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National Inquiry Women, Peace and Security Report



National Inquiry
Women, Peace and Security Report



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Author: Mohammad Azim Besharat

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Address: Kabul, District 6, Faiz Mohammad Kateb Road, Darulaman, AIHRC Headquarters

E-mail: aihrc@aihrc.org.af

Website: www.aihrc.org.af



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Message of Dr. Sima Samar, Chairperson of the AIHRC

Women and their access to human freedoms have always been one of Afghanistan's primary issues, and there are still severe issues in this respect, despite the attempts that have been made so far. The AIHRC, which has continuously monitored the situation of women's rights and worked to protect and promote women's greater access to human rights and freedoms, is now launching its second National Inquiry on women entitled "Women, Peace and Security" after its previous National Inquiry on the Factors and Causes of Rape and Honor Killings in Afghanistan (1392).

The National Inquiry on Women, Peace and Security starts when women in Afghanistan and their position in the political system and power structure faced specific questions in the current latest developments in the peace process with the Taliban and the armed groups, And there is concern that Afghan women and their human rights will once again be victims of the peace process's political trade, and their participation in national structures become limited and their access to basic rights and freedoms, including the right to work, the right to education and higher education, the right to health and other human rights will get restricted

In this National Inquiry, the AIHRC gathered comments, concerns, demands and suggestions from women on peace, security, democracy, and elections through field research and group discussions, and will publish them with complete honesty and confidence in this study. I hope the Afghan government the international community, the United Nations and anti-government groups, In particular, the Taliban will take note of the research findings and pay attention to the requests and suggestions of the Afghan people, in particular women and girls, and fulfill them in the peace process as well as in all other important national developments.

The implementation of this National Inquiry resulted from the sincere attempts of my colleagues in the AIHRC Regional and Provincial Offices, who have always confronted security issues in different regions of the country while gathering views and opinions of the people in the most remote villages in the country, as well as the efforts of the National Research Committee, which is composed of members of the Central Office of the AIHRC, Therefore, I wish every one of my colleagues health and further success and achievements.

I also appreciate the Afghan people, particularly the country's women, for their active contribution to carrying out this national inquiry by completing questionnaires and participating in the public hearing and focus group meetings. I would also like to express my sincere thanks to the local government officials in the provinces, in particular the provincial governors and security forces commanders, who have cooperated honestly with AIHRC colleagues to ensure security, and I wish them all health and continuous achievement in serving the people of Afghanistan.

Best regards
Dr. Sima Samar
Chairperson of the AIHRC



Report Summary

The study of peace and conflict in Afghanistan indicates that some of the most pertinent reasons as to why peace and reconciliation initiatives have not succeeded in the Afghan context, often times leading to an exacerbated state of continued war and violence, is part and parcel due to the disregard of societal stakeholders, particularly women, minorities and victims of the conflict, negligence of the transitional justice system and the recognition and reparations of human rights violations and war crimes.

At least three major peace agreements have been signed in Afghanistan since the second half of the 1360s (Persian calendar), none of which have been able to lay the foundations for the sustainable and lasting peace within the country. The first agreement to withdraw the Red Army (USSR) from Afghanistan was signed on 14 April 1988 at the initiative of the United Nations with the involvement of representatives of the Government of Afghanistan and the Government of Pakistan as negotiators and representatives of the former Soviet Union, and the United States as a guarantor and/or observer. Unfortunately, this process did not initiate a course of peace and reconciliation, but rather expanded the dimensions of the conflict and further entrenched violence within Afghanistan.

Following this agreement, *Mujahideen* leaders who lived in Pakistan operating within an unsuccessful coalition abroad, without the participation of Afghan women and ethnic and religious minorities such as the Hazaras of Afghanistan, established the interim government under the chairmanship of Sebghatullah Mojadidi on Aqrab 20, 1369.

With the fall of Dr. Najibullah's government on 8 of Sawr 1371, the *Mujahideen* interim government arrived in Kabul, and after less than a year of fighting for power between the interim government and jihadist parties began, Afghanistan experienced its bloodiest history. This period witnessed a demolition of domestic and human assets, inflicting many casualties onto Afghan civilians.

After the fight for power reached its climax, especially in Kabul, a second peace agreement was signed between the different warring parties and the Jihadi factions. The treaty was drafted during a meeting in Islamabad with representatives of the Governments of Pakistan, Saudi Arabia and Iran, and signed in the most sacred Muslim city of Mecca and the House of God on 12 March 1993.

Although, the treaty was signed within such a sacred place by the oath of the leaders of the *Mujahideen*, the treaty did not achieve a specific result because the demands and views of the Afghan people were not considered within the contract on the basis of the principle of national participation, particularly women and victims of conflict and war.

The agreement between the Afghan government and Gulbodin Hekmatyar, the leader of the Islamic Party of Afghanistan, is the third most recent agreement signed to end the war and violence in Afghanistan. The agreement, which was signed on September 22, 2016 between the representatives of both parties, did not have a serious impact on securing peace and security and ending war and problems in Afghanistan.

The AIHRC believes that as long as the peace process is not based on ensuring justice and respect for the values and principles of citizens' human rights, acknowledging the pain, suffering and loss of the victims of war and ensuring the establishment of appropriate mechanisms for dealing with war crimes and crimes against humanity, a sustainable and long-term peace will not be reached. It is necessary to create trust amongst citizens throughout the peace process. All Afghans must feel represented throughout the process, are given a meaningful and participatory role throughout the negotiations, planning and implementation to ensure they are free from fear and have an active role within shaping the future of their country.

The AIHRC also believes that given the scale of the war in Afghanistan and its implications, as well as the complexity of issues at hand, the peace process and related arrangements should not be pushed forward rapidly. Rather, this process must be given the adequate time, resources and skill to ensure the failures of previous peace agreements will not be repeated.

Afghan Women in the Structure of Power

Women in Afghanistan constitute 49.05% of the total population of the country, which is roughly 31.6 million people. In 1397, the presence of women in the managerial positions was 10.7%.



Afghan women comprise 21% of civil servants and 0.83% of the ANA, about 2.15% of the Afghan National Police. Within the country's power sharing structure, only two women are operating as state Ministers, one female operating as Acting Minister and 27.6% of members the House of Representatives and 22.5% of the members of Senate are women.

The number of women in the High Peace Council in 1389 was 11.75%, 8 women among 68 members of the council, and out of 33 members of the Supreme Consultative Council for Peace, only two members were Afghan women.

The Need for Conducting a Women, Peace and Security National Inquiry

The AIHRC, in light of recent developments in the country, especially relating to peace negotiations, decided to launch a National Inquiry on Women, Peace and Security to collect the concerns, recommendations and demands of Afghan women, a demographic who suffered some of the worst abuses of human rights throughout the successive years of war. This National Inquiry highlights the views, concerns and demands of a total of 5287 Afghan women. The breakdown of this number is: 3496 people were surveyed throughout 31 provinces, 1301 people in our 14 public hearing meetings, and 490 people in focus group meetings, were obtained relating to the topic.

Throughout the course of the National Inquiry, 14 public hearings were held throughout our 14 regional and provincial offices 1301 . people participated, including 824 (63.3%) women and 477 (36.7%) men. 36 focus group sessions took place, with visits in 31 out of 34 provinces. Nuristan, Zabul and Paktika, were not able to be reached due to the lack of security. Although not being able to physically visit these three provinces, the AIHRC was able to include residences from these provinces into our focus group sessions, in nearby and/or neighboring safe provinces. Two focus group meetings have been held in each of the provinces of Nangarhar, Bamyan, Kunduz, Kunar and Laghman.

Findings of Public Hearing and Focus Group Meetings

In this part of the National Inquiry on Women, Peace and Security, efforts have been made to list the views and concerns of the Afghan people, especially women, through public hearing and focus group meetings relating to peace, security, democracy and elections. Issues such rule of law, access to human rights and freedoms, freedom from fear, poverty, injustice and oppression, women's participation in the peace process, support for direct talks between the parties, the prohibition of discrimination, extremism and religious fundamentalism with an emphasis on compliance with the principles and the values of the sacred religion of Islam, peace talks, preserving the achievements of the last 18 years, providing justice and dealing with war crimes, as part of the peace process, are the most important demands and visions expressed by the Afghan people, especially women regarding the process of peace negotiations.

Analysis of Statistical Data

The analysis of statistical data deduces the views and opinions of field research participants on security, peace, democracy and elections. The results of this part indicate that the continuation of conflict and the spread of armed violence impose heavy casualties on the Afghan people, including women, every day and restrict their access to their human rights and freedoms.

Personal Security

According to AIHRC figures, over the past ten years since 1388, 75,316 civilians (26,162 deceased and 49,154 injured) have been victims of armed conflicts and terrorist attacks, of which 5712 are Afghan women.

The data on women's enjoyment of the right to personal security reveals that out of a total of 3496 interviewees, 36.6% of them (1281 people) confirmed that since 1391, themselves or members of their families have been victims of armed conflicts or terrorist attacks, killed or injured, and 63.4% of them (2215 interviewees) said they had not been victimized yet.

Interviewees revealed 3561 victims, of whom 1477 people (41.5%) were dead, 1131 people (31.7%) were wounded and 953 others (26.8%) were disabled. Of total 3561 victims, 1021 of them, 28.7%, were women.

Immigration and Displacement

Out of 3,496 interviewees, 770 people (22.2%) confirmed that they were internally displaced people and 434 people (12.4%) said they were returnee or deportees from foreign countries that which comprises 1204 people in total. 2,292 people in total (65.6 %) confirmed that they were either immigrants who had been deported, returnees or internally displaced people.



Reasons for immigration and Internal Displacement

67.7 per cent (649 people) of the interviewees said that their immigration and displacement from their place of residence was due to poor security. 18.8% (180 people) said the reason was poverty, 11.2% (107 people) said that they chose to study in schools and universities within the cities, and 2.4% (23 people) said that climate change was the reason for their migration and internal displacement.

Feeling of Fear During Movement

Out of a total of 3496 interviewees, 1837 (52.5 %) said they did not feel secure during the journey and were worried about the threats existing in the road and place of residence by armed insurgents and armed men. Thus, 1659 people (47.5%) confirmed that they did not face a particular threat in their place of residence, not feeling a secure sense of freedom of movement.

Sexual Violence

The findings of this research indicate that out of a total of 3496 interviewees, 3466 people (99.1%) of them were female and 519 people (14.97%) confirmed that since 1381 they were victims of sexual violence. Most importantly, 168 of them (32.4%) linked to 1397 and the remaining 351 people (67.6%) linked to 1381 to 1396.

Advocacy to Deal with Sexual Violence

The study found that out of 519 female victims of gender-based violence, only 293 people (56.5%) had filed complaints with legal and judicial authorities, with 226 people, 43.5% not pursuing justice.

Violence Based on Gender Affiliation

The findings of this study show that since 1881, 749 women (21.6%) out of the 3,466 women interviewed in the field research said that they had been subjected to violence as a result of gender affiliation, while 2717 other women (78.4 %) answered “no.”

According to the information provided in 331 interviews (44.2%) husband, in 290 interviews (38.7%) family members, in 31 interviews (4.1%) relatives and in 72 interviews (9.6%) unknown individuals have been mentioned as perpetrators of violence. The remaining 25 people (3.3%) did not name anyone.

Advocacy for Dealing with Gender-Based Violence

Of the 749 women who were victims of gender-based violence, 670 people (89.5%) confirmed that they had been able to report cases of violence against them to the authorities and judicial authorities, and to file a lawsuit to address them, but 79 others (10.5%) confirmed that they did not have this possibility.

Athorities Receiving Complaints

Out of all victims surveyed, 674 victims referred to individuals or institutions to file a complaint. According to these statistics, 265 victims (39.6%) referred adult family members for litigation and case processing, as well as 178 victims (26.6%) referred to state judicial bodies and 174 (26%) referred to the AIHRC and 53 (7.9%) referred other women’s human rights organisations to file complaints and seek justice.

Satisfaction with the Process of Handling Cases of Violence Against Women

293 victims of sexual violence and 670 victims of gender-based violence, 963 victims in total, referred to particular authorities. Of these, 673 victims (69.9%) confirmed that their cases had been satisfactorily investigated and handled, but 290 (30.1%) said they were not happy with the results of the case handling.

Reasons for not Referring to Authorities to File Complaints

Out of the total victims (305 people) of sexual violence and gender-based violence who did not refer to the justice and judicial authorities to file a complaint, 42 people (13.8%) of them said they did not trust the justice and judicial authorities, 91 (29.8%) said they were afraid of their husbands, 49 People (16.1%) said they did not have access to justice, and 123 people (40.3%) stated other reasons, such as fear of abuse, family tradition, and the demand of family members for not referring to justice.

Threat to Human Dignity of Women

Out of 3466 female interviewees, 125 (3.6%) have been forced to perform virginity test for a variety of reasons, but 3371



others (96.4%) said that they had not been forced to do so.

Of the 34,96 female and male interviewees, 152 (4.3%) confirmed that so far one of their relatives had to undergo an examination.

28 female interviewees (11.9%) who were forced to undergo virginity testing, said that the virginity test had been made at the request of the police and aimed at proving the act of adultery or rape. 49 people (20.2%) said prosecutors ordered 31 people (13.2%) by court order, 18 people (7.7%), said request of Mullah Imam of mosque, 61 (26.0%) said family members and 48 people (20.4%) introduced their fiancé as individuals or institutions forced them to perform virginity examination.

Comparison of Women's Security Situation in Two Periods before and after 1381

Out of 3496 interviewees, 2,849 people (81.5%) confirmed that the situation has improved and violence against women has decreased, but 256 people (7.3%) said that since 1381, violent attacks had increased in the families. 391 people (11.2%) did not respond to this question.

Access to Citizenship and Legal Documents

Of 3496 interviewees, 3355 people (86.8%) said that they had received ID card, but 461 people (13.2%) confirmed that they had not yet received documentation to prove their citizenship.

Of the 3496 interviewed, 856 people (24.5%) said they had passport, but 2540 people (75.5%) said they had not yet received a passport.

Barriers to Obtaining a Passport

75 people (3%) said that they were women, and did not need a passport; 1122 people (44.2%) stated that they were not able to pay the required expenses; 235 people (9.3%) said they didn't want to have a passport, 372 people (14.6%) talked about the lack of family permission, and 42 people (1.7%) talked about problems existed in taking passport, the remaining 694 people (27.3%) did not answer this question.

Obtaining a Voter ID Card

2847 people (81.4%) confirmed that they had taken a voter ID card and would participate in the election, but 649 people (18.6%) had not yet received the voter ID card.

Reasons for not Receiving a Voter ID Card

According to the data, 85 people (13.1%) confirmed that they did not receive a card for not having permission from the family. 43 people (5.4%) said due to security problems and 35 people (11.2%) said due to the lack of ID card, 68 people (10.5%) said due to lack of confidence in the electoral process couldn't obtain a voter ID card, as well as 73 people (11.2%) said that they were not interested in this work. In the end, the remaining 352 people, 53.2%, didn't answer this question.

Women's Interest in the 1398 Elections

Of the 3496 interviewees, 2422 (69.3%) responded positively and said they would participate in the 1398 elections, but 558 (16%) answered this question negatively, and 516 (14.8%) did not answer this question.

Reasons for not Participating in the Elections

50 (5.1%) participants said their families did not give permission, 211 people (21.7%) said Taliban's threat and bad security situation was the reason, 194 people (20%) said lack of confidence in the election process, 30 people (5.4%) said lack of ID card and a voter ID card as reasons for not attending the 1398 election. 73 people (13.1%) did not answer this question.

The Role of Human Rights Supporting Structures in Empowering Women to Seek Justice

80.8%, of the interviewees (2825 people), confirmed that the existence of supporting institutions, in particular the AIHRC, has given Afghan women the ability to defend their human rights and, in case of human rights violations, seek justice. But 671 people (19%) answered this question negatively.



Women's Access to Education and Higher Education

Statistics of the National Statistics and Information Administration in 1397 show that the number of school students in the public education curriculum reaches 8724488 students, of which 38.85% (3,389,828 students) are girls

The statistics also show that in 1397, the number of students in state institutions of higher education reached 186025 students, of which 26.37% (49071 students) were women or girls, and the number of students in private higher education institutions was 2007.55 students, of which 25.60 % (51397 students) were women or girls. Field research of the study showed that out of a total of 3496 interviewees 2653 people (75.9%) confirmed that girls and women in their families had access to education in their home towns, and that they did not face particular obstacles in this area, but 843 interviewees (24.1%) responded that women and girls in their families didn't have access to education at their place of residence, and they faced many challenges in this regard.

Obstacles to women and girls going to school and higher education institutions

The results of this study showed that 3% 25(people)of those who said there were obstacles, referred to insecurity as an obstacle, 76 people (9%) referred to cultural challenges and rule of harmful tradition, 227 people (26.9%) said lengthy distance to educational institutions, people (2.6%) said lack of schools and educational institutions in their place of residence.

32 people (3.8%) mentioned household economic problems, 15 people (1.8%) stated lack of personal interest in education, 90 others (10.7%) said illiteracy of parents, and 5 people (0.6%) of family problems as a obstacles for women and girls to go school and educational institutions. The remaining 351 respondents (41.6%) who didn't have any students did not answer to the question.

Comparison of the Period before and after 1381

61.8% (159 people) confirmed that women and girls' capacity to go to school and university after 1381 was better than previous years, including the Taliban era and earlier periods. Of which, 207 people (9.6%) of those who believe that the situation has become better for women, confirmed that women in Afghanistan are now well protected by law in order to go to school and university.

340 people (15.7%) said that in the years after 1381, the Afghan government provided better support for women and girls to go to school and university. 257 people (11.9%) spoke out of the strong will of the international community to support women in accessing the right to education and higher education in the years after 1381.

465 individuals (21.5 %) cited the preparation and execution of particular development programs for females and girls to go to school and university as reasons to demonstrate the condition improved, and 298 people (13.8%) mentioned the increase in women's personal interest in going to school and university as a reason for improvement of the situation. 592 people did not have a specific reason to confirm their views.

Women's Access to Health Care

Of the 3496 interviewees, 87.4% (3056 people) believed that after the year 1381, the situation had changed and women's access to health services had improved. But 12.6%, (440 people), He noted that some problems still exist in this respect.

5 people (1.1%) said that bad security situation, 29 people (6.6%) said lack of health service facilities, 21 people (4.8%) stated the deficiency and lack of quality of the drug, 36 people (8.2%) said ill-treatment of employees of health facilities and medical centers, 16 people (3.6%) said existence of corruption in these institutions, 14 people (3.2%) said the low level of abilities and knowledge of employees of health centers, 13 people (3.%) said family tradition, and 4 people (0.9%) said that family economic problems were part of women's access to healthcare. 302 people (68.6%) didn't express any specific reason to prove their claim.

Women's Access to their Right Work

In 1397, the number of civil servants of government departments was 405,604, of which 79% (31, 8551 people) were men and 21% (87053 people) were women. In 1396, the number of women employed by the Ministry of Defense and the Ministry of Interior increased to 3,656 women.



According to these statistics, the number of women in the National Army was 1,619, if the total number of NA was 195,000; the ratio of women to men was 0.83%, less than 1%. Also, the number of women included in the National Police in 1396 was 3487 women. If the total number of ANP is considered 160,000, the ratio of women to men will be 2.17%. This information indicates that 61.6% of the 3496 interviewees, including 2155 people, were hopeful about the situation and confirmed that job opportunities for women had improved since 1381, but 38.4%, including 1341, said they still had problems There is.

The Challenges to Women's Access to Justice

Of the 1341 people who did not believe in the improvement, 235 people (17.5%) said women's low literacy rate, 49 people (3.7%) said traditional culture of society, 10 people (0.7%) said discrimination against women, 31 people (2 and 3%) mentioned security problems, 139 people (10.4%) said corruption in the offices, 27 people (2%) said employment in the factory and 36 people (2.7%) noted lack of family permission as the main challenges to women's access to work and employment. 814 people did present a specific reason in this regard.

Discrimination against women in the workplace

Of the 3496 interviewees, 1728 (49.4%) said that there was discrimination against women in the workplace, but 1265 (36.2%) rejected this claim and said there were legal mechanisms to prevent discrimination. 503 people (14.4%) did not answer this question.

Female Familial Breadwinners

Of 3466 female interviewees, 932 (26.1 percent) reported being breadwinners and earning their living by working outdoors, but the remaining 2634 people (73.9 %) responded negatively to the question.

The Ideal of Democracy

Field research findings show that out of a total of 3496 interviewees, that (99.1%) of them are women, 2570 people, (73.5%), confirmed that democracy is one of Afghanistan's most appropriate political systems. But the remaining 926 people (26.5%) said they do not believe democracy to be a proper system for Afghanistan.

Of the believers in democracy, 91.2% of them (2344 people), argued that democracy was the only system that can unite Afghans from different ethnicities and tribes and different religions and languages, and maintain trust. Among them, but 226 people did not express a specific reason in this regard.

The Ideal of Peace

2122 people (60.7%) have confirmed that they have never experienced a period of peace in their country during their lifetimes.

But 1374 others (39.3%) said they have experienced peace in their lives

Women's Participation in Peace

71.8% of the interviewees (2510 people) were dissatisfied with the number of women in the peace process and stressed that the number of women in peace process should be increased, but the remaining 28.2% (689 people) expressed their satisfaction in this regard and said that the participation of women in the peace process is sufficient and satisfactory.

85.2% of all interviewees, including 2,979 people, said that there could be no peace without the participation of women in Afghanistan. But another 14.8%, (517 people), believed that peace without women's participation could be possible in Afghanistan.

Interested in attending advisory meetings

1685 people (48.2%) said they wanted to attend such meetings, but 1811 women (51.8%) were not interested in attending consultative meetings.

Strategies to Increase Participation Levels

24.3% (849) said that, in order to strengthen women's involvement and participation in peace negotiations, consultation meeting with women should be conducted, 22.5 % of the interviewees (788 people) said advocacy should be undertaken, 24.1%, (844 people), confirmed that emphasizing the observance and protection of the values and principles of hu-



man rights of individuals at the national level could increase women's participation, and the remaining 15 people (0.6%) of those who confirmed that women's participation in peace process is insufficient, did not respond to this question.

The Demands of Women from the Peace Process

2139 interviewees (61%) demanded the peace process to achieve peace and maintain security. 794 people (22.1%) said that the achievements of the past 18 years as well as human rights values and the present system should be preserved. 354 people (10.1%) said that they did want the return of Taliban regime, they want respect for human rights and women's rights, and eventually 96 people (2.7%) said that they want to achieve fair and lasting peace, 74 people (2.1%) said peace talks should be conducted between afghans without the intervention of foreign country and Taliban should be persuaded in this regard, 45 people did not answer this question.

The Demands of Afghan Women from the Afghan Government

1335 people (41%) said that the government should support the rights and freedoms of women in the peace talks. 370 people (10.6%) asked the government for peace and end of war, 1103 people (31.6%) stressed that the government should protect the achievements of the past 18 years, including the principles and values of human rights, specially human rights of women and the Constitution, and should not trade these principles and values in any way.

6 people (0.2%) demanded that the government should provide the grounds for the interim government, 33 people (0.9%) stressed that the government should not accept the creation of an interim government. 83 people (2.4%) asked the government not to surrender to the armed opposition, including the Taliban and to continue fighting against non-state actors.

2 people (0.1%) proposed the government to amend the Constitution in favor of the peace process, 11 people (0.3%) asked the government not to allow foreigners to interfere in the peace process, 121 people (3.5%) asked the government to take action to disarm irresponsible armed men. 320 people (9.2%) asked the government to fight seriously against ethnic, linguistic, religious discrimination. The remaining 12 people (0.3%) did not answer this question.

The Demands of Women from the Taliban

1435 people (41%) asked the Taliban and other opposition groups to respect the fundamental rights and freedoms of citizens, especially women, the Constitution and the recent 18-year achievements of the Afghan people. 370 (10.6%) requested the armed anti-government groups, particularly the Taliban, to assist secure peace and end the conflict, 1103 (31.6%) asked the Taliban and other opposition groups to apologize to the people of Afghanistan for their brutality they have committed so far.

74 people (2.1%) emphasized that all opposition groups, especially the Taliban, should lay down their arms and surrender to the government, 34 people (1%) asked the Taliban and other opposition groups to provide education and training for citizens, including women in their areas of control, and to eliminate any threats in this regard, 28 (0.8%) asked the Taliban and other opposition groups to abide by their commitment to peace.

4 people (0.1%) asked the Taliban to help establish a temporary government, and one people (0.03%) noted regarding the withdrawal of foreign troops from Afghanistan, 5 people (0.3%) asked for the implementation of the Islamic Sharia and another one (0.03%) asked the Taliban to topple down the current system. 441 people (12.6%) did not answer this question.

The Demands of Women from the United Nations

Most of the interviewees, including 1067 women (30.5%) asked the United Nations regarding the peace process not to leave the people of Afghanistan alone. 574 people (16.4%) asked the UN to make attempt to fulfill the ceasefire. 167 people (4.8%) said the United Nations should work to disarm irresponsible gunmen, 498 people (14.2%) confirmed that the UN should work to stabilize the role of the government in peace process.

37 people (1.1%) asked the UN to try to convince the neighboring states of Afghanistan not to interfere in the internal affairs of Afghanistan. 318 people (9.1%) asked the UN to bring the oppressors to justice, 538 (15.4%) said that the UN should contribute in the area of ensuring conditions for the observance of human rights and fundamental freedoms, and 183 (5.2%) asked the United Nations to work to establish an interim government. The remaining 114 participants (3.3%) did not answer this question.



Summing up the desires and demands of the interviewees from the peace process in Afghanistan, including the government, the anti-government armed groups, especially the Taliban and the United Nations, indicate that the majority of the Afghan people emphasize four issues, including the end of war and immediate ceasefire, respect for the human rights of civilians, in particular women, preserving the achievements of the past 18 years, including the Constitution, and the handling of war crimes and violence against the Afghan people.

Red Lines within Peace Talks

Of the 3496 interviewees, 1802 people (51.5%) said the fundamental rights and freedoms of citizens, 1297 people, (37.1%) said the Constitution, and 397 people (11.4%) said the political system were the red lines in peace talks with Taliban.



Chapter 1

Concepts and generalities

Introduction

Women

Peace

Security

Democracy





Introduction

Although women in Afghanistan have achieved significant successes over the past one and a half decade with continuous efforts and many sacrifices in various political, social, economic and cultural areas, they are still facing serious challenges and high levels of vulnerability. They are the main victims of armed conflicts in Afghanistan. The Continuation of war will lead to human rights violations of all citizens of the country, especially women.

For this reason, ending war and ensuring citizens' safety based on enduring peace and justice is one of the Afghan people's long-standing aspirations, including women, so it's anticipated that all people, including women, will be able to play their role in the peace talks. The AIHRC has continuously performed thematic and periodic research aimed at collecting human rights facts, in specific cases of human rights violations. In this respect, since 1381 to date, AIHRC has released more than 95 research reports. Five of them were national inquiry conducted on the most severe human rights issues. This time, the AIHRC, given the importance of the issue of women's rights and peace, launched a National Inquiry on Women, Peace and Security to collect women's views, concerns and demands regarding the peace talks, and publish the relevant report and specific recommendations for the Government of Afghanistan, people, organizations and countries engaged in the process. The national inquiry began on the 17th of Dalw 1398 and continued until the end of the month of Saratan in 1398.

The work of this national inquiry was carried out by the National Inquiry Committee under the auspices of the Chairperson of the AIHRC, the Board of Commissions and the Executive Director, and the final report was published after receiving corrective comments from the authorities mentioned above.

AIHRC hopes that the Afghan Government, the international community, especially those involved in issues related to Afghanistan, and the United Nations will take the findings and recommendations of the national inquiry seriously and manage the peace process accordingly.

Afghan Women

According to the National Bureau of Statistics and Information, the women of Afghanistan comprise 49.05% of the total population of the country, which are 31.6 million people. The presence of women among civil servants in public agencies is 21%. In 1396, the presence of women in the Ministry of Defense was 0.83%, less than 1%, and 2.17% in the ANP. According to the Ministry of Economy, in 1397, the presence of women in managerial positions was announced to be 10.7%, which the government pledged to increase by 13% by 2020.

In the first days of the National Unity Government, there were four women in the cabinet, but currently there are only two women in the government cabinet, one as a Minister and another as acting Minister.

The presence of women in the country's parliament is based on Articles 83 and 84 of Afghanistan's Constitution that is out of 250 seats in the Wolesi Jirga, 68 seats (27.2%) are allocated to women and out of 102 seats in Meshrano-Jirga 23 seats (22.3%) are allocated to women.

In the sixteenth round of the Wolesi Jirga, 69 seats were available to women that were obtained through competition. In the 17th round of parliament again, the women's presence was 69 seats, one seat more than what was allocated to women which was obtained through competition in Daikundi province.



The number of women in the High Peace Council after the creation of this council in 1389 was 11.75%, which is 8 women among 68 members of the council, and of 33 members of the Supreme Peace Advisory Board, only two of them are women.

Peace

The meaning of the word “peace” is very fairly close to one another in dictionaries. According to the Collins Dictionary, Peace is a state or situation in which there is no conflict, interactions between people and organizations are harmonious, there is tranquility and silence in social life, the Cambridge Dictionary:

peace means freedom from war and violence, especially when people live and work together in harmony.

Therefore, peace is said to be a state in which there is no conflict, social relations are in harmony, and community members operate together without controversy and tension.

In his Perpetual Peace, Immanuel Kant described peace as a situation in which threats to peace, such as state intervention, assassination, tragedy, and adventure, have not become diplomatic tools, and republicanism has been respected as a system of political power, and international law governs the relations between governments.

Today, theorists have identified peace beyond the absence of war and the presence of harmony in the relations between individuals, and emphasized the practical dimension and humanitarian activities in the sense of peace.

Therefore, peace does not mean the mere absence of war and the existence of harmony in social relations and respect for the regime and republicanism, but peace refers to a situation in which, in addition to the absence of war and violence and the existence of harmony in social relations, human rights are respected and values such as freedom, equality and human dignity are not ignored.

An enduring and positive peace, therefore, is a circumstance in which the roots and causes of the dispute are eliminated, and the parties to the conflict voluntarily stop war and prevent violence, and respect human rights values and principles, contribute to the consistency of democracy and respond to complaints from victims of conflict and promote the judicial process.

The History of Peace in Afghanistan

The research of war and peace in Afghanistan shows that many wars and violence have been triggered by discrimination against people and the negligence of their fundamental rights and freedoms. Despite the fact that there have been many experiences of peace and reconciliation in the country in different ways and in different periods of history, but the fire of war has flared up in the country, and violence has become more complicated over time and has continued to expand.

The lack of public participation of citizens, especially women, in peace and reconciliation processes, and the negligence of the transitional justice process and non-handling of the cases of human rights violations and war crimes are among the most important reasons for the failure of peace and reconciliation programs in Afghanistan and continued persistence of war and violence.

