



Between Hope and Fear

Intimidation and Attacks against Women in Public Life in Afghanistan

A Human Rights Watch Briefing Paper

October 2004

I. SUMMARY	1
Note on Methodology	5
II. BACKGROUND	5
Women and girls' status in post-Taliban Afghanistan	6
Women's participation in the Bonn process	8
Women's rights in the constitution	10
III. ATTACKS, INTIMIDATION, AND THREATS AGAINST WOMEN'S RIGHTS ACTIVISTS	11
Death threats, intimidation, and attacks	12
Obstruction of women's development projects	15
Threats and intimidation related to freedom of expression	20
IV. OBSTACLES TO WOMEN'S PARTICIPATION IN THE PRESIDENTIAL ELECTION	25
V. OBSTACLES CONFRONTING WOMEN PARLIAMENTARY CANDIDATES	28
Fear of intimidation by warlords	30
VI. RECOMMENDATIONS	33

I. SUMMARY

"They called me on my mobile phone, saying, 'You are doing things you should not. We will kill you. We will kill you as an example to other women.'"

—Women's rights activist investigating takeover of a women's development center by local strongmen, Afghanistan, September 13, 2004

When a U.S.-led coalition invaded Afghanistan in October 2001, one of the justifications for the war was that it would liberate women from the misogynistic rule of the Taliban. Three years later, on the eve of the country's first-ever national presidential elections on October 9, 2004, there have been notable improvements for women and girls. More than one million girls are enrolled in school, the new Constitution contains guarantees for women's equal rights, and according to official figures, approximately 40 percent of all registered voters are women.

These improvements mask a more depressing reality. Continuing religious and cultural conservatism, and a dangerous security environment, mean that women still struggle to participate in the country's evolving political institutions. Regional military factions and religious conservative leaders, as well as the Taliban and other insurgent forces, are limiting Afghan women's participation in society through death threats, harassment, and physical attacks. They threaten women active as government officials, journalists, potential political candidates, and humanitarian aid workers simply because they are women, and because they advocate for women's human rights.

In this respect, warlords, religious conservatives, and the Taliban often share a similar agenda. The Taliban presided over one of the most hostile regimes to women in modern history, yet the regional and local warlords that the U.S.-led coalition assisted to power often have similar views about the role of women. Whatever the motives or aspirations of the international community, these men did not fight the Taliban over women's rights. Because many of these warlords have been considered key allies in the continuing armed conflict with the Taliban and al-Qaeda, the United States and other coalition governments have not made the warlords' treatment of women a high priority.

In most of Afghanistan, warlords continue to operate with impunity, and the rule of the gun is more of a reality than the rule of law.¹ Violence, intimidation, and extortion are rife. Many Afghans live in fear.

Women suffer disproportionately under these conditions. As previous Human Rights Watch reports have shown, in many parts of the country, some parents report that they are not sending their teenage daughters to school because it is not safe enough for them to walk to school. Women who travel outside alone often continue to face harassment. Women remain at risk for targeted sexual violence.

Intimidation has caused some women's development projects to suspend or cancel their activities. When warlords or the Taliban attack staff of a women's rights non-governmental organization (NGO) or the office of a development project targeting women, they affect the provision of basic services and opportunities to dozens and sometimes hundreds of women. With large areas of the country off limits to the majority of aid programs because of poor security conditions, change for women and girls will remain confined to Kabul and other major urban centers.

Women's rights activists and journalists who have been outspoken on women's rights issues, such as human trafficking or violence against women, have reported death threats, visits to their homes by gunmen, and dismissals from their jobs or other obstructions of their work. Often, expecting retaliation from armed political factions or religious conservatives, women's rights activists and women journalists refrain from directly criticizing warlords or discussing topics that could be perceived as challenging women's rights under Islamic law, such as divorce.

The resulting atmosphere of fear and insecurity endangers women's full participation in the presidential elections and parliamentary and local elections scheduled for 2005.

According to official tallies, 41 percent of the 10.5 million Afghans registered to vote in the October 9 election are women. Election officials and NGOs who prioritized the registration of women deserve praise for their efforts. However, these numbers must be approached with caution. The Taliban and other insurgent forces in provinces along the Pakistan-Afghan border continue to threaten the election process and to intimidate

¹ Human Rights Watch, *The Rule of the Gun, Human Rights Abuses and Political Repression in the Run-Up to Afghanistan's Presidential Election*, (New York: Human Rights Watch, 2004), available at <http://www.hrw.org/backgrounder/asia/afghanistan0904/>.

Afghan women who seek to be part of it. In some southern provinces, women comprise less than 10 percent of registered voters.

Furthermore, many election officials in Kabul privately concede that the overall numbers are inflated by multiple registrations, caused in part by many voters' belief that registration might be linked to humanitarian assistance. There are also reports that husbands allowed their wives to register on the premise that they would in effect then have two votes, as they could instruct their wives how to vote. And an Asia Foundation survey found that almost one out of every four men in the south will forbid their wives to vote.

Due to inadequate logistical arrangements and general security fears, it is unclear just how many women will be able to vote freely on election day. Preparations for the election are behind schedule. In the last two weeks before election day, tens of thousands of poll workers had yet to be hired, including critical women staff. Election officials are now resorting to assigning elderly men, including mullahs and other respected local elders, to work at some women's voting sites, on the theory that sensitivities about women mingling with men will be assuaged. Given those same sensitivities, the shortfall in female poll workers may prevent some women from voting at all.

These problems could be worse in the parliamentary and local elections scheduled for next year, in many ways a more significant test of Afghan women's ability to exercise their political rights. The new Afghan constitution guarantees that approximately a quarter of all seats will be reserved for women. The parliamentary and local elections will carry a greater risk of violence, vote-buying, and intimidation as military factions, political parties, and local leaders jockey to maintain and consolidate control over districts and provinces.

Human Rights Watch interviewed dozens of potential women candidates. Many expected powerful political parties to front women candidates who will not be able to participate independently or equally. Most women said they expected to face threats and harassment from regional warlords and their supporters if they run for parliament. These same warlords have blocked women's political participation consistently in the past, for example, in the Emergency and Constitutional Loya Jirgas (grand councils).

With so much promised to women who faced so much hardship and discrimination under the Taliban (and previous governments), there is a widespread feeling of missed opportunity and disillusionment about the commitment of both Afghanistan's leaders

and the international community to women's human rights. Much more could have been accomplished over the past three years.

Many women's rights activists identified addressing the overall security environment and disarmament of armed factions as the most significant step that the Afghan government and international actors can take to ensure that they are able to participate in political processes, advocate freely for women's rights, and even vote without fear of retaliation and violence. Almost all of the women whom Human Rights Watch interviewed expressed deep disappointment in the disarmament process, the continued political dominance of warlords, and the lack of accountability for abuses. So long as armed factions retain control, women must risk their safety to participate in Afghanistan's reconstruction and to assert their political rights.

Human Rights Watch urges the Afghan government, international security forces, and donor countries to commit themselves to making women's human rights and women's security one of their top priorities. In 2001, after the fall of the Taliban, improving the rights of Afghan women was at the top of the international agenda; in 2004, despite many well-intentioned programs for women, women's human rights appears to be more of an afterthought. In a country where women and girls are still recovering from decades of war and the brutal rule of the Taliban, an environment conducive to women's rights activists and women's development projects is essential.

The Afghan government and international actors must fulfill the promise of disarmament and they must marginalize and hold accountable human rights abusers for their actions. If these conditions are not met, the participation of women is in danger of being largely symbolic.

The United States, the North Atlantic Treaty Organization (NATO), and other international actors should take immediate and decisive steps to fulfill their commitments to promote women's rights in Afghanistan. They must expand the International Security Assistance Force (ISAF) and give it and the Provincial Reconstruction Teams (PRTs) a clear mandate to disarm militias and protect human rights. The United Nations and Afghan government, with donor support, should begin civic education and training programs for the 2005 elections, prioritizing outreach to women in the provinces.

A full set of recommendations can be found at the end of the report.

Note on Methodology

This report is based on over one hundred interviews with women NGO activists, journalists, government officials, doctors, teachers, U.N. workers, and international donors in August and September 2004. We conducted interviews with women from a wide range of ethnic groups, political affiliations, and regions, including in-person interviews in Kabul, Kandahar and Mazar-e Sharif, and phone interviews with individuals in Kandahar, Jalalabad, Herat, Sar-e Pol, Ghazni, Paktika, Kapisa, and Wardak. Although some women courageously offered permission for us to publish their names, many expressed great fear about retaliation for sharing their experiences with us. Because of the relatively few numbers of politically active women in each province and the very real threat of retaliation if their identities become known, we have kept their names, and at times their locations, confidential. Initials used in the footnotes do not correspond to actual names.

II. BACKGROUND

Afghan women's rights have been the flashpoint of conflict, debate, and successive attempts at either repression or reform for more than a century in Afghanistan. In the 1920s, King Amanullah introduced new criminal and civil codes, including a 1921 family code that banned child marriage, required judicial permission before a man took more than one wife, and removed some family law questions from the jurisdiction of mullahs. His wife, Queen Soraya, opened the first girls' school in Kabul. These changes did not enjoy broad-based support and contributed to a backlash that led to King Amanullah's overthrow. During the reign of King Zahir Shah and Prime Minister Mohammed Daoud Khan, measures to introduce voluntary unveiling in 1959 had little impact on everyday practice but other reforms—such as introducing women's right to vote in the 1964 constitution, and promoting women's right to education and participation in political processes such as *loya jirgas*—enjoyed more success among women from the middle and upper classes.

