



EXECUTIVE SUMMARY

THEIR LIVES ON THE LINE

WOMEN HUMAN RIGHTS
DEFENDERS UNDER
ATTACK IN AFGHANISTAN

AMNESTY
INTERNATIONAL





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Afghanistan stands at a critical juncture. The end of 2014 marked the departure of international military forces from the country followed by a reduction of economic and political support from the international community. With international interest fading and foreign aid waning, there is concern that the Afghan government will de-prioritize human rights amid growing economic hardship and instability, and that human rights, especially those of women and girls, will be traded off in the interests of security.

Legal and policy advances in the field of women's rights, long a benchmark of success for international support, have not translated into sustained change on the ground. Entrenched social and cultural barriers have meant that many of the rights accorded to women on paper have yet to be established in practice, despite the mechanisms that have been put in place.

The government's record is patchy on meeting its legal obligations under the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which it ratified without reservation in 2003, as well as under UN Security Council Resolution 1325, which forms the main international framework addressing women, peace and security issues in the country. As such, Afghanistan remains near the bottom of the UN Development Programme Gender Inequality Index.

At the same time, conservative forces and ideas have slowly been increasing their positions and leverage within Afghan institutions, enabling them to intensify their attacks on women's rights. This is reflected in the 2013 election law, which rolled back the quota for women's representation in provincial councils from 25% to 20%, and removed it altogether for district councils. It can also be seen in the response to the Elimination of Violence Against Women (EVAW) Law, passed by Parliament in 2013 (after being signed into law by Presidential Decree in 2009). In a heated debate in parliament, the law was called "un-Islamic" and questions were raised

about the minimum age of marriage for girls, the prohibition against forced marriage and the existence of shelters for abused women and girls, which were called "immoral."

As the backlash against women's rights grows, the overall environment for women human rights defenders has become considerably more difficult and dangerous. Over the past several years there has been a significant increase in threats, intimidation and attacks against those at the forefront of promoting and protecting women's rights.

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

This report focuses on the Afghan authorities' institutionalized indifference to this woeful situation and their failure to create an enabling environment for women human rights defenders to carry out their legitimate activities, to protect them against often deadly abuses and to bring those responsible for abuses to justice in an open and accountable manner. The report, based on extensive research, aims to contribute to an understanding of this environment by highlighting the challenges and opportunities as seen through the lived experience of women human rights defenders in Afghanistan – and thus spur further action against the patterns of abuse they suffer.

Amnesty International calls on the Government of Afghanistan and its international backers, as a matter of urgency, to demonstrate the political will and financial commitment to ensure that obligations on paper to protect the rights of women and girls translate into genuine protections on the ground. Any action by the authorities should be undertaken with the meaningful participation of women human rights defenders and civil society. The Taliban and other armed opposition groups responsible for the majority of abuses should immediately cease the deliberate targeting and killing of women in public life.

THE REALITY OF LIFE AS A WOMEN HUMAN RIGHTS DEFENDER

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

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

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

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

Senator Khairkhwah continues to represent the people of Nimroz despite the threatening phone calls and texts she receives. After

the attempt on her life, the Senator had both her telephone number and handset changed but a few months later the threats resumed. She estimates that she has received more than 100 threats since 2010.

Throughout this time, Senator Khairkhwah has kept the National Directorate of Security (NDS), Afghanistan’s intelligence service, informed of the threats against her. She has also informed the Senate Defence Affairs and National Security Committee of the abuse she has experienced, but the official response has been negligible. When the threats began, the NDS told her that they were merely “designed to create a climate of fear” because of the peace consultations she was a delegate to. Two years later, Senator Khairkhwah still has no answer as to who is responsible for the murder of her daughter and brother.

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

In 2013, the UN Assistance Mission in Afghanistan (UNAMA) released statistics that showed the number of women killed in the country had increased by 20% from the previous year, although the number of civilian casualties had decreased. The Special Representative of the UN Secretary-General in Afghanistan at the time, Jan Kubiš, told the UN Security Council that, “the majority [of women killed] is linked to domestic violence, tradition, culture of the country, [but] women activists have been deliberately targeted.”



One women human rights defender told Amnesty International that there had been no investigation into the death of her brother after he was killed while campaigning for her when she was running for Parliament, or into the grenade attack on her home.