If we look back to the long history of conflict and peace in Afghanistan, at least three major peace agreements in Afghanistan have been signed over the years since the second half of the 1360s (Persian calendar), and none of which has created lasting peace in the country and has even further expanded the dimension of war and conflict.

The first agreement to withdraw the Red Army (USSR) from Afghanistan was signed on 14 April 1988 at the initiative of the United Nations with the involvement of representatives of the Government of Afghanistan and the Government of Pakistan as negotiators and representatives of the former Soviet Union, and the United States as a guarantor and/or observer.

Unfortunately, this process did not initiate a course of peace and reconciliation, but rather expanded the dimensions of the conflict and further entrenched violence within Afghanistan. Because, the program was not consulted with the Afghan people as the main victims of the conflict, and even the Mujahideen groups were not part of the process, and the negotiating parties only agreed on the withdrawal of the Red Army from Afghanistan, with emphasis on maintaining the interests of Pakistan and the United States on the one hand, and USSR on the other hand.

Following this agreement, *Mujahideen* leaders who lived in Pakistan operating within an unsuccessful coalition abroad,



without the participation of Afghan women and ethnic and religious minorities such as the Hazaras of Afghanistan, established the interim government under the chairmanship of Sebghatullah Mojadidi on Aqrab 20 1369 With the fall of Dr. Najibullah's government on 8 Sawr 1371, the *Mujahideen* interim government arrived in Kabul, and after less than a year of fighting for power between the interim government and jihadist parties began, Afghanistan experienced its bloodiest history. This period witnessed a demolition of domestic and human assets, inflicting many casualties onto Afghan civilians.

After the fight for power reached its climax, especially in Kabul, a second peace agreement was signed between the different warring parties and the Jihadi factions. The treaty was drafted during a meeting in Islamabad with representatives of the Governments of Pakistan, Saudi Arabia and Iran, and signed in the most sacred Muslim city of Mecca and the House of God on 12 March 1993.

Although, the treaty was signed within such a sacred place by the oath of the leaders of the Mujahideen, the treaty did not achieve a specific result because the demands and views of the Afghan people were not considered within the contract on the basis of the principle of national participation, particularly women and victims of conflict and war.

There is no doubt that ignoring the principle of participation and presence of the citizens of the country, especially women, which make up half of the human population, not only affected the likelihood of success of the peace process, but also resulted in the continuation of war and violence and expanded the conflict in the wider dimensions with more complex features in Afghanistan. And the Afghan people couldn't accept the agreements and didn't want to work towards its implementation because they did not address the human rights violations and the victims of war and violence were completely ignored.

The agreement between the Afghan government and Gulbodin Hekmatyar, the leader of the Islamic Party of Afghanistan, is the third most recent agreement signed to end the war and violence in Afghanistan. The agreement, which was signed on September 22, 2016 between the representatives of both parties, did not have a serious impact on securing peace and security and ending the war and problems in Afghanistan.

AIHRC believes that as long as the peace process is not based on justice and respect for the values and principles of citizens' human rights and as long as the pain and suffering of war victims is not addressed, and the mechanisms for dealing with it are not developed, and until the principle of national participation including women and men in the peace process is not respected, no progress will be made in area of peace talks. Lasting peace will be possible when all the citizens of the country including men and women are involved in the peace process, and their views and demands are heard, and if confidence is established between the people and the peace process and the citizens of the country are ensured that they are not sacrificed in the peace agreements and that their access to human rights and freedom is guaranteed and they are free from fear and concern.

Durable peace will be feasible if confidence is established between the people and the peace process and the citizens of the nation are ensured that they are not sacrificed in the peace agreements and that their access to human rights and liberties is guaranteed and free from fear and concern.

The AIHRC also believes that the peace process and related agreements, given the extent of the dimensions of the conflict in Afghanistan and the consequences of it, as well as the complexity of the process, should not be driven forward quickly and carelessly, Because it is possible that the same result of the peace agreements that took place in the past would again be repeated, paving the way for another violence and even another war in the country.

The AIHRC will believe in the success of the peace process when all the presence and participation of the Afghan people, especially women who are the main victims of war and conflict, are considered at every stage of the peace process, human rights violations that have been taking place over the years are addressed, and the mechanisms for protecting the rights of victims of war and conflict are developed and the human rights principles and values are protected.

Security

The word security has its root in the word "protection" it means a safe and secure, immune from danger and fear. According to Cambridge Dictionary it means "protecting a person, building, organization, or country from threats such as crime or foreign attacks."



Traditional perceptions of security is like traditional perception of peace, it means lack of threat, war or violence that endangers individuals, societies and countries.

With the publication of the report of Palme Commission in 1982, “security” was given a wider definition with the term “human security” and included multiple dimensions in the area of citizen access to human rights and freedoms.

The concept of human security has become more prominent in the United Nations Development Program 1993 Report, and since then the term “security” has been termed as “human security” and has been documented in all international human rights instruments, including civil, political and economic rights, social and cultural rights.

In the subsequent reports of the United Nations Development Program (UNDP), a more objective concept has been given to this term and the term human security refers to the seven components of “security”: economic security, (freedom from poverty) food security, (access to food), health security (access to quality health care), environmental protection, (protection against pollution), personal security (physical protection against torture, war, criminal attacks), social security (maintaining of culture and confidence in social support) and political security (political freedoms).

Following the UNDP reports, the United Nations Commission on Human Security, in its 2003 report, defined security as “human security”, meaning “real and vital support for all human beings in such a way as to achieve and enjoy the full enjoyment of all rights and freedoms.

Therefore, if we are to describe security, we need to think about human security, which is actually the tranquility and peace of mind, including, preserving of life, dignity, physical and spiritual safety, worldly belongings, and enjoyment of fundamental human rights and freedoms.

Democracy

Democracy in the dictionary means a public government or government in which the sovereignty is in the hands of the people and the work is carried out by representatives elected by the general public. Democracy is the opposite of a government that is in the hands of a particular class or privileged group of people

.The Cambridge Dictionary defines Democracy as such: Democracy is a system in which people and the state system believe in freedom and equality between people. Based on this belief power is regulated either directly by elected representatives or by the people themselves:

Therefore, democracy is the kind of political system that has emerged with the presence and role of men and women in the structure of power, regardless of their colors, races, languages, religions, and is a manifestation of the sovereignty of the people over people. Democracy is shaped by the values that support the relationship between people and the system, justice, equality and understanding and are based on human rights components.

In fact, democracy is the result of a value system based on human rights principles and values, and these principles are the infrastructure in this system. With the difference that democracy cannot be a comprehensive manifestation of human rights components, it is merely part of the concepts that mainly embodies concepts related to the relationship between people and the optical power.

Democracy is born of human rights and it will never be objectively realized, unless human rights and freedoms are respected and equality and justice are institutionalized among citizens.



Chapter 2 National Inquiry Methodology

Public Hearing Meetings

Focus Group Meetings

Field Research (questionnaires)

Library Research





National Inquiry Methodology

National research is a relatively new method based on the Asia Pacific Education Package to investigate the most serious human rights issues. In this method, in addition to reviewing the general status of the subject under study, the roots and socio-political and cultural factors causing problems are also considered carefully, and by defining the causes of the issues, it is possible to develop comprehensive and scientific solutions to tackle the problems.

Moreover, by involving people in the program, the National Inquiry tries to raise the issue of research as a national dialog and enhance public awareness about it through public media. National inquiry seeks to create circumstances that can draw the attention of government and accountable organizations to the problem and enhance their capacity to respond to their obligations.

In addition to the questionnaire and library studies, there are two other important means to collect data for national inquiry, including public hearing meetings and focus group meetings.

Public Hearing Meetings

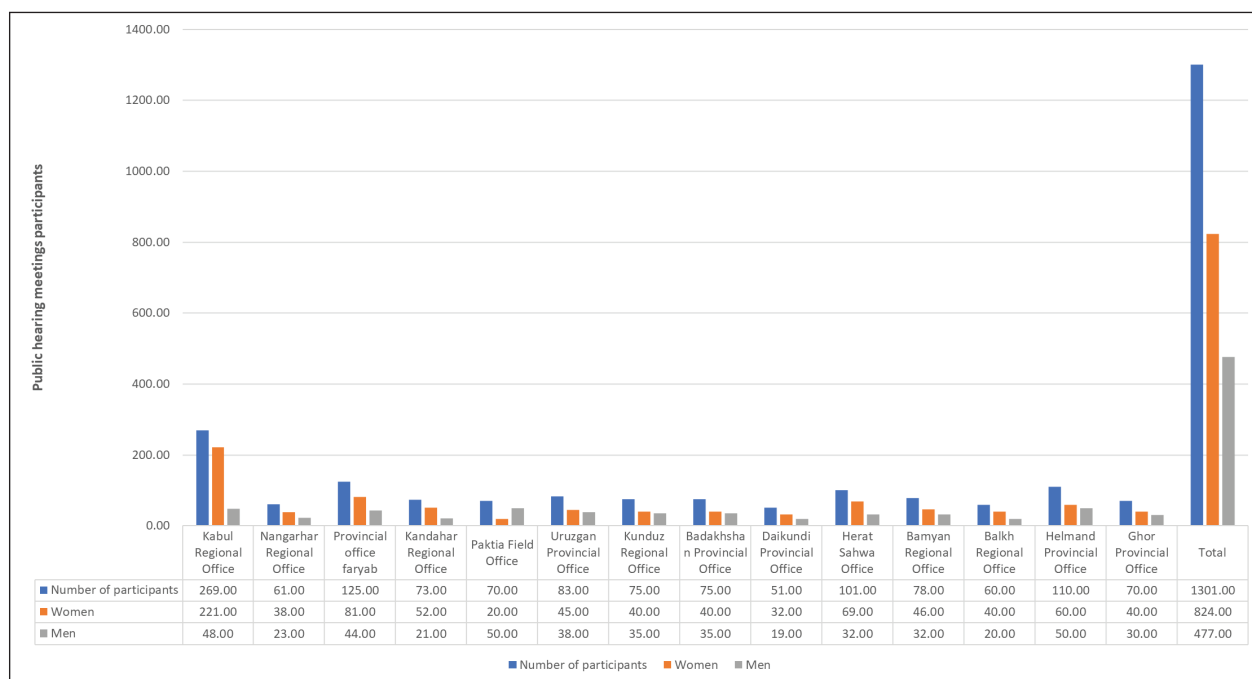
Meetings with 50 to 100 people are held at provincial or district level, in which local government officials, scholars and clerics, civil society actors, media activists, and international officials, and victims are invited to share information about the subject, and list the problems, concerns and challenges and finally to come up with specific solutions based on their experiences and findings to solve the problems. Participants' comments and views are carefully noted and included in the research's final report.

During the National Inquiry on Women, Peace and Security, 14 public- hearing meetings were held in 14 provinces. The total number of participants in these meetings was 1,301 people, 824 of whom were women (63.3%) and 477 (36.7%) were men.

In analyzing the situation of women, peace and security, participants at the public hearing meetings thoroughly evaluated the difficulties and issues in this area and presented their suggestions to improve the situation.

The views and opinions presented by the speakers and the participants in the public hearing meetings were carefully recorded by the colleagues of the AIHRC and were categorized by content analysis technique and presented without any changes in the final text of the report from the address of the meeting.

The following table contains the information presented by the participants of the public hearing meetings.



Focus Group Meetings

Focus group meetings are held in a smaller circle with 15 to 35 members of human rights activists, members of civil society, media representatives, scholars, victims of human rights violations, Ulumas, local elderlies and some government officials at provincial or district level. In these meetings, discussions are made on questions that have already been highlighted. The results of the discussion are carefully recorded, and then used in the final report after being categorized.

During the National Inquiry on Women, Peace and Security, 36 focus group meetings were held in 31 provinces of the country. The provinces of Nuristan, Zabul and Paktika are the three provinces where the focus group meeting was not held due to security problems in these provinces at the time of the research, but the AIHRC colleagues could bring together a number of civil society members and human rights activists from these provinces and include them in the public hearing meetings held in the neighboring provinces.

In each of the provinces of Nangarhar, Bamyan, Kunduz, Kunar and Laghman, two focus group meetings were held upon the request of the residents of these provinces and the interest of a large number of human rights activists and members of civil society to participate in the discussion.

The participants of the second focus group meeting held in Nangarhar province were mainly from residents of Nuristan province, and this meeting was held to obtain the views and opinions of the people of Nuristan.

A total of 490 participants, including 360 women and 130 men, participated in the focus group meetings of the National Inquiry on Women Peace and Security.

The information gathered from these meetings was carefully recorded and noted and then categorized by AIHRC's colleagues and used in the final report.

The personal information of the participants in the focus group meeting is categorized in the following table.



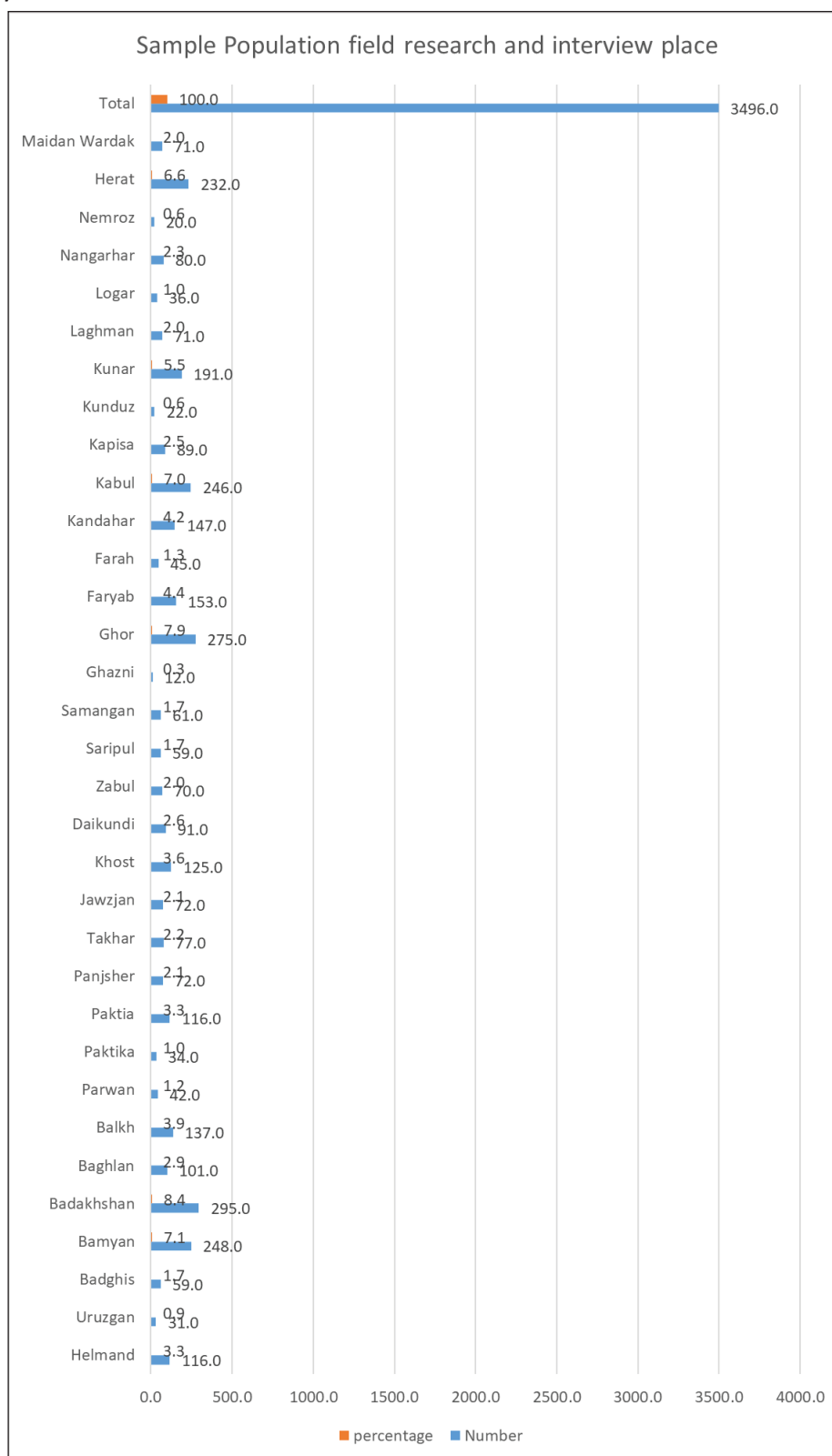
Field Research (Questionnaire)

The questionnaire is one of the most important tools to collect information for the national inquiry, in which a certain number of people are determined as sample population, as well as statistical population. The sample population of this inquiry was 4,000, and eventually the AIHRC's colleagues were able to interview 3496 people in 33 provinces of the country, that the majority of whom (99.1%) were women. Nuristan was the only province where AIHRC's colleagues could not travel to complete the questionnaires, due to insecurity.

Therefore, the sample population for this research is 3496 people; it means one in every 9217 people of the total population of the country (3225560). In determining the interview place, a random digits table method was used in which the districts and municipal districts were considered as an administrative unit, and were selected randomly from the table. After completing the random selection table, the AIHRC's colleagues traveled to the selected units to conduct interviews with the citizens and complete the questioners, proportionate to the population of the related administrative unit - one per 9217 people - and according to the pre-determined plan.

In the field research of this program, interviews with the women were given priority, as the topic related to women and some questions had to be answered only by women that are why the majority of those interviewed are women.

The information obtained through the questionnaire in field research and interviews





was categorized by the SPSS program and used in the report after passing the Cronbach's alpha test.

The personal information about sample population

The interviewees' personal information is one of the significant and valid factors that ensure the precision of field research. In addition to the number or percentage of women attending a research, the interviewees' personal information includes the variables that each in its place affects the level of trust in the information given.

Sex, age, marital status, physical status, occupation and education are among the most important variables analyzed in this part of the research.

For example, the level of literacy or educational level of interviewees as a variable plays a very important role in the importance of the information because there is no doubt that educated people and people with a higher education have a better understanding of the situation and are more familiar with the concepts such as peace, security and women rights. Therefore, the information received from them, and the information received from illiterate people, affects the value and ultimately the level of trust and research results.

A: Sex

The sample population in the field research for this project, as discussed in previous discussions, is 3496 people, of whom 3466 people (99.1%) were female, 30 people (0.9%) were men.

As mentioned above, the reason for why almost the entire sample population was selected from among women was due to the fact that most of the questions were about women and only women were able to answer them, although men were also interviewed in some cases.

B: Age

The interviewees are divided into three groups based on age. The first age group ranged from 12 to 18 years of age, amount to 1645 people, and 47.1% of the total number of interviewees. The second age group, between 19 to 39 years of age, reaches 1262 people, 36.1% of the interviewees. The third age group included those who were over 40 years of age, they reach 589 people, 16.8% of the total number of interviewees

The importance of identifying the age of the interviewees in this research is that individuals, as a fundamental variable, can provide researchers with real and informative information based on their perceptions and experiences of social realities. As mentioned above, the people included in this research were chosen from people over 12 years of age. This issue has increased the credibility of the research and strengthened the people's trust in the information, because people in the mentioned age range enjoy the ability to fully recognize and understand the concepts of women, peace and security.

C: Marital Status

According to the information recorded, 1933 interviewees (55.2%) were married, 1256 interviewees (35.9%) were single and 234 interviewees (6.7%) were widows, and the civil status of 75 interviewees (2.1%) was recorded as divorcees.

D: Physical status

Identifying the physical status of the interviewees is more important because it is essential to understand how many of the interviewees were disabled people and how many of them enjoyed a complete health status, because the majority of people with disabilities are affected by conflict-related incidents, and they are therefore regarded as victims of conflict. In this research, attempts have been made to collect the views of the female victims on the process of peace and security in order to include their views in the overall results of the research as well as in the plans designed to provide peace and security.

The findings of this inquiry showed that out of 3496 interviewees, 193 people (5.5%) of the total sample population were from among people with disabilities. Thus, 3303 people (94.5%) of the total number of interviewees were non-disabled people.

E: Occupation

The findings of this study showed that 35.8% (1252 people) of the total number of interviewees were housewives and had no outdoor jobs. Also, 7.4% (257 people) had non-official occupation, 26.3% (921 people) were civil servants and non-governmental civil servants and 9.1% (318 people) were students. 17.8% (623 people) were university students, and the remaining 3.6% (125 people) were staff of defense and security institutions.



F: Education level

The findings of this study showed that out of total number included in the population sample, 1.5% (53 people) of them had a bachelor's degree and 30.7% (1072 people) were graduated students and 28.1% (982 people) studied up to the level of baccalaureate, and 15.5 %, (543 people) below the baccalaureate. Also, 24.2% (846 people) of them were uneducated people.

The personal data of the sample population is categorized in the following table

Interviewees' personal information				
No (۲)	Sex	Number	Percentage	Total
	Woman	3466	99.1%	people 3496
	Man	30	0.9%	
No (2)	Age	Number	Percentage	Total
	to completion of 29 ۱۸ years	1645	47.1%	people 3496
	to completion of 39 30 years of age	1262	36.1%	
	Over 40 years of age	689	16.8%	
No (3)	Marital Status	Number	Percentage	Total
	Married	1931	55.2%	people 3496
	Single	1256	35.9%	
	Widow	234	6.7%	
	Divorced	75	2.1%	
No (4)	Physical status	Number	Percentage	
	People with disabilities	193	5.5%	
	healthy people	33.7	94.5%	
No (5)	Job	Number	Percentage	Total
	Housewife	1252	35.8%	people 3496
	Has a free job	257	7.4%	
	Officer of governmental and nongovernmental departments	921	26.3%	
	Student	318	9.1%	
	University Student	623	17.8%	
	Assigned in defense and security institutions	125	3.6	
No (6)	Education degree	Number	Percentage	Total
	Above bachelor's degree	53	1.5%	people 3496
	Bachelor	1072	30.7%	
	Baccalaureate	982	28.1%	
	Below baccalaureate	534	15.5%	
	illiterate	846	24.2%	



Library Studies

Part of the information required for this research has been prepared through library studies. This data, which mainly involves theoretical and legal basis for research, is prepared and classified through the study of international documents and national laws and regulations. The reports and documents related to women, peace and security previously created by the AIHRC and other research institutes is also one of the source material and part of the library study.

Identifying variables

Library study, evaluation and analysis of the research components resulted in the identification of the variables of this research. Independent variables of this research are mainly those individuals included in public hearings, focus groups and field research, and their number amounts to 5287 people, including 3496 people in the sample population in field research, 1,301 people in public hearing meetings, and 490 people in focus group meetings. The dependent variables in this study are security, peace and the enjoyment by women of their fundamental rights and liberties, including access to civil and political rights and access to economic, social and cultural rights.

Implementation Stages

The National Inquiry on Women, Peace and Security was initiated subsequent the decision of Leadership Board of the AIHRC in a meeting dated due to the deteriorating security situation at the national level and the challenges that affected the daily lives of women in the country, and given the increasing number of women killed in armed conflicts, as well as the question of the peace process between the state and the anti-government armed groups undertaken by the national, international and regional authorities and agents involved in the Afghan conflicts.

The title, preparing of letter of introduction, questionnaires, and providing of related guidance have been done by an executive committee, called the Committee for National Inquiry on Women, Peace and Security, under direct auspicion of the AIHRC's leadership. Members of the Committee include Dr. Soraya Sabaharang, AIHRC Consultant, Mrs. Latifa Soltani, Women's Human Rights Unit Coordinator, Abdul Ahad Farzam, Head of the Kabul Regional Office, Farangies Shah, Policy Advisor to the AIHRC, Behzad Hakak Coordinator of the Ombudsman Unit, Mohammad Alem Azizi, Head of Special Investigation Unit and Mohammad Azim Besharat, AIHRC's researcher.

The committee could hold 14 public hearing meetings and 33 focus group meetings in cooperation with the Heads and colleagues of Regional and Provincial Offices of the AIHRC.

Writing of the report which took place by Mohamad Azim Besharat, the Head of the Research Unit of the AIHRC, started on Jawza 25, 1398, and was completed on Saratan 25, 1398 and after reviewing and implementing the amendments the report was submitted to the members of the committee for publication.



Chapter 3

Theoretical Framework or Legal basis

National Laws
National Support Structures
International Instruments
International Support Structures





Theoretical Framework and Legal Basis

The protection of women's fundamental rights and freedoms has been widely reflected in national and international laws and regulations, and has been enshrined in numerous documents. The presence of women in the structure of power, and their role in the State institutions and major national events such as security and peace is one of the issues that has always been considered in the documents aiming at protecting women's human rights.

In this respect, in addition to worldwide efforts to expand cooperation towards the protection and promotion of women's human rights and freedom, various national and international frameworks and mechanisms have been developed to manage the legal capacities to support the presence of women in the structure of power and national interaction.

Fortunately, in Afghanistan, the process of defending women's human rights and freedoms and defining their position and role in the political structure has a suitable legal basis, and in recent years, special attention has been paid to the creation and development of national structures to promote women's position and role in broader national trends aiming at building capacity for their presence in the structure of power, and in the political and economic leadership units.

Reviewing the legal documents protecting the fundamental rights and freedoms of women, in particular the definition of their position and their role in the structure of power through their participation in state institutions and major national events such as security and peace, due to its widespread dimensions, requires a more detailed explanation, which would be discussed under the following topics:

Part I: Women, Peace and Security in National Law

The Afghan government has taken important steps to date in the field of legislation to assume its national and international responsibilities and obligations to protect women's fundamental rights and freedoms, and in addition of the Constitution guaranteeing equality between men and women, significant support has been granted in other national laws also.

A: The Constitution (1382)

The most important step taken by the Afghan government after the fall of the Taliban is to adopt a new Constitution to guarantee equality between women and men in the legislation.

Article 22 of the Constitution prohibits any kind of discrimination between citizens of Afghanistan and guarantees the equality of men and women before the law.¹

Article 44 of the Constitution requires the government to take measures and implement effective programs to create and foster balanced education for women, and eliminate illiteracy in the country.²

A precise study of Article 44 of the new Constitution of Afghanistan indicates that legislators in some way emphasized the positive discrimination in favor of women in this Article the Afghan government has been advised to pay special attention to the rights of women to education,³ and establish effective mechanisms in this respect, which is an important step towards strengthening women's capacity.

1. Article 22 of the Afghan Constitution

2. Article 44 of the Afghan Constitution

3. Article 44 of the Afghan Constitution



Also, Article 54 of the Afghan Constitution has also obliged the State to protect the family. In this Article, attainment of physical and spiritual health of the mother and the child has been defined as one of the important responsibilities of the State and the State is advised to adopt the necessary measures in this regard.¹ Article 54 of the Constitution clearly refers to programs that must be prepared by the government to protect women in all circumstances, especially during the war and conflict.

Women's participation in the structure of power has been enshrined in Article 83² of the Constitution, and it has been emphasized that at least two women shall be elected members of the House of People from each province, proportionate to the population of the province. Also, according to Article 84 of the Constitution the President is tasked to appoint 50 percent of the one-third of Senate Members from amongst the women.³

According to the provisions of this Article, the participation of women in power and policies and national procedures, such as peace, security and development, is one of the State's duties,

Equal rights of men and women in recruitment are enshrined in Article 50 of the Constitution. According to the provisions of this Article, "The citizens of Afghanistan shall be recruited by the State on the basis of ability, without any discrimination, according to the provisions of the law".⁴

In addition to these Articles, Article 7 of the Afghan Constitution obliges the government to comply with all international documents to which Afghanistan has acceded⁵. In accordance with the provisions of this Article, the Government shall have the obligation to implement all the measures concerning the international instruments to which Afghanistan has acceded.

B. Labor Law of Afghanistan (2007)

This law, based on the country's Constitution, explicitly emphasizes in its Article 9 the equality of men and women in terms of employment, salary, work privileges, career choices, skills development and the right to education and social security, and protects the equal rights and privileges of women and men.⁶

Likewise, gender equality in recruitment, (Article 3 of the Labor Law), equal pay for equal work of men and women (Article 8 of the Labor Law), gender equality in retirement (Article 138 of the Labor Law), leave for women (Article 54 of the Labor Law), the prohibition of the employment of women in hard and difficult work (Article 120 of the Labor Law), the prohibition of the employment of women in night work (Article 121 of the Labor Law) are the most important issues enshrined in the Labor Law of the Islamic Republic of Afghanistan for the benefit of women.

Support for women by Afghan Labor Law implies that women are able to engage in national processes and programs aimed at creating and ensuring sustainable peace.

C: Election Law (1395)

According to Article 5 of the Election Law, all qualified Afghan citizens have the right to vote and may exercise their right in the election as voters or candidates. Also, clause 4 of the second paragraph of Article 5 of this law prohibits any direct or indirect limitation on voters or candidates on the basis of language, religion, tribe, sex, location or social and official status or disability.⁷

Furthermore, under the provisions of Article 83 of the Constitution and Article 51 of the Election Law, out of 250 seats in the House of Representatives, 68 seats (twice the number of provinces in the nation) were allocated to women. While women enjoy free and equal competition opportunity to win seats, the legislator has obviously shown positive discrimination in favor of women in this Article, aiming at ensuring women's efficient involvement in the legislative body and providing a structure for women's involvement in domestic macroeconomic policies.

D: Law on the Elimination of Violence against Women (1388)

The approval of the law on the prohibition of violence against women is one of the most important jobs accomplished for the advantage of women by the Afghan government in recent years.

The aim of this law is to guarantee the legal rights of women, safeguard the dignity of women, maintain family health and combat harmful customs, traditions and abusive methods that lead to violence against women, support victims of violence,

1. Article 54 of the Afghan Constitution

2. Article 83 of the Afghan Constitution

3. Article 84 of the Afghan Constitution

4. Article 50 of the Afghan Constitution

5. Paragraph 1 of Article 7 of the Afghan Constitution

6. Ministry of Justice, Public Civil Servants Law, 2008, Official Gazette No. 951, Articles 2, 10, 12, 17, 25 and 28

7. Ministry of Justice IRA, Election Law, 1395 Official Gazette 1226 Article 5



prevent violence against women, raise public awareness about violence against women and prosecute perpetrators of violence against women.

Articles 8 to 15 of this law introduce supporting organizations and define their duties to eliminate violence against women. The third chapter of this law addresses the criminal issues of violence against women.

One of the most important Articles of this law is Article 43, which provides that the provisions of this law shall prevail in case of any contradiction between the provisions of this law and of other laws of the country.¹

In case of any contradiction between the provisions of this law and of other laws the provisions of this law shall prevail.

Although, the Law on the Elimination of Violence Against Women, approved specifically to support the EVAW program, is an important legal basis for women's participation in political and social life, because if the violence against women diminish, especially in social life, women's active and effective presence and participation in political, economic and social life will flourish.

E. Government Action Plan for Peace, Reconciliation and Justice in Afghanistan (1384)

The Government Action Plan for Peace, Reconciliation and Justice in Afghanistan, was prepared in consultation with the AIHRC and the United Nations Assistance Mission in Afghanistan (UNAMA), after the AIHRC published its report titled "The Voice of the People for Justice", in 1384, the result of the national consultation on how to deal with the perpetrators of crimes committed against civilians between 1357 and 1380.