The Soviet-dominated Communist era introduced a number of sweeping and often compulsory social changes, including coeducational schooling, prohibition of forced marriages, and encouragement of women working, unveiling, and participating in government. However, the communist government brutally repressed the country and disregarded engagement with traditional social and economic structures, alienating rural populations in particular. When the anti-Soviet mujahidin won control over the country, they brought back mandatory veiling of women in public and re-introduced many

restrictions on women's movements and freedoms.² However, before the Taliban took power, by some estimates, women accounted for 70 percent of all teachers, 50 percent of all civil servants, and 40 percent of all doctors in the country.³

When the Taliban came to power in the 1990s, they imposed their harsh interpretation of shari'a law on the country, resulting in unprecedented restrictions and violations of women's rights, including bans on education, work, and freedom of movement. The Taliban imposed harsh penalties on women for violations, including public lashings.⁴ The Taliban confined women to the home, denying them the ability to participate in public life. Women's access to health care dropped precipitously because of restrictions on their movement and the requirement to use women-only hospitals and wards. Afghan women's maternal mortality rates remain among the highest in the world, and, during the time of the Taliban, was estimated to be 1,900 deaths per 100,000 live births.⁵

Women and girls' status in post-Taliban Afghanistan

Women's and girls' lives have improved since the overthrow of the Taliban in late 2001. Once confined to their homes, over one million girls are enrolled in school. Women and girls no longer confront Taliban-era restrictions to gain access to health care services. The Afghan government and NGOs have initiated several programs targeted at improving women's status and public participation. Improvements in women's and girls' rights can especially be seen in urban centers such as Kabul, where security is stronger, infrastructure has improved, and the central government exercises firm control.

Still, many Afghan women and girls continue to struggle to exercise fundamental rights to health, education, work, and freedom of movement. Scarcity of data makes it difficult to assess the full scope of the situation or to monitor changes over time. Despite increased flows of international aid after the fall of the Taliban, poor security in many parts of the country, lack of infrastructure, and inadequate numbers of trained personnel have limited real change. For example, Afghan women's reproductive health and mental health indicators are alarming. A 2002 study found that Afghan women's maternal

² Sultan Barakat and Gareth Wardell, "Exploited by Whom? An alternative perspective on humanitarian assistance to Afghan women," *Third World Quarterly* 23(5): 909-930.

³ Special Rapporteur of the U.N. Commission on Human Rights, "Mission to Pakistan and Afghanistan, submitted by Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, in accordance with Commission resolution 1997/4," E/CN.4/2000/68/, March 13, 2000, p. 7.

⁴ Ibid.; and Human Rights Watch, *Humanity Denied: Systematic Violations of Women's Rights in Afghanistan*, (New York: Human Rights Watch, 2001).

⁵ Carla AbouZahr and Tessa Wardlaw, *Maternal Mortality in 2000: Estimates Developed by WHO, UNICEF and UNFPA*, (Geneva: WHO, 2003) [online], http://www.who.int/reproductive-health/publications/maternal_mortality_2000/executive_summary.html (retrieved September 24, 2004).

mortality rate stood at 1,600 deaths per 100,000 live births, and the eastern province of Badakshan had the highest rate ever recorded in the world at 6,500 per 100,000 live births.⁶

Since late 2001, enrollment in schools has significantly increased, with over four million children in school.⁷ Despite this improvement, more than half of Afghanistan's children do not attend primary school. Approximately 34 percent of those enrolled are girls, but their drop-out rates are high. Of those attending primary school, only 9 percent go on to secondary school.⁸ While the government reports that over 80 percent of girls in Kabul attend primary school, in some provinces girls' enrollment rates have shown little or no progress. Only one out of every one hundred girls in Zabul and Badghis provinces attend primary school.⁹ Increasing the number of female teachers is essential to increase the enrollment of girls because many families forbid their daughters to attend schools with male teachers. Security is also key—the Taliban and local military factions have attacked or burned dozens of girls' schools in the past two years.¹⁰

Restrictions on movement and continuing security threats continue to affect women's lives and in particular impede their ability to travel, study, and work.¹¹ Under the administration of the recently deposed governor Ismail Khan, women and girls in Herat had little freedom to engage in public life or to travel freely, at times even being subjected to virginity tests.¹² The continuing control of some areas by conservative military commanders, the social barriers imposed by some religious leaders, and the lack of effective control by the central government means that women do not have choices

⁶ UNICEF, the Centers for Disease Control and Prevention, and the Afghan Ministry of Public Health, *Maternal Mortality in Afghanistan: Magnitude, Causes, Risk Factors and Preventability* (New York: UNICEF, 2002).

⁷ TISA, ADB, UNAMA, UNDP, and the World Bank, *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward*, 2004 [online], <http://www.afghanistangov.org/resources/mof/re costing/SECURING%20AFGHNAISTANS%20FUTURE.pdf> (retrieved September 30, 2004).

⁸ The Human Rights Research and Advocacy Consortium, *Report Card: Progress on Compulsory Education, Grades 1-9* (Afghanistan: Oxfam, 2004).

⁹ Ibid. and TISA, ADB, UNAMA, UNDP, and the World Bank, *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward*, 2004.

¹⁰ Shahabbudin Tarakhil and Hafizullah Gardish, "Girls' Schools Become Targets," *Institute for War and Peace Reporting*, June 24, 2004 [online], http://www.iwpr.net/index.pl?archive/arr/larr_200406_123_1_eng.txt (retrieved September 20, 2004).

¹¹ Human Rights Watch, *We Want to Live as Humans': Repression of Women and Girls in Western Afghanistan*, (New York: Human Rights Watch, 2002), available at <http://www.hrw.org/reports/2002/afghnwmn1202>. See also, Human Rights Watch, *"Killing You is a Very Easy Thing For Us": Human Rights Abuses in Southeast Afghanistan*, (New York: Human Rights Watch, 2003), available at www.hrw.org/reports/2003/afghanistan0703.

¹² Human Rights Watch, *We Want to Live as Humans*, 2002.

about traveling with *mahram* (close male relatives), wearing the burqa, or restricting their movements.¹³

Violence against women and the absence of effective redress for victims, whether through informal or formal justice mechanisms, is a pervasive human rights problem in Afghanistan. The practice of exchanging girls and young women to settle feuds or to repay debts continues, as do high rates of early and forced marriage. According to a study by the Ministry of Women's Affairs and women's NGOs, approximately 57 percent of girls get married before the age of sixteen.¹⁴ The Afghanistan Independent Human Rights Commission (AIHRC), women's activists, and NGOs point to domestic violence being a widespread problem for which there is still little public awareness, prevention effort, or response. Local commanders and their men have also been implicated in cases of sexual violence against women and girls.¹⁵

Women's participation in the Bonn process

The first condition was that criminals not be there [at the Loya Jirga and in government]. But who were the big big people at the Loya Jirga? All the criminals, they were all there. I expected more changes for women's rights. In the Loya Jirga, young women got up and said only a few words. Nobody said names, but people knew if such people [warlords] couldn't participate in the Loya Jirga, the results of the Loya Jirga could have been better than they are now.

—Woman Constitutional Loya Jirga delegate, August 13, 2004

Afghanistan's current political process is based on the December 2001 Bonn Agreement, an accord signed by representatives of the militia forces who fought with the U.S.-led coalition against the Taliban, representatives of the former King of Afghanistan, Zahir Shah, and representatives of various other exiled Afghan groups. Under the provisions of the agreement, an Emergency Loya Jirga (grand council) met in June 2002 to pick a two-year transitional government. At that meeting, Hamid Karzai was chosen as President of Afghanistan. A Constitutional Loya Jirga was then convened in December

¹³ Ibid.

¹⁴ IRIN, "Afghanistan: Child marriage rate still high – minister," *Irinnews.org*, July 13, 2004 [online] http://www.irinnews.org/report.asp?ReportID=42160&SelectRegion=Central_Asia&SelectCountry=AFGHANISTAN (retrieved August 5, 2004).

¹⁵ Human Rights Watch, "Killing You is a Very Easy Thing For Us": *Human Rights Abuses in Southeast Afghanistan*, (New York: Human Rights Watch, 2003), available at www.hrw.org/reports/2003/afghanistan0703. See also, Amnesty International, *No one listens to us and no one treats us as human beings: justice denied to women*, (London: Amnesty International, 2003).

2003 to approve a new constitution and governmental structure. The terms of the Bonn Agreement pledged to foster the political participation of women in the loya jirgas and the interim administration.

Women comprised approximately 12 percent of the Emergency Loya Jirga delegates.¹⁶ Intimidation, threats, and the participation of powerful commanders accused of war crimes marred the process. Many women participants felt they were prevented from giving any substantive input. Only a few women were able to speak, and some reported their microphones were cut off after five minutes. In contrast, powerful mujahidin leaders, some of whom are alleged war criminals, were given half-hour-long speaking slots. Despite pressure to withdraw and vote for Hamid Karzai, Massouda Jalal, a physician and U.N. staff member from Kabul stood for the presidency at the Emergency Loya Jirga and went on to win 171 votes, second to Karzai's 1,295.

