by female staff with whom Afghan women will be comfortable speaking.
 - Refugee women and children should be given proper documentation and access to registration processes.
 - Women who choose to remain after their families return must have access to shelter, facilities and protection until they choose to return.
 - Women and girls should receive training on how to address the health needs of their families.
10. Post-return monitoring should include individual interviews with returnee families, including women, with a view to ensuring women's and children's security, as well as providing the type of accurate, up-to-date information on the situation in Afghanistan that will enable prospective returnees to make a free and informed choice.
11. Urgent efforts should be made to reunite unaccompanied minors with their families.
12. The International Organization for Migration might consider putting in place a return scheme that would help to reverse Afghanistan's "brain drain", with an affirmative emphasis on getting women back into positions of authority that cannot be filled by women who have remained.

D. Asylum and Resettlement

13. Countries should not expel or forcibly return Afghan refugees. They should not reject refugees seeking to enter their territories.
14. Reduction in assistance or protection should not be used by asylum countries to induce premature return.
15. The government of Pakistan should not deport refugees or force refugees into dangerous or insecure camps or locations where relief cannot be provided. It should avoid at all costs separation of families.

16. Steps must be taken to preserve third-country resettlement as a viable option for Afghan women in urgent need of protection.
17. No talk of applying the 1951 Refugee Convention's "ceased circumstances" cessation clause should occur for at least two to five years, and then only in consultation with UNHCR and experts in Afghan women's rights.
 - Given the particularly egregious persecution to which women and girls have been subjected under successive Afghan regimes, when and if the "ceased circumstance" cessation clause is applied, exceptions will need to be made for those survivors who have "compelling reasons" for not being able to return to the land of their persecution.

E. Reconstruction

18. All large-scale reconstruction plans must be gender and age-sensitive and allow for the participation of women across all levels of decision-making.
19. Aid agencies must ensure coordination and collaboration with local women's organizations and their networks.
20. Assistance must be provided in a way that will allow maximum flexibility over the long-term.
21. The Afghan context necessitates a greater emphasis on decentralization and the active participation of NGOs than has been implemented in other situations.

Livelihood

22. All organizations should take full advantage of the language and management skills that many Afghan women have gained in refugee camps or exile.
23. Attention must be paid to the role of women in agricultural production and livestock farming.
24. Innovations that guarantee women's control over resources should be explored, e.g. women's collectives.
 - The feasibility of women and men working together in such programs and monitoring of the programs will be necessary.
25. An Afghan Women's Initiative should be created, similar to initiatives created following the conflicts in Bosnia, Rwanda and Kosovo.

Education

26. Comprehensive education should be implemented for all children and youth; boys and girls must have equal access.
27. Large-scale, teacher training courses should begin immediately.
28. Remedial education designed for students who have missed years of schooling must be addressed. It could include adolescent, non-formal education with an emphasis on livelihood training.
29. Opportunities for adult education must be a priority. Women should have equal access to all initiatives whether these are University programs, or basic education. The international community should consider a national literacy campaign for women.
30. Parents need to be assured that their children will be safe in school and community outreach should be undertaken to encourage girls' education.
31. Afghan women involved in running education programs in Afghanistan and in the refugee camps in Pakistan should be consulted on – if not directly involved in -- the new educational system. Their views should be sought regarding the best ways to ensure girls' access to education.
32. Special programs must be developed to help eliminate early marriage.
33. Education of children and adolescents in refugee situations should remain a priority.
34. Ensure incorporation of gender equality and conflict transformation themes throughout curriculum development.

Health

35. Reconstruction efforts must include the rehabilitation of the health care system with strategies designed to provide universal access for women and children, including to reproductive health.
36. Women should have access to medical care equal to that of men, with an urgent emphasis on the availability of female doctors, nurses and reproductive health care.
37. As refugees return, priority should be given to preventing maternal and infant death by supporting women's access to safe delivery and emergency care for complications of pregnancy and childbirth.

38. A safe blood supply must be ensured and the availability of free condoms must be guaranteed in order to prevent the transmission of HIV/AIDS.
39. The safety of women and girls must be promoted by the immediate establishment of protocols to prevent and respond to gender-based violence, as well as through education campaigns, clinical management of sexual and physical violence, and psychosocial services.
40. Health providers should begin planning for comprehensive reproductive health services for men, women and adolescents. These services consist of safe motherhood, including emergency obstetric care; family planning; prevention and treatment of sexually transmitted infections, including HIV/AIDS; and prevention and management of the consequences of gender-based violence.
41. Provision should be made for large-scale, mental health attention, with a focus on community based initiatives in the first instance and as a minimum.

Participation

42. Set up long-term technical support unit for Afghan women's organizations. This unit should provide training and assistance in proposal writing, project development and implementation, budgeting, reporting, communications and other management activities.
43. Set up radio programs to inform illiterate and remotely located Afghans of political developments and how to obtain humanitarian assistance.
44. Support the creation, functioning, and the interim authority/provisional government's proactive reliance on, a Commission of Women to recommend Afghan women for leadership positions (see UNIFEM's Brussels roundtable report.)

Legal Reconstruction/Reform

45. Action must be taken now to ensure that Afghan law does not discriminate against women or negatively affect their ability to achieve self-sufficiency and live with dignity.
46. Women should be involved in any discourse regarding legal reform.
47. The international community must encourage and support the new government to live up to its international legal obligations to ensure respect for women's and girls' rights, on an equal basis with men's and boys'.