The main purpose of the government's Action Plan for Reconciliation, Peace and Justice in Afghanistan was how to deal with past crimes, provide justice, and a clear and stable strategy to bring about peaceful coexistence in the country, and to establish an order based on tolerance and compromise by ensuring the rule of law and creating a condition in which peace, safety and justice is maintained in the country.

This program was conducted and agreed by the participants from the Government of Afghanistan, the AIHRC, the UN Delegation, representatives of the Office of the United Nations High Commissioner for Human Rights, the representative of the United Nations High Commissioner for Human Rights (UNHCR) at the Hawk Conference on June 6-7, 2005. Special Representative of the European Commission, representatives of the European Commission, the Canada, Finland, France, Germany, Italy, the Netherlands, Sweden, United Kingdom and the United States and experts from the International Center for Transitional Justice and the Afghanistan Justice Project, and subsequently was approved by the Council of Ministers.

The presence of women in the peace process is discussed in the introduction of this Action Plan: "The Action Plan acknowledges that any mechanism for building peace and justice must be carried out with the active and meaningful participation of all national stakeholders, including justice authorities, civil society, professional associations, Mujahideen, traditional and religious groups, victims, ex-combatants and (non-criminal) elements of former regimes. Special attention must be given to ensuring the active participation of women in the process".²

The commitments given by the government to the people of the country in the government's Action Plan for Peace, Reconciliation and Justice in Afghanistan were split into five parts, and considering the executive function of each sector within three years, the following programs were prioritized.

1. Acknowledging the suffering of the Afghan people;
2. Encourage people to forgive previous offences committed against civilians by the perpetrators in the past ;
3. Fact-finding and documentation of crimes committed in the past;
4. Establishing reliable and responsible state organizations and wiping out the existence of human rights perpetrators and criminals of public organs
5. Creating effective, reasonable and accountable mechanisms, including the creation of a special court in which national judges and judges from the Islamic countries are present.

1. Article 43 of the Law on Elimination of Violence against Women,

2. IRA, Government's Plan of Action for Peace, Reconciliation and Justice in Afghanistan 1394

One of the plans outlined in this document is the truth-seeking and documentation of crimes committed by the parties to the conflict during war and conflicts. According to the Action Plan, the government was tasked with creating a process to carry out the work of truth-seeking and documenting violence and rape against women in collaboration with women.

With the approval of the government action plan for peace, reconciliation and justice in Afghanistan, the government registered the December 10th as the National Remembrance Day for the victims of the war and was officially announced by President Hamid Karzai.

In addition, the construction of the monument and the martyrs' museums on a mass grave in Badakhshan, the establishment of an advisory board for the President and the launch of a documentation program by the AIHRC were the most important steps taken to implement the action plan.

Unfortunately, the government's Action Plan for Peace, Reconciliation and Justice in Afghanistan was virtually put aside after the amnesty bill was passed by the House of Representatives titled "the Charter for Compromise and National Reconciliation."

F: The Afghan National Action Plan for the implementation of Security Council Resolution 1325 (NAP)

The Afghan National Action Plan for the implementation of Resolution 1325 was prepared by the Ministry of Foreign Affairs in the month of Saratan, 1394.

The goals of this program are summarized as follows:

1. "Women's participation in the decision-making and implementation of social services, security and reestablishment of peace;
2. Women's active participation in national and provincial elections;
3. Women's access to an effective, active and accountable justice system;
4. Health and psychological support for victims of domestic and sexual violence throughout Afghanistan;
5. Protecting women against all forms of violence and discrimination;
6. Provision of financial resources for activities related to women in emergency situations;
7. Implementation of the policy of IDPs related to the Security Council Resolution;
8. Ending impunity for the perpetrators of violence against women and related crimes;
9. Participation of boys and men in the fight against violence against women;
10. Protecting and empowering civil society institutions (especially women's institutions) regarding the Security Council Resolution, and the women's peace and security;
11. Improve economic security for vulnerable women through increasing job opportunities;
12. Increasing women's and girls' access to education and higher education, with a special focus on IDPs and returnees.¹

The Afghan National Action Plan for the Implementation of Resolution 1325 reports on serious concerns at domestic level about women's human rights, and highlights the need for serious attention in this respect. The following is stated in this study:

"Due to more than three decades of war, serious attention is required in the following areas:

- Women are vulnerable to sexual violence, including sexual harassment, trafficking, forced prostitution and forced marriage;
- Women do not have access to justice in remote areas;
- Due to armed conflicts and the general marginalization of women, women do not have adequate access to health services, education, and job opportunities;
- Consequently, illiteracy and unemployment among women are at the highest level, and maternal mortality rates in Afghanistan are remarkably high, especially internal displaced women living in war-torn areas are vulnerable to insecurity.

1. The Ministry of Foreign Affairs, National Action Plan for the Implementation of Security Council Resolution- 1325, Cancer, 1394, p 2



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The National Action Plan for Implementation of Resolution 1325 lists the following as the main activities of National Action Plans: Participation, Protection, Prevention, Development and Improvement, which include:

Participation:

- Promoting effective women’s participation in decision-making and executive departments of public services;
- Ensuring effective participation of women in security sectors’ leadership;
- Ensuring women’s effective participation in the peace process;
- Encouraging women’s participation in making peace and security strategies and policies;
- Strengthen women’s active participation in elections.

Protection:

- Protect women from all forms of violence and discrimination by enforcing, monitoring and reforming existing laws and regulating new laws and policies;
- Promotion of women’s human rights and gender evaluation of laws, policies and administrative reforms;
- Create and activate an environment in which women have access to justice, through effective participation in the judiciary;
- Protecting women against all forms of violence through raising public awareness and development;
- Providing health, psychological and social services to victims of violence throughout Afghanistan;
- Take effective measures to protect women against sexual violence.

Prevention:

- Preventing violence against women;
- Eliminating the culture of impunity in the area of violence against women;
- Strengthen women’s role in the security sector and judicial structures;
- Implementation of gender-related reforms in the security and justice sectors;
- Evolving boys and men in the fight against all forms of violence against women;
- Promoting women’s awareness of their rights and their role in preventing violence and resolving disputes.

Development and improvement:

- Providing relief and improving services for women affected by war, internal displacement, and victims of violence;
- Attention to the social and economic needs of women in designing, implementing and evaluating development programs;
- Implementation of the provisions of Resolution 1325, for internally displaced persons.²

The Afghan National Action Plan for Implementation of Resolution 1325 is considered one of the best programs and it is acknowledged that if this program is fully implemented, there will be no particular concern regarding the observance and protection of women’s human rights. In the National Action Plan, the presence and position of women in the structure of power and politics are well supported in various areas, and women’s participation in the processes such as peace, security and development has been guaranteed.

Part 2: National Structures and Mechanisms for the Protection of Women

Ministry of Women’s Affairs and Ministry of Labor, Social Affairs, Martyrs and Disabled, the National Council or Parliament of Afghanistan, the Office for the Protection of Human Rights, Gender and Human Rights Departments in the structure of the ministries, the AIHRC, the Commission on the Elimination of Violence against Women, the Commission on the Elimination of the Sexual Exploitation of Women and Children, the Attorney Office for the Elimination of Violence against Women, Family Courts and the Sustainable Development Goals Executive Committee³ is the most significant domestic structures engaged in defending women’s rights and freedoms.

Providing opportunities for women’s participation in politics and power through the improvement of their participation in governmental and nongovernmental structures and national programs such as peace and security, protecting women against violence and women’s human rights violations, preparing and implementing national plans to prevent women’s human rights abuses, and preparation and formulation of specific programs for the development and improvement of the human rights situation of women are among the most important goals that have been included in the programs of the above mentioned national institutions and structures.

1. Ibid p 2 and 3

2. Ibid p 6 & 8

3. ASDGs



Part 3: Women and the Issue of Peace and Security in the Universal Declaration of Human Rights

Universal human rights instruments that are also referred to as general rules, are general obligations of particular importance in the international legal system that refer to the general principles and values of human rights belonging to all members of the human community, and can be the basis of the formation of specific human rights rules.¹ Likewise, the United Nations Charter, the Universal Declaration of Human Rights, and Civil and Political Rights and Economic, Social and Cultural Rights Conventions are among the most important examples of these documents.

A: United Nations Charter (1945)²

The United Nations Charter is one of the most important documents supporting the rights and freedoms of women, especially their presence in the structure of power and major national events. In the first paragraph of the preamble, the charter refers to the provision of public security and non-discrimination between men and women in all areas of social life, and promotes the secure presence and efficient role of women in society and in domestic activities in the same way as men

Ensuring peace and security is one of the most important goals of the Charter of the United Nations, emphasized not only in the preamble, but in many other articles as non-discriminatory universal human rights.³

Article 1 of the Charter emphasizes the maintaining of peace, and taking collective measures for the prevention and removal of threats to peace,⁴ and acknowledges the role and status of women as an effective member of the human community in major national trends, such as security and peace.⁵

The third clause of Article 2 of the Charter refers to ensuring of peace and security without endangering international peace and justice.⁶ In accordance with the provisions of this article, whenever and for whatever reason, the national peace process fails to provide justice, it is not supported, and there would be some problem. Women in Afghanistan, therefore, as part of the country's human community and given the long and severe pain they have endured for almost four decades of conflict and war, are entitled to engage efficiently in the national structures and process such as the peace, and they should not be deprived of opportunities for access to justice, and their right to advocacy to ensure justice and to prosecute crimes committed against them during the years of war and conflict should not be disregarded.

B: Universal Declaration of Human Rights (1948)⁷

In the Preamble to the Universal Declaration of Human Rights, respecting and recognizing the human dignity of the members of the human community, both men and women, is referred to as the foundation of freedom, peace and justice, and disregarding it under any excuse, is regarded as violations of human rights.⁸ Therefore, ignoring women and their absence in the framework of power and politics as well as activities linked to public interest affecting their destiny is contrary to this provision of the Universal Declaration of Human Rights and a breach of the significant principle of human rights.

Article 1 of the Declaration emphasizes the equality of human rights in terms of rights and dignity and invites all members of the human community to engage in brotherhood and peaceful interaction.⁹ The main focus is on women's and men's equality in interactions in social life and equal rights for all members of the human community.

Article 2 of the Declaration explicitly recognizes the principle of non-discrimination between all members of the community, in particular gender discrimination in all aspects of personal, family and social life, and the third Article guarantees the right to life, freedom and security of the individual members of the human community, including women and men.¹⁰ Therefore, women of the society as members of the human community have the right to enjoy their basic rights and freedoms without discrimination.

Article 21 of the Universal Declaration of Human Rights promotes the right to equal involvement of women and men in the country's public affairs and affirms that all men and women are entitled to equal employment in public services.¹¹ According to the provisions of this Article, the participation and presence of women in national structures such as the peace process

1. Afghanistan Independent Human Rights Commission, Human Rights Education, 1394, p. 93. Available at the following e-mail address: https://www.aihrc.org.af/files/education-section/Human%20Rights%20Book_Final.pdf

2. United Nations General Assembly, UN Charter, June 26, 1945

3. UN Charter preamble, paragraphs 2 to 4 of

4. First clause of Article 1 of UN Charter

5. Third clause of Article 1 of UN Charter

6. Clause 3 of Article 2 of the Charter

7. United Nations General Assembly, United Nations Charter, December 10, 1948

8. Paragraph 1 preamble of The Universal Declaration of Human Rights

9. First Article of UDHR

10. Article 3 of the Universal Declaration of Human Rights

11. Clause 1 and 2 of Article 21 of the Universal Declaration of Human Rights



and security that is one of the two main sectors of the society is essential, and one of the main steps towards strengthening the democratic system based on democratic criteria.

The other principles honored in Articles 10¹ and 23² of the Universal Declaration of Human Rights are equal and non-discriminatory access for women and men to justice, and the right to enjoy non-discriminatory opportunities to live in a safe and prosperous society.

C: International Covenant on Civil and Political Rights 1966)³

Together with other universal human rights instruments, the International Covenant on Civil and Political Rights highlights the principles and values that relate to the general public of the human community without discrimination, and is the foundation for a secure and prosperous life..

This Covenant in its preamble, in line with the UN Charter acknowledges the inherent dignity of human beings as the foundation of freedom, justice and peace, and denies the discrimination between members of the human community, including men and women, and stresses that every member of the human community shall promote and respect the rights recognized in the Covenant.⁴ This Covenant's preamble places a clear emphasis on the equal involvement of women and men in issues pertaining to the leadership and structure of power and other social-life capacities.

Article 2 of the present Covenant refers to the commitment of State parties to ensure that the fundamental rights and freedoms of their citizens, including men and women⁵ are respected without distinction of any kind, and to create legal capacities for the equal protection of citizens⁶ and to provide the conditions for citizens to have access to justice.⁷ According to the provisions of this Article, every citizen of the nation, including men and women, has the right to enshrine, uphold and respect their fundamental rights and freedoms in national laws. Governments also have an obligation to provide the basis and conditions for legal proceedings and civil and criminal case litigation at the domestic level.

Article 3 of the Covenant states: "States Parties to the present Covenant undertake to ensure the equal rights of women and men to the enjoyment of the civil and political rights set forth in the present Covenant."⁸ Therefore, the Afghan Government, given that has adhered to this Covenant on January 24, 1983, is bound to provide the grounds for the participation of women in civil and political affairs without discrimination, and participation in peace and related negotiations is one of the examples of women's civil and political rights. .

The right of all members of society, including women to freedom and security is one of the other rights protected by Articles 6 to 10 of the Covenant⁹ and requiring the States to provide the grounds and conditions for the protection of these rights at the domestic level.

D. International Covenant on Economic, Social and Cultural Rights (1966)¹⁰

The International Covenant on Economic, Social and Cultural Rights, in its preamble has referred to human dignity and the inherent and inalienable rights of human beings as a foundation for freedom, peace and justice in the community,¹¹ and has acknowledged that the enjoyment of economic, social and cultural rights by all members of the human community, together with other human rights, will result in people enjoying their freedom, freedom from poverty, hunger and fear.¹²

The emphasis of the International Covenant on Economic, Social and Cultural Rights indicates that respect for human dignity and non-discrimination between women and men is the main component for the formation of a free, safe and just society; therefore, observance of human rights and freedoms of women and respect for their legal status in social life, in addition to enhancing national confidence in women and increasing of public believes in women's ability to implement important national programs and trends, will increase women's contributions to national macro-management and their presence in social activities and events such as peace and security in society, and make such programs more likely to be successful.

1. Article 10 Universal Human Rights

2. Article 22 of the Universal Declaration of Human Rights

3. United Nations General Assembly, International Covenant on Civil and Political Rights, - December 16, 1966

4. Last paragraph of the preamble of the Covenant on Civil and Political Rights

5. Clause 1, Article 2, of the Covenant on Civil and Political Rights

6. Clause 2 Article 2 of the Covenant on Civil and Political Rights

7. Clause 3 Article 2 of the Covenant on Civil and Political Rights

8. Article 3 of the Covenant on Civil and Political Rights

9. Articles 6- 10 of the Covenant on Civil and Political Rights

10. United Nations General Assembly, International Covenant on Economic, Social and Cultural Rights, - December 16, 1966

11. First paragraph of Preamble of The Covenant on Economic, Social and Cultural Rights

12. Paragraph 2 of the Preamble of the Covenant on Economic, Social and Cultural Rights

The second clause of Article 2 of the present Covenant requires the States to ensure equal and non-discriminatory conditions for all members of the human community, including men and women, to exercise economic, social and cultural rights, and in the third Article tasks the States with ensuring an equal and non-discriminatory condition for the enjoyment of citizens of economic, social and cultural rights.¹ It is worth mentioning that the Government of Afghanistan has also acceded to this Covenant on January 24, 1983, and is bound to comply with it.²

The enjoyment of women as an equal member of the human community of labor rights is stipulated in Articles 6 to 9³ of the present Covenant and their enjoyment of the rights to receive social protection in the fields of health,⁴ education,⁵ family⁶ and culture⁷ are enshrined in Articles 10 to 15 of the Covenant.

Based on the above rights, women have an active position in social life and, since they have the right to enjoy proper conditions for exercising their economic, social and cultural rights, they also have the right to participate in national macro-management and participate effectively in national events affecting their fate, such as the peace process and security in the country.

E. Sustainable Development Goals 2015⁸

In the last years of the 15-year Millennium Development Goals,⁹ the world's poor situation and the growing poverty, hunger and challenges to access fundamental human rights and freedoms convinced world leaders to make new efforts in 2012 to improve the lives of people in the world and to approve a document by the UN titled "Sustainable Development Goals".¹⁰

This document was completed in September 2015, after three years of voting and a global survey, with 17 goals, 169 targets and 232 indicators.¹¹

Supporting women's human rights and freedoms, including capacity building and creation of possibilities for women's presence in political, economic and social lives, is a subject focused in all 17 goals of sustainable development, but the fifth goal of the document, entitled "Gender equality and empowerment of all women and girls", emphasizes in particular the protection of fundamental rights and freedoms of women through empowerment, in which 6 goals and 3 targets and 13 indicators are taken into account.

Eliminating discrimination, eliminating violence, eliminating harmful traditions, valuing women's work at home¹² are the first 4 targets of goal five, defined in support of women, and the State members of the United Nations, including Afghanistan, have pledged to achieve these goals by 2030.

Goal 5, target 5, relates to women's effective and meaningful involvement in the structure of power as such: "Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life."¹³ Fortunately, the Afghan government has endorsed this target with the same phrase mentioned in the final document of the National Sustainable Development Goals as a commitment; the percentage of women's presence in the House of Representatives and the presence of women in managerial positions are two important indicators of this target.

Women's access to quality health services and the ability to own property as well as access to contemporary technology to empower women and create the legal capacity to promote women's and men's equality at the national level are among the other subjects set out in the sixth objective and its three targets, undertaken by the States to achieve these goals by 2030.

Peace, justice, and strong institutions are the sixteenth goal of SDGs "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels", has been confirmed by the governments. This goal has 10 main targets two sub-targets deemed to achieve the 24 indicators.

1. Article 3 of the Covenant on Economic, Social and Cultural Rights

2. https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN (obtained on 25th of Hamal, 1397)

3. Clause 1 of Article 6 of the Covenant on Economic, Social and Cultural Rights

4. Clause 1 of Article 12 of the Covenant on Economic, Social and Cultural Rights

5. Clause 1 of Article 13 of the Covenant on Economic, Social and Cultural Rights

6. Clause 1 of Article 10 of the Covenant on Economic, Social and Cultural Rights

7. Clause 1 of Article 15 of the Covenant on Economic, Social and Cultural Rights

8. United Nations, Declaration on Sustainable Development Goals, September 25-27, 2015

9. MDGs

10. <https://sustainabledevelopment.un.org/sdgs>

11. Ministry of Economy of IRA final document for SDGs 2015-2030 (Goals, Targets and National Indicators, 1397 p. 10).

12. Target 1-4 of Goal 5 of SDGs

13. Target 5 of Goal 5 of SDGs



Reduction of violence, war, mortality and war-related casualties, promotion of rule of law and increased access to justice, reduction of organized crime, reduction of corruption and bribery at national level, development of transparent and accountable institutions, ensuring accountability, inclusiveness and participatory decision-making at all levels, ensuring public access to information and protection of fundamental freedoms in accordance with national laws and international agreements, and promotion and implementation of non-discriminatory laws and policies for sustainable development are among the most important subjects identified in this goals as targets.¹

Indicators of this objective indicate that peace and stability will not be achieved until countries end violence and war, and end conflict-related mortality, violence, and civilian casualties, and pursue justice and war crimes prosecution.

Part 4: Women and the Issue of Peace and Security in Specific Human Rights Instruments

A series of international human rights instruments aimed at protecting the rights and freedoms of a particular group of society, such as women or children, are considered as specific human rights instruments. The number of international documents protecting women's rights and freedoms are not limited and includes several documents in the form of declarations, covenants, additional protocols and international resolutions. International Convention on the Elimination of All Forms of Discrimination against Women, 1979, Declaration of the World Conference on Women in Beijing (1995), United Nations Security Council Resolution 1325 (2000), Declaration on the Elimination of Violence against Women (1993), Declaration on the Elimination of Discrimination against Women (1967) and the Women's Political Rights (1952), are the documents that are specifically approved for the protection of women's human rights and freedoms.

A: Convention on the Elimination of All Forms of Discrimination against Women (1979)²

The International Convention on the Elimination of All Forms of Discrimination against Women is one of the most important human rights instruments in support of women's rights and has played a major role in the development of the legal foundations for the protection of women's rights at the national and international levels. The Afghan government signed the convention on August 14, 1980 and acceded to it on March 5, 2003;³ therefore, all the provisions of this important international instrument are applicable without any change at the national level. So, ignoring it is a violation of national law and can be prosecuted.

In line with the UN Charter and the Universal Declaration of Human Rights, the preamble of this document has endorsed equality between women and men in all areas of life, including power structure, political and economic management, social and cultural status.⁴

It is also stated in the preamble of this document that discrimination against women violates the principles of equality and legal rights for human inherent dignity. Discrimination is an obstacle to women's equal participation with men in national political, social, economic and cultural life, as a result, it will slow down the growth of the prosperity of the society, especially at the national level,⁵ and undoubtedly leads to poverty and wretchedness, and deprives women of equal access to opportunities, health services, education, and employment.

In accordance with the provisions of Article I of this Convention, any discrimination between men and women on political, social, economic and cultural grounds is discriminatory⁶. It is therefore the responsibility of the States Parties to eliminate the capacity for discrimination in all the aforementioned fields⁷ by means of legislation and amendments to those laws that discriminate against women, in order to create a legal foundation for women to enjoy their fundamental rights and freedom. The International Convention on the Elimination of All Forms of Discrimination against women recognizes the special measures adopted by the State parties, aimed at accelerating the gender equality process, as positive discrimination. Adoption of such measures is recommended under Article 4 of the Convention.⁸

For this reason, the adoption of measures which provide women with more opportunities than men, especially in developing countries such as Afghanistan, has accelerated the process of securing equity and equality between men and women and should not be removed from government policies.

Granting special privilege for women in obtaining a number of parliamentary seats is one of such practices that have current-

1. Main targets and sub-targets of goal 16 of SDGs

2. United Nations General Assembly, International Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979

3. https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN (Obtained from the website on Hamal 28, 2012)

4. First paragraph of Preamble of the Convention on the Elimination of All Forms of Discrimination against Women

5. First paragraph of Preamble of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women

7. Clause 1 Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women.

8. Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women.

ly been stipulated for the advantage of women in Afghanistan under the electoral law.

Developing cultural models to promote women's and men's equal status and to guarantee recognition of the status and equal role of women and men in the family, eliminating the legal and cultural capacity of women's exploitation is the other subjects referred to in Articles 5 and 6 of this Convention as the responsibilities of governments.¹

Article 7 of the Convention, in relation to the right of women to participation in social and political life, states:

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

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) To participate in non-governmental organizations and associations concerned with the public and political life of the country".²

Article 7 of the Convention has, in fact, laid the foundation for the protection of the equal rights of women and men at the national level and has given governments the responsibility to remove all legal, social and cultural challenges in these areas and to ensure a meaningful and effective presence for women in all national macroeconomic policies and in all trends relating to government policy and national interests.

Women's access to economic, social and cultural rights, including the right to education, the right to health, the right to work, family rights and the legal and structural capacities required to protect women in the villages are among the other things that have been supported in accordance with Articles 8 to 16 of this Convention. In addition to creating conditions for women to enjoy these rights, the State parties are obliged to create opportunities to support the position of women in the management of support programs.

B: Declaration of the Beijing Conference (1995)³

The 4th World Conference on Women, which was held in Beijing on September 4-15, 1995, issued a declaration that is also called the action plan for improving the human rights of women. The three preceding conferences, including the Mexico Conference, (1975), the Copenhagen Conference (1980) and the Nairobi Conference (1985), were also held to support and improve women's human rights.⁴

The Declaration of the Beijing Conference highlighted three overall goals, including women's equality, development and peace. ⁵In order to achieve these goals, the State parties are committed to respect the equal rights of women and men to the enjoyment of all human rights and fundamental freedoms and to the equal participation of women and men in the political and economic affairs of the community. It also states that the governments are required to comply with all their commitments to international women-related documents and to respect and protect women's human rights..⁶

The Declaration highlights the follow-up of women's protection policies in international human rights instruments and the resolution of meetings on women and children, authorized to protect, develop and promote women's human rights⁷.

The Declaration emphasizes the implementation of programs that support women's participation in development and sustainable peace, and provides women's empowerment, create women's equal access to national resources and opportunities, and develop legal and structural protections for women.⁸

C: Security Council resolution 1325⁹ (2000)

UN Security Council Resolution 1325 as one of the most important documents is published to protect the fundamental rights and freedoms of women during armed conflicts and pave the way for their involvement in the peace process. As set out in

1. Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women.

2. Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women.

3. <https://www.un.org/womenwatch/daw/beijing/> (taken from the website on the 28th of March, 1397)

4. *ibid*

5. Clause 1 to 3 of the Beijing Declaration

6. Clause 8 and 9 of the Beijing Declaration

7. Clause 10 to 12 of the Beijing Declaration

8. Clause 13 to 38 of the Beijing Declaration

9. UN Security Council Resolution 1325, adopted at the 4213 meeting, dated October 13, 2000



its preamble, it is issued in connection with the Declaration of the Beijing World Conference on Women, and emphasizes the process of implementation of this Declaration.

Based on the provisions of Articles 24, 25 and 48 of the Charter of the United Nations, the resolutions of the Security Council are among the sources document of international law and enjoy the status of compulsory functions among the United Nations Member States. Therefore, the member states of the United Nations, which Afghanistan is one of them, has the duty to work to establish the executive capacity for the implementation of the Security Council Resolutions and create the conditions required. Ignoring the Security Council Resolutions will have legal consequences.

Resolution 1325 of the Security Council proposes four core principles to promote equality between women and men in the peace and development process, including, the principle of women's participation, the principle of women's protection, the principle of prevention of violations of women's human rights and the principle of prosperity and enhancement of women's human rights.

The principle of women's participation refers to the obligation of governments to establish and formulate programs that guarantee women's efficient involvement in the structure of power or political and economic institutions and major national developments to manage sustainable development and peace programs and dispute resolution. The presence of women in circles directed at maintaining and protecting peace at the national and international level is one of the main issues of this principle.

In this principle, women's more active involvement in mechanisms and structures for peacekeeping is presented as a duty of the United Nations member states.

The principle of women's participation is clearly stressed in the preamble of the Resolution 1325, "... The resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security " and the first clause of the Resolution ¹. Also, paragraphs 2-5 of Resolution 1325 have also referred to the issue of women's participation in the peace process.

The principle of women's protection and prosecution of crimes against women, this resolution means strengthening the women's protection capacities against rape and women's human rights violations. Developing women's expertise to manage women's protection programs, creation of legal and structural mechanisms to prevent women's human rights violations, developing the capacity to prosecute crimes against women committed during war and conflict are among the most important subjects emphasized in this principle.

Ensuring women's safety and establishing the necessary conditions for women's safety will be one of the main issues for building the country's enduring peace and will help empower women to address security problems during armed conflict and violence.

Therefore, States are tasked with establishing the conditions and possibilities that can help strengthen women's safety and the process of securing justice and prosecuting offences against women, particularly during armed conflict, and providing women with access to women's fundamental rights and freedom at national level.

The Principle of protection of women and the prosecution of crimes against women are supported in paragraphs 9, 10, 11 of the Resolution. Article 9 of this resolution refers to the responsibility of member states to observe international norms on the protection of women. "All parties are urged respect fully international law applicable to the rights and protection of women and girls, especially as civilians."² "Also, paragraph 10 of the Resolution states:" ...all parties to armed conflict are to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict. "³

In this regard, the paragraph 11 of this document emphasizes: "...it is the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls..."⁴

The principle of the prevention of human rights violations of women is the third principle underlined by United Nations Security Council Resolution 1325, which requires States to take measures to prevent crimes against women and to prevent

1. Clause 1 of Security Council resolution 1325

2. Clause 9 of Security Council resolution 1325.

3. Ibid 10

4. Ibid11

women from being victims of armed conflict, while respecting the principles of international humanitarian law in armed conflict, and create legal capacity to protect women's human rights while making efforts to achieve sustainable development and peace.

This principle was highlighted throughout the articles of the resolution, but it was most clearly acknowledged in paragraphs 12¹ and 14.²

The principle of welfare and the improvement of the human rights situation of women stressing the responsibility of governments in designing and developing programs aiming at protecting women against their human rights violations, particularly in armed conflict, and helping to improve their well-being and improve their status at national level. Implementation of this principle also contributes to the development of capacity for maintaining sustainable peace and development.

It is therefore one of the significant duties of governments to provide women with access to health services, education, higher education, work and other fundamental rights and freedoms that must be addressed during armed conflicts in favor of women and towards the achievement of development and sustainable peace.

This principle is emphasized in clause 8 of paragraph c³ and clause 9⁴ of the Resolution.

The principles in Security Council Resolution 1325 confirm that ensuring the conditions for women's participation in the structure of power and national trends, the preparation and implementation of women's protecting plans, the creation of safe and secure social conditions for women and providing women with a capacity to get access their rights and basic freedoms are the main obligations of the State.

Under the provisions of the above-mentioned resolution, sustainable development and peace can only be achieved if women's presence in the process of peace and security is ensured, and access to justice for women, and punishment for those committing crimes against women is provided.

Part 5: International Structures and Mechanisms for the Protection of Women

In order to coordinate and speed up the global process of women's protection and monitoring at the national and international level, together with structures and processes such as the Human Rights Council and the UPR Mechanism, particular structures and processes have also been developed that work with special competences to protect the rights and freedoms of women. The Committee on the Elimination of All Forms of Discrimination against Women, the United Nations Women's Organization and the Women's Commission are among the most important structures specifically aimed at protecting women's rights and freedoms.

A: Women's Commission (CSW)

The Women's Commission is one of the most important intergovernmental structures established on June 21, 1996 by the United Nations Economic and Social Council, composed of 45 countries.⁵

The Women's Commission is one of the UN's key decision-making and policy-making bodies on women's status, reporting consistently to the UN General Assembly on any women-related issues.⁶

The Women's Commission is cautiously studying the process of women's participation and the capacity to promote women's presence in the structure of power and activities such as war and peace and women's security problems, as well as reports to the UN.

In 1996, in its resolution of 6/1996, the United Nations Economic and Social Council decided to endorse the Women's Commission with permission to monitor the implementation of the 1995 Beijing Action Plan and to review progress and challenges in this area.

The UN Women's Commission is, therefore, one of the main organizations that can monitor the implementation of programs that promote women's fundamental rights and freedoms nationally and internationally, and emphasize women's involvement in the national and international structure of power and trends.