Women participated with greater freedom in the Constitutional Loya Jirga. Intimidation still figured strongly, however, and many observers accused military factions of preventing some individuals from standing as candidates, buying votes, and unfairly influencing the election of delegates. Despite improvement compared to the Emergency Loya Jirga, many female delegates still faced threats and harassment during the proceedings, or censored themselves due to fear of retaliation upon return to their home communities. Human Rights Watch interviewed several delegates who left the country temporarily or delayed their returns home because of such fears. One woman said, "Many delegates were commanders who had killed a lot of people, who had weapons and money. The things that we wanted to say in the Loya Jirga—we were afraid to say them, because these [commanders] were sitting behind us."¹⁷

In one of the most dramatic moments of the meetings, a young female delegate from Farah province, Malalai Joya, publicly demanded that former warlords be tried in national and international courts. Other participants tried to expel her from the assembly. Despite becoming a heroine to many Afghans, she has received numerous death threats.¹⁸

¹⁶ Approximately 1,600 delegates participated in the Emergency Loya Jirga. One hundred and sixty seats were reserved for women, and overall, some two hundred women delegates were either elected or appointed. See also, International Crisis Group, "The Afghan Transitional Administration: Prospects and Perils," Kabul/Brussels: ICG, July 30, 2002 and Womankind Worldwide, "Taking Stock: Afghan Women and Girls Six Months On," London: Womankind Worldwide, July 2002 [online], <http://www.womankind.org.uk/documents/balance.htm#2> (retrieved September 27, 2004).

¹⁷ Human Rights Watch interview with Z.K., Constitutional Loya Jirga delegate, August 18, 2004.

¹⁸ "Afghan rights advocate expects death," *BBC*, August 9, 2004.

Human Rights Watch spoke with several women participants who subsequently faced retaliation in the form of harassment, dismissals from their jobs, and transfers to less desirable positions. Because of the small number of female delegates from each province, they requested that we not publish their locations as their identities would be clear and they would risk further harassment. One woman delegate from northern Afghanistan reported: "After I participated in the Loya Jirga, I did not receive my salary for six months."¹⁹ Another delegate was dismissed from her job as a teacher after the Emergency Loya Jirga. Other women delegates said that local authorities and commanders directly harassed them through phone calls or in face-to-face meetings upon their return from the loya jirgas.

Women's rights in the constitution

The citizens of Afghanistan – whether man or woman – have equal rights and duties before the law.

—Constitution of Afghanistan, article 22.

The Afghan Constitution of 2004 contains specific provisions guaranteeing certain women's rights. Article 22 guarantees women's equal rights and duties before the law. Article 44 states: "The state shall devise and implement effective programs for balancing and promoting of education for women, improving of education of nomads and elimination of illiteracy in the country."²⁰ Analysts point to provisions in the Constitution barring any laws contradicting the beliefs and provisions of Islam, which could facilitate punitive adultery laws and could be used in efforts to block measures to protect women's equal rights in divorce or inheritance.

The Constitution also guarantees seats for women in Afghanistan's bicameral National Assembly. Approximately 25 percent of the seats in the Wolesi Jirga (House of the People) are reserved for women and the president must appoint additional women to the Meshrano Jirga (House of the Elders). The Constitution also obliges the government "to create a prosperous and progressive society based on social justice," and to "protect human rights." The Constitution expressly requires the state to "abide by the U.N. charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights." Afghanistan acceded to the Convention

¹⁹ Human Rights Watch interview with P.S., Constitutional Loya Jirga delegate, August 16, 2004.

²⁰ Afghan Const., art. 22.

on the Elimination of All Forms of Discrimination against Women (CEDAW) without any reservations on March 5, 2003.²¹

III. ATTACKS, INTIMIDATION, AND THREATS AGAINST WOMEN'S RIGHTS ACTIVISTS

You have to accept that if you are working on women's rights, you will face problems. The main obstacle is the security issue as a whole. There are a lot of obstacles. Everyone knows well the language of guns and war. Even entering the door of [this office], that itself is a grave risk.

—Women's rights activist, Kabul, August 24, 2004

Politically powerful military factions, the Taliban, and conservative religious leaders continue to threaten and intimidate women who promote women's rights. Human Rights Watch interviewed a wide range of women targeted for intimidation and harassment. These women had chosen to participate in public life as journalists, potential political candidates, aid workers, teachers, and donors. Women whose behavior challenged social expectations and traditional roles also faced harassment. In other cases, factional leaders or Taliban have launched rockets and grenades against the offices of women's development projects, such as those providing health, literacy, and rights awareness programs. Such symbolic attacks sent a clear message that women and girls seeking to claim the most basic rights could face retaliation.

Continuing violent attacks and threats against women in the public sphere have also created an environment of fear and caution. Women's rights activists and journalists carefully word their statements or avoid publishing on some topics because they are afraid of violent consequences. Many women, ranging from community social workers to Afghan U.N. officials, told Human Rights Watch they wore burqas when traveling outside of Kabul. These decisions were made not out of choice, but compulsion due to the lack of safety guarantees. Many women blamed the failure of disarmament, the entrenchment of warlords in both regional and central governments, and the limited reach of international peacekeeping troops as the reasons why they felt unsafe.

²¹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), G.A. Res. 34/180, U.N. Doc. A/34/46, 1979 entered into force September 3, 1981 and acceded to by Afghanistan on March 5, 2003.

Death threats, intimidation, and attacks

Using threatening phone calls, “night letters,”²² armed confrontations, and bomb or rocket attacks against offices, factional and insurgent forces are attempting to scare women into silence, casting a shadow on the Afghan women’s movement and governmental attempts to promote women’s and girls’ development.

Women rights activists expressed frustration at the inadequate security provided to them by the central government and international peacekeeping forces. After facing an attack, one women’s rights activist who had been unable to obtain adequate security from the central government said, “After that, I said I am not going to the provinces anymore. I used to be involved in election [campaigning], but not anymore. Why should I care who wins the presidential elections, Karzai or Jalal, if they do not care for my life or protection?”²³

Below are examples of the types of threats and intimidation that Afghan women have experienced in the previous twelve months:

- Armed groups have targeted prominent women government officials who have been active in promoting women’s rights. In mid-July, 2004, an official with the Ministry and Rehabilitation and Rural Development and prominent women’s rights activist, Safia Sidiqi, was traveling in Nangarhar province. As her convoy left a gathering where she had been the key speaker, her vehicle came across three men who were apparently trying to plant a landmine ahead of her convoy. After a gun battle, one man committed suicide and the other two escaped.²⁴ She echoed the frustration of many other women about the government’s inability to provide adequate security:

Sometimes the government cannot intervene and that is a fact. The [central] government does not have full authority in Afghanistan. The gun is still leading the people. The people with guns are the ones who cause problems...especially for women.²⁵

²² “Night letters” refer to threats or letters that arrive at night, often directly to the recipient’s home or office. These letters are often particularly frightening to the recipient as the practice demonstrates that whoever is threatening her has visited her home and knows where to find her.

²³ Human Rights Watch interview with women’s rights activist, Kabul, August 23, 2004.

²⁴ Human Rights Watch interview with Safia Sidiqi, gender advisor, Ministry of Rehabilitation and Rural Development, Kabul, August 23, 2004.

²⁵ Ibid.

- On the night of August 22, 2004, a landmine set off by remote control exploded in front of the house of a senior woman government official in a central Afghan province. Although she and her entire family were at home, nobody was injured. For several months prior to the attack, she had reported receiving letters threatening her not to work, especially on behalf of women or for the government.²⁶
- Talking about women's rights can be life-threatening. For example, one woman told Human Rights Watch that on June 20, 2004, she had spoken at a program hosted by a women's rights organization. She said, "I talked about sexual harassment, about girls raped in Paghman. There had been a girl kidnapped from Sher-e nau [a neighborhood in central Kabul]. Talking about trafficking attracted threats. On 22 June, I was washing clothes, and went to hang them outside...[when] three bullets were fired. They only missed me by inches."²⁷ She continues to receive death threats by phone.
- A women's development project in a northern province was forced to close in April 2004 after operating for only three months. Project managers in Kabul learned that local strongmen had taken over the center and were warning the intended beneficiaries, to stay away. The woman aid worker who investigated the problem received threatening phone calls daily from March 30, 2004 until she temporarily took refuge in India. As she later told Human Rights Watch:

They called me on my mobile phone, saying, "You are doing things you should not. We will kill you. We know you are staying at [name withheld]. We will kill you, don't work with foreigners."²⁸ We will kill you as an example to other women." [I knew they were watching me] because, as I answered the phone, they said "you are opening your door, you are wearing these clothes, you just turned your head." It was so scary. I was very scared. I don't go around as much as I used to and I will never go to [the city where this took place].²⁹

²⁶ Human Rights Watch interview with AIHRC official, Kabul, August 29, 2004 and Human Rights Watch interview with Ministry of Women's Affairs official, Kabul, August 31, 2004.

²⁷ Human Rights Watch interview with M.T., women's rights activist, August 13, 2004.

²⁸ The women's development project was funded by an international organization.

²⁹ Human Rights Watch phone interview with S.R., Kabul, September 13, 2004.

Project managers discontinued funding for the women's center in that location and do not have immediate plans for opening a new one there.