“It took police two hours to come after the grenade attack and then they only arrested the neighbours. They never came back to us with any further information although we know the neighbours weren’t responsible ... [And] to this day we don’t know who killed my brother.”

(LEFT) Najiba Ayubi being interviewed at a demonstration in Kabul against the sexual harassment of women and girls in Afghanistan

(RIGHT) Demonstration in Kabul against the sexual harassment of women and girls in Afghanistan



WHO ARE WOMEN HUMAN RIGHTS DEFENDERS IN AFGHANISTAN?

This report follows UN practice and defines women human rights defenders as both women and men who are peaceably engaged in activities to promote and protect the nationally and internationally recognized rights of women and girls. While women comprise the vast majority of women human rights defenders in Afghanistan, men are also taking up this work.

Male women’s rights defenders face their own unique challenges in doing so, including a lack of acceptance and recognition for their contributions. However, women working as women human rights defenders are targeted not only because of their words or actions in promoting and protecting women’s rights, but also because of who they are – women in public life.

These women are perceived as challenging existing power structures and defying cultural, religious and social norms concerning the role of women in society and, as such, are deliberately targeted, regardless of whether

they are doctors, journalists, educators, female police officers or elected representatives. This puts them at risk of sexual and other forms of gender-based violence. It can further restrict their movements. Also, they can be convicted of ‘moral crimes,’ face gender-based attacks on their reputation and experience social isolation.

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

The nine case studies in this report illustrate the range of violence women human rights defenders are confronted with on a daily basis: from threats, harassment and intimidation to physical attacks on their family members

and property, and unlawful killings. Amnesty International has selected these cases in order to fully represent the diversity of regions, ethnicities, age groups and professions of women human rights defenders in Afghanistan.

WHO ARE THE PERPETRATORS?

Amnesty International found that, while the Taliban and other armed opposition groups are responsible for the majority of human rights abuses against women human rights defenders, they are not the only perpetrators. Government officials and powerful commanders and warlords who are supported by local authorities have also been implicated. As one woman defender explained: “The threats now come from all sides [so that] it’s difficult to identify the enemies. They could be family, security agencies, Taliban, politicians.”





INSTITUTIONALIZED INDIFFERENCE

It is the responsibility of the Afghan government to prevent abuses and violations by non-state and state actors alike and to protect women human rights defenders. Yet, a common thread emerging from the interviews, and from reports by NGOs and research organizations, is that the pattern of abuse against women defenders is matched by the systematic failure of the authorities to provide a protective environment for them, and to bring perpetrators of abuses to justice.

This failure to respond effectively to the threats, harassment and attacks that women human rights defenders face is a result of weak state structures, particularly within the judiciary and law enforcement and security agencies. It is reinforced by an enduring culture of impunity, a judicial system based on the ability to wield power rather than on a concept of justice, and a multiplicity of overlapping and often-competing legal systems. Added to this is a system that treats violence against women and girls as a normal and accepted part of life, which limits their ability to participate freely in public life.

As the case studies in this report illustrate, police, prosecutors and courts consistently refuse to take threats against women human rights defenders seriously, with few investigations into complaints of attacks, and even fewer prosecutions or convictions. Defenders attempting to report violations are frequently stigmatized, blamed, and even threatened by those responsible for protecting them.

FAILURES IN IMPLEMENTATION OF NATIONAL LAWS AND POLICIES

Despite the array of legal and policy measures for the promotion and protection of women's rights – a major focus of the international community and civil society in Afghanistan over the years – the aspiration to a comprehensive protection framework

has too often been undercut due to failures of political will, insufficient prioritization of resources, endemic corruption and a lack of implementation on the ground.

Although the current legislative framework offers sufficient legal protection for women human rights defenders, effective implementation is lacking. The EAW Law, one of the main legal protections for women human rights defenders, is a notable example of the systematic failure of the state to implement its own laws. It is sporadically and unevenly applied. When it is applied, it is mostly in domestic cases of gender-based violence, whereas the vast majority of threats and attacks experienced by women human rights defenders take place in the public domain. While it is an important step forward for Afghan women experiencing violence in the home to be able to receive support through the EAW Law, the law must be fully implemented to ensure that women human rights defenders also receive its protection.

Women police officers, for example, are particularly at risk of threats and harassment, including sexual harassment from their male colleagues despite policies and mechanisms established by the Ministry of Interior specifically to address the broad challenges women law enforcement officials face.