1. Clause 12 of paragraph c of Security Council resolution 1325

2. Clause 14 of paragraph c of Security Council resolution 1325

3. Clause 8 of paragraph c of Security Council resolution 1325

4. Clause 9 of Security Council resolution 1325

5. <http://www.unwomen.org/en/csw>

6. *ibid*



B. Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Committee on the Elimination of All Forms of Discrimination against Women, established in 1982, aims to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, composed of 23 selected experts from the member states.¹ The members of the committee, who are among the people with good academic qualifications and reputation, are being nominated and elected for a period of four-year and have the possibility of re-election.

As stated, the committee has the authority to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women; it is also part of the authority of the committee to monitor the process of women's access to non-discriminatory access in mechanisms and procedures for sustainable development and peace.

C: United Nations Women's Organization (UN WOMEN)

The United Nations Women's Organization was created in 2010 by the United Nations General Assembly as a key pillar of the United Nations to support women's equality and empowerment.² Following the establishment of the United Nations Women's Organization that is an important step towards accelerating the process of supporting women's equality and empowerment, four other institutions, including (OSAGI), (DAW), UNIFEM) and (INSTRAW), established to protect the human rights of women, integrated into this organization and their responsibilities and possibilities transferred to this organization.³

The UN Women's Organization's primary tasks include: eliminating discrimination against women, empowering women, attaining gender equality, protecting women's rights and status in peace and security trends, promoting women's involvement in authority and political structures, and eliminating violence against women.

The UN Women's Organization is, therefore, one of the most important international structures developed to protect women's fundamental rights and freedoms in the structure of power, and pave the way for the involvement of women in the national process such as peace and security, and protect the presence of women in national procedures as one of the capacities to achieve sustainable development and peace.

1. <https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

2. <http://www.unwomen.org/en/about-us/about-un-women>

3. *ibid*



Chapter 4

Findings of Public Hearing and Focus Group Meetings On Peace, Security, Democracy and Elections

Findings of Public Hearing and Focus Group Meetings

Women's Views

Women's Concerns

Women's Wants and Demands





Findings of Public Hearing and Focus Group Meetings:

The right to peace, security, democracy, and elections is one of the values that has been raised and experienced in Afghanistan in recent years, especially after the formation of a transitional government in the early 1980s. With the adoption of the new constitution in 1382, these values have found legal basis and are publicly accepted. Women's participation in processes such as elections is a prerequisite for a democratic system as well as is a prerequisite for the achievement of peace and a society free of violence.

According to the above, in this section of the National Inquiry on Women, Peace and Security, efforts have been made to assess women's views on peace, security, democracy and elections. The following are the most important comments made by the participants in the public hearing and focus group meetings presented in the National Inquiry on Women, Peace and Security:

A: Women's Views

1. Perpetual Peace is a peace that provides justice and strengthens the rule of law; a real atmosphere in which every man and women, as human beings, feels safe and live in lustful society free of fear, poverty, oppression,
2. The Afghan government has been formed on the basis of the constitution and the will of the Afghan nation, and should represent the Afghan people in the talks with the Taliban, and the role of government should not be ignored in this process.
3. Women, as a major part of the victims of the 40-year war in Afghanistan, have always been forced to bear heavy burdens of war and have suffered severe pain by losing their dearest ones and their property, but their presence in the structure of power and trends such as peace talks and development have always been dim and they have been deprived of active, effective, and meaningful participation in national macroeconomic developments.
4. Peace will not be achieved in the absence of good governance and the rule of law as it requires strengthening the capacity of democracy in the country. The inadequate access of people to public services creates inequality and discrimination in the country and damages the trust between the government and the people.
5. The people have bitter experiences from the dark era and rule of the Taliban group in Afghanistan, and they never want to see that period again, because Taliban prevented the development of the country through a radical and fundamentalist way of thinking, and forced the people to remain silence
6. One of the most important conditions for a lasting peace in the country is the non-discriminatory access of all citizens to their human rights, and the discrimination and negligence of a group or parts of society pave the ground for conflict and will permanently harm and defeat peace.
7. It is necessary for the people of Afghanistan to be aware of the most important issues in the peace negotiations, and all the achievements of the last 18 years that have been achieved at the cost of the sacrifice of thousands of our countrymen

should be preserved and should not be subject to a short-term political deal.

8. Peace will only be permanent if the peace process includes ensuring justice and prosecuting war crimes. The disregard for this is disrespect for the rights of all victims of terrorist attacks and armed conflicts, and is completely contrary to domestic interests.

B: Women's concerns

After four decades of conflict in Afghanistan, peace processes and peace talks between the various forces involved in the conflict and the Taliban are now being discussed more seriously. In addition to the hopes in this area, the various strata and groups of society, especially women, given the achievements of 18 last year, are concerned about maintaining their fundamental rights and freedoms after peace. Participants in the public hearing and focus group meetings in National Inquiry on Women, Peace and Security have raised the following issues as their main concerns:

- 1) There is still a big proportion of the Afghan population, particularly women who have not been involved in peace talks and, in specific, there is no guarantee for the women's active participation in the country's peace talks and negotiations..
- 2) The people of Afghanistan, including women, youth and civil activists, are very worried about the possibility that the Taliban will enter the political system with the same anti-feminist and extremist ideology. They are also concerned that the achievements and values achieved over the past 18 year would be overlooked in the peace process and dealt with, and in particular, restrictions be imposed on women's fundamental rights and freedoms.
- 3) Women in the Afghan villages have suffered more from conflict than in the cities and they are concerned that the rights of rural women would not be taken into account during peace talks!
- 4) If justice is not taken into account in the peace talks, and the rights of the victims are not insured, there is concern that people would once again indulge in taking personal revenge and continue the cycle of violence.
- 5) Constitutional based democratic structures and institutions established over the past 18 years with many sacrifices by the Afghan people should be protected.

The Constitution of Afghanistan, as a national treaty for the people of Afghanistan, is based on the teachings and principles of the sacred religion of Islam. Therefore, there is a serious concern that the fundamental freedoms of citizens of the country be subjected to political bargaining.

C. Women's Demands and Aspirations in Public Hearing and Focus Group Meetings

The demands and aspirations of women in relation to democracy, peace and security cited from two addresses, public hearing and focus group meetings as well as field research studies, include those demands that women have in line with the protection of their basic rights and freedoms as well as their involvement in peace talks. The fulfillment of these demands, in addition to contributing to a lasting and just peace, democratic values and good governance at domestic level would be strengthened. During the women, peace and security national inquiry, women attending the relevant public hearings and focus group meetings put forward the following issues as their wants and suggestions:

- 1) Given the fact that women are the main victims of the war, women must be present in the peace process, including planning for peace, negotiating and implementing of the peace agreement, and should have the opportunity to raise their voices; that means, men should not represent women in peace talks. Without the direct, meaningful, and effective participation of women and victims of war, peace with the Taliban will not give result.
- 2) Providing justice and dealing with victims should be the main axis of peace, and justice should not be undermined by peace. It is important that the issue of healing the suffering of Afghan war victims be considered as a key part of the peace process.
- 3) Human rights values should be considered as non-negotiable principles of reconciliation during peace talks with the Taliban, because these values have been the result of many years of attempts and victimization of the Afghan people, and the denial of human rights values will lead to the continuation of war and violence. The peace process must be designed and implemented in a way that pave the ground for acceptance of each other, tolerance, social justice and good governance, and to prevent the continuation of violence.



- 4) Given the profound social and political gaps in the Afghan society, the international community needs to give greater support to the United Nations in overseeing the peace process.
- 5) The Islamic republic, the existing political system, the Constitution, the fundamental rights and freedoms of citizens, democratic structures and the principle of free and fair elections for the participation of Afghan citizens to determine the country's destiny are the red lines and non-negotiable values and the Afghan government is obligated to protect them during peace talks.
- 6) Peace does not merely mean the cessation of war; the social, economic, political, and cultural factors of the war are to be identified and resolved, and the ground for living with dignity, freedom from fear of poverty, hunger and the continuation of war is to be ensured in order to ensure the durability of peace.
- 7) The ceasefire provides the ground for greater understanding, exchange of views and trust, and provide better conditions for freedom of expression, freedom of movement, freedom of assembly and participation of all ethnic groups and segments of society, including women, political groups and parties throughout the country without fear; therefore, the parties to the armed conflict are asked to stop the war from today and agree on an immediate ceasefire.
- 8) The Afghan Government should protect and preserve the people's fundamental rights, citizens' rights, women's rights, justice and equality, the rights of ethnic minorities and religious minorities, children's rights, the rights of persons with disabilities and the rights of other vulnerable groups and the achievements of the past 18 years,
- 9) Given the bitter experiences of past historical periods, the United Nations and the international community need to continue their presence in Afghanistan and support the Afghan government, until a just and lasting peace is not provided and guarantees to prevent Afghanistan from returning to war are not given.
- 10) The United Nations and the international community must emphasize the achievement of the past 18 years of the Afghan people and protect the fundamental rights of the people of Afghanistan, including women's rights, the rights of children, the rights of persons with disabilities, the rights of minorities and the rights of war victims, and take sufficient guarantees from the parties to the conflict in particular, the Taliban to observe and have respect for these values.
- 11) The international community must pave the ground to end the culture of impunity, and the perpetrators of war crimes and murderers should be prosecuted so that the rights of victims of war and terrorism should not be ignored.
- 12) The parties to the conflict must take seriously the findings and orders of this research and take the necessary measures in order to implement them.



Chapter 5

Analysis of Statistical data

Access to Civil and Political Rights

Access to Economic, Social and Cultural Rights

Women's Aspirations and Demands

The Red Line of Peace Talks





Analysis of Statistical Data

The statistical data analysis of this part has reviewed the views and opinions of participants in field research on security, peace, democracy and elections, and has investigated the consequences of the values relating to women's access to their human rights, including civil, political and economic rights as well as social and cultural rights.

The first discussion of this part is dedicated to reviewing the views of the interviewees on the human rights challenges faced by women due to the poor security situation and the lack of sustainable peace, and discussed under separate topics.

A: Access to civil and political rights

According to national and international commitments, governments are duty-bound to support the human rights of their citizens, including women, in all circumstances. The Afghan government is also committed to complying with the provisions of Article 5 of the Constitution, which reads as follows: "... ensuring the security and defense capability of the country, are the basic duties of the state."¹ The state is responsible for providing security in the country and banishes the factors of insecurity and threat, and provides the citizens with their access to human rights, including civil, political and economic rights as well as social and cultural rights.

Afghan women, as half the population of the country, have the right to live in prosperity and enjoy personal and social security and have access to their human rights. There is no doubt that the existence of lasting peace and security, in addition to being one of the human rights examples, is also one of the most important capacities and conditions for enjoyment of other human rights and freedoms, without which it would be difficult to gain access to human rights and freedoms.

Article 6 of the Constitution refers to the responsibility of the state in ensuring the social justice and the maintenance of human dignity through the creation of a prosperous and progressive society. "The state is obliged to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes and to provide for balanced development in all areas of the country."²

Also, non-discrimination and equality between citizens are stressed under article 22 of the Afghan Constitution "Any kind of discrimination and privilege between the citizens of Afghanistan are prohibited." Afghan citizens, whether men or women are entitled to equal rights under the law."³

Article 24 of the Afghan Constitution states that freedom and human dignity of citizens are to be respected: "Liberty is the natural right of human beings. This right has no limits unless affecting the rights of others or public interests, which are regulated by law.

Liberty and dignity of human beings are inviolable. The state has the duty to respect and protect the liberty and dignity of

1. The Afghan Constitution of 1382, Article 5

2. Ibid Article 6

3. Ibid Article 22

human beings”.¹

The Constitution emphasis on the responsibility of the state in ensuring lasting peace and security with the aim of creating the right conditions for maintaining human dignity² and developing capacities for respecting and protecting freedom, equality and justice among citizens.

Providing security and creating conditions for the observance and protection of women’s human rights in addition to the constitution are stressed in the ordinary laws of the country, such as Labor Law, Election Law, Civil Servants Law, and the Law on the Elimination of Violence against Women and other national laws. International rules and regulations, including the Charter of the United Nations, the Universal Declaration of Human Rights and the Covenants on Civil, Political and Economic Rights as well as Social and Cultural Rights, the Convention on Elimination of All Forms of Discrimination against Women, the Geneva Conventions and their protocols, the proclamations aimed at protecting women’s human rights. The resolutions of the United Nations and the Security Council, in particular resolution 1325 and the following resolutions are among the most important documents referring to the protection and promotion of women’s human rights as a task for governments.

Common Article 3 of the Geneva Convention and the content of Protocol No. 2 to the said Conventions refer to the ensuring of security for civilians, especially women and children during wartime and armed conflicts, urges States and parties engaged in armed conflicts to create conditions for their enjoyment of human rights and freedoms in addition to providing security for civilians, in particular women and children.

AIHRC studies on the human rights situation of women in the past few years have shown that women have somewhat better access to their human rights and freedoms which are not comparable with the era of pre-interim government, particularly the era of the Taliban regime in Afghanistan.

Currently, women in Afghanistan, especially in the cities of the country, have the opportunity to access education, higher education and employment and enjoy better protection against violence and discrimination. Concepts like democracy and human rights considered as the most important values of social life have been legally protected and there have been legal structural capacities to promote such concepts.

But in spite of the optimism in this regard, the persistence of war and armed violence have created problems for women’s access to human rights, and the Afghan people, especially the women of the country, face particular problems in this regard. The insecurity and continuation of war impose a huge casualty on the Afghan people, including women and children.

According to AIHRC figures, over the past ten years since 1388, 75,316 civilians, including 26,162 dead and 49,154 injured, have been victims of armed conflicts and terrorist attacks, of which 5712 are women.³ There is no doubt that the number of casualties is much higher than this figure, as the figure is limited to those identified and listed by the AIHRC, whereas there are many who have been victims of armed conflicts and terrorist attacks but have not been identified and listed..

The statistics show that women in the country are the main victims of armed conflicts and terrorist attacks, because women in addition to being themselves victims of conflict, the male victims were actually their spouses or children. Therefore, most of the damages have been suffered by women of the country.

The findings of the AIHRC’s research in this part of the national inquiry have listed the challenges posed by war and insecurity in the absence of lasting peace, and have limited women’s access to their human rights and freedoms.

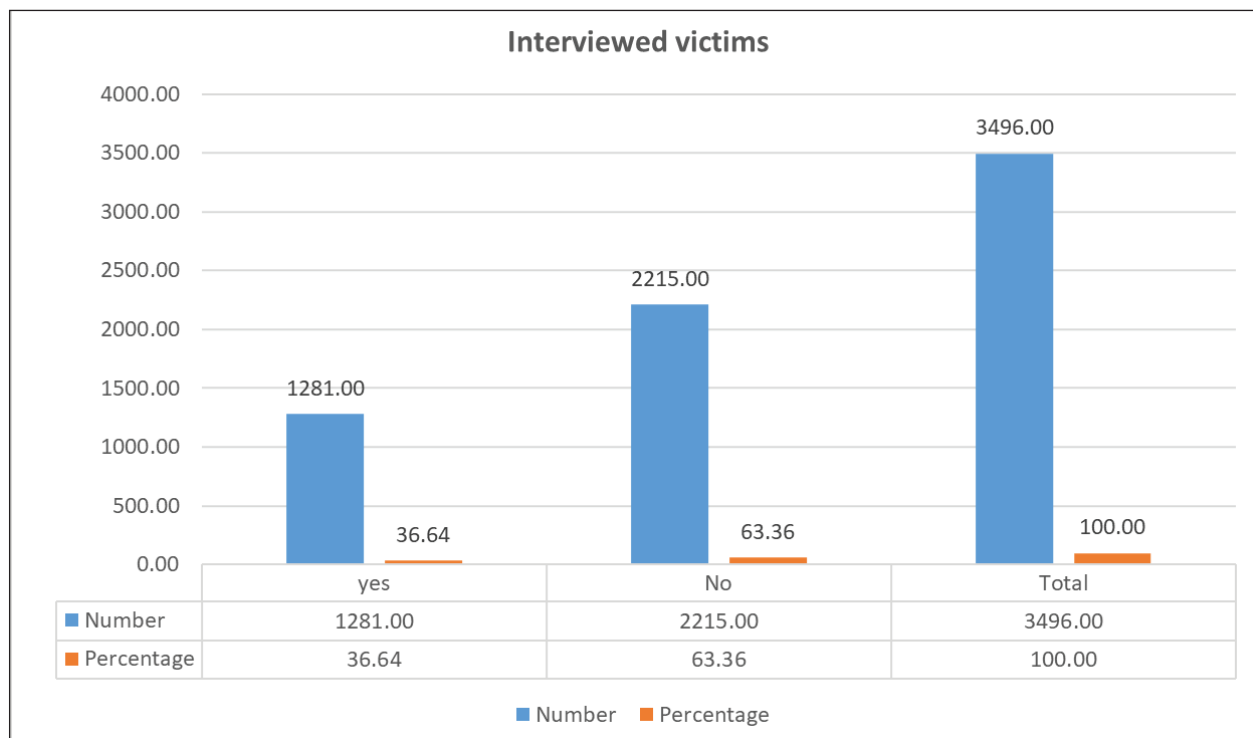
Personal security:

As stated above, providing personal security and protecting citizens’ lives and well-being is a core responsibility of the state and require developed and better legal and structural capacities.

1. Ibid Article 24

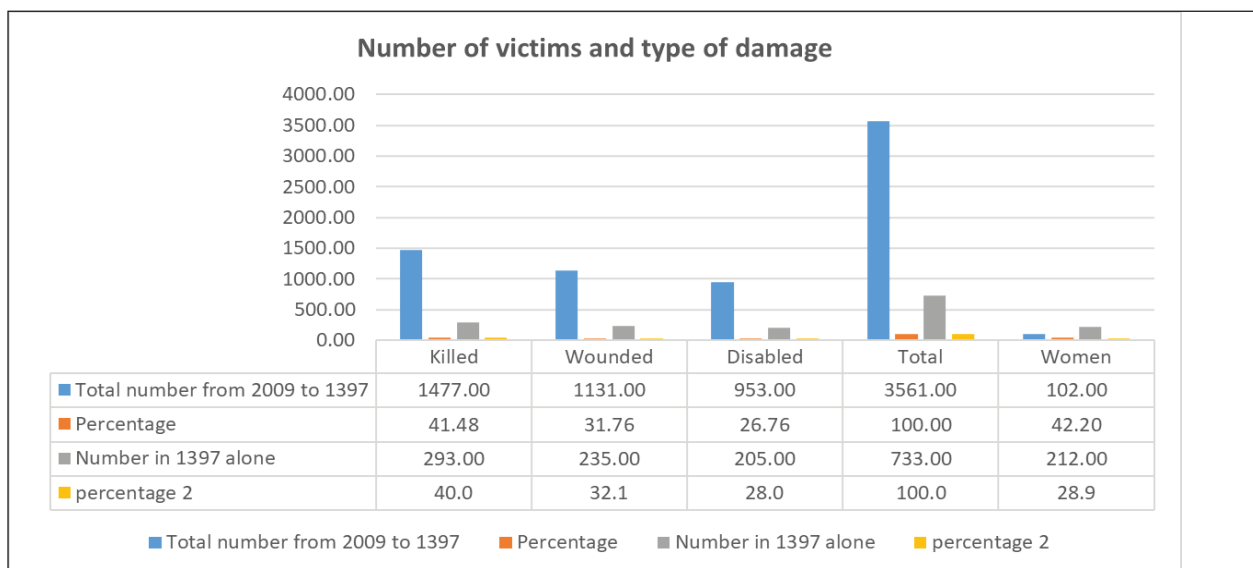
2. Afghanistan Independent Human Rights Commission, Human Rights Education, 1395, p. 15

3. Afghanistan Independent Human Rights Commission, Report on the Protection of the Rights of Victims of Armed Conflict and Terrorism 1397, p. 40 / AIHRC, Report on Civilian Casualties in Armed Conflict in Afghanistan, 1397, p. 18



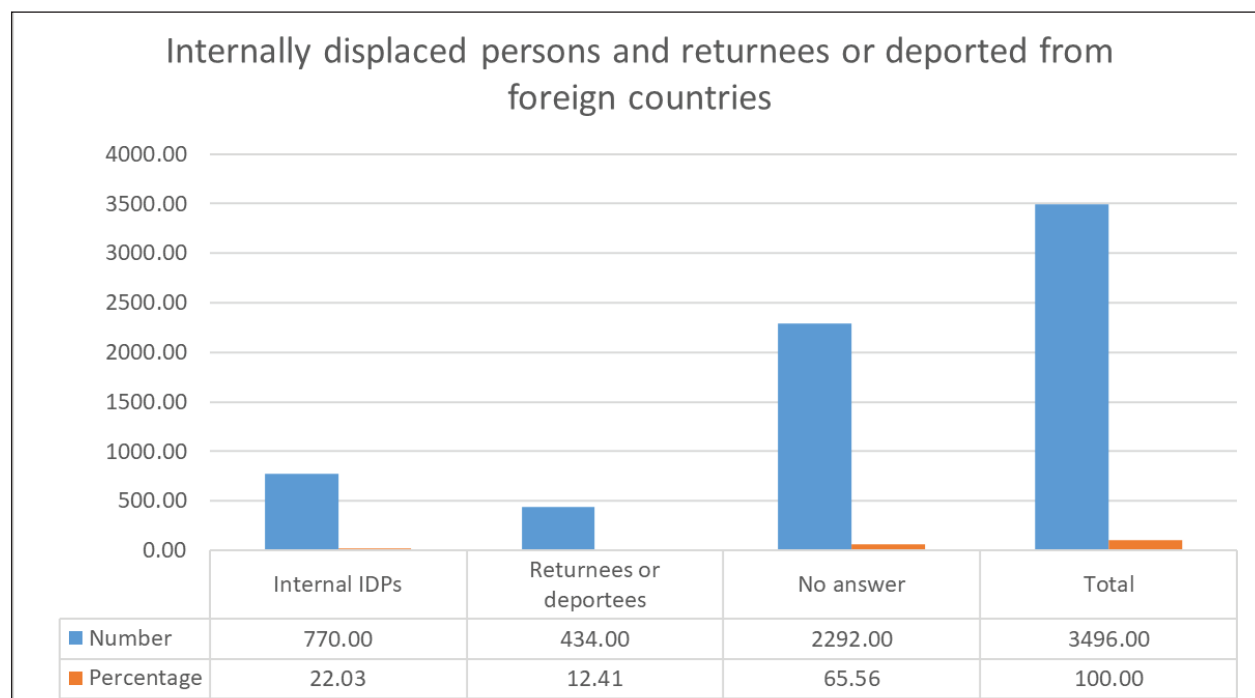
The data on women's enjoyment of the right to personal security reveals that out of a total of 3496 interviewees, 36.6% of them (1,281 people) confirmed that since 1391, themselves or members of their families have been victims of armed conflicts or terrorist attacks, killed or injured, and 63.4% of them (2215 interviewees) said they had not been victimized yet.

Interviewees revealed that 3561 victims, of whom 1,477 people (41.5%) were dead, 1131people (31.7%), were wounded and 953 others (26.8%) were disabled. Of the 3,561 victims in total, 1021 of them, 28.7%, were women. The figure, which undoubtedly demonstrates the deteriorating situation, indicates a severe threat to citizens' lives and health, including men and women. Further questions were asked from interviewees about the number of victims and types of injuries in 1397. Their response showed that in 1393 alone, 733 people had become victims, including 293 people (40%) dead, 235 people (32%) wounded, and 205 people (28%) disabled, in total 212 people, (28.9%) of them had been women.



Immigration and Displacement

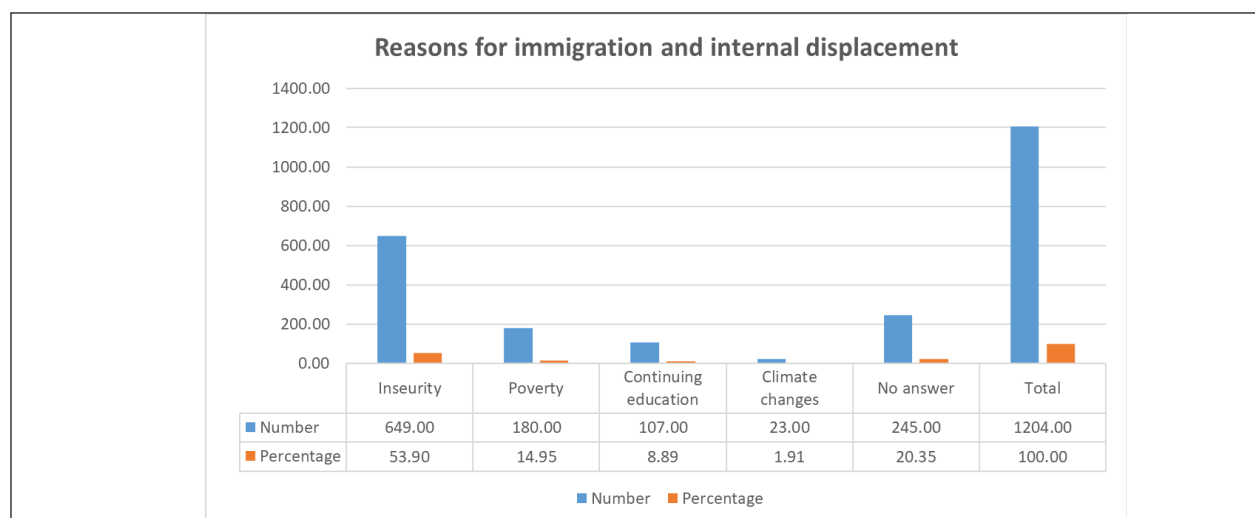
Immigration abroad and internally displacement is another consequence of the war, insecurity and lack of sustainable peace in the country that is discussed in this part of the research. The findings show that out of 3,496 interviewees in total, 770 people (22.2%) confirmed that they were internally displaced people and 434 people (12.4%) said they were returnee or deportees from foreign countries that make up 1204 people in total. In total, 2,292 people (65.6 %) confirmed that they were either immigrants who had been deported, returnees or internally displaced people.



Reasons for Immigration and Internal Displacement

67.7 % (649 people) of the interviewees said that their immigration and displacement from their place of residence was due to poor security.

18.8% (180 people) said the reason was poverty, 11.2% (107 people) said that they chose to study in schools and universities in the cities, and 2.4% (23 people) said that climate change was the reason for their migration and internal displacement.





Movement:

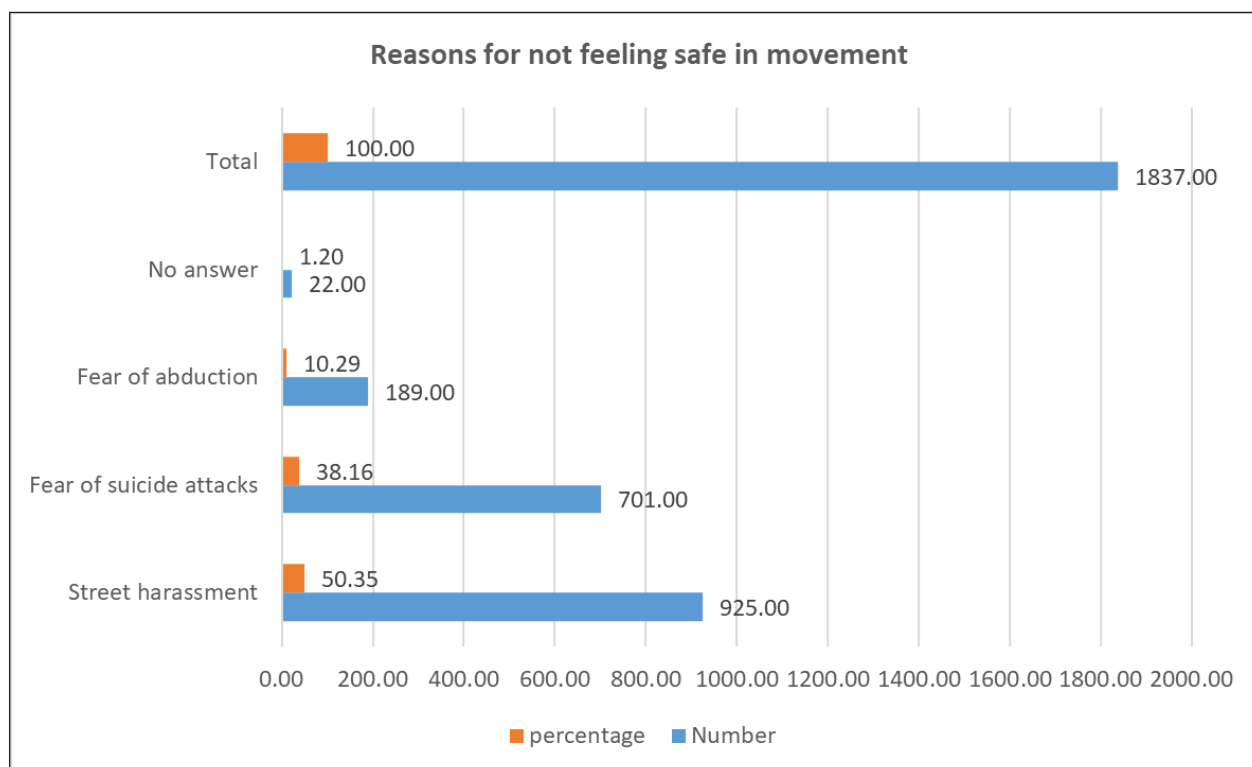
One of the most significant situations for movement and walking in our places of residence is the existence of a peaceful and safe environment. The absence of security makes movement in the places of residence impossible for anyone. The continuation of conflict and violence leads to insecure and hazardous highways to villages and districts and cities. The situation of the villages and cities is also seriously damaged and the movement of people, particularly women, is threatened with danger in the villages, highways and streets of the cities.

The findings of this research showed that out of a total of 3496 interviewees, 1837 (52.5 %) said they did not feel secure during the journey, and were worried about the threats existing in the road and place of residence by armed insurgents and irresponsible armed men. Thus, 1659 people (47.5%) have confirmed that they did not face a particular threat in their place of residence, especially during movement and trip.