- A woman working for an Afghan NGO described the threats she received after a photograph of her, taken at a moment when her headscarf had inadvertently slipped off, was published on the web. K.N. had traveled abroad for a leadership conference and the photograph was published on the sponsor's website. Starting in mid-April 2004, she received threatening daily e-mails for two weeks and two letters delivered directly to her house. She told Human Rights Watch:

The e-mails said, "You are going to foreign countries and forgetting chador.³⁰ You are abusing women, trying to get women out of houses, to take off their chador. You NGOs have big resources, you are the ones eliminating Islam from Afghanistan. You are trying to teach women computers and English, you are not trying to teach them Islam. You are telling them they are better than men." The e-mails said, "I know you, you are not wearing a burqa. ... I know you are single, anything can happen, very bad things." The two letters said, "Do not go out of your house. If you do so, I will throw acid on your face. Then you will have to wear a burqa forever."³¹

The threats have affected the behavior and movements of K.N. and she lives in fear. She told us, "Sometimes I am afraid. I changed the way that I wear chador [to cover more of my face]. I used to take a car from the street, now I take it from my gate. I do not want to go to the bazaar, they can do anything they want to me there. It hasn't been that long, [it happened] just three months ago."³²

- Intimidation takes the form of not only physical threats, but also slander. Honor and reputation are important in Afghan society, and developing a "bad name" can affect not only a woman's credibility and ability to work in the community, but may also affect the marriage, education, and work prospects of herself and

³⁰ Chador refers to a head-to-toe garment worn by women as one way of following Islamic dress code, which includes covering one's hair and obscuring the shape of the body. A *burqa* is a chador which also covers the face, with a mesh screen to allow the woman to see.

³¹ Human Rights Watch interview with K.N., women's rights activist, Kabul, August 22, 2004.

³² Ibid.

her family. One woman activist who has been targeted by Atta Mohammed and others in Jamiat-e Islami (Jamiat) in Balkh province said:

Today I am very sad, yesterday I cried. Atta Mohammed³³ said bad words against me... They are slandering me. It is a woman's life to be honorable and treated properly. I haven't faced any problems from society, just commanders. Commanders threaten me, they say bad words, words that exist for bad women [being non-Muslim, dishonest, having inappropriate contact with men]. Physical threats would be better than these words and bad names. If I get cut here, I hurt my arm, but from this [attack on my reputation] I get mental pain.³⁴

Although many of the women whom Human Rights Watch interviewed remained defiant and determined to pursue their work, others quietly expressed their fears and the ways they have been forced to curtail or change their work or their movements. Still others may never choose to become involved with women's rights or work in the public sphere because of the risks it entails. A women's rights activist working for an NGO lamented the fact that, "So many women wanted to make organizations for women's rights. When they saw the threats, they left the work."³⁵ One woman working on human rights said, "Of course I am afraid. I know that people don't like the things we do. I would never give up [doing things] my way even if I faced problems in the future, but I do not want to die soon. I have a lot of hopes."³⁶

Obstruction of women's development projects

Guns are ruling, there is no security, I wish disarmament could take place. It has a direct effect on our work, because with guns ruling, there is no security and women can't work freely, go to health care centers, they can't go to school. If we work for the development for women, it takes a lot of energy. If the law ruled instead of guns, we would only need half the energy we do now.

—Official from the Ministry of Women's Affairs, Kabul, August 31, 2004

³³ Atta Mohammed is the current governor of Balkh province and is a prominent leader of the mujahidin military faction Jamiat-e Islami (Jamiat).

³⁴ Ibid.

³⁵ Human Rights Watch interview with F.O., Mazar-e Sharif, August 16, 2004.

³⁶ Human Rights Watch interview with J.H., Kabul, August 24, 2004.

The dominance of armed political factions and continuing attacks by the Taliban and other insurgent forces have greatly impeded women's participation in the public sphere, and also present grave obstacles to implementing desperately needed women's development projects, including education, health, and income-generating programs. When insurgent forces or armed factions attack a women's rights NGO staff member or the office of a women-focused development project—they affect the provision of services and opportunities to dozens and sometimes hundreds of women. This intimidation is often symbolic, as with attacks on girls' schools, and it creates an atmosphere of fear sending a message to women, girls, and their families that they may be targeted if they participate in these programs. Local commanders, Taliban, and other insurgent forces have attacked dozens of girls' schools in the past two years.³⁷

The presence of international security forces makes a critical difference. In places with greater assurances of safety and where NGOs feel safe to work, for example, Kabul, Afghan women and girls have participated enthusiastically in education, rights awareness programs, and other activities. In other locations, threats and harassment of staff working on women's development projects, intimidation of beneficiaries, and attacks on offices and vehicles has contributed to premature closure of projects or has prevented projects from even getting started.

Below are examples of the types of threats and intimidation that women's rights advocates and women's development projects have experienced in the past twelve months:

- In May 2004, a women's rights organization was forced to close a project in the central Panjshir region supporting internally displaced women because a group of mullahs objected to rights awareness programs conducted by the center.³⁸ Despite negotiations between U.N. and NGO officials with the local mullahs and governor, the center was closed. The center served two hundred women daily with programs including sewing, basic women's rights, civic awareness, and health initiatives. A funder for the center told Human Rights Watch:

The women keep on calling and calling us, saying we need such activities, and there was only one center. But we had received warnings

³⁷ Shahabbudin Tarakhil and Hafizullah Gardish, "Girls' Schools Become Targets," *Institute for War and Peace Reporting (IWPR)*, June 4, 2004; Swedish Committee for Afghanistan, "SCA condemns recent attacks on girls' schools," Press Release, April 1, 2004.

³⁸ Mullahs are the traditional leaders of local mosques who lead prayers.

and threats, they said they would kill us. The health educator and literary teacher faced many threats and they decided not to come to the center. The governor promised to do his best to reopen the center and to talk to the mullahs. [In the end], he said we should reopen, but he could not give us any guarantees for our safety. Our local implementing partner still has funds for this project. We are still waiting for the security situation to improve.³⁹

A woman working for the implementing women's rights organization said:

They issued warnings about foreigners coming to the center; they did not like that. They said, "you will be killed or they will be killed." One of our female staff was threatened by armed men. If she had continued the work, she might have lost her life—in May 2004, two armed men came in front of [her] car and pointed a gun. They said they were leaders of a big group. They said, "We don't want to see you here again or else you risk your lives and the life of your driver."⁴⁰

The interviewee did not believe the religious leaders to be affiliated with a political party, but said they were backed by armed groups. She and her colleagues spent months trying to resolve the situation but since the governmental authorities were unable to help, the women's rights NGO could not resume the project. She said, "Nothing worked. We felt we had lost."⁴¹

- The National Solidarity Program, aimed at fostering public participation in local governance, establishes local *shuras*, or councils, all over the country. These include women's shuras to increase women's participation in decision-making. Although the government has been able to establish hundreds of shuras, it has faced obstacles in some places that prevented or slowed its work. One government official knowledgeable about the program noted that threats prevented the creation of women's shuras in some provinces such as Parwan, Nangarhar, Bamiyan, Kandahar, and Kapisa. She said political parties and local commanders created the most problems. "They can block [these shuras] very easily, if they threaten women, or if they threaten a male member of her

³⁹ Human Rights Watch interview with R.S., official from a donor agency, Kabul, August 12, 2004.

⁴⁰ Human Rights Watch interview with S.N., women's rights NGO, Kabul, August 12, 2004.

⁴¹ Ibid.

household saying, 'your wife is going out of the house, I will kill you.' Obviously, the women will be afraid."⁴²

- Unknown attackers targeted a local women's center in eastern Afghanistan and threw a grenade into its office on December 14, 2003, causing damage to the building. The organizer said, "It had an impact on our beneficiaries, it is difficult enough for women to leave the house, and it was difficult to convince them to establish trust again."⁴³
- A director of an international aid organization said, "We seek to involve women in decision-making, but this is often seen as too political. A year ago, we received a number of 'night letters' and warning letters. Women's participation is a difficult issue. An RPG [rocket-propelled grenade] was fired at our offices in [southeast Afghanistan]. It didn't hurt anyone, but it alarmed us.... A few months ago, a small rocket hit our office in [central Afghanistan]."⁴⁴
- In eastern Afghanistan, a women's rights activist received letters in her office threatening her with death in November 2003 and June 2004. She took the first letter and reported it to the United Nations Assistance Mission in Afghanistan (UNAMA) and the provincial security commanders. Before they had time to arrange security, she encountered three armed men waiting in a car in front of her house. She told Human Rights Watch:

There was a Datsun there, like our office car. I thought they were from my office. I turned. There were three men with weapons, two at the back side and one in the front of the car. The man in the front said to me bad things, "We will kill you and your family." I went inside and didn't talk with them because I was very afraid. They did not have military clothes, were wearing ordinary clothes with *pakol* [round wool hats worn by many militia forces in Afghanistan, especially Tajik militias]. It was not clear who they were. I came to Kabul two or three days later without informing anyone [to escape the situation]. I was in Kabul for one or two weeks.⁴⁵

⁴² Human Rights Watch interview with senior government official, Kabul, August 23, 2004.

⁴³ Ibid.

⁴⁴ Human Rights Watch interview with D.E., Kabul, August 21, 2004.

⁴⁵ Human Rights Watch phone interview with T.A., Jalalabad, August 29, 2004.

- The Taliban and other insurgent forces killed twenty-four aid workers in the first eight months of 2004, including the June 2, 2004 murders of five Médecins Sans Frontières staff (MSF, Doctors Without Borders).⁴⁶ In late July, MSF pulled out of Afghanistan because of safety concerns for its workers.⁴⁷ Not only had MSF worked in Afghanistan through some of the worst periods of violence and repression in the 1990s, but it provided essential basic health care services for women and programs to reduce Afghanistan's high maternal mortality rates.