Amnesty International found that existing support and protection services for women human rights defenders are especially lacking. This is attributable in part to a de-prioritization of human rights and gender issues, combined with a renewed focus on security considerations by both the Afghan government and the international community. As a women human rights defender noted regarding the EAW Law: "The law requires ministries to allocate money for [its implementation]. But security bypasses this requirement. [They are] always making excuses not to prioritize violence against women. [There is simply] no political will or commitment."

Afghan institutions providing protection and support to women human rights defenders are under-resourced,

overstretched and lack adequate security. This is a particular concern for staff of the provincial departments of women's affairs, who, because of their role as frontline defenders are themselves at grave risk.

Amnesty International found that gender biases within state institutions are also reflected in a disparity between the levels of protection that men and women receive. Women officials interviewed for this report who are entitled to state protection, whether elected representatives or government employees, spoke of being provided with fewer protective resources than their male counterparts, citing gender discrimination as the reason.

This gender bias reaches from local officials in the field to the upper echelons of government and sends a message to women human rights defenders that they will not receive protection or justice from the authorities.

Another concern is the lack of comprehensive data about the experiences of women human rights defenders and the nature of the abuses and violations they are confronted with. This has not only made it difficult to understand fully the enormity and complexity of the challenges they face, it has also made it easier for the government to ignore the problem. The lack of data also means that the efficacy of policies and programmes designed to provide better protection to Afghan women human rights defenders cannot be effectively monitored.

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

- Woman provincial council representative

(LEFT) Maria Bashir, Afghanistan's only female prosecutor general, based in Herat

(PREVIOUS PAGE) Kabul city



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

- Woman doctor, case study 7

(LEFT) A street scene in Kabul

(RIGHT) Sherifa Shahab, police ombudsman for the Afghanistan Independent Human Rights Commission in Herat province, consoles the father of a detainee who has complained of ill treatment



SELF-IMPOSED RESTRICTIONS

In the wake of a revitalized conservative movement and a reduced international presence, women human rights defenders are self-censoring their words and restricting their activities and associations with others. Some are ceasing their human rights work altogether or are attempting to make themselves and their activities as invisible as possible in an attempt to keep themselves safe from harm.

ROLE OF THE INTERNATIONAL COMMUNITY

Women human rights defenders are afforded a degree of support from the international community, but up until now this has been on a limited, ad hoc basis.

A recent strategy advanced by the European Union Plus (EU plus additional diplomatic missions) will, once operational, offer

an additional protection mechanism for Afghan human rights defenders, including emergency protection and ongoing monitoring. However, the strategy has yet to be tested and questions remain concerning how successfully it will be implemented, including mainstreaming the particular needs of women human rights defenders and especially those in the rural areas of the country.

International funding has generally focused on short-term projects with little input from the beneficiaries. This has impacted on the types of activities women human rights defenders have been able to undertake and especially on the ability of organizations to provide services to those in need of protection, since longer-term funding is needed for their delivery.

It has also done little to encourage a more enabling and supportive environment for the work that women human rights defenders do.

Additionally, there has been a tendency for donors to focus their support in Kabul as well as on certain individuals and organizations. This approach has created competition

rather than collaboration between individual women human rights defenders as well as between women’s rights organizations.

The Government of Afghanistan is ultimately responsible for protecting women human rights defenders. Yet, it is failing in its obligations to keep them safe from harm or to provide adequate remedy for the violations they experience. As such, it is important that the international community continues to assist the Afghan authorities to build capacity and functionality within state institutions, in particular, those related to the judiciary, law enforcement and security, as well as to ensure the meaningful participation of women at all levels within these institutions.

A comprehensive, coordinated, well-resourced and countrywide effort is required by all relevant stakeholders in Afghanistan. In doing so, tragedies like that suffered by Senator Khairkhwah, as well as the violations described in the case studies, may cease to be part of the everyday reality of women human rights defenders.



Civil engineer Manizha Paktin (left), director and co-founder of Stand Up for Afghan Women, instructs builders at a construction site in Kabul

SUMMARY OF RECOMMENDATIONS

The systemic failure of security and law enforcement agencies to respond to threats and investigate reported incidents of attacks against women human rights defenders is a human rights violation rooted in patriarchal traditions that normalize gender-based violence and render it acceptable. Laws and policies alone cannot achieve transformative social change; the Afghan government must also demonstrate the political will to implement fully its human rights obligations. It must, in tandem with donor partners, make the financial commitment required to ensure that protection mechanisms are properly resourced and function effectively.