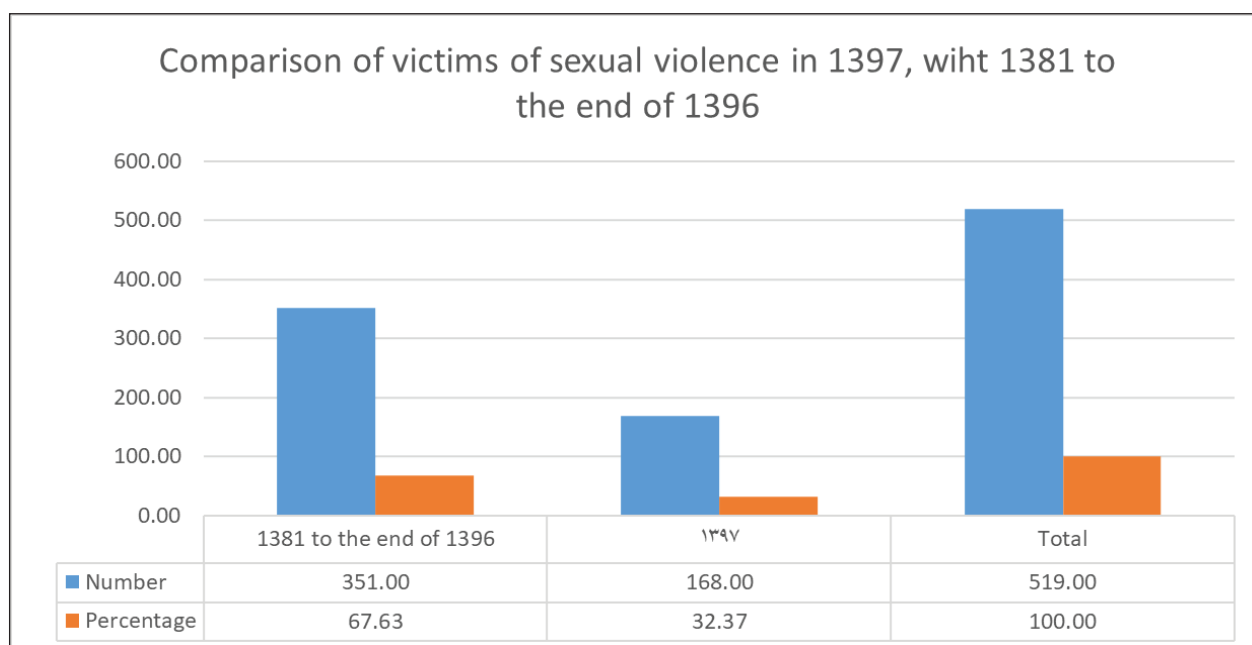
The reasons for not feeling safe

Harassment, suicide attacks and kidnapping are among the most important reasons the interviewees presented for not being safe during movement in their places of residence. Out of the total interviewees, 925 people (50.4%) said they were not secure during movement, 701 people (38.2%) said they feared suicide attacks, and 189 people (10.3%) said they feared abduction.. Twenty-one other (22%) who confirmed fears and insecurity in the movement did not express a particular reason for their fears.



Sexual Violence

Sexual violence is always one of our society's bitter realities and takes many victims in the country every year among women and girls. Insecurity and continued conflict are always one of the factors that contribute to the rise in sexual violence, especially rape. Various reports of rape and abuse of women during armed clashes were released in war areas, and women have been one of the main victims of war and violence-related abuses.





National study information showed that there are a big number of women who are victims of sexual violence and despite the excellent job done so far to avoid the rise in sexual violence, the case of domestic and outdoor sexual violence against women is increasingly reported.

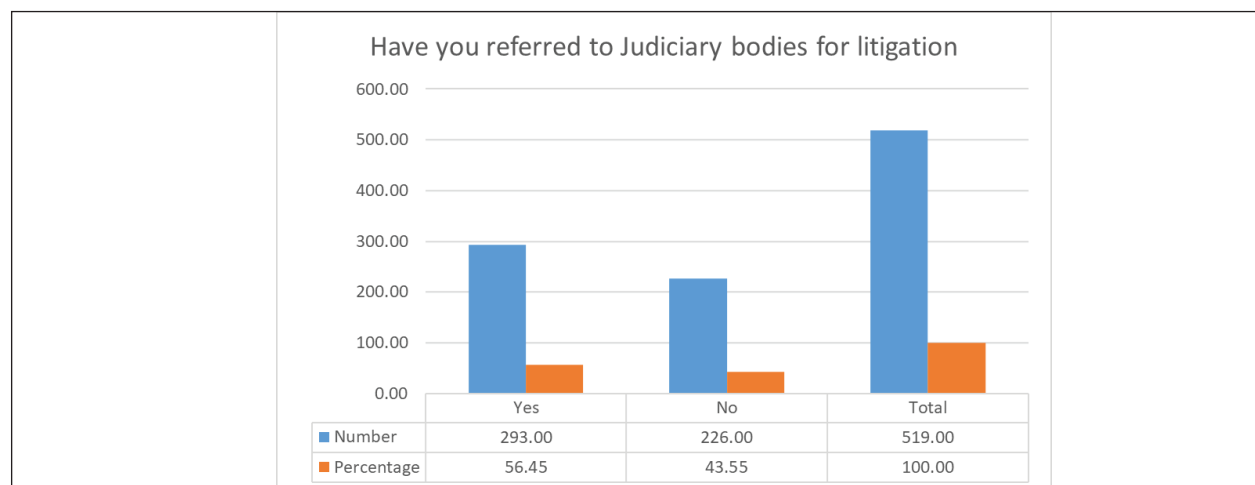
As discussed in the research methodology, of the 3,496 people interviewed with them in the field research, 3466 of them had been women making up (99.1%) of the total sample population. Of all women interviewed, 519 (14.97 %) of them confirmed that they have been victims of sexual violence since 1381. More importantly, 168 of them (32.4%) linked to 1397 and the remaining 351 people (67.6%) linked to 1381 to 1396. The figure demonstrates a very big rise in later years (1397) in the instances of sexual violence.



Advocacy to address sexual violence

Detailed studies of victims of sexual violence have shown that female victims are less likely to go to judicial institutions to file lawsuits and file complaints.

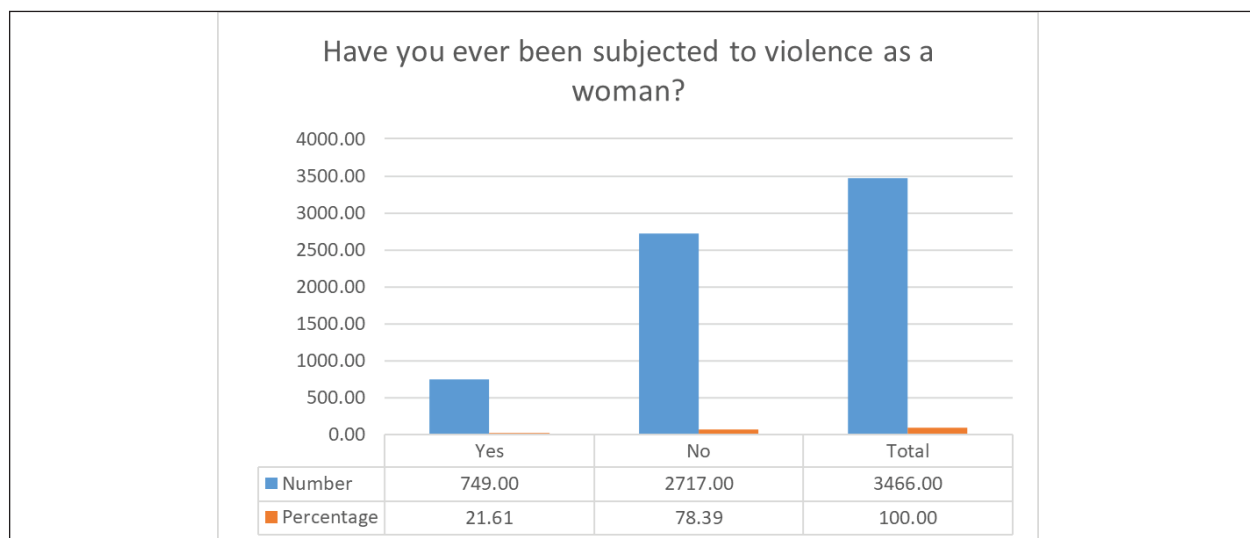
The study found that out of the 519 female victims of gender-based violence, only 293 people, (56.5%) of the total number of female victims, had the opportunity to file complaints with legal and judicial authorities, but 226 remaining(43.5%) did not have the possibility to refer to the justice and judicial authorities.



Violence based on gender affiliation

Violence against women due to their gender affiliation in Afghanistan is considered as a serious concern, which is rooted in the traditional culture and beliefs of the people. In some remote and deprived areas of the country, for various reasons, such as war and insecurity, people the level of public awareness is relatively low, women not only do not have the same status as men in the family and society, but their dignity, personality and human identity are ignored and they are looked at as commodities.

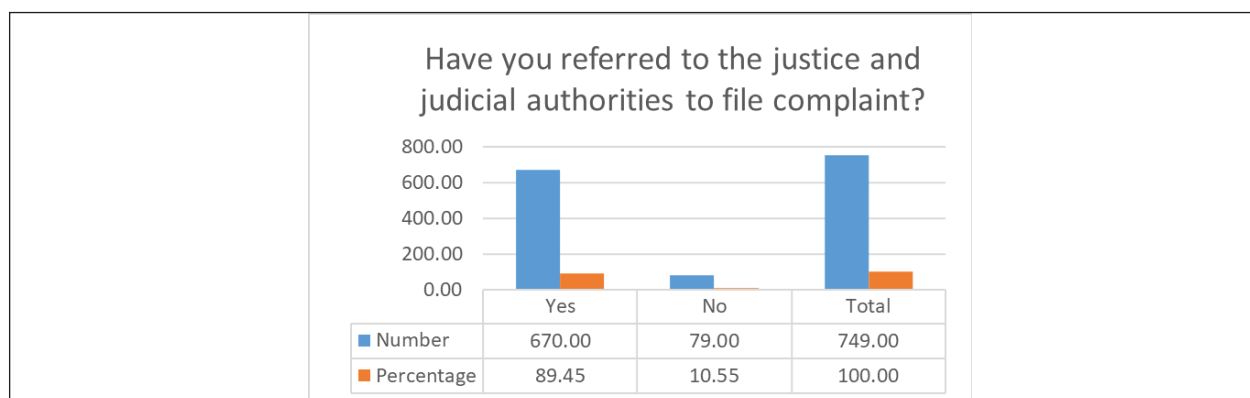
The data obtained from this study shows that since 1381, 749 women (21.6%) out of the 3,466 women interviewed in the field research said that they had been subjected to violence as a result of gender affiliation, while 2717 other women (78.4 %) answered this question in a negative way.



Members of her family, husband, and members of her husbands' family, relatives and unidentified people committed violence against them because of their gender affiliation. According to the information provided in 331 interviews (44.2%) husband, in 290 interviews (38.7%) family members, in 31 interviews (4.1%) relatives and in 72 interviews (9.6%) unknown individuals have been mentioned as perpetrators of violence. In the remaining 25 interviews (3.3%) who have confirmed gender-based violence against themselves, did not introduce the perpetrators and kept silent.

Advocacy for addressing gender-based violence against women

Of the 749 women who were victims of gender-based violence, 670 people (89.5%) confirmed that they had been able to report cases of violence against them to the authorities and judicial authorities, and to file a lawsuit to address them, but 79 others (10.5%) confirmed that they had not been able to refer to the justice and judicial authorities and file a complaint against the perpetrators.

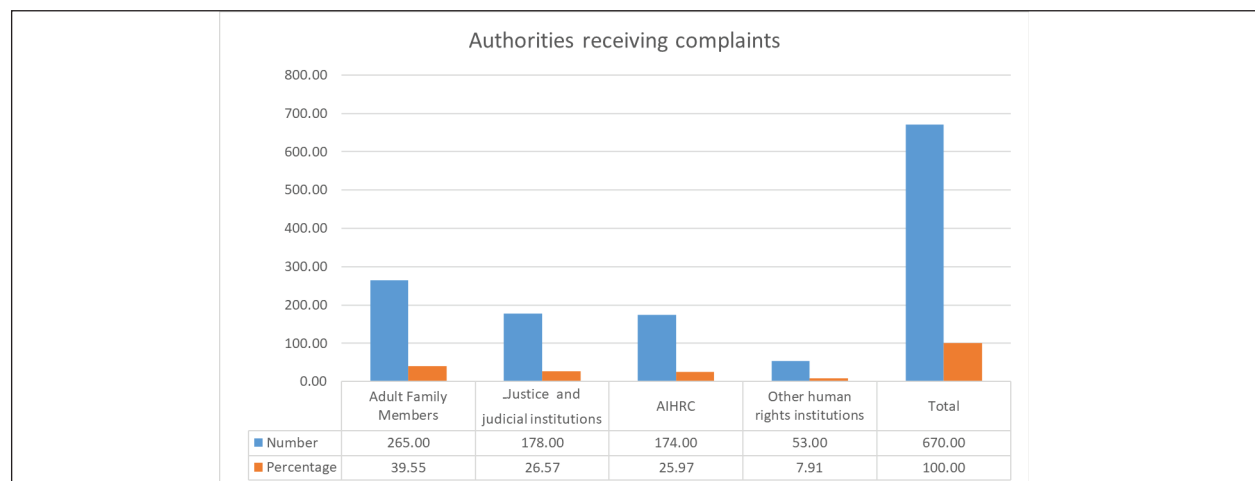




Athorities receiving complaints

In this part of the field study female victims of violence were asked where they refer to make a complaint. The most significant refral organs listed by the victims of violence were adult family members, government agencies, the Afghan Independent Human Rights Commission and other human rights organizations.

Statistics indicate that 674 victims of this form of abuse have asked people or organizations to tackle the problem of violence against them. According to these statistics, 265 victims (39.6%) referred adult family members for litigation and case processing, as well as 178 victims (26.6%) referred to state judicial bodies and 174 (26%) referred to the AIHRC and 53 (7.9%) referred other women's human rights organisations to file complaints and seek justice.



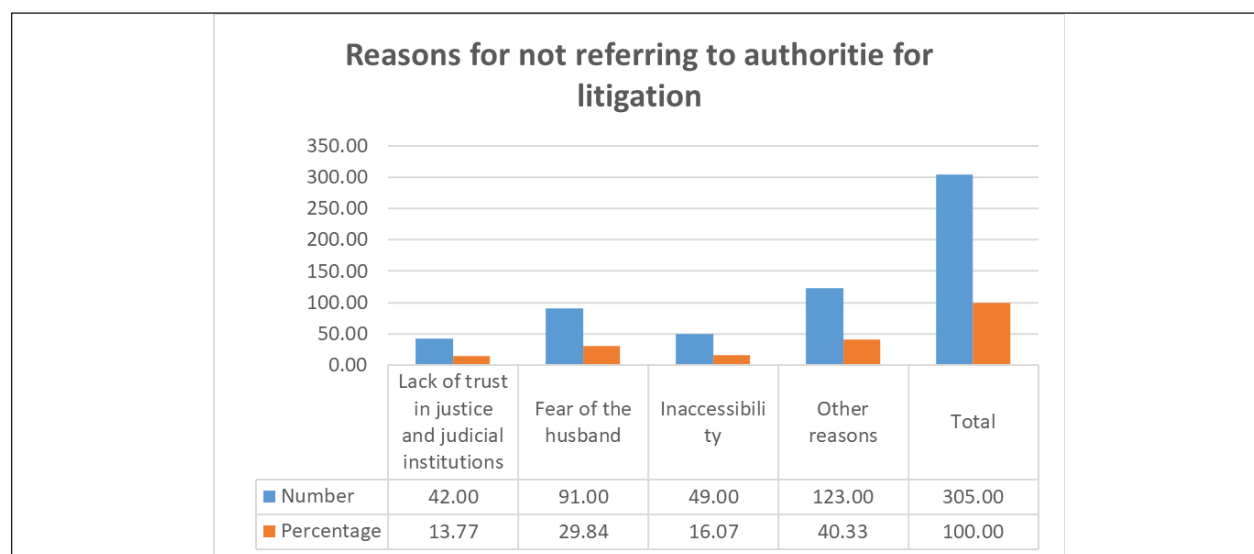
Satisfaction with the process of handling cases of violence against women

Studies on victims of sexual violence and gender-based violence victims indicate that a total of 293 victims of sexual violence and 670 victims of gender-based violence, 963 victims in total, referred to particular authorities. Of these, 673 victims (69.9%) confirmed that their cases had been satisfactorily investigated and handled, but 290 (30.1%) said they were not happy with the results of the case handling. They said justice was not secured.



Reasons for not referring to authority to file complaint

Findings on victims of sexual violence and violence against women due to their gender affiliation revealed that 226 women victims of sexual violence (43.5 %) of the total victims and 79 people (10.5 %) victims of gender-based violence did not refer their complaint to the judiciary and judicial bodies. Out of the total victims (305 people) of sexual violence and gender-based violence who did not refer to the justice and judicial authorities to file a complaint, 42 people (13.8%) of them said they did not trust the justice and judicial authorities, 91 (29.8%) said they were afraid of their husbands, 49 People (16.1%) said they did not have access to justice, and 123 people (40.3%) stated other reasons, such as fear of abuse, family tradition, and the demand of family members for not referring to justice.



Threat to human dignity of women

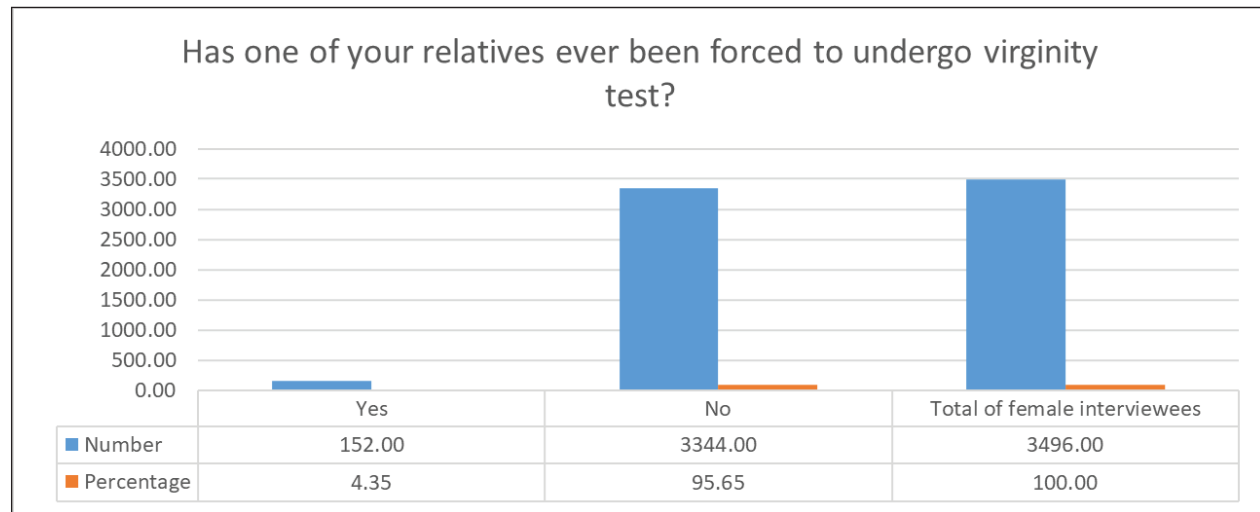
Human dignity is one of the rights that has been repeatedly emphasized in national and international legal instruments, and Violation and negligence of human dignity have been criminalized at domestic level as a criminal act. As it was discussed in the legal foundations of this research, Article 24 of the Constitution emphasizes that human freedom and dignity are secure from invasion and highlights the State's obligation to respect and defend the freedom and dignity of citizens.





One of the activities that harms and threatens the human dignity of women apart from torture is the examination of the virginity of females for multiple purposes, for example, proof of adultery, sexual assault or other reasons put forward by members of the family or fiancé. In this part of the study the females were questioned if they had so far been forced to have a virginity exam. The interviewees response confirms that out of 3466 female interviewees, 125 (3.6%) have been forced to perform virginity test for a variety of reasons, but 3371 others (96.4%) said that they had not been forced to do so.

At the next point, interviewees were questioned if, for the reasons described above, any of the relatives or family members were compelled to undergo examination. Of the 3496 female and male interviewees, 152 (4.3%) confirmed that so far one of their relatives had to undergo an examination. The other 344 people (95.3%) responded that no one in their families had been forced to undergo virginity examination.



In continuation of field research, interviewees were asked about individuals or institutions that forced them to perform virginity examinations. The interviewees responded with the following information.

28 people (11.9%) of all female interviewees who were forced to undergo virginity, said that the virginity test had been made at the request of the police and aimed at proving the act of adultery or rape. 49 people (20.2%) said prosecutors' order, 31 people (13.2%), said court order, 18 people (7.7%), said request of Mullah Emam of mosque, 61 (26.0%) said family members and 48 people (20.4%) introduced their fiancé as individuals or institutions forced them to perform virginity examination.

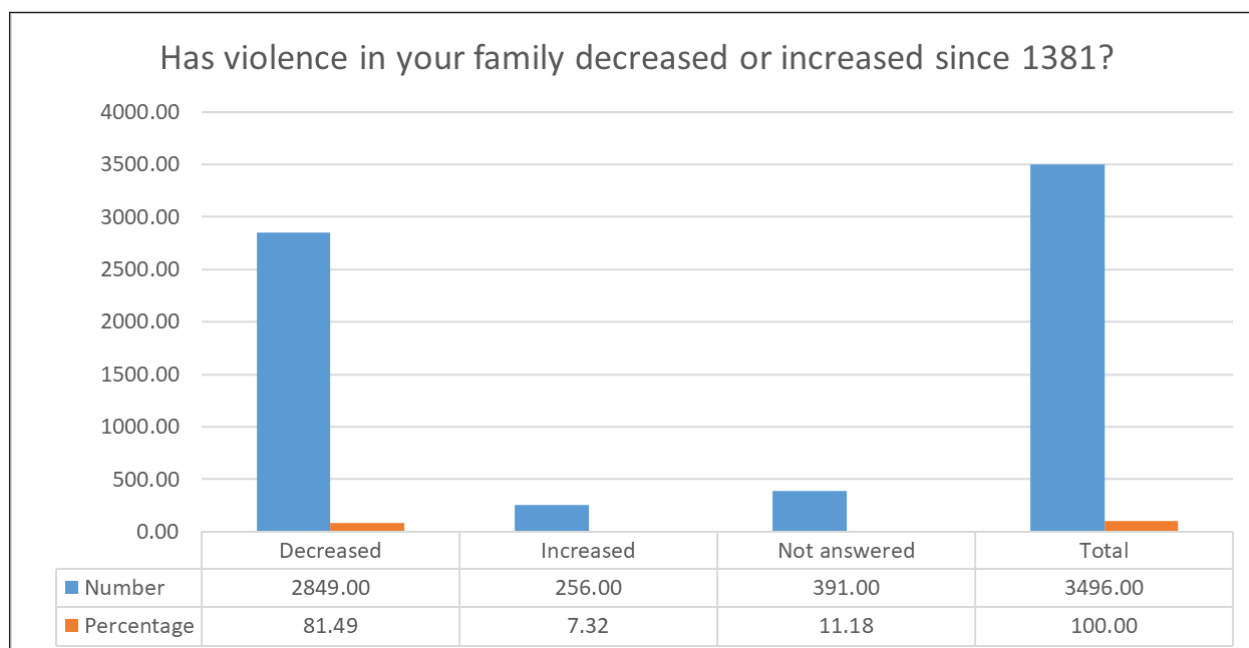
Comparison of women's security situation in two periods before and after 1381

After the fall of the Taliban's administration (23/8/1380) and the formation of the interim government in Afghanistan (1/10/1380) the year 1381, is a turning point between the era of the Taliban, in which women were deprived of all their basic rights and freedoms, and the new government which was established based on the will of the people and legal criteria and democratic system.

In this part of the research, interviewees were asked whether the extent of violence against women increased or decreased in their families since 1381.

In response to this question, out of a total of 3,496 interviewees, 2,849 people (81.5%) confirmed that the situation has improved and violence against women has decreased, but 256 people (7.3%) said that since 1381 violent attacks had increased in the families. Finally, 391 people (11.2%) did not respond to this question.

A comparison of the two periods, pre and post-1381, shows that the majority of women believe that the violent situation in the family against women has improved since 1381 with the formation of the interim government, and there is less threats practiced against women compared the previous one.



Access to citizenship right and legal documents

In accordance with the provisions of Article 40 of the Constitution, any Afghan citizen may own a property and no person shall be forbidden from acquiring and making use of a property except within the limits of law.

Also based on the provisions of the second paragraph of Article 9 of the Afghan Citizenship Act, “a person who is born in Afghanistan or outside Afghanistan from a parent who has an Afghan nationality is considered a national of Afghanistan.”

¹ Therefore, anyone who lives in Afghanistan or is born outside Afghanistan from an Afghan father and Afghan mother and is residing abroad is a citizen of Afghanistan without any conditions, and has the right to receive citizenship certificates and other identity documents.

Articles 5, 12, and 14 of the Afghan Passport Law have also given the right to citizens of the country to obtain a passport based on their ID card if they want to travel abroad..²

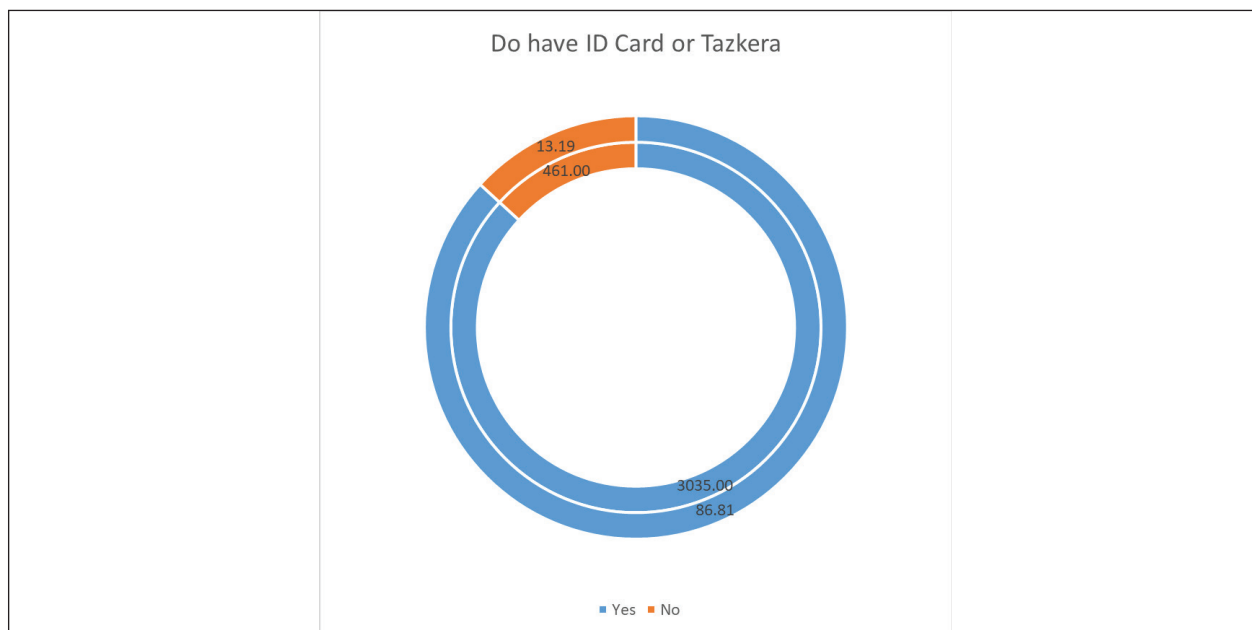
Obtaining Citizenship Card and passport

According to the legal principles mentioned above, all citizens of the country, including women and men, have the right to take advantage of the passport and other legal documents related to their identity and proven property.

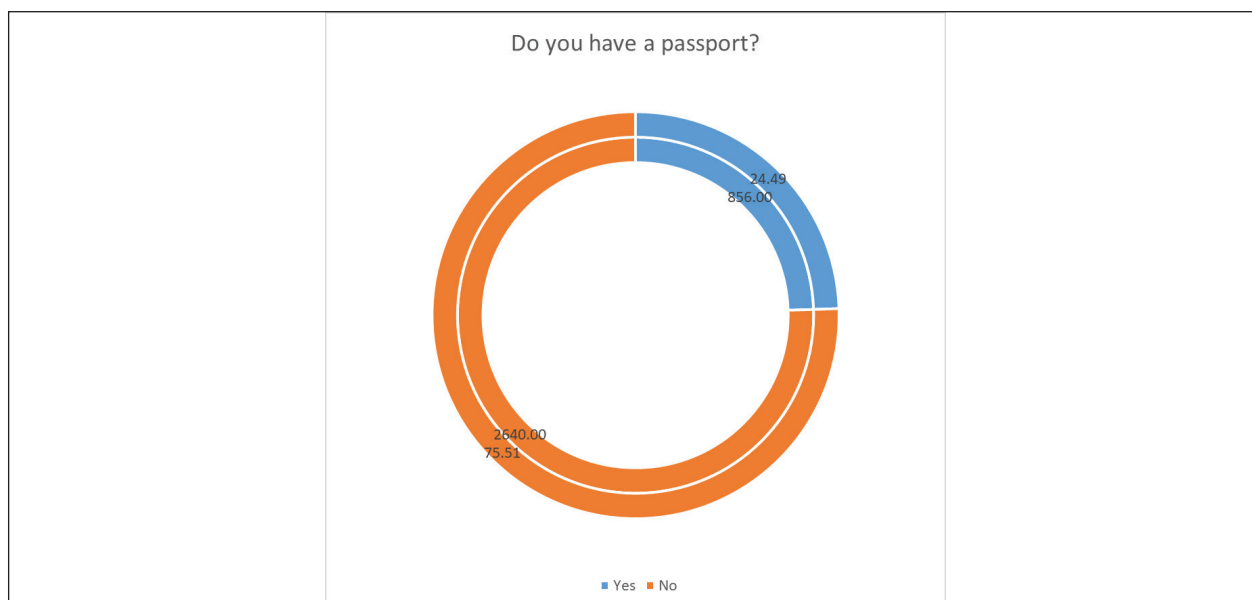
The research findings from field research showed that out of a total of 3,496 interviewees, 3,355 people (86.8%) said that they had received ID card, but 461 people (13.2%) confirmed that they had not yet received citizenship.

1. Ministry of Justice of the Islamic Emirate of Afghanistan, 1421 Lunar calendar, (1378 Hijra Calendar) Official Gazette No. 782

2. Ministry of Justice IRA, Passport Law 3/8/1394, published in Official Gazette No. 1193



Interviewees were also asked if they had a passport or not. 856 people (24.5%) said they had passport, but 2540 people (75.5%) said they had not yet received a passport.