In addition to the threats and intimidation just described, factional control of government offices has also impeded women's projects. For example, the Ministry of Women's Affairs in northern Balkh province is controlled by individuals allied with the military faction Jamiat-e Islami (Jamiat). Many of the independent NGOs in the area complained they face harassment and at times active hostility from local ministry officials. One women's rights activist noted, "I am under a lot of pressure, I cannot conduct activities freely, because they do not allow anyone to work with us."⁴⁸

Fear of attacks prevents many women from working or traveling, especially in areas where there is no international peacekeeping presence or where the central government has not established control over local warlords. The lack of safety in these areas has severely limited the expansion and reach of women's development projects. The continuing "rule of the gun" has forced Afghan and international NGOs, U.N. programs, and Afghan government initiatives to concentrate their activities in regions where women's rights projects are less likely to be targets and where assurances of safety enable them to recruit and retain female teachers, health care workers, and social workers.⁴⁹ One women's rights activist told Human Rights Watch:

It is not the fault of NGOs, it is a result of the security problems....
There is bad security and not many NGOs operating in Kandahar,

⁴⁶ Security personnel in Kabul now suspect that the June 2 killing of five MSF aid workers, which was first thought to be carried out by Taliban forces, was in fact carried out by a local autonomous militia. Human Rights Watch interviews with U.N. and NGO security officials, Kabul, September 21, 2004; Human Rights Watch interview with security officials, Mazar-e Sharif, August 15, 2004.

⁴⁷ Médecins Sans Frontières, "MSF withdraws from Afghanistan following killing, threats and insecurity," Press Release, July 30, 2004.

⁴⁸ Human Rights Watch interview with F.O., Mazar-e Sharif, August 16, 2004.

⁴⁹ Security problems contribute to difficulties recruiting and retaining female staff for programs in the provinces. In a striking example of how efforts to bolster participation of women has enjoyed significantly more success in Kabul than in the provinces, the Ministry of Rehabilitation and Rural Development has increased the number of female workers from forty to two hundred (out of 1900). Despite this progress, only twelve of these women work in the provincial offices. Human Rights Watch interview with a senior government official, Ministry of Rehabilitation and Rural Development, Kabul, August 23, 2004.

Hilmand, Farah, the eastern part [of the country], Paktia, Taloqan, Takhar, and Badakshan. Most are working in Mazar-e Sharif, Ghazni, Logar, Parwan, and Bamian [which are safer].⁵⁰

One woman wanted to acknowledge that her organization, which has encountered obstacles and threats in different provinces, also receives, “lots of requests, even from commanders, to come and open [women’s] centers.”⁵¹ Such cooperation, however, is not common in large parts of the country, which remain hostile environments for women’s rights initiatives.

Threats and intimidation related to freedom of expression

Security is an important issue. Everything is in the hands of a few of people. If women feel secure, they can raise their voice.... We feel danger in all ways, the gun is ruling here. It is difficult to speak the truth here, because it is not a secure and healthy environment here.

—K.K., women’s rights activist, Herat, September 2, 2004

Freedom of expression—particularly in terms of speaking freely about a wide range of women’s rights issues and of dressing according to one’s preferences—remains elusive for many Afghan women. Powerful military, political, and religious figures continue to use threats, violent attacks, and other intimidation tactics to stifle women’s voices. Human Rights Watch documented cases of death threats and harassment against women who spoke out about sensitive women’s rights issues like human trafficking. Factional control over the media has muted freedom of expression in several provinces. Many Afghan women struggle to assert their freedom to speak and dress how they like, but instead, fear pushes them to choose their words and appearance carefully to avoid stirring controversy and attracting reprisals.

Women’s freedom of expression varies regionally. In some places, women’s ability to create publications, establish women’s radio stations, and to speak freely has expanded significantly. In these places, programs to train women journalists are flourishing, as are women-focused and women-led media projects.

⁵⁰ Human Rights Watch interview with women’s rights activist, Kabul, August 22, 2004

⁵¹ Human Rights Watch interview with S.N., manager for a women’s rights NGO with projects in several parts of the country, Kabul, August 22, 2004.

Other places are marked by an atmosphere of fear and repression. For example, in August 2004, before Ismail Khan's removal from the governorship of Herat, women in Herat were often nervous or hesitant to give interviews. One woman in Herat told Human Rights Watch, "I am 100 percent afraid to talk, even now talking to you I am afraid. There is no freedom of expression here."⁵²

Below are examples of retaliation against individuals who have spoken out about women's rights and the fears that women from several parts of the country shared with Human Rights Watch about freely expressing themselves:

- A women's rights activist in eastern Afghanistan was threatened on June 29, 2004. She received a threatening letter at her office that had been slid underneath the door. She told us, "It had Arabic verses from the Koran. Again it was threatening me with death.... I know that there were some people who complained about me to one of the most terrible commanders. [A commander] who has killed not just in Jalalabad but all over the country. The commanders don't like our [work] because it talks about how they kill people, harass people, and kidnap."⁵³
- Journalists reported received threatening phone calls and letters after publishing stories on sensitive issues. Most are skeptical about the government's ability to protect them, for example, through the police, and others found the government and the human rights commission unsympathetic to the dangers they face. An editor of a women's publication said:

I have received threats about twenty times.... They were telephone threats, there was one even a few nights ago.... Our weekly is hot and spicy [provocative].... I know the Taliban will never accept me. The telephone threats are usually at night. I have not reported them to anyone. If I want to report it, what can they do? Nothing at all.⁵⁴

- A male presidential candidate, Latif Pedram, who made statements proposing debates on divorce and polygyny, encountered challenges to his candidacy in late August 2004 when the chief justice of the Afghan Supreme Court and other

⁵² Human Rights Watch phone interview with S.Z., Herat, August 29, 2004.

⁵³ Ibid.

⁵⁴ Human Rights Watch interview with H.G., editor, Kabul, August 23, 2004.

judges allied with the warlord Abdul Rabb al-Rasul Sayyaf sent a letter to UNAMA and the election commission demanding that Pedram be expelled from the presidential race for committing blasphemy by questioning Islamic marital laws.⁵⁵ UNAMA and the commission received a second letter in mid-September asking them to take action. Pedram is currently still a candidate, and the election commission is not expected to act on the judges' demands, but the incident illustrates the sensitivity of discussing certain women's rights issues.⁵⁶

- Choices about dress are also a form of expression, and although many Afghan women chafed at the level of international attention focused on the burqa, many also told Human Rights Watch that security conditions denied them choices and compelled them to wear the burqa in many places. One female U.N. official had received two threatening letters in late 2003. These letters, in combination with the murder of one of her female colleagues by militants a few weeks later, has not diminished her resolve to work for women's rights, but has forced her to change how she travels. She said, "My friend was killed but we continue to work. When I go outside of Kabul, I prefer to wear the burqa."⁵⁷

Human Rights Watch interviewed women who talked about avoiding certain topics in their public speaking and writing to prevent threats and violence. One journalist said, "I feel I should control what I say and unfortunately I do this most of the time."⁵⁸ Most tried to present their work as moderate and mainstream, distancing themselves from work considered sensitive or explosive. Others felt that the atmosphere prevented some women from getting involved at all: "Security as a whole is a problem. Many women don't want to get involved or talk about human rights."⁵⁹

Women continue to self-censor themselves regularly. A women's rights activist noted, "women are very careful about their statements. There is 50 percent freedom of speech,

⁵⁵ Pamela Constable, "A Taboo Issue in Afghan Campaign: As Millions of Women Prepare to Vote, Debate on Their Other Rights Is Dampened," *The Washington Post*, September 8, 2004. Polygyny refers to the practice of men marrying more than one woman; polyandry is the practice of a woman marrying more than one man; and polygamy is the more general term referring to having more than one spouse.

⁵⁶ In a televised debate among seventeen presidential candidates in late August 2004, some candidates made degrading comments attacking women's rights, including suggestions that giving too much freedom to women will lead them to have sex with animals, and that women were not capable of handling leadership positions in the government. These comments passed without the same level of furor as Pedram's statements about divorce and polygyny.

⁵⁷ Human Rights Watch interview with R.S., U.N. official, Kabul, August 12, 2004.

⁵⁸ Human Rights Watch interview with G.K., journalist, Kabul, August 23, 2004.

⁵⁹ Human Rights Watch interview with F.S., women's rights activist, Kabul, August 24, 2004.

and 50 percent under pressure. [For] journalists and women who are speaking out Self-censorship is a protection mechanism.”⁶⁰ A woman government official told Human Rights Watch: “I have lots of things to say about these eighteen [presidential] candidates. I know everybody, and I know what they have done. I have questions, and I can’t say them. I would put myself in too much danger.”⁶¹

Perhaps the most sensitive issue for women’s rights activists is how to engage in public discussion about women’s rights and Islam without facing retaliation from conservative religious and political leaders. All of the women’s rights activists whom Human Rights Watch interviewed agreed that the best strategy to promote women’s rights was to highlight the ways in which women’s rights are protected in Islam and that any perceived challenge to the religion would result not only in social ostracism, but threats to their physical safety. As one young activist noted, “The main point is that you have to be careful about Islam. I believe that Islam is good for women.... You can never say that Islam is wrong, you have to focus on the point that you want to change. If we say, ‘we should change tradition,’ that is better.”⁶² A prominent editor of a women’s publication said, “If Islamic rule is mixed in with traditions, you can’t write about that. For example, divorce.”⁶³

One women’s rights activist told Human Rights Watch:

I am afraid to talk. I can’t raise my voice. I am a mother. I feel worried for my children. I can’t talk about shari’a for example. I can’t talk about women’s rights in Islam, I am afraid of religious leaders and mullahs. Everyone knows them and if I talk about women’s rights, they will call me non-Muslim.⁶⁴

The consequences of publishing sensitive articles about women’s rights and Islam can include prosecution, slander, and death threats. Many female journalists around the country noted the case of a women’s rights activist and journalist in Mazar-e Sharif who was forced to go into hiding in 2003 after she published an article on women’s rights in Islam that enraged a military faction and local religious leaders. The Council of Religious Elders called for her trial, while others accused her of attacking Islam and called for her

⁶⁰ Human Rights Watch interview with M.H., women’s rights activist, Kabul, August 23, 2004.