48. Promote reconciliation of differing tenets of religious, Afghan secular and international law. Where reconciliation is impossible, encourage recourse to guiding principles of international human rights law to resolve discordance.
49. Jurists, prosecutors, attorneys, police officers, and court personnel should all receive training in women's rights; women's participation in all of these professions should not only be supported, but encouraged.
50. Laws guaranteeing women's rights to education, mobility, employment, health care and free expression must be included in the reconstruction of Afghanistan's legal system.
51. Women's rights to return to their family home and land and own a business must be respected and enforced. Particular attention should be given to the needs of widows.
52. Laws governing inheritance must ensure women's equal rights.
53. Women should have equal rights with men to consensual marriage and freedom to divorce.

Endnotes

ⁱ As the UN Secretary-General said in his Statement on the status of women and girls in Afghanistan, “Throughout the **United Nations system**, the principles embodied in the United Nations Charter are morally and legally binding, including its preambular statement of determination ‘to reaffirm faith in human rights, in the dignity and worth of the human person, in the **equal rights of men and women....**’ [The **United Nations system is obliged to be guided by the norms and requirements in the Charter, the Universal Declaration on Human Rights and the related resolutions of the General Assembly....** It is thus **incumbent upon all parts of the United Nations system to design and deliver their activities within this internationally accepted legal framework... .**” (Doc. SG/SM/6072, AFG/70, 7 October 1996, emphasis added.)

ⁱⁱ See the March 2001 World Bank report, *EnGendering Development -- Through Gender Equality in Rights, Resources and Voice*, for an explanation of how countries that promote women's rights and increase their access to resources and schooling enjoy lower poverty rates, faster economic growth and less corruption than countries that do not. Available through <<http://www.worldbank.org/gender/prrr/>>. “Gender equality needs to be part of each country's strategy for eradicating poverty, both as an end and as a means to eradicating other forms of human poverty.... A creative commitment to gender equality will strengthen every area of action to reduce poverty – because women can bring new energy, new insights and a new basis for organization. If development is not engendered, it is endangered. And if poverty reduction strategies fail to empower women, they will fail to empower society.” UNDP's 1997 Human Development Report New York: Oxford University Press. For example, a study in Kenya found that giving women farmers the same social and economic supports as men increased yields by more than 20%. UNFPA annual State of World Population 2000 report, *Lives Together, Worlds Apart: Men and Women in a Time of Change*, as summarized in UNWire (20 September 2000), Item 7, <<http://unfoundation.org/unwire/archives/UNWIRE000920.asp#7>>.

ⁱⁱⁱ Cf. The UN Secretary-General and his Verification Mission in Guatemala (MINUGUA) considered gender discrimination to be so central to successful Peace Accord compliance, that MINUGUA's Chief of Mission affirmed the commitments relating to gender to be one of the three primary themes running throughout the search for peace in Guatemala, along with indigenous rights and social participation. (See Gerd Merrem's speech on the occasion of his introduction of the Secretary-General's Sixth Report, 26 June 2001, <http://www.minugua.guate.net/>.)

^{iv} *You Cannot Dance If You Cannot Stand, A Review of the Rwanda Women's Initiative and the UNHCR Commitment to Gender Equality in Post-Conflict Societies*, Women's Commission for Refugee Women and Children, April 2001.

^v Examples of successful projects include a sewing training project sponsored by CARE, which worked because CARE staff approached male relatives to do marketing so both men and women would have an interest in the project. Another successful project is basic veterinary training for women, e.g. in routine vaccination and other basic medical care. Women able to provide such service received gifts or a small payment in kind for their services. Afghanistan has had some success with giving small grants for business proposals developed by women, such as sandwich making and bread cloth weaving.

^{vi} See above, under “Peace and Security”.

^{vii} Brussels, 10-11 December 2001. Press Release, *Afghan Women Call On International Community to Support their Rights and Leadership in Reconstruction*, UNIFEM, December 11, 2001.

Sources (not included in notes)

- Peter Baker, *Awaiting Judgment in Kabul*, Washington Post A17 (10 December 2001).
- Lee Bowman *Helping Afghan Women with Health Needs*, Scripps Howard News Service (23 October 2001)
- Roberta Cohen, *The Hungry Country* (editorial) New York Times 4:13 (9 December 2001).
- Karen DeYoung & Marc Kaufman, *Afghan Rebuilding Will Be Costly*, Washington Post A1 (10 December 2001).
- Dugus, Abubakar, "Women's needs integral to UN work in Afghanistan," seatlepi.com, October 21, 2001
- Human Rights Watch
 - "Cluster Bombs in Afghanistan," October 2001
 - "Unfolding Events in Afghanistan," November 15, 2001
 - "Cluster Bomblets Litter Afghanistan," November 16, 2001
- Sebastian Mallaby, *Afghanistan's Odds*, Washington Post A23 (10 December 2001).
- Reuters, "UN Fears for Civilians as Afghan Cities Fall," November 13, 2001.
- Save the Children, Afghanistan-"A Children's Crisis," November 6, 2001
- UNFPA, UNFPA Humanitarian Crisis in Afghanistan Web site
- UNIFEM, *UNIFEM Sponsors Roundtable On Women's Leadership In Rebuilding Afghanistan* (press release, 11 December 2001), available at http://www.undp.org/unifem/pr_afghanistan.html.
- UNHCR Humanitarian Updates
- UN Wire Central Asia: UN Documents Child Labor among Afghans, Oct. 22, 2001
- Women's Commission for Refugee Women and Children
 - Watchlist on Children and Armed Conflict, "Afghanistan Update", November 16, 2001

Afghan Women's Organizations – Key Actors in Rebuilding Afghanistan and Assisting Refugees, November, 2001