Barriers to obtaining a passport

In connection to the previous question the interviewees were asked for why they don't have a passport. The answers were different and included the following:

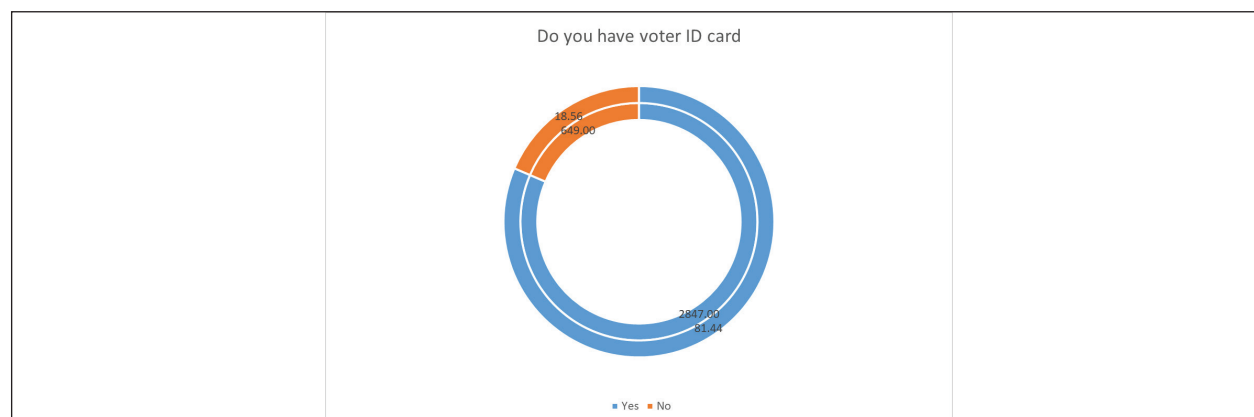
75 people (3%) said that they were women, and did not need a passport; 1122 people (44.2%) stated that they were not able to pay the required money, 235 people (9.3%) said they didn't want to have a passport, 372 people (14.6%) talked about the lack of family permission, and 42 people (1.7%) talked about problems of taking passport, the remaining 694 people (27.3%) did not answer this question.

Obtaining a voter ID card

Voter ID card is one of the important documents that lack of which deprives people of their right to vote and participate in elections. According to the provisions of Article 33 of the Constitution, “the citizens of Afghanistan have the right to vote and to be elected.”¹

Also, based on Article 5 of the Electoral Law, every eligible voter, including a woman and a man, has the right to enroll as a voter or candidate and to take part in the elections.²

In this part of the field research, interviewees were asked if they had a voter ID card would they participated in the election. 2847 people (81.4%) stated that they had taken a voter ID card and would participate in the election, but 649 people (18.6%) said they had not received the voter ID card yet.

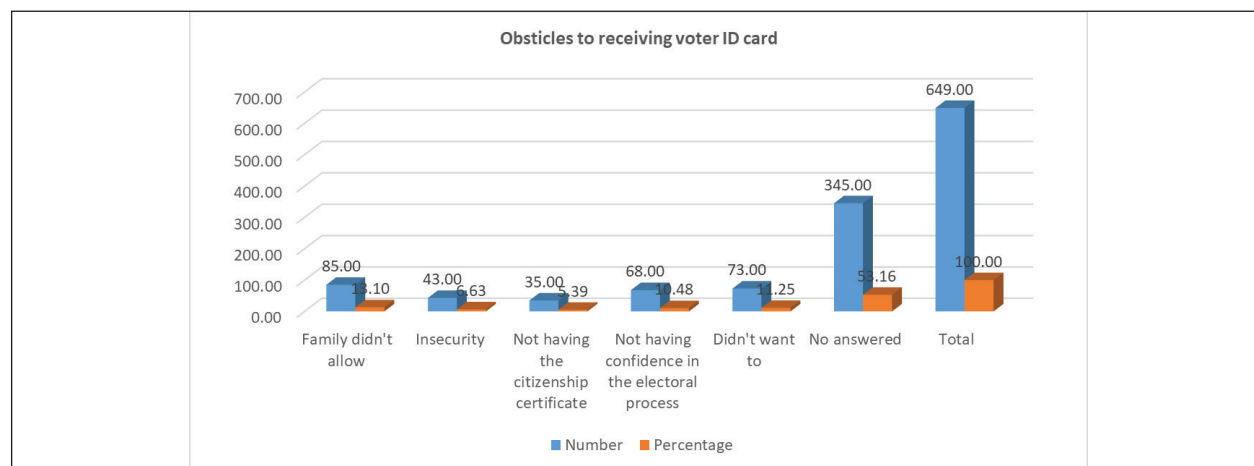


Reasons for not receiving a voter ID card

The findings of field research of this inquiry have shown that women who stated that they did not receive a voter card presented various reasons such as:

Lack of permission from family members, especially male members, security problems, lack of citizenship card, lack of confidence in the electoral process were among the most important reasons presented by them.

According to the findings, 85 people (13.1%) confirmed that they did not receive a card for not having permission from the family. 43 people (5.4%) said due to security problems and 35 people (11.2%) said due to the lack of ID card, 68 people (10.5%) said due to lack of confidence in the electoral process couldn't obtain a voter ID card, as well as 73 people (11.2%) said that due to lack of interest in this work. At the end, the remaining 352 people, 53.2%, didn't answer this question.



1. Afghan Constitution Article 33

2. Ministry of Justice of the IRA, Election Law 1395 Article 5 Published in Official Gazette 1226

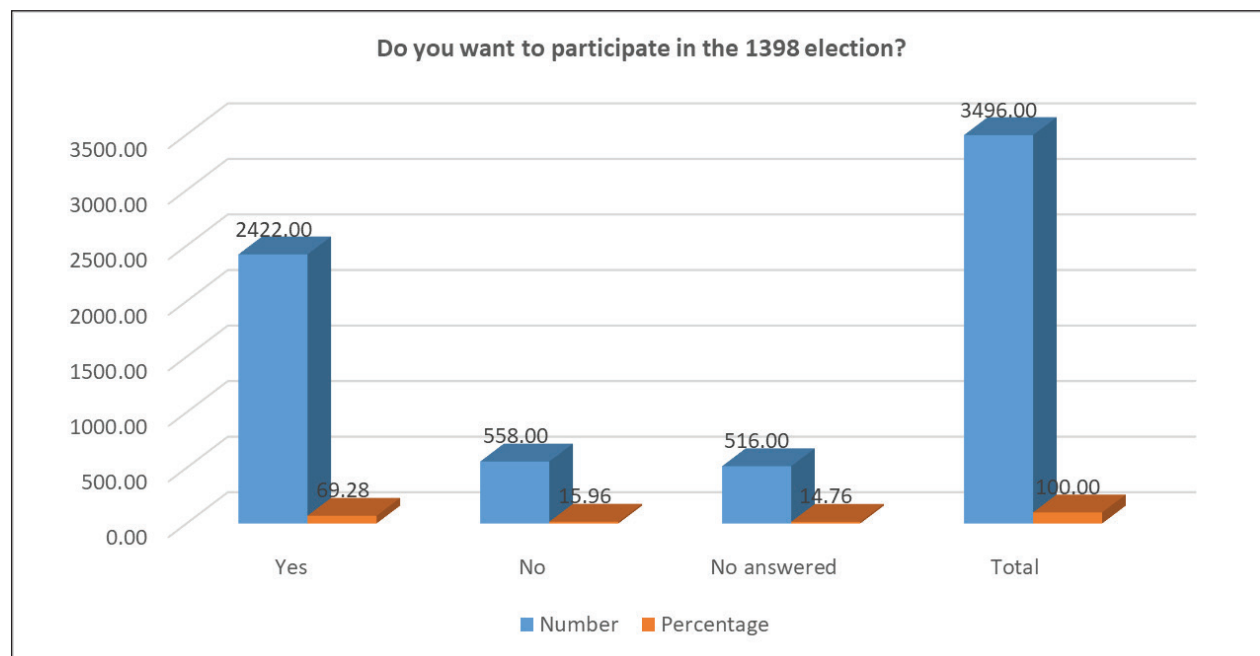


Women's Interest in Election 1398

Participating in elections and contribution to the determination of political fate is one of the serious responsibilities of citizens, including women in the country. The widespread and informed participation of women in the election as a candidate or voter ensures their presence in the structure of power and management of national processes for the benefit of women and ultimately in the interests of justice and equality in the country. For this reason, the interest and determination of women to participate in the elections is a sign of their serious will to play a role in the nationwide interactions and determine the country's future and destiny, and will ensure their presence in the power structure.

With this insight, the AIHRC has tried to collect the information that shows the will and interest of women in participation of the 1381 elections.

According to the questionnaire the interviewees were asked whether they decide to participate in the 1398 election. Of the 3496 interviewees, 2422 (69.3%) responded positively and said they would participate in the 1398 election, but 558 (16%) answered this question negatively, and 516 (14.8%) did not answer this question.



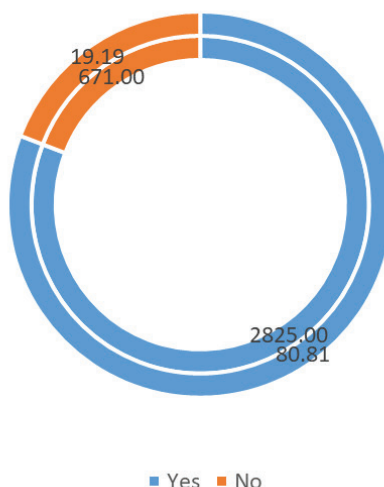
Reasons for Lack of Interest to Participate in the Election 1398

Following the previous question from women who confirmed that they were not decided to participate in the 1398 elections, they were asked for the reason why they don't attend the election. The respondents' answers were as such: 50 people (5.1%) said families don't give permission, 211 people (21.7%) said Taliban's threat and the bad security situation, 194 people (20%) said lack of confidence in the election process, 30 people (5.4%) mentioned lack of ID card and a voter ID card as reasons for not attending the 1398 election. 73 people (13.1%) did not answer this question.

Women's Human Rights Supporting Structures

In discussing the legal bases of this study, there were some women's rights protection structures in the country that the AIHRC was one of these structures. In this field of field research, interviewees were asked if the existence of supportive structures, especially the Afghan Independent Human Rights Commission, could increase the scope of litigation to improve the human rights situation of women. 80.8% of the interviewees (2825 people), confirmed that the existence of supporting institutions, in particular the AIHRC, has given Afghan women the ability to defend their human rights and, in case of human rights violations, seek justice. But 671 people (19%) answered this question negatively.

Has the existence of the AIHRC helped you to become more familiar with your human rights and advocate providing justice?



Access to Economic, Social and Cultural Rights

In this discussion, the viewpoints of the interviewees on the status of women's access to some of the most important economic, social and cultural rights of women have been analyzed under the influence of war, insecurity and the lack of sustainable peace based on field research information. Due to the wide range of economic, social and cultural rights, this study explores to investigate about the right to education, the right to health, the right to work and the right to property, from the topics that have been considered and the views of the interviewees have been received and reflected accordingly.

Women's access to education and higher education

Access to education and higher education is one of the most important examples of the economic, social and cultural rights of citizens, and in addition to international human rights instruments, it has been stipulated in the national laws of the country, including Article 43 of the Constitution that reads: " Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. level in the state educational institutes free of charge by the state. To expand balanced education as well as to provide mandatory intermediate education throughout Afghanistan, the state shall design and implement effective programs and prepare the ground for teaching mother tongues in areas where they are spoken."¹

In addition to its emphasis on the government's obligation to provide education and training to citizens, in addition to its emphasis on the right of women to education and training specifically in Article 44, the Afghan Constitution emphasizes: "The state shall devise and implement a unified educational curricula based on the tenets of the sacred religion of Islam, national culture as well as academic principles, and develop religious subjects curricula for schools on the basis of existing Islamic sects in Afghanistan."²

Therefore, the government has the duty, in addition to fulfilling its responsibilities in terms of developing the opportunities and conditions for better citizens' access to education and higher education, develop specific programs and measures to promote women's access to education and higher education, and the help women benefit from this right equally with men across the country.

The statistics released by the National Statistics and Information Administration in 1397 show that the number of school

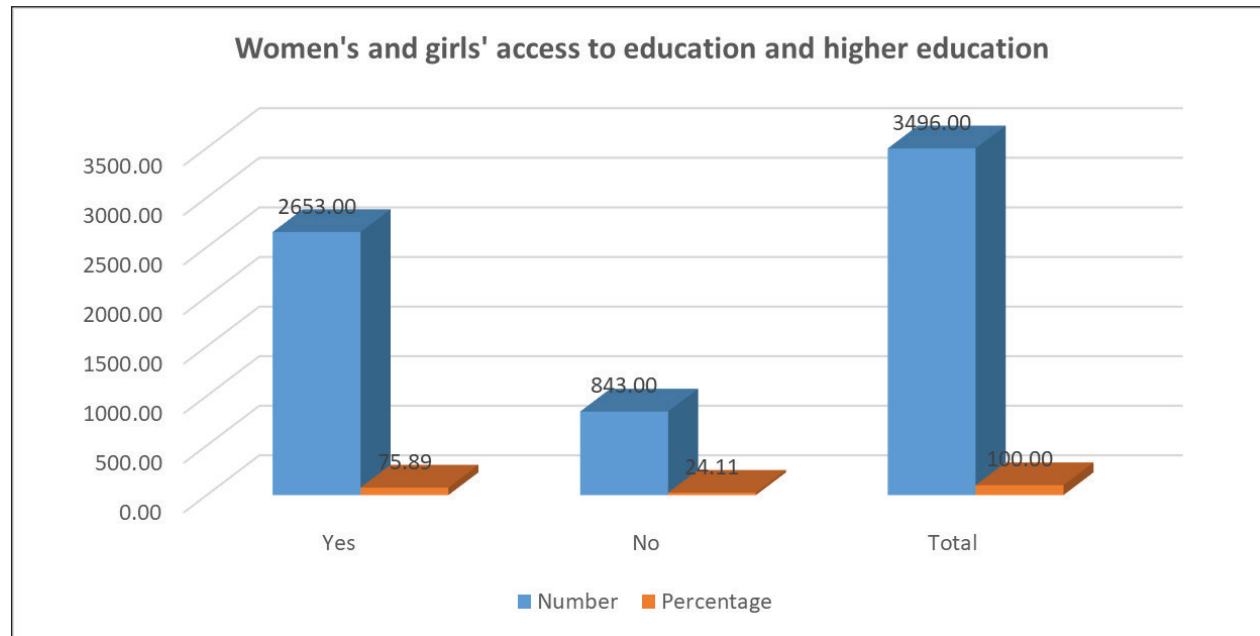
۱. قانون اساسی افغانستان ماده ۴۳
۲. همان، ماده ۴۴



students in the public education curriculum reaches 8724488 students, of which 38.85% (3389828 students) are girls..¹

The statistics also show that in 1397, the number of students in state institutions of higher education reached 186025 students, of which 26.37% (49071 students) were women or girls, and the number of students in private higher education institutions was 2007.55 students, of which 25.60 % (51397 students) were women or girls..²

Field research of the study showed that out of a total of 3496 interviewees 2653 people (75.9%) confirmed that girls and women in their families had access to education in their home towns, and that they did not face particular obstacles in this area, but 843 interviewees (24.1%) responded that women and girls in their families didn't have access to education at their place of residence, and they faced many challenges in this regard.



Obstacles to women and girls going to school and higher education institutions

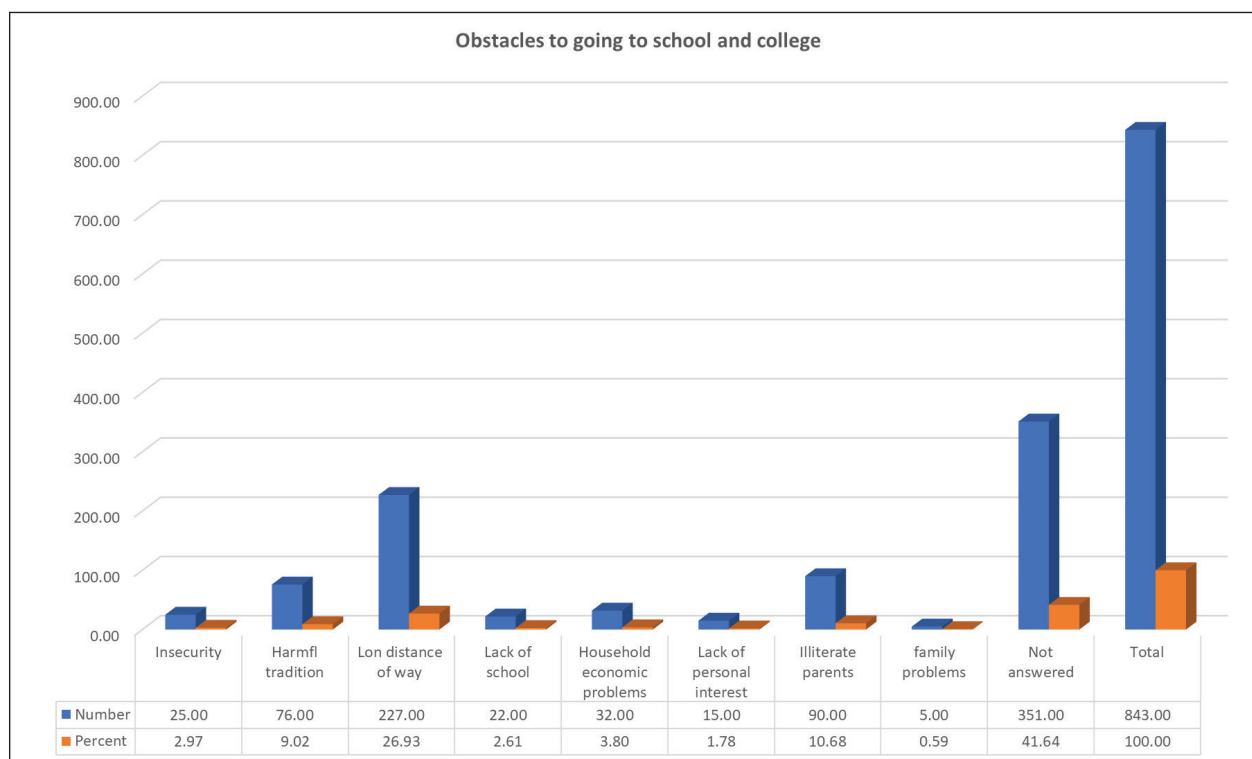
Lack of security, lack of access to school and educational institutions, lack of rule of law, and harmful tradition, household economic problems, lack of personal interest, illiteracy of parents and family problems are of the most important obstacles listed by the interviewees as reasons hindering their female family members from going to school and educational institutions.

The results of this study showed that 3% 25(people) of those who said there were obstacles, raised insecurity as an obstacle, 76 people (9%) referred to cultural challenges and rule of harmful tradition, 227 people (26.9%) said lengthy distance to educational institutions, people (2.6%) said lack of schools and educational institutions in their place of residence, 32 people (3.8%) mentioned household economic problems, 15 people (1.8%) stated lack of personal interest in education, 90 others (10.7%) said illiteracy of parents, and 5 people (0.6%) of family problems as a obstacles for women and girls to go school and educational institutions. The remaining 351 respondents (41.6%) who didn't have any students did not answer to the question.

Leaving the place of residence aiming at accessing the school and educational institutions

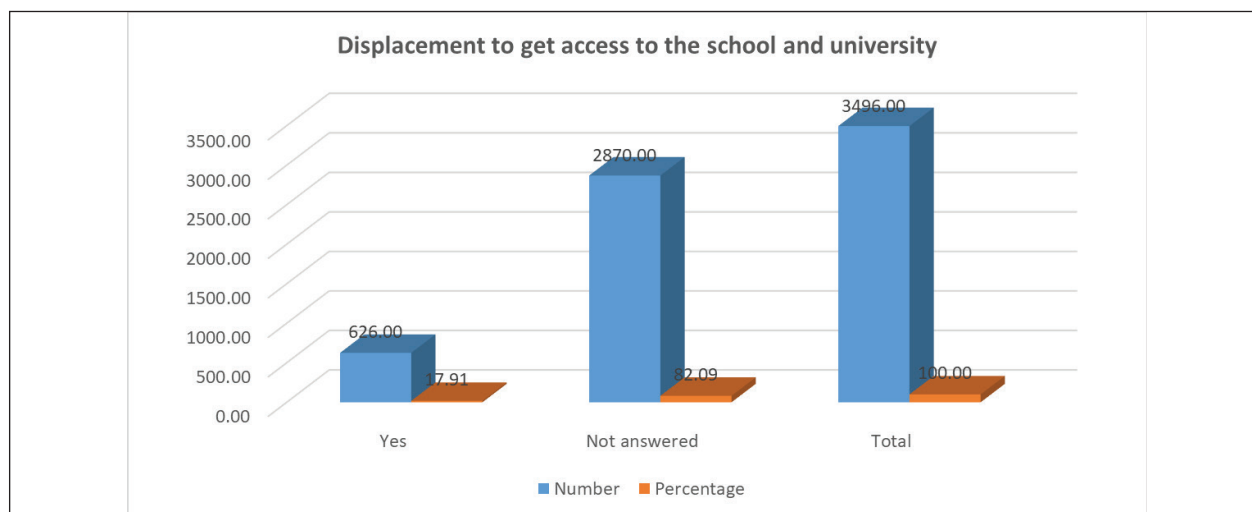
One of the questions raised to interviewees was about the access of their children, especially their female children to education and higher education in their place of residence. The question was raised as such: did you move to a new residence to find a school or university for your children to study, when you found out that your children, especially your daughters, for

١. ج.ا.ا. اداره ملی احصائیه و معلومات، سالنامه احصائیوی ١٣٩٧ صفحه ٧٨
٢. ج.ا.ا. اداره ملی احصائیه و معلومات، سالنامه احصائیوی ١٣٩٧ صفحه ٤٨



various reasons, could not go to school or university at your place of residence?

626 people, 17.9%) of all interviewees, responded positively to this question and confirmed that they had left their place of residence after they noticed that their children, especially their daughters, could not go to school on their own area for various reasons.



Comparison of the period before and after 1381

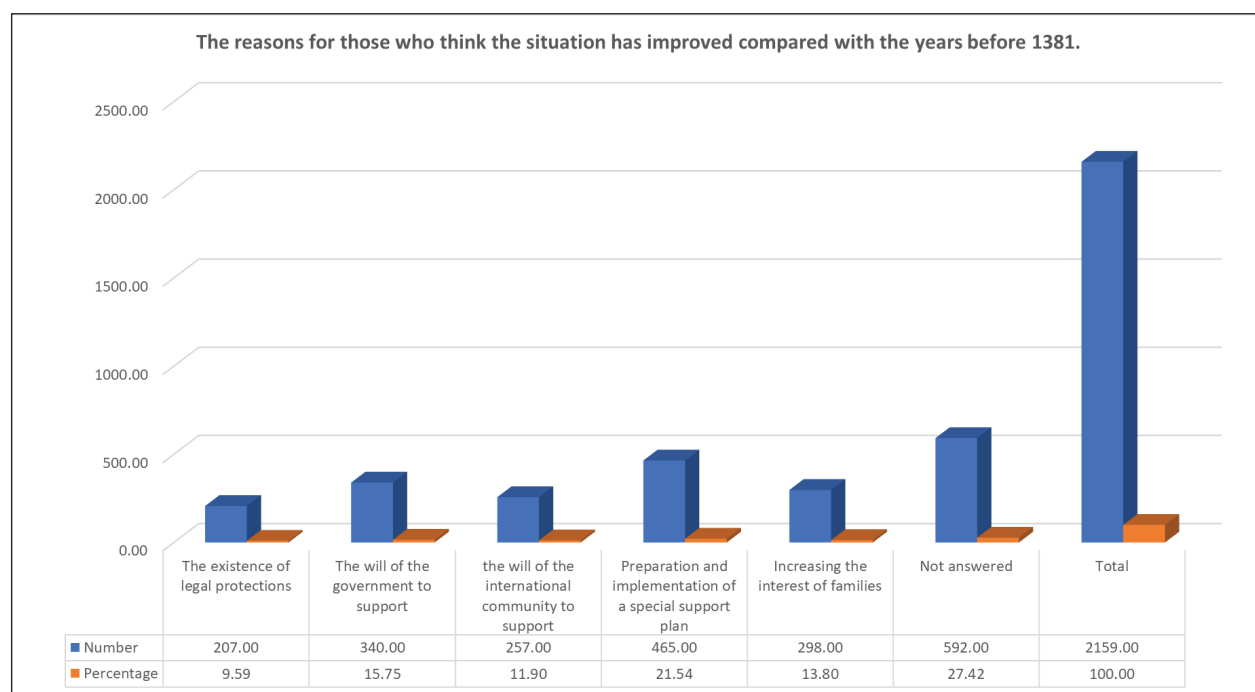
The access of women and girls to the right to education and higher education has faced many challenges during different periods. This right was completely taken from women during the Taliban era, and no woman and girl was allowed to go to school and study, but after the establishment of the interim government and the fall of the Taliban, conditions changed, and the legal and structural capacities of women and girls to access education and training institutions increased. Right now,



legally, every woman and girl has the right to go to school and study; but there are still structural and cultural challenges, and more importantly there is a security challenge also that prevents women and girls from attending school and college.

In this section, the interviewees have been asked whether the conditions and conditions for women and girls to go to school and university have been provided since 1381. 61.8% (2159 people) responded that the capacity of women and girls to go to school and university after 1381 had improved compared to previous years, including the Taliban era and earlier periods.

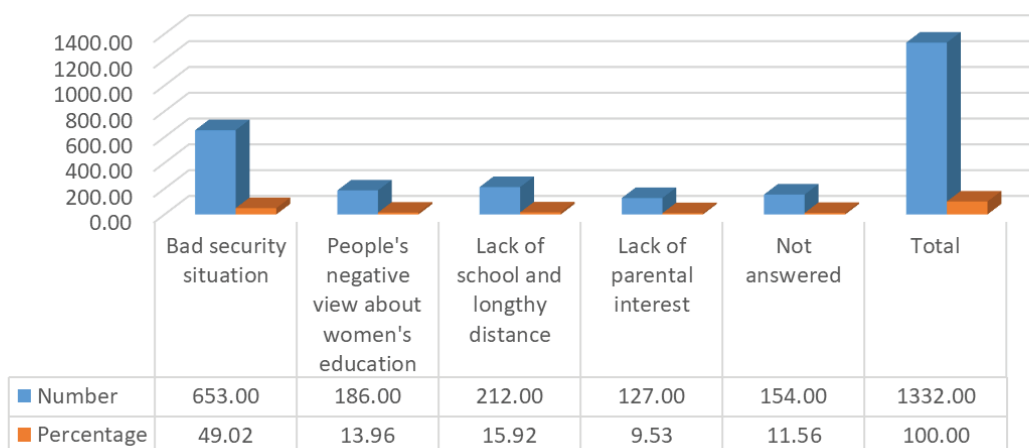
Of those who confirmed that the condition had improved for women in Afghanistan, 207 (9.6%) said that women are currently well protected by law to go to school and university. Also, 340 people (15.7%) said that in the years after 1381, the Afghan government provided better support for women and girls to go to school and university. 257 people (11.9%) spoke out of the strong will of the international community to support women in accessing the right to education and higher education in the years after 1381, 465 individuals (21.5 percent) cited the preparation and execution of particular development programs for females and girls to go to school and university as reasons to demonstrate the condition improved, and 298 people (13.8%) mentioned the increase in women's personal interest in going to school and university as a reason for improvement of the situation.



592 people of those who confirmed the situation was better than the years before 1381, couldn't present any particular reason to confirm their idea.

However, 31.8% of the interviewees (1332 people) said that women in the country still face difficulties in accessing education. 653 people (49%) complained of the bad security situation. 186 people (14%) complained of negative view exist about the education of women. 212 people (15.9%) referred to lack of girls' schools and distance to school, as well as lack of access to educational institutions. And 128 people, (9.5%) complained of parents lack of interest to enroll their children to schools.

The reasons for those who believe that there are still problems with the access of women and girls to the school.



Women's Access to Health

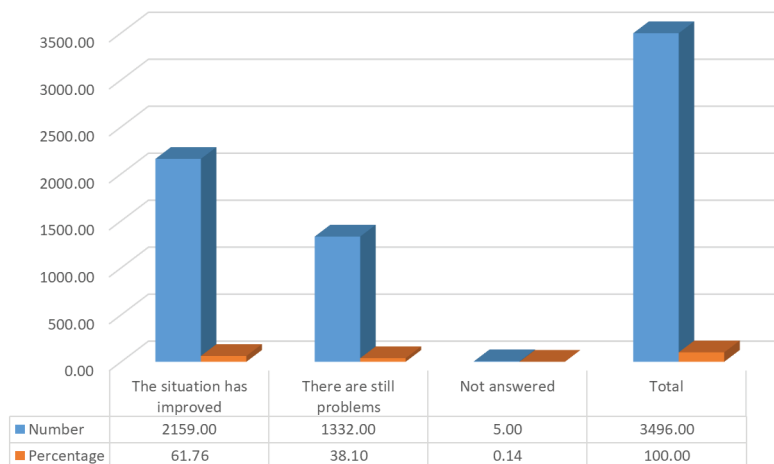
Access to health and well-being, including the economic, social and cultural rights of citizens, have been emphasized in the international human rights instruments, as well as in the Afghan Constitution, (Articles 52-54) Part of Article 52 of the Constitution states: "The state shall provide free preventative healthcare and treatment of diseases as well as medical facilities to all citizens in accordance with the provisions the law".

Article 54 of the Constitution states: "The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam. »

Therefore, provision of access to health services is one of the responsibilities of the State, and the government is obliged to develop and implement specific programs for protection of women and their health.