⁶¹ Human Rights Watch interview with N.F., senior government official, Kabul, August 24, 2004.

⁶² Human Rights Watch interview with T.N., women’s rights activist, Kabul, August 23, 2004.

⁶³ Human Rights Watch interview with H.G., editor, Kabul, August 23, 2004.

⁶⁴ Human Rights Watch phone interview with B.A., western Afghanistan, September 5, 2004.

death.⁶⁵ Although the Mazar-e Sharif court threw the case out in mid-2003, she told Human Rights Watch that she and members of her family still encounter harassment from officials affiliated with the dominant political faction in their workplaces, educational institutions, and daily lives.⁶⁶

The powerful influence in regional governments and the cabinet of political parties and military factions with long histories of human rights abuses also inhibits women's freedom of speech. These figures have used their positions in government to consolidate control and to undermine potential opposition or critique. In one province controlled by a conservative military faction, a woman running a women's radio station complained about her inability to broadcast stories about sensitive women's social issues. She told Human Rights Watch:

We are not free to publish some stories Whenever we try to conduct research, the government doesn't allow us. They won't help us get the necessary documents. We did a lot of research about burning [of women, but could not air the story].... Our real problem is that we cannot publish about family problems, widows, women working on the street—prostitutes.⁶⁷

One manager of a Kabul radio station said although they try to take some risks in their reporting, "we don't talk too specifically about commanders, because of guns or people who can threaten us or make limitations on our funds or our programs."⁶⁸ A women's rights activist in Kandahar said, "I cannot talk freely, because in the Kandahar environment, I am afraid. People may interpret what I say wrongly. I am afraid to talk about political issues especially, because each political party is working for its own benefit. If I talk on political issues, they will think I am talking about them and it will be dangerous for me."⁶⁹

⁶⁵ Human Rights Watch interview with R.H., journalist and women's rights activist, Mazar-e Sharif, August 18, 2004; and Human Rights Watch interview with UNAMA official, August 15, 2004.

⁶⁶ Human Rights Watch interview with R.H., journalist and women's rights activist, Mazar-e Sharif, August 18, 2004.

⁶⁷ Human Rights Watch interview with H.S., journalist, northern Afghanistan, August 15, 2004.

⁶⁸ Human Rights Watch interview with J.S., Kabul, August 28, 2004.

⁶⁹ Human Rights Watch interview with N.V., government worker, Kandahar, August 27, 2004.

IV. OBSTACLES TO WOMEN'S PARTICIPATION IN THE PRESIDENTIAL ELECTION

We have to use this opportunity—it is men's dream that women won't participate because of security. It is our aim that women will participate.

—Women's rights activist, Kabul, August 28, 2004

Encouragingly high numbers of Afghan women have registered to vote in many parts of the country. At the same time, security threats created by regional warlords or by attacks from Taliban and other insurgent forces have marred the process, resulting in the loss of life, an atmosphere of fear, and extremely low female voter registration rates in the south.⁷⁰ Continued threats and insecurity, in combination with logistical and funding failures, may seriously compromise women's ability to vote on October 9.

The world has monitored Afghan women's participation in the presidential election not only as a measure of whether they can vote, but to assess improvements in women's ability to move freely and assert other fundamental human rights. UNAMA, the JEMB, international donors, and NGOs have taken many positive steps to encourage female voter registration, including civic education programs, hiring female election workers, permitting women to obtain voter registration cards without photographs, and providing regularly updated registration figures disaggregated by gender. These efforts helped generate commendable results: according to official tallies, 41 percent of all registered voters in the country are women.

Upon closer examination, however, the picture is less rosy. In some places, multiple registrations have likely significantly inflated voter registration figures; in others, women have faced violence and intimidation during the registration process and few have registered.⁷¹ In one of the most deadly examples, on June 25, 2004, a bomb targeting a bus full of female election workers near the eastern city of Jalalabad killed three and injured twelve.⁷²

⁷⁰ For more information about human rights abuses leading up to the presidential elections, see Human Rights Watch, *The Rule of the Gun, Human Rights Abuses and Political Repression in the Run-Up to Afghanistan's Presidential Election*, (New York: Human Rights Watch, 2004), available at <http://www.hrw.org/background/asia/afghanistan0904/>.

⁷¹ *Ibid.*; Human Rights Watch interview with official from an international NGO working on elections, Kabul, August 26, 2004; and Martin Huckerby, "Afghan voting number puzzle," BBC, August 27, 2004 [online], http://news.bbc.co.uk/1/hi/world/south_asia/3600742.stm (retrieved September 18, 2004).

⁷² AIHRC-UNAMA, *Joint Verification of Political Rights, First Report, 15 June - 7 July 2004*, Kabul, 2004; "Third Afghan Woman Poll Worker Dies of Wounds," Reuters, July 4, 2004; and "Women Killed in Afghan Bus Attack," BBC, June 26, 2004.

Women who spearheaded voter registration drives confronted resistance and threats from local factions and from the Taliban and other insurgent forces.⁷³ One NGO that had focused on registering women voters in Wardak reported that, "women avoided taking voter registration cards. They were not willing to get voter registration cards, because they were scared by warlords."⁷⁴ Although election workers and NGOs reported that many local commanders and mullahs supported registration of women, instances of intimidation were not uncommon. In Laghman province, U.N. officials discovered that commanders were pushing mullahs to issue directives preventing women from registering to vote.⁷⁵

Poor security conditions, in part due to attacks from the Taliban and other insurgent forces, led to intermittent suspension and curtailment of civic education programs and voter registration efforts, with a particularly negative impact on women.⁷⁶ Attacks on election workers and aid workers throughout 2004 exacerbated the difficulties in recruiting and retaining women to work as civic educators or to register women. A woman civic educator told Human Rights Watch, "There are a lot of security problems. When we sent civic educators to the districts, there was no one to protect us and we were afraid."⁷⁷ One female election worker from Kandahar said, "Because we don't have enough women teams, a lot of women can't register even if they want to."⁷⁸ In some areas, fear of attacks prevented mobile registration teams from going door-to-door, a critical method for reaching out to women in rural or conservative areas. All these factors contributed to appallingly low female registration rates in the south: 9 percent of registered voters in Uruzgan province, 10 percent in Zabul province, and 16 percent in Helmand province.⁷⁹

⁷³ Pamela Constable, "Traditions, Terrorism Threaten Afghan Vote: Women Are Intimidated, Election Workers Attacked," *The Washington Post*, June 4, 2004; Human Rights Watch interview with N.M., women's rights activist, Kabul, August 12, 2004; and Human Rights Watch interview with U.N. official, Kabul, August 12, 2004.

⁷⁴ Human Rights Watch interview with N.M, Kabul, August 12, 2004.

⁷⁵ Human Rights Watch interview with U.N. official, Kabul, August 12, 2004.

⁷⁶ Several election workers and NGOs told Human Rights Watch that civic education programs did not begin early enough to reach women in rural areas, also affecting women's voter registration. One election worker said, "We had very limited time, it started very late. We had just two civic educators (for women), and only a few registration teams. For example, in [one] district, we had just one week. [The process] wasn't complete, most people couldn't participate because of the limited time, especially women." Human Rights Watch phone interview with H.Q., civic educator, Kandahar, August 27, 2004.

⁷⁷ Ibid.

⁷⁸ Human Rights Watch phone interview with F.M., election worker, Kandahar, August 27, 2004. Of Kandahar's registered voters, only 27 percent were women. JEMB, "Daily voter registration update, August 26, 2004," [online], <http://www.elections-afghanistan.org.af/main.html> (retrieved September 24, 2004).

⁷⁹ JEMB, "Daily voter registration update, August 26, 2004," [online], <http://www.elections-afghanistan.org.af/main.html> (retrieved September 24, 2004).

Several factors threaten to obstruct Afghan women's ability to vote on election day, including fear of violence and inadequate logistical arrangements. A recent Human Rights Watch report analyzes how militarized political factions are undermining legitimate political processes and threatening to disrupt the elections.⁸⁰ The European Union and the Organization for Security and Cooperation in Europe (OSCE), both of which had planned to send large election observation teams, decided to send only small support teams to Afghanistan, as it considered the conditions too dangerous for its workers.

To facilitate women's participation, election officials planned separate polling booths for men and women at each polling station. However, just two weeks before election day, tens of thousands of poll workers had yet to be hired, including critical female staff. Many stations will be understaffed, and elderly men, including mullahs and other respected local elders, will be used to meet the shortfall in female workers.⁸¹ These shortcomings will likely negatively impact women's voter participation.