The following measures, if fully implemented, would make a significant, sustainable contribution to protecting women human rights defenders and enabling them to continue their essential work in safety and with dignity, for the fulfilment of women's rights in Afghanistan. Amnesty International makes the following recommendations.

TO THE GOVERNMENT OF AFGHANISTAN

- Take concrete steps to ensure that all allegations of threats or attacks against women human rights defenders reported to government authorities, including the Afghan National Police and the National Directorate of Security are fully and impartially investigated and perpetrators are held to account, and that this is monitored effectively by the Ministry of Interior;

- Build the capability of the Ministry of Women's Affairs and its provincial counterparts, the departments of women's affairs, to respond effectively to women human rights defenders at risk throughout the country, including by establishing a mechanism to monitor violence against women human rights defenders; providing temporary shelter, and assisting with temporary or permanent relocation to another part of the country;

- Ensure that all prosecutions of perpetrators of violence against women human rights defenders use appropriate legislation, including the Elimination of Violence Against Women Law and the Law for Crimes Committed against Internal and External Security of Afghanistan, in fair trials and without recourse to the death penalty;

- Ensure that there is no discrimination in the level of special protection provided to women elected representatives, government officials, and other women human rights defenders compared with their male counterparts and, where women experience particular risks because of their gender, ensure effective protection measures that take this into account;

- Enhance the level of cooperation between key relevant ministries, including the Ministry of Interior, the Attorney General's Office and Ministry of Women's Affairs, in receiving, documenting and following up on all official complaints received from women human rights defenders to ensure they are responded to in a timely, effective manner, and all relevant law is applied;

- Fulfil commitments under the National Action Plan for the Women of Afghanistan to increase the number of women in the civil service to 30% by 2018, ensuring that they receive sufficient training and support, with particular attention paid to the judiciary;

- Uphold commitments to increase the number of women in law enforcement agencies and ensure proper training, adequate training facilities and strategies for effective retention of women police officers that take into account their safety and protection. This includes the provision of separate changing rooms, washrooms and prayer rooms, access to further training and adequate support to councils for female police officers;

- Recognize and reward government officials who champion women's rights consistently in the course of their work.

TO THE INTERNATIONAL COMMUNITY

- Prioritize support and resources to women human rights defenders in insecure and volatile areas of the country;

- Prioritize financial and technical assistance to law enforcement and judicial systems, with benchmarks linked to improved access to justice for women human rights defenders;

- Channel development assistance towards commitments made under the Tokyo Mutual Accountability Framework on gender equality, women's empowerment and implementation of the Elimination of Violence Against Women Law;

- Fund public awareness campaigns, including media initiatives, that highlight the importance of the work of women human rights defenders, and recognize their contributions to Afghan society;

- Strengthen coordination mechanisms for gender programming to reduce overlapping funding and competition between organizations; and support a collaborative and enabling environment for women human rights defenders;

- Develop and implement sufficiently resourced protection mechanisms for human rights defenders, which are complementary to, and coordinated with, the EU+ strategy and any other diplomatic protection mechanisms; and which mainstream the particular needs of women human rights defenders and include both the physical and psycho-social needs of defenders and their families.

TO THE TALIBAN AND OTHER ARMED OPPOSITION GROUPS

- Immediately cease the deliberate targeting of and violence perpetrated against women human rights defenders and withdraw orders that authorize attacks on them.

(RIGHT) Fawzia Nawabi, investigator at the Afghanistan Independent Human Rights Commission in Mazar-e-Sharif, gathers information in a local women's prison





Students at Rana University in Kabul

THEIR LIVES ON THE LINE: WOMEN HUMAN RIGHTS DEFENDERS UNDER ATTACK IN AFGHANISTAN

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

Based on interviews with more than 50 women human rights defenders from 13 provinces as well as contributors from civil society, government, donors and the diplomatic community, this report presents nine case

studies that illustrate the range of violence women human rights defenders confront on a daily basis; from threats, harassment and intimidation to physical attacks on property and family members and unlawful killings.

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

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

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

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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(COVER IMAGE) Fauzia Nawabi from Afghanistan Independent Human Rights Commission interviewing inmates at a women's prison in Mazar-e-Sharif

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