The AIHRC's inquiry into access to quality health services in 1395 showed that 57% of the country's total population, including men and women, had access to basic health services.¹

Comparison of the periods before and after 1381



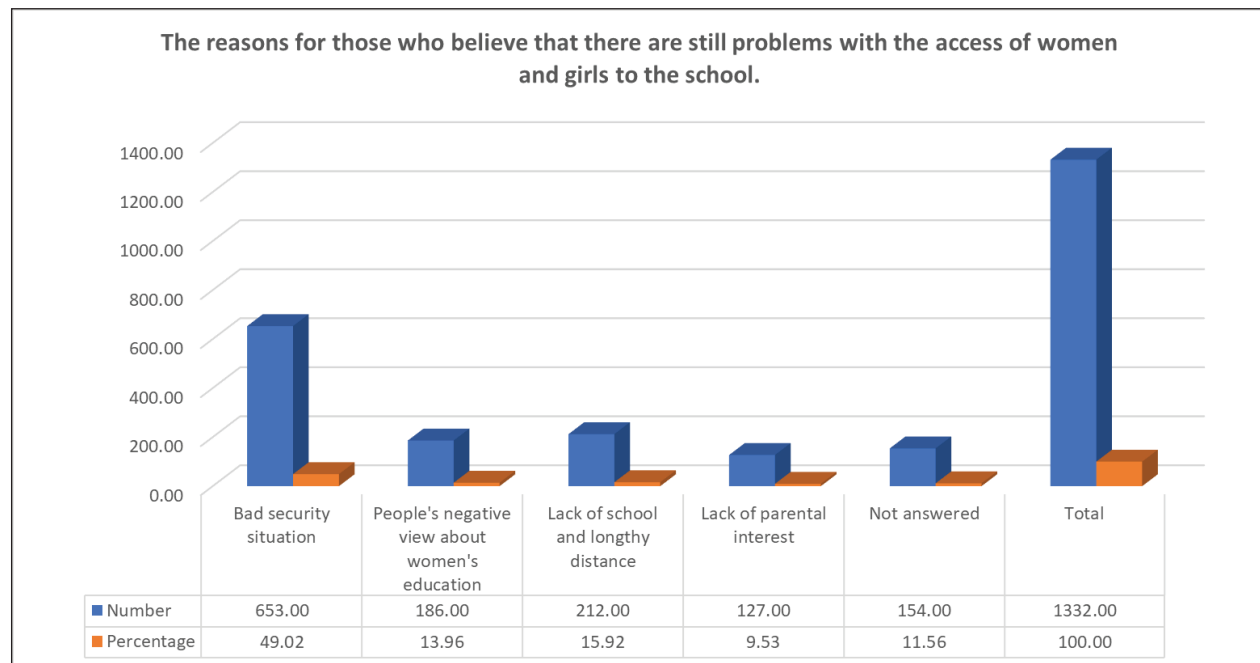
¹ AIHRC, National Inquiry on the Right to Access Quality Health Services, 1396, p. 29



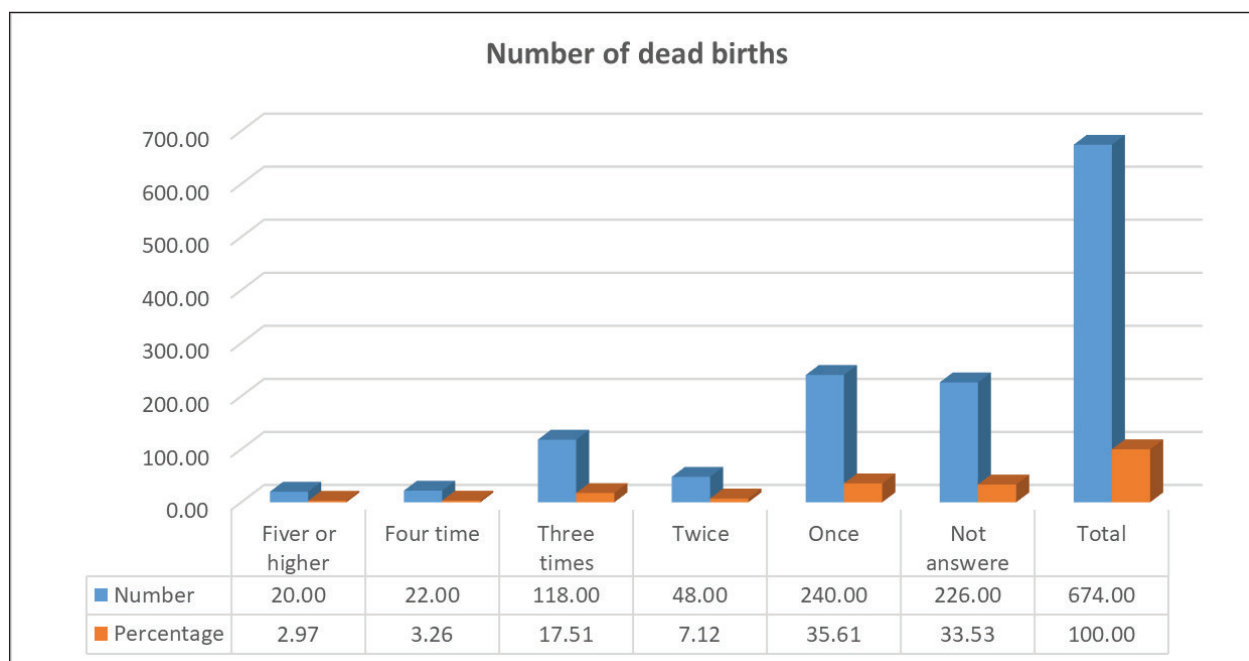
The findings of the field research regarding women's access to quality health services showed that out of a total of 3496 interviewees, 87.4% (3056 people) believed that after the year 1381 the situation had changed and women's access to health services has improved.

But 12.6%, (440 people) noted that some problems still exist in this respect, believing that women in the country face difficulties in accessing health services.

A number of citizens who believed that women's access to health services are still faced with difficulties have given specific reasons for confirming their claims. Five people (1.1%) of those who were not satisfied with the situation raised security challenges as reasons for lack of access to health services, 29 people (6.6%) said lack of facilities for providing health services, 21 people (4.8%) said the shortage and poor quality of the drug, 36 people (8.2%), said bad attitude of employees of health institutions and medical centers, 16 people (3.6%) said the corruption in these institutions, 14 people (3.2%) said the low level of staff abilities and knowledge 13 people (3.%) said family tradition does not allow women to refer to a doctor, and 4 people (0.9%) mentioned families' economic problems to pay for treatment as challenges on the way of women's access to health services. Eventually, 302 people (68.6%) of those who believed that women had difficulty in accessing the right to quality health, did not present a specific reason to prove their claim



One of the questions was asked from women in the field research of this study was about number of dead births due to inadequate access to health care that they had experienced since the year 1381. In response to this question, 19.3% of female interviewees confirmed that since 1381 they had given birth to dead children due to lack of access to health care. Out of 674 people, 20 people (3%) confirmed that they had given birth to dead child five or more times since 1381 due to inadequate access to health care, 22 people (3.3%) said four times, 118 died (17.5%) three times, 48 people (7.1%) twice, and 240 people (35.6%) once, confirmed the dead birth due to lack of access to appropriate health care.



Women's access to the right to work

Equal access for women and men is always one of the serious questions in Afghanistan and, despite the emphasis placed on international rules and national laws in this area, there are still many challenges to women's right to work and employment. In addition to Article 22 of the Afghan Constitution, which prohibits all discrimination and inequality between the citizens of the country, including the inequality between men and women in employment and work, Article 48 of the Constitution¹ emphasizes that work is the right of every Afghan, and Every Afghan citizen, including a woman and a man, has the right to freely choose their occupation within the bounds of the law. Also, Article 9² of the Afghan Labor Law prohibits all discrimination and inequality in the employment of citizens of the country, including men and women;³ therefore, as any restrictions on the employment of women are prohibited under the provisions of national law, and the Afghan government is committed to provide the working conditions and employment for all women and men in the country.

Data released by the Central Statistics Office shows that in 1397, the number of civil servants of government departments was 405,604 people, of which 79% (31,8551 people) were men and 21% (87053 people) were women.⁴ A research by the AIHRC in 1396 indicated that the number of women employed by the Ministry of Defense and the Ministry of Interior amounted to 3,656 women. According to these statistics, the number of women in the National Army was 1,619 people, if the total number of NA is considered 195,000 people; the ratio of women to men was 0.83%, less than 1%. Also, the number of women included in the National Police in 1396 was 3487 women. If the total number of ANP is considered 160,000 people, the ratio of women to men will be 2.17%.⁵ Meanwhile, the Afghan government has committed itself to creation of equal opportunities for women and men in all aspects of social life, including work and employment in the Afghanistan National Development Strategy document. According to data released by the Ministry of Economy in 1397 under the Afghanistan Sustainable Development Goals document, the availability of women in managerial positions was 10.7%, which the government has pledged to increase by 13% by 2020.⁶

There is no doubt that, in addition to the poor security situation in the country, other reasons such as traditional culture and domination of the patriarchal view in the family and social life of the majority of the people of the country have also made it impossible for women to have access to the right to work and employment, especially outside the home and be entitled to this right in the same way as men.

Findings from the field research of this national inquiry show that the situation in Afghanistan has been promising for women compared to the years before 1381, and the majority of interviewees described the situation as improving.

1. Constitution of Afghanistan Article 48

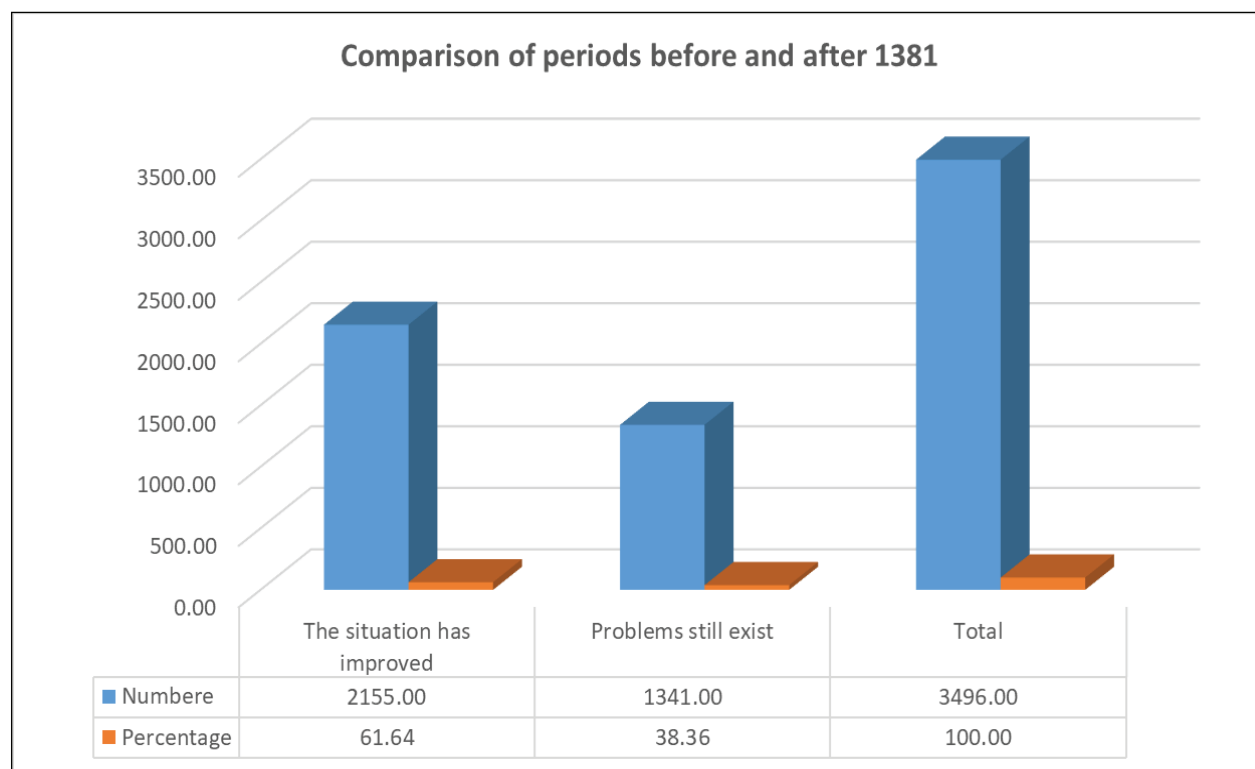
2. Ministry of Justice of Afghanistan, Labor Law of Afghanistan, 1385, Official Gazette No. 914, Article

۳ وزارت عدلیه دولت ج.ا.ا. قانون کار افغانستان، ۱۳۸۵، جریده رسمی شماره ۹۱۴، ماده ۹

4. Islamic Republic of Afghanistan National Statistics and Information Administration, Statistical Yearbook 1397 Page 20

5. Afghanistan Independent Human Rights Commission, Report on the Review of the Situation of Women Assigned to Defense and Security Institutions, 1396 p. 13

6. IRA Ministry of Economy, Document of Afghanistan Sustainable Development Goals 2015 to 2030 Page 212



This information indicates that 61.6% of the 3496 interviewees, including 2155 people, were hopeful about the situation and confirmed that job opportunities for women had improved since 1381, but 38.4%, (1341 people), said they still had problems in this regard and the women's access to the right to work face restrictions.

The challenges to women's access to justice

Interviewees who thought that the condition had not improved and that women were struggling to access the right to work pointed to particular problems. Of the 1,341 people who did not believe in the improvement, 235 people (17.5%) pointed to the low level of women's literacy, 49 people (3.7%) mentioned traditional culture, 10 people (0.7%) referred to discrimination against women, 31 people (2 and 3%) mentioned security problems, 139 people (10.4%) said corruption in offices, 27 people (2%) referred to work in the factory and 36 people (2.7%) mentioned lack of family permission as challenges to women's right to work and employment.

The 814 people who did not believe in the improvement couldn't present specific reasons in this regard and merely confirmed that the situation is still in trouble.

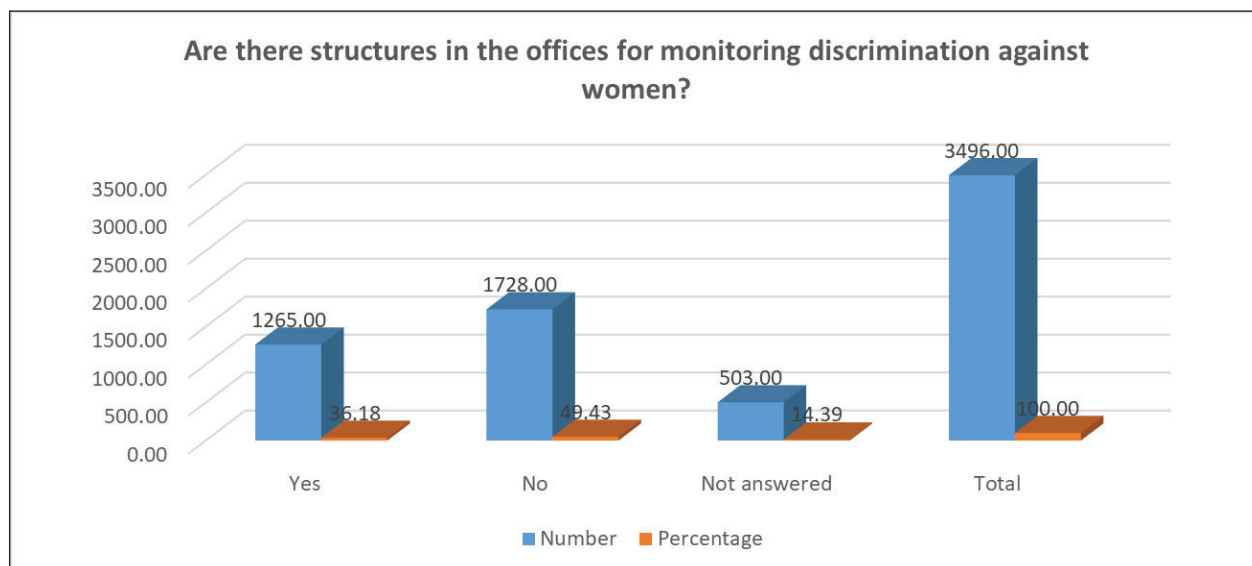
Discrimination against women in the workplace

Discrimination against women in the workplace is one of the serious concerns of women's rights activists in Afghanistan. This concern is further influenced by traditional and patriarchal culture, which has limited women's opportunities to work outside their homes, and has sometimes been so tough that no female in Afghanistan has had the right to work outside their homes. The Taliban era is an example of the situation in which women without a Mahram did not even have the right to leave the house.

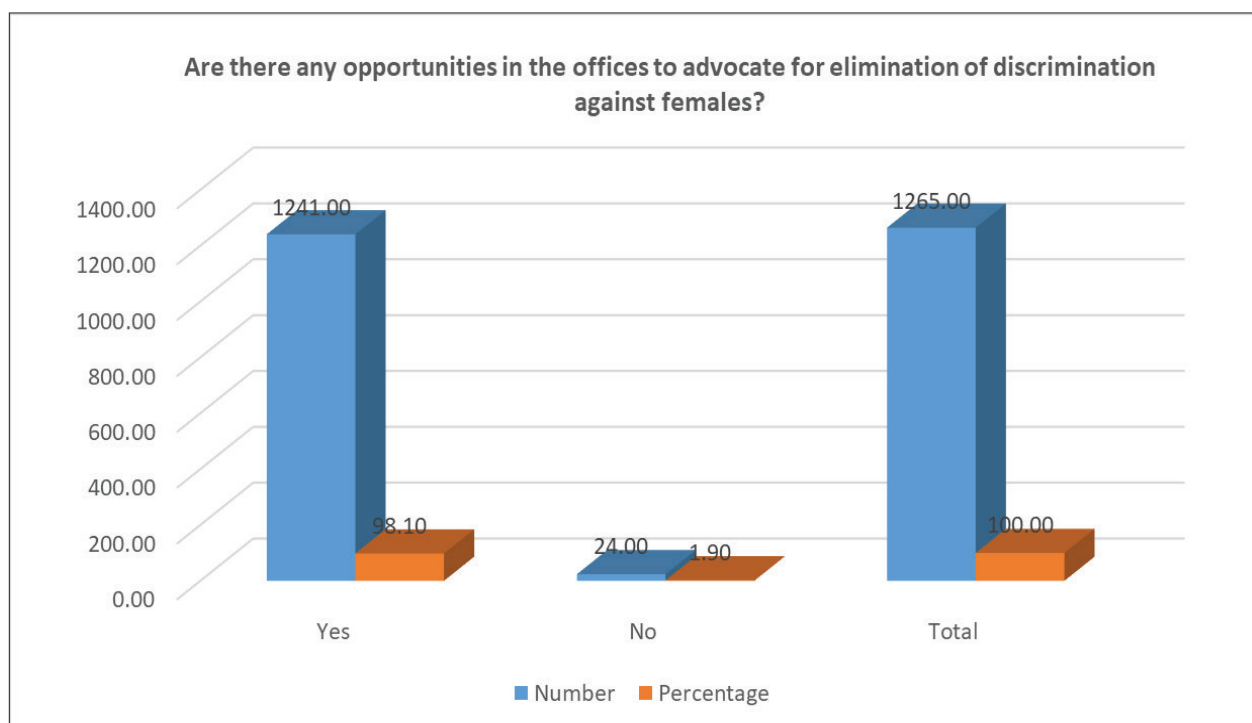
But now with the ratification of the Constitution of 1382 and the Criminal Code of the country that has criminalized the harassment of women and children in Articles 668 to 672, and has imposed penalties on the perpetrators, and while the legal capacity of women's work in organizations is enhanced, but the likelihood of discrimination against women still structurally exists, particularly in the workplace.

For this reason, in this part of the field research, interviewees were asked if there was a legal framework in place at the office where they work to monitor discrimination against women. Of the 3,496 interviewees, 1,265 people (36.2%) ensured that there were legal mechanisms that monitor the practice of discrimination against women, and confirmed that women had legal protections in this regard, but 1728 people (49.4%) responded negatively to this question and argued that there were no

specific mechanisms or frameworks in the departments that could prevent discrimination against women in the workplace. 503 people (14.4%) didn't respond to this question.

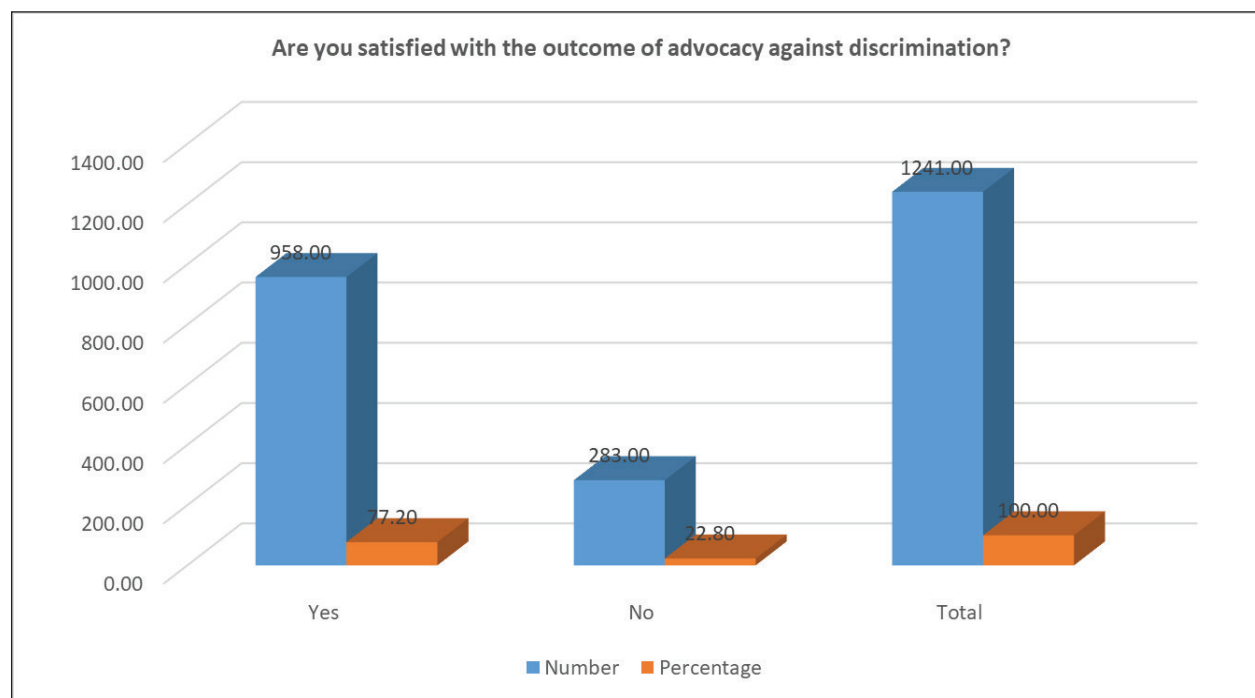


The next issue was about the presence of litigation and lawsuits possibilities that in case a woman was discriminated against in an office could she refer to greater officials for litigation. In response to this question, out of a total of 1265 people who had assured the existence of a mechanism or legal framework for the prohibition of discrimination against women in the departments, 1241 people, (98.1%) confirmed and said yes, this is possibility exists and women are able to refer to higher authorities and lodge a petition for justice. Only 24 people, (1.9%), denied the existence of such possibility to go to higher authorities and seek justice.





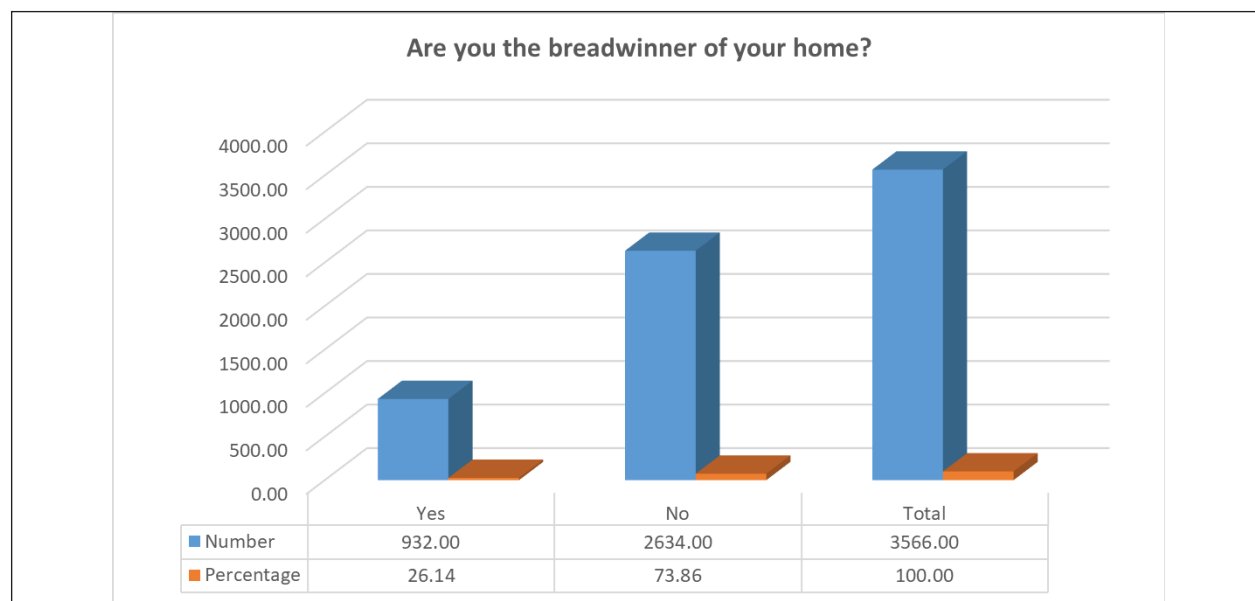
To clarify the issue, interviewees were asked about the results of the work of this system or legal structure at the offices. In this regard 958 people (77.2%) said they were satisfied with the results of the work of the system or structure of monitoring discrimination against women in the offices, and the remaining 283 people (22.8%) said they were not.



Women Breadwinners of the Family

In part of the field research, women interviewees were asked if they were the breadwinners. Of 3466 female interviewees, 932 people (26.1 %) reported being breadwinners and earning their living by working outdoors, but the remaining 2634 people (73.9 %) responded negatively to the question.

Breadwinner women are those who require a healthy environment for working outdoor, and any threats or limitations in this area can, in addition to having adverse effects on the household economy and increase the risk of hunger and the negative consequences, have certain impacts on the other members of the family, especially in the area of education.

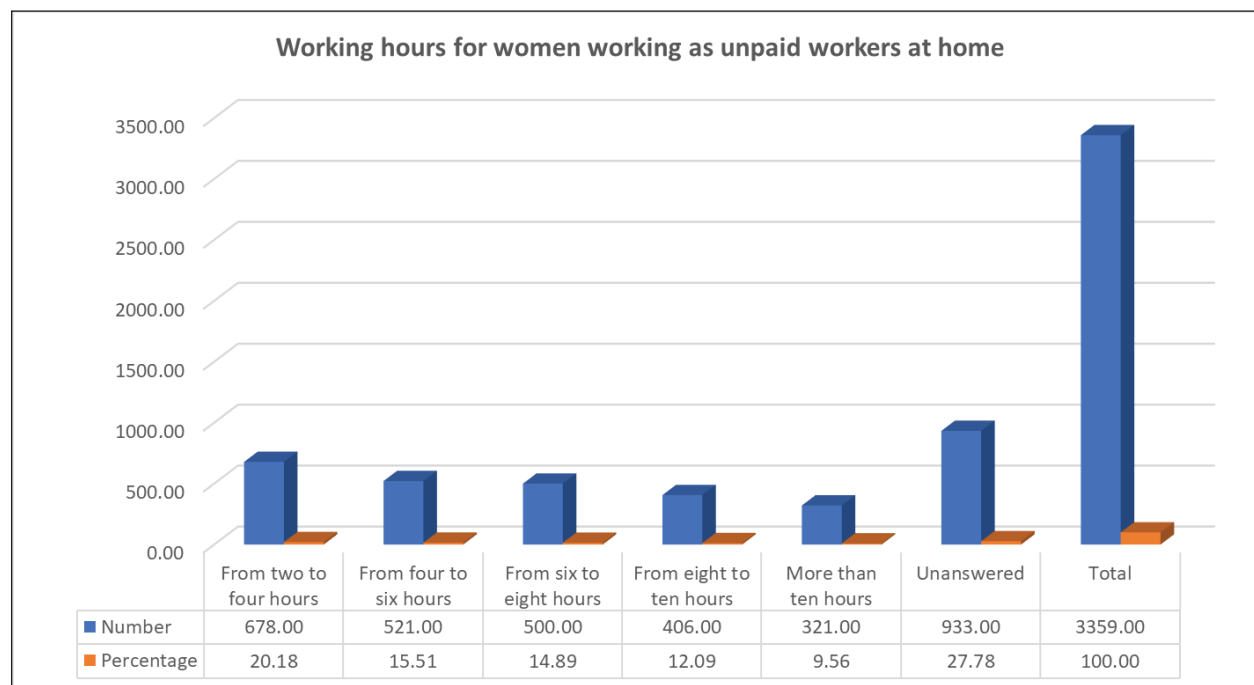


Unpaid Work at Home

According to data published by the National Statistics and Information Administration in 1397, the proportion of women to men employed in civil organizations was 21%. If the number of employees in defense and security institutions is also considered, the ratio of women to men with men working in governmental sectors will be slightly more than 21%; but other (79%) are actually women who work at home without pay.

Field studies of this research found that out of a total of 3,466 interviewed women, 3359 women who do not work outside the home work at home for two to more than ten hours a day without pay.

This information confirms that out of a total of 3359 interviewees, 678 people (20.2%) said they were working at home for two or four hours a day without pay. 521 people (15.5%) said they worked for four or six hours a day, 500 people (14.9%), stated they work six or eight hours a day, 406 (12.1%) said they worked eight or ten hours a day, and 321 people (9.6%) said they worked more than ten hours a day as an unpaid worker at home.



The aspirations confirmed by women in field research

One of the most important questions that has already attracted public opinion about different and even contradictory views and opinions is the beliefs and aspirations of the Afghan people, especially the women of the country, in terms of concepts such as democracy and peace that is the examples of human rights of individuals.

In this part of the study the AIHRC has questioned the interviewees about women's beliefs and aspirations with regard to the above mentioned concepts.

The Ideal of Democracy

As we mentioned in the discussion of concepts, democracy is one of the most important values of citizenship that has developed the healthy capacities of social relations and legitimized politics and governance and provided credibility to the structures of power and sovereignty.

Democracy, while being the most important platform for understanding between the people and the state, is an objective manifestation of the authority of citizenship and the presence of both men and women in the structure of government.

Democracy is a system endorsed by the vast majority of the world's individuals who have paid a lot today for this purpose, particularly those who are weak and powerless. The United Nations Charter, the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights are among the most important international instruments that advocate consistency and development of democracy, calling on all states and nations not to spare any attempt to achieve this.



The Afghan Constitution, in its first Article, affirmed that “Afghanistan shall be an Islamic Republic, independent, unitary and indivisible state.”¹ The Republic Government is a state formed on the basis of the votes of the people and citizens of the country, is based on the election as one of the fundamental principles of democracy.

“National sovereignty in Afghanistan shall belong to the nation, manifested directly and through its elected representatives.”

² This text is part of the Article 4 of the Afghan Constitution, the most important basis of the sovereignty of the people and the democratic system or the principle of democracy in the structure of power.

The Afghan Election Law and other laws, such as the law of gathering, strikes and demonstrations, are the other legal documents approved and enforced to support the development of democracy in the country.

In the context of democracy, the equal sharing of women and men in power and politics is one of the most important elements that have been supported by international human rights instruments. The United Nations Charter, in its third paragraph, of its second Article, has endorsed the establishment of a lasting peace based on justice and the participation of all citizens, including men and women, which could be an important guarantee for the development of democracy in the country.³

The right to equal participation of women and men in power has been stipulated under Article 21 of the Universal Declaration of Human Rights. On the basis of this Article, “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to meet the requirements of the general public in the country.”⁴

Article 3 of the Covenant on Civil and Political Rights has called for the right to participate in women’s rights: “States parties to the present Covenant undertake to ensure the equal rights of women and men to the enjoyment of the civil and political rights envisaged in this Covenant.”⁵

The participation of women in power and politics, including national peace processes, has been well recognized in all UN instruments supporting women’s rights, including CEDAW, Security Council resolution 1325, and the subsequent resolutions issued to uphold women’s rights. The Convention on the Elimination of All Forms of Discrimination Against Women is another document which, in its preamble and its first and seventh articles, strongly emphasizes the principle of the participation of women in social and political life, and clearly emphasizes the right to participate in elections, the right to participate in the development and implementation of the state policy and the right to participate in the governmental and non-governmental organizations.⁶

Therefore, the participation of women in national institutions of power as one of the main elements of democracy in addition to being supported by our national laws has also been supported by international laws and regulations.