Human Rights Watch interviewed several women activists who underlined the constraints that may prevent women from voting freely and independently. One woman who has spent several months organizing election awareness workshops for women in western provinces. She told us:

I have 200-500 women in each gathering, [their main concern] is they are afraid of warlords. They are afraid they will be killed if they don't give their votes to them. "If warlords are standing, how are we going to vote?" There were so many questions like this. We instruct them to say to the warlords, "we will vote for you," but to do something else at the ballot box.⁸²

A recent survey by the Asia Foundation found that 87 percent of Afghans said that women would need to get permission from their husband or the head of the family to vote. Eighteen percent of men surveyed said they would not let their wives vote at all,

⁸⁰ See Human Rights Watch, *The Rule of the Gun*, 2004.

⁸¹ Human Rights Watch interview with official from an international NGO working on elections, Kabul, September 22, 2004.

⁸² Human Rights Watch phone interview with B.L., women's rights activist, Herat, September 2, 2004.

and in the south, almost one out of every four men surveyed felt this way.⁸³ One women's rights activist noted that, "Only a few women will be able to exercise their own choice, the educated ones. [Most women say] we should obey our husbands, and if we go against them, it will be a sin."⁸⁴ Another election worker said she knew women who would not be able to vote because their families will not allow them. She said, "Some of the women said to the [election] workers, 'you gave us cards, but we are not sure if our families will let us go.'"⁸⁵

Obstacles to women's equal participation in the presidential election are not confined to women voters, but extend to the lone female presidential candidate, Massouda Jalal. In March 2004, Habibullah Habib, the dean of Balkh University, prevented Jalal from speaking at the university. She was also barred from speaking at an Afghan New Year celebration at the central shrine in Mazar-e Sharif, the Rowza Hazrat Ali, although government officials and other potential political candidates spoke, including Defense Minister Mohammed Fahim and General Rashid Dostum. Jalal has also reported that police in the first district of Kabul prevented her from campaigning.⁸⁶

V. OBSTACLES CONFRONTING WOMEN PARLIAMENTARY CANDIDATES

I don't think I should run for parliament, most of the women who are running have connections with [General Rashid] Dostum or [Governor Mohammed] Atta. Their men will come at night and make problems for my family so it's not possible. I have to sit quiet. I think the conditions are not good [for me to run].... Maybe there will be a problem for me, or for my friends, because they would help me campaign.⁸⁷

—Human Rights Watch interview with women's rights activist, Mazar-e Sharif, August 15, 2004

In many ways, parliamentary and local elections planned for 2005 will be a better barometer of political progress and women's rights than the presidential election. While Karzai is expected to win the presidential vote, the power of local authorities will be

⁸³ The Asia Foundation, *Voter Education Planning Survey: Afghanistan 2004 National Elections, A report based on a public opinion poll* [online], http://www.asiafoundation.org/pdf/afghan_voter-ed04.pdf (retrieved August 4, 2004).

⁸⁴ Human Rights Watch interview with A.L., women's rights activist, Mazar-e Sharif, August 15, 2004.

⁸⁵ Human Rights Watch phone interview with H.Q., Kandahar, August 27, 2004.

⁸⁶ Human Rights Watch interview with Massouda Jalal, presidential candidate, Kabul, August 13, 2004; Human Rights Watch interview with AIHRC official, Kabul, August 28, 2004.

⁸⁷ Human Rights Watch interview with A.L., Mazar-e Sharif, August 15, 2004.

directly on the line in the parliamentary and local elections and one can expect more heated political contestation, more coercion, and more blatant manifestations of continuing obstacles to meaningful political participation.

Human Rights Watch interviewed dozens of Afghan women considering running for office in the 2005 parliamentary and local elections, and almost all of them expect warlords and dominant political factions to intimidate them through violence, workplace harassment, or threats if they decide to run for office. Although some women have committed themselves to be candidates, several indicated they will not run because they are afraid for the safety of themselves and their families, because they feel their efforts would fail against large-scale vote-buying and intimidation of the public by warlords, or because the process is so flawed that their energy would be better spent working on pressing social issues with NGOs.

The constitution guarantees seats for women in Afghanistan's bicameral National Assembly. Approximately 25 percent of the seats in the Wolesi Jirga (House of the People) are reserved for women and the president must appoint additional women to the Meshrano Jirga (House of the Elders).⁸⁸

The exclusion of women from decision-making roles and prominent positions in powerful political parties will undermine Afghan women's equal participation in Afghanistan's developing political system. Most of the women whom Human Rights Watch interviewed—doctors, loya jirga delegates, teachers, government officials, and NGO leaders—preferred to run as independents. They noted that most major political parties remain allied with military factions with “blood on their hands” and notorious warlords as their leaders. With the exception of the Republican party, few political parties are making systematic efforts to recruit women as candidates in the parliamentary and local elections. An international trainer working on Afghan women's political participation said:

One of the main ways that the number of women in parliament in other countries has increased has been through the increase of women in parties. Almost all the Afghan women interested in nominating themselves want to be independent.... Women in political parties are like window dressing, the [party leaders] put them in charge of women's

⁸⁸ Afghan Const., arts. 83-4.

sections which are almost just like NGOs with literacy and tailoring programs.⁸⁹

A woman whose NGO has helped to promote women's political participation said, "There are many women from the Constitutional Loya Jirga who are interested in running for parliament. But they are backing out, because political parties have power, and it is hard to be independent."⁹⁰ A potential parliamentary candidate said, "I don't believe in parties now, because most are supported by fundamentalists. Yesterday, they talked about Islam and fundamentalism, today they talk about democracy, who knows what it will be tomorrow?"⁹¹

Human Rights Watch interviewed women who are members of political parties or who had attempted to get involved. An Afghan woman working to increase women's political participation said, "We want to work with political parties so they involve women, but they are not giving meaningful roles to women, just symbolic ones."⁹² Afghan women and international donors observed that political parties are only using women to fulfill the parliamentary quotas and are not committed to creating conditions for women to participate equally in party structures or to occupy positions of responsibility. One woman described to us how she was selected by her political party to stand for political office: unexpectedly, they approached her and said, "We chose you." She recounted, "The elders said, 'you don't talk, say yes.' I can't [reject] what the elders say, they are mujahid. I said yes."⁹³

Another woman said that several different political parties had invited her to work with them, mostly ethnic parties. She went to some of the meetings and said, "They wrote something and gave it to me and told me to read it out loud [at a program]. The executive board was all men. I can't work like that. I see they don't treat women as equals. Some women were there but they were not thinking independently."⁹⁴

Fear of intimidation by warlords

Afghan women who have decided to be parliamentary candidates have already faced harassment from powerful regional warlords. In the north, a woman whom we shall call

⁸⁹ Human Rights Watch interview with international NGO official, Kabul, August 26, 2004.

⁹⁰ Human Rights Watch interview with N.K., August 25, 2004.

⁹¹ Human Rights Watch interview with A.K., August 25, 2004.

⁹² Human Rights Watch interview with international NGO working on elections, Kabul, August 26, 2004.

⁹³ Human Rights Watch interview with M.M., Kabul, August 30, 2004.

⁹⁴ Human Rights Watch interview with M.K., August 28, 2004.

P.S. has begun collecting the five hundred copies of voter registration cards required to qualify as a candidate. She and her supporters have faced harassment from one of the ruling military factions, Jamiat. She is planning to run as an independent and told Human Rights Watch: "My brother-in-law collected a few cards for me. The police harassed my brother-in-law.... They arrested him at his shop." P.S. believes that a powerful warlord is responsible for ordering the harassment and the intimidation of another friend who was collecting cards for her. But she cannot confront him directly because of fears of retaliation. She told Human Rights Watch, "I was afraid. I myself was too afraid to go and talk to him because he has weapons and power."⁹⁵

In another case, recently deposed Herat Governor Ismail Khan and his supporters pressured a woman whom we shall call F.P., who was considering running for parliament, by demoting and transferring her out of her senior-level position in a government-funded institution. High-level local authorities allied with Khan had directly warned her to withdraw her candidacy earlier in the summer. Local authorities had also threatened F.P.'s supporters, telling them not to help her. F.P. told Human Rights Watch that when she heard that her supporters were also being harassed, "I said I don't want anyone else to be in danger because of me and now I am not going to [work] anymore, from ten days ago. I think all these things happened to me because of the Herat governor himself and the men and women beside him."⁹⁶

Potential women candidates told Human Rights Watch that the control exerted by local warlords prevented them from standing for office. One woman said she would not be able to stand as a candidate in Paghman province because of notorious commander Abdul Rabb al-Rasul Sayyaf. In order to run, she said, "First I would have to have agreement from Sayyaf. But I am not interested in Sayyaf's ideas.... It is possible I will face a lot of problems."⁹⁷ A woman from northern Sar-e Pol province said she would not run for parliament because she knows she will not win. She explained that because of General Rashid Dostum's rule in the area, only women affiliated with his military faction, Junbish, would win.⁹⁸

⁹⁵ Human Rights Watch interview with P.S., parliamentary candidate, August 16, 2004.

⁹⁶ Human Rights Watch interview with F.P., Herat, September 6, 2004. President Karzai removed Ismail Khan from his position in mid-September. It is still too early to assess how the political environment in Herat may change. Khan's rule was one of the most politically repressive in the country. See, Human Rights Watch, *All Our Hopes are Crushed: Violence and Repression in Western Afghanistan*, (New York: Human Rights Watch, 2002) and Human Rights Watch, *We Want to Live as Humans: Repression of Women and Girls in Western Afghanistan*, (New York: Human Rights Watch, 2002).

⁹⁷ Human Rights Watch interview with J.R., potential parliamentary candidate, August 31, 2004.

⁹⁸ Human Rights Watch interview with W.H., September 12, 2004.

In addition to intimidation and direct threats through weapons, many potential women candidates had decided not to run because they feared rampant election manipulation, including threats and vote buying. For example, one woman said, "If I am an independent candidate.... [local military factions] will threaten me directly or indirectly. Indirect blocking—they will support someone's husband, give him a house, and tell him not to let his wife be a candidate."⁹⁹ Another potential candidate told Human Rights Watch, "I am not hopeful that independent women will be successful. In the provinces, all the commanders have collected votes.... Every Friday they kill lots of animals, and feed people, they offer this much money, and land to build a house. Even if it is governmental land. They promise to send children abroad to study."¹⁰⁰

Human Rights Watch interviewed dozens of women who were interested in being parliamentary candidates, but who wanted more assurances of safety. Although male candidates are also likely to confront problems due to political repression and insecurity, conservative political factions may target women simply because they are women. Because they are already challenging traditional women's roles through their political participation, many women felt they were at particular risk of intimidation and symbolic attacks.

One potential candidate from Jalalabad said, "My [message to] the U.N. and AIHRC is that security is very important.... Every independent woman candidate should be confident that there won't be any harm to herself and her children. [We] especially [need protection] against kidnapping...because there are warlords."¹⁰¹ Women from around the country echoed fears about retaliation from regional military factions if they stand for parliament:

- [Woman from a province in the north] Because I'm independent, if I start campaigning, ten thousand people may come to me, but I should not campaign, because the political factions may come and stop me. It is said we can win by votes, but the reality is that factions will create...problems.¹⁰²
- [Woman from a province in the south] I want to run for parliament. People also requested that I do this. I told them that I faced a lot of problems in the Constitutional Loya Jirga and I don't have the patience to face more problems. Of

⁹⁹ Human Rights Watch interview with W.R., Jalalabad, August 31, 2004.

¹⁰⁰ Human Rights Watch interview with L.J., Jalalabad, August 31, 2004.

¹⁰¹ Human Rights Watch interview with L.J., Jalalabad, August 31, 2004.

¹⁰² Human Rights Watch interview with S.E., potential parliamentary candidate, August 18, 2004.

course I will face problems, because after [speaking out] in the Constitutional Loya Jirga, the political parties view me as a threat.¹⁰³

- [Woman from a province in the east] There are warlords, they will create problems for me [if I run].... They will distribute money, they will buy votes.... They will create security problems for me, they will harass me.¹⁰⁴
- [Woman from a province in the west] If someone is an independent candidate for parliament, and she is not supporting the [current authorities], they will make problems for her, men or women. There is no suitable environment for having campaigns [here] for people who are independent. We have security problems, and women are afraid to go to the rural areas and work there and campaign there.... We need security.¹⁰⁵
- [Woman speaking of conditions nationwide] Women cannot present themselves as candidates. In Kabul it is okay, but in other provinces, security is not good. If there are security problems, maybe armed men will come to their houses, and maybe they will be killed. Not all provinces are unsafe, just some, for example, there is no problem in Kunduz or Parwan. But Ghazni, Kandahar, Uruzgan—these places are dangerous for women.¹⁰⁶

These fears of harassment are often buttressed by previous threats and harassment the women faced during the loya jirgas or in the course of their everyday work. One prominent women's rights activist and potential parliamentary candidate told Human Rights Watch, "Women working openly for politics have problems.... Yes I am sure, 100 percent, [military factions] will make problems for me. I will try, what else can we do? For five years, they should take us hostage? If they kill me, no problem, but I will run for parliament. I am 100 percent positive they will try to stop me, because I told you all those stories about how they try to stop me and my projects."¹⁰⁷

VI. RECOMMENDATIONS

To President Karzai and the government of Afghanistan:

- Take all possible steps to stop intimidation, threats, and harassment of women so that more women are able to participate freely in presidential elections and in

¹⁰³ Human Rights Watch phone interview with F.M., potential parliamentary candidate, August 27, 2004.

¹⁰⁴ Human Rights Watch phone interview with Y.O., potential parliamentary candidate, August 27, 2004.

¹⁰⁵ Human Rights Watch phone interview with S.Z., potential parliamentary candidate, August 29, 2004.

¹⁰⁶ Human Rights Watch interview with S.N., potential parliamentary candidate, August 22, 2004.

¹⁰⁷ Human Rights Watch interview with M.M. potential parliamentary candidate, Kabul, August 30, 2004.

parliamentary and local elections scheduled for 2005. Dismiss any government official found by either JEMB or the joint AIHRC-UNAMA political rights verification team to have made threats or committed abuses.

- Make a new request to NATO to supply additional troops for the International Security Assistance Force (ISAF). Peacekeeping forces should consult with women's rights organizations and the Ministry of Women's Affairs to find out about gender-specific security problems and they should ensure full protection for women and girls.
- Ask NATO and the U.N. Security Council to expand ISAF's mandate to include a central role in disarmament, demobilization, and reintegration (DDR) efforts and request that countries operating Provincial Reconstruction Teams (PRTs) integrate PRT operations into the ISAF command.
- President Hamid Karzai, his cabinet, and Afghanistan's main military factions must commit themselves to meaningful implementation of DDR programs. Investigate, prosecute, and punish the perpetrators of attacks, threats, and acts of intimidation against women, women's rights advocates, and women's rights programs.
- Encourage women to report abuses to local UNAMA, AIHRC, or JEMB offices. These offices should strengthen outreach to women and make their services more accessible to them.
- Commit to providing strong political support and resources for women's rights initiatives, including legal reform, girls' education, health care, and women's rights awareness programs.

To the United States:

- Enact the Afghan Women Security and Freedom Act (S2032) to continue providing aid to the Ministry of Women's Affairs, Afghan women's groups, and the Afghanistan Independent Human Rights Commission.
- Make human rights promotion and protection a primary goal of U.S. efforts in Afghanistan, which in turn will enable democratization and nation-building processes. The United States should support Afghan government efforts to improve political freedoms, including by helping to weaken autonomous abusive

commanders, redoubling efforts at militia disarmament, and increasing protection of women's rights activists and independent political actors.

- Increase cooperation with ISAF and support the expansion of troop levels so that ISAF can play a greater role in providing security for the 2005 elections and security generally to enhance Afghan women's political participation.
 - ISAF troop levels, currently set to decrease after the elections, should instead be increased.
 - The U.S. should work with other NATO member states to adopt a common mandate for ISAF and PRTs, focusing on assistance with disarmament efforts and protection of politically active women and other targeted political actors and groups.
 - Provincial Reconstruction Teams, where they are used in lieu of ISAF troops, should be given clearer mandates to assist with disarmament efforts and protection of politically active women and other targeted political actors and groups.
- End immediately all direct cash payments and other forms of assistance by agencies of the United States to Afghan military or faction leaders or sub-leaders and discourage payments to such leaders by other sources. The Department of Defense and all intelligence-gathering agencies in Afghanistan should review their operations to ensure that U.S. cooperation with local militias, local commanders, intelligence sources, and other local entities is not being misused as a basis for extorting civilians or threatening political opponents.
- Increase funding and support for training of the Afghan national army, as well as police training, to professionalize these forces. Recruit and train women police officers. The United States should specifically increase the U.S. contribution to the Law and Order Trust Fund for Afghanistan (LOTFA).

To NATO member states and other nations involved militarily in Afghanistan:

- Increase ISAF troop levels, which are currently set to decrease after the elections.
- Adopt a common mandate for ISAF and PRTs, focusing on assistance with disarmament efforts and protection of politically active women and other targeted political actors and groups. Provincial Reconstruction Teams, where they are used in lieu of ISAF troops, should be given clearer mandates to assist with disarmament

efforts and protection of politically active women and other targeted political actors and groups.

To international donors:

- Increase financial support for women's rights projects, including funding for training programs for women candidates in the provinces, UNAMA and AIHRC human rights monitoring and reporting, and women's voter education projects. Start implementing these programs immediately, in order to have enough time to reach women in the provinces before the 2005 parliamentary and local elections.
- Ensure that the JEMB and UNAMA have the necessary resources and funding to administer 2005 elections in ways that will facilitate the full participation of women voters and candidates.
- Encourage UNAMA to facilitate a central independent monitoring body charged with observing the 2005 elections, and earmark funding for that body.
- Provide resources for women's rights initiatives, including legal reform, girls' education, health care, and women's rights awareness programs.

To the United Nations Assistance Mission in Afghanistan (UNAMA):

- Increase staffing levels for women's rights, human rights, and political affairs monitoring, and continue public reporting with the Afghan Independent Human Rights Commission on Afghanistan's political rights situation. Increase outreach to women outside of urban centers, including through mobile teams. To ensure that staffing increases are not delayed by bureaucratic hurdles, the hiring process should be centralized in Kabul.
- Put special emphasis on facilitating a central independent monitoring body to observe the 2005 elections.

To the Special Representative of the U.N. Secretary-General:

- Continue to press the Afghan government and its international partners to revitalize disarmament, demobilization, and reintegration efforts. The Special Representative should keep pressure on the United States and NATO members to increase troop contributions for ISAF and PRTs and refocus the mandates of those forces so that

they give priority to assisting with disarmament efforts and protecting politically active women and other targeted political actors and groups.