Field research findings show that out of a total of 3496 interviewees, (99.1%) of whom are women, 2570 people, (73.5%), confirmed that democracy was one of Afghanistan’s most appropriate political systems.

But, the remaining 926 people (26.5%) said that they didn’t believe democracy would be a proper system for Afghanistan.

1. Afghan constitution, Article 1

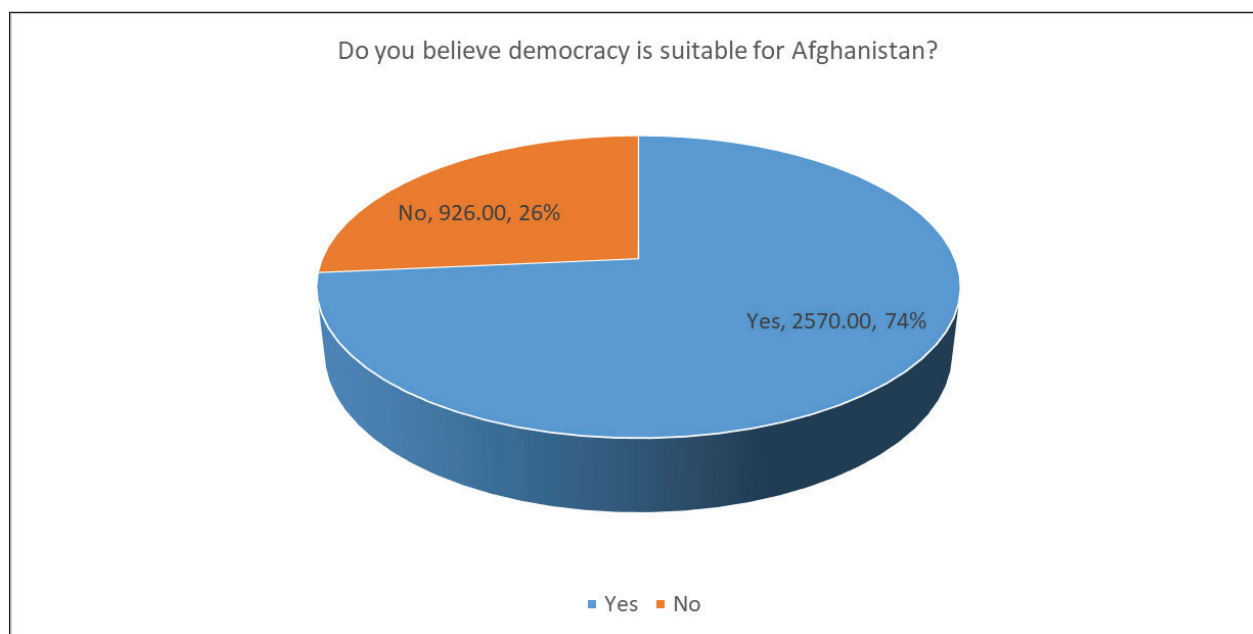
2. Afghan constitution, part of Article 4

3. United Nations Charter Article 3, paragraph 2

4. Universal Declaration of Human Rights, Article 21, paragraphs 1 and 2

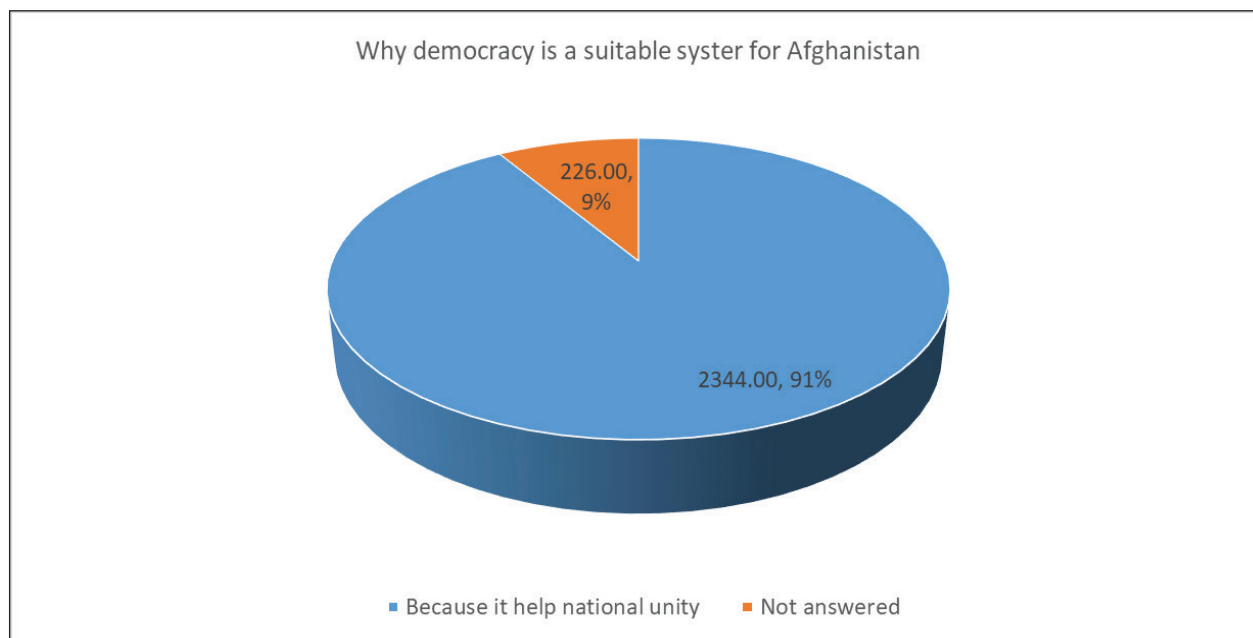
5. Article 3 of the Covenant on Civil and Political Rights

6. Preamble of CEDAW



The need for democracy

Among those who confirmed that the democratic system was one of the most appropriate political system for managing power in Afghanistan, 91.2% of them (2344 people), argued that democracy was the only system that can unite Afghans from different ethnicities and tribes and different religions and languages, and establish trust among the citizens of the country. But, 226 people did not express a specific reason in this regard.



The Ideal of Peace

Peace is one of the most humane and most beautiful ideal of human beings that include message of security, peaceful life, and development in a community. Peace is just the opposite of war and violence, and real peace means the consistency of justice, equality, liberty and human dignity. There are no conflict and violence in a community where there is peace; human beings respect one another and supporting social morals and values.



The ideal of peace is the ideal of life and the aspiration of human prosperity, and every human being should be proud of having such an ideal. Based on such ideal peace efforts are one of the national and international responsibilities of nations and governments, stipulated along with numerous international legal instruments. The Charter of the United Nations and the Convention on Civil and Political Rights are at the top of this document. UN Security Council Resolution 1325 is another document adopted in October 2000 to emphasize the importance of women's role in conflict prevention, peace building, humanitarian assistance and the post-war reconstruction process. The document obliged all the member states, including the Afghan government to support the peace process, emphasizing the role of women, and fulfill this common humanitarian goal.

In the preamble of this resolution, emphasis has been placed on the effective participation of women in the process of conflict prevention and the establishment of a lasting peace, and it is acknowledged that without the effective participation of women, peace will not be achieved.¹

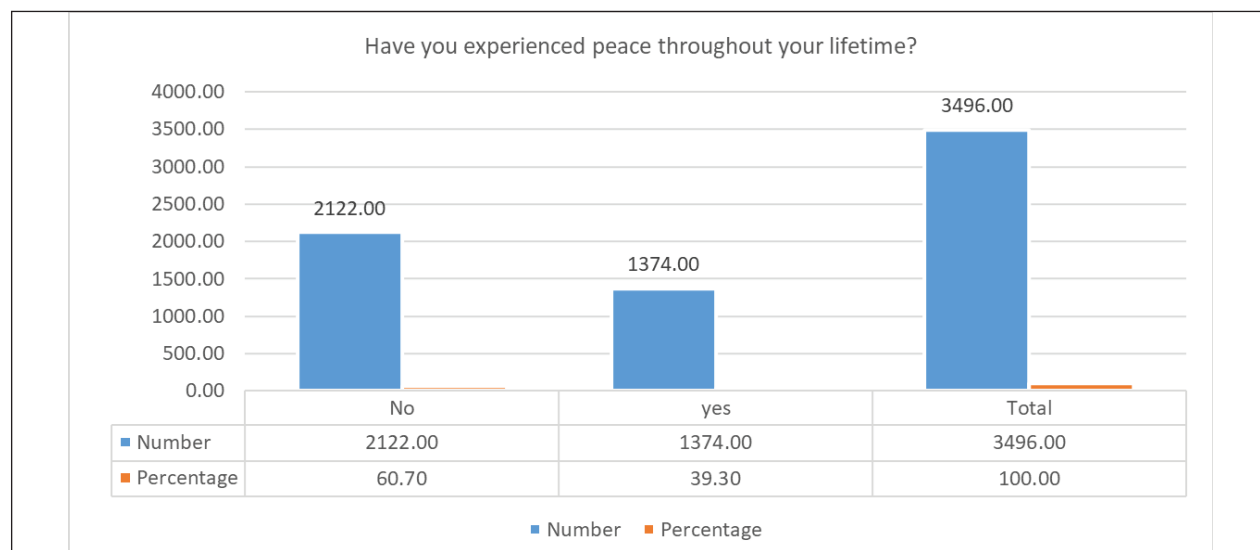
The Charter of the United Nations also, in its first articles, emphasizes the commitment of States to the eliminate threats to peace jointly and collectively as a duty to all member states.² The Charter emphasizes the status and important role of women as a major component of the human population in major national trends like security and peace.³

The peace cause and its support are enshrined in the Constitution (Articles 4 to eight) along with other values such as commitment to maintaining security, the consolidation of sovereignty and national authority, the rule of law, the commitment to social justice and the preservation of human dignity, the commitment to observe human rights instruments, and peaceful and prosperous life, and the Afghan government has pledged to achieve it.

Women's National Inquiry on Women, Peace and Security, given the importance of the presence and role of women in the peace process and its related negotiations in this part has sought to capture and report the beliefs and aspirations of women in the country in relation to peace and the negotiation process.

The first question in this part was: Have you experienced the peace during your life? Interviewees (3496 people), including 3,466 women and 30 men were asked to answer this question in two groups. The first group, whose number amounted to 2122 people (60.7%), responded negatively to this question confirming that they had never experienced a period of peace in their country during their lifetime.

But 1374 people, comprising 39.3% of the total interviewees said yes, they had experienced peace during their lifetime.



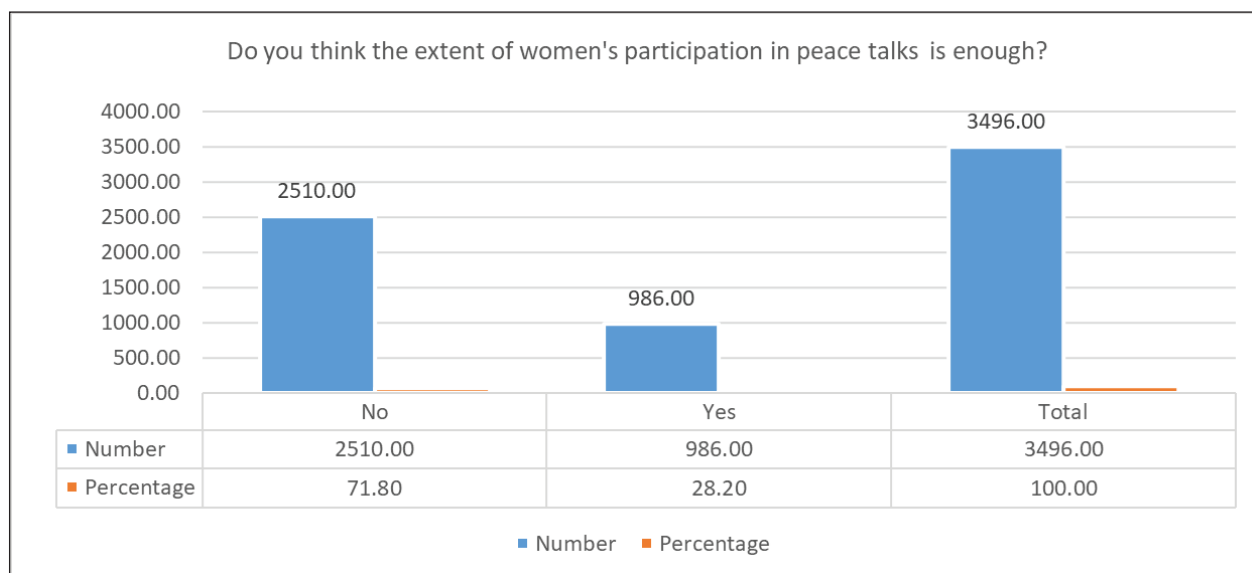
1. Preamble of UN Security Council Resolution 1325

2. Clause 1 of Article I of the Charter

3. Clause 3 of Article I of the Charter

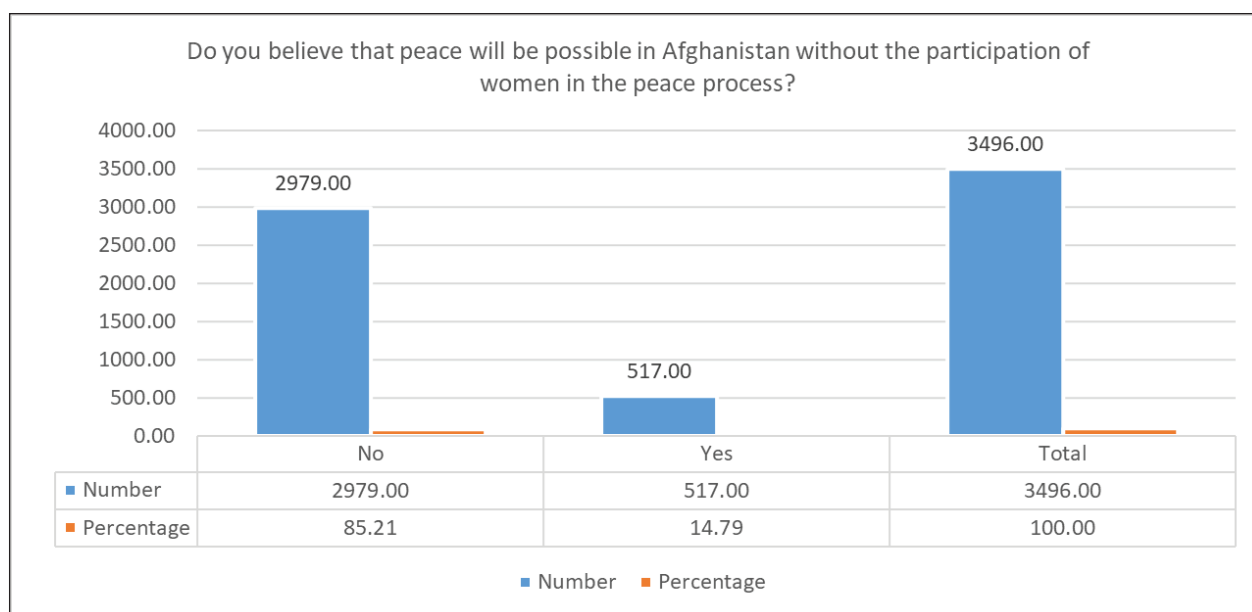
Women's Participation in Peace

In the next stage, interviewees were asked about the extent to which women participating in the peace process and whether they were satisfied with it. 71.8% of the interviewees (2510 people) were dissatisfied with the number of women in the peace process, and stressed that the number of women in the peace process should be increased, but the remaining 28.2% (689 people) expressed their satisfaction in this regard and said that the participation of women in the peace process was sufficient and satisfactory.



In the next questions the interviewees were asked: Do you believe that peace without women's participation in Afghanistan is possible? 85.2% of all interviewees, (2,979 people) said that there could be no peace without the participation of women in Afghanistan.

But another 14.8%, (517 people), believed that peace without women's participation could be possible in Afghanistan.





The Need for Women's Presence in Peace Process

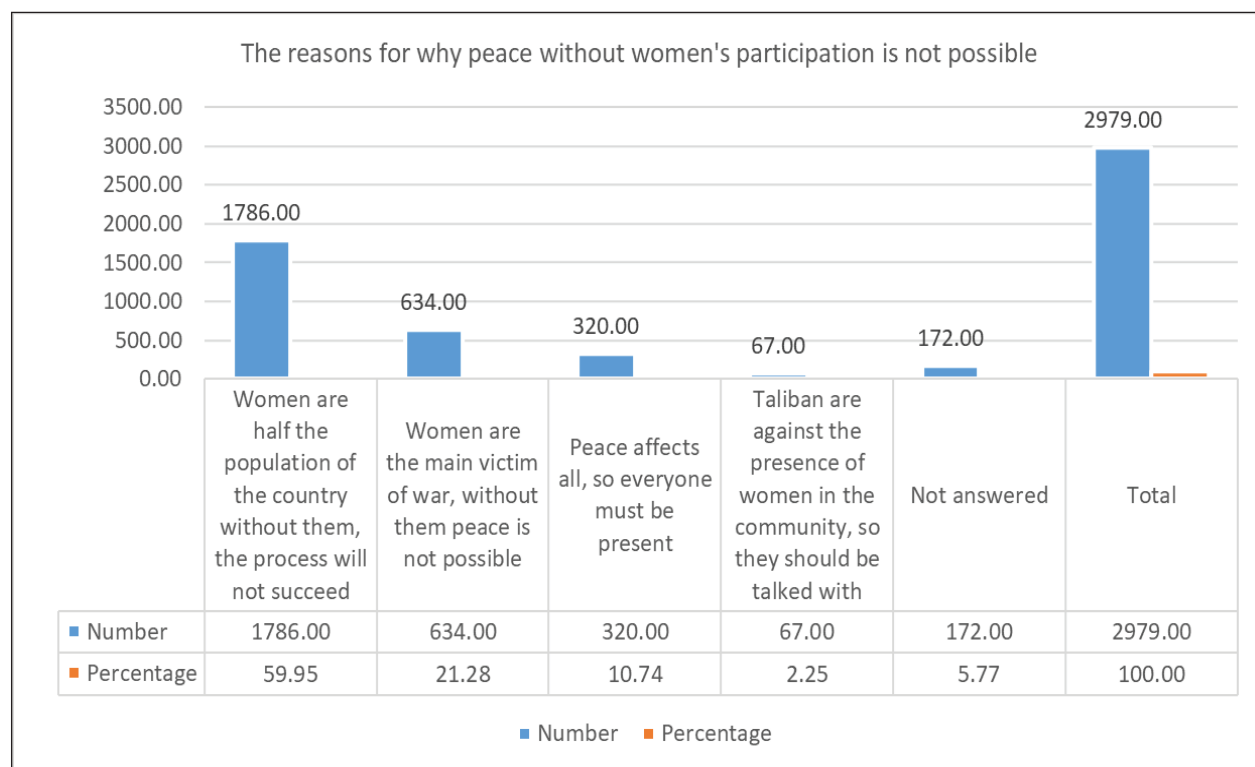
Those who believed that there would be no peace without women's participation in Afghanistan presented different reasons for proving their claim:

The first group of interviewees who believed that peace without women's participation would be impossible said that women were half the human population of the country and have a common fate with men. Therefore, any program that will continue without the presence of this half of the population of the country will be in vain. The number of these people was 1,786 people (60%) of all interviewees.

634 people (21.3%) of the interviewed women believe that women's participation in peace talks is necessary, because they believed that women have always been victimized and have suffered more than men since the beginning of the war, because, in addition to their own suffering, the male victims were either their spouses or their children, so ultimately they suffered the loss of their loved ones too and had to bear the heavy burden of their loss.

320 people (10.7%) of the interviewees said that peace was an all-inclusive process, and its consequences affect both the individual and collective life of all citizens, including men and women. Women should therefore have an active presence and involvement in this process so that they can promote and defend their interests personally in the peace process.

Ultimately, 67 people (2.2%) said the Taliban's main problem was with females, and the Taliban seems to be opposed to women's presence and role in the peace process. For this reason, women's participation in peace is essential so that women can demonstrate their status and make it clear to the oppositions that there is no peace possible without women. 172 people (5.8%) did not answer this question.

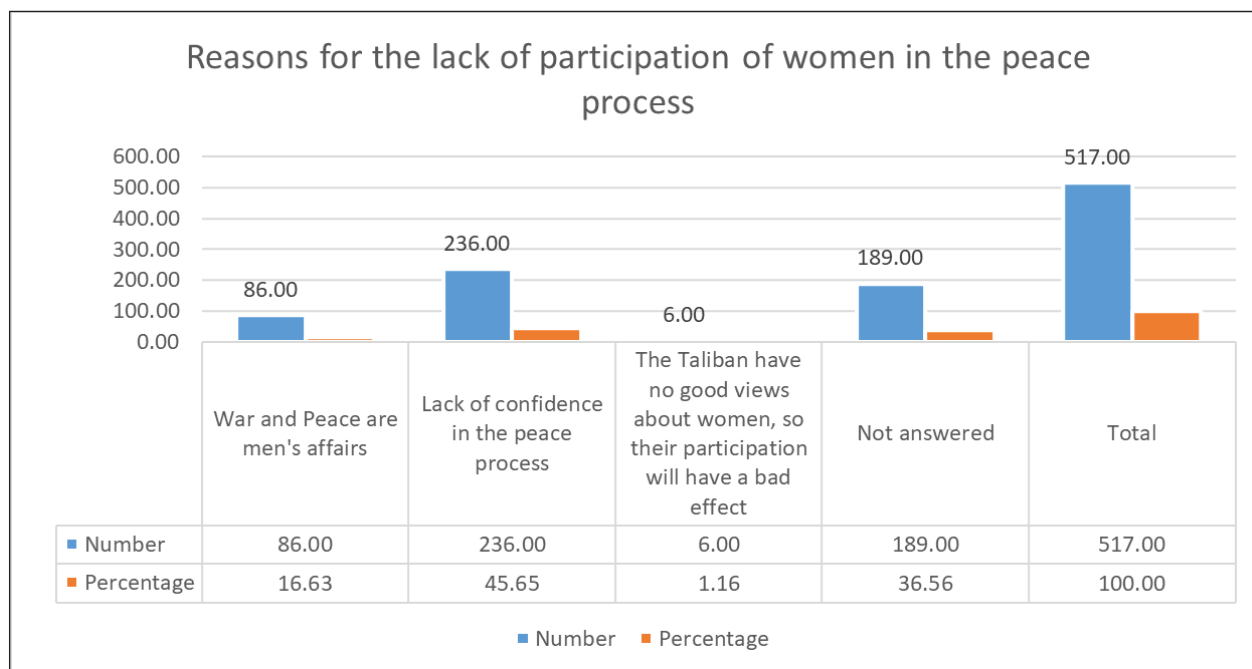


Those who believed that women's presence and involvement in peace talks was not a very severe problem and believed that a peace process without the involvement of women would be effective expressed the reasons for their statement.

Of 517 people who believed that peace could be possible without women's participation, 86 people (16.6%) said that war and peace were both men's work, so the presence and role of women in this process is not necessary and ineffective. 236 People (45.6%) said they didn't trust the peace talks and didn't think they'd end. Therefore, women's presence won't be



important. Also, 6 people (1.2%) believed that the Taliban did not have good views about women, so their absence would be better and would help the process succeed. 189 people (36.6%), who did not know the importance of the presence and participation of women in the peace process, did not give a specific reason to prove their claim, they kept silent to this question.



Interest in attending consultative meetings

The interviewees were questioned in the debate about women's involvement in peace processes if they would like to attend peace consultation meetings personally? 1,685 people (48.2%) said they wanted to attend such meetings, but 1811 women (51.8%) were not interested in attending consultation meetings.





Strategies to increase participation

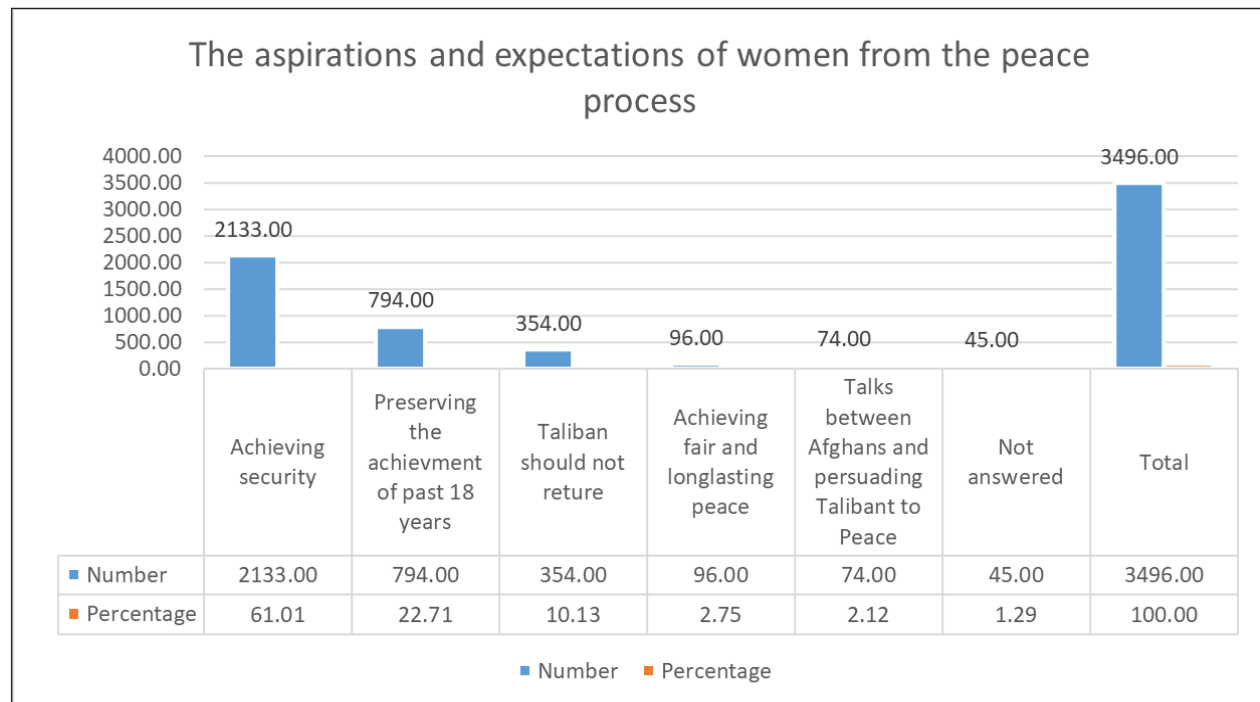
One of the severe issues is the absence of women's involvement in the peace process. Therefore, in this part questions were raised of the interviewees about what should be done to strengthen the presence and participation of women in peace talks. Consultative sessions, advocacy and emphasis on respect for human freedoms were the strategies suggested by the interviewees to enhance women's presence and involvement in peace talks.

24.3% (849) said that, in order to strengthen women's involvement and participation in peace negotiations, consultation with women should be established and their views and opinions on any problem raised in the peace talks should be sought.

22.5 percent of the interviewees (788 people) said that, in order to strengthen women's engagement in peace negotiations, advocacy should be undertaken so that women from across the country would know and come together to manage the peace process and increase women's presence in the process.

Finally, 24.1%, (844 people), confirmed that the most appropriate way to strengthen or increase the involvement and participation of women in peace negotiations is to emphasize the observance and protection of the values and principles of human rights of individuals at the national level. This number is believed to increase when women's rights and values are respected, and women's participation in all national trends will increase.

The remaining 15 people (0.6%) of those who confirmed that women's participation in the peace process is insufficient, did not respond to this question and remained silent.



The Demands and Expectations of Women in Relation to the Peace Process

One of the main questions about the peace process is to learn about the demands and expectations of the interviewees from the peace process in general and from the parties involved in the war and hostilities in particular, including the government of Afghanistan, the Taliban and the United Nations.

The Demands of Women from the Peace Process

Cease fire, end of war and suicide attacks and maintaining security, preservation of the achievements of the past 18 years, non- return of Taliba, respect for human rights and respect for women's rights, achieve sustainable and fair peace, provide ground for talks between Afghans without the involvement of foreigners and persuading the Taliban to peace are the most important demands and expectations expressed by the interviewees regarding the peace process.

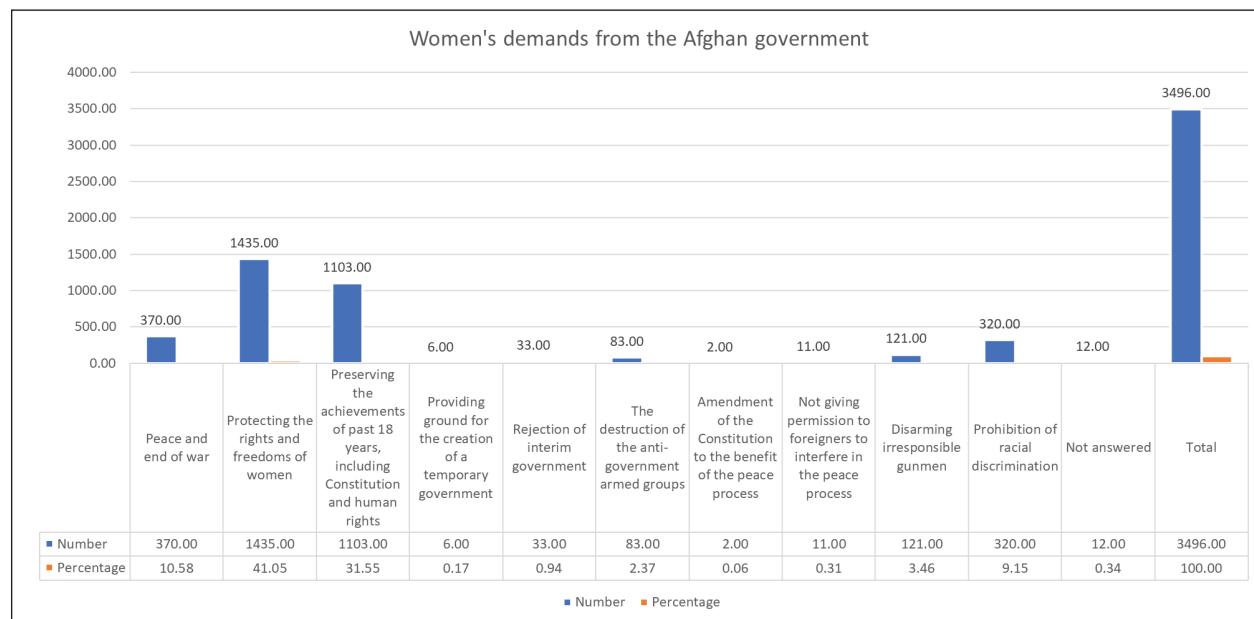
The demands of women from the peace process

2139 interviewees (61%) said that their demand for the peace process was the achievement of peace and maintaining of security. 794 people (22.1%) said that the achievements of the past 18 years as well as human rights values and the present system should be preserved. 354 people (10.1%) said that they didn't want the return of Taliban regime, they wanted respect for human rights and women's rights, and eventually 96 people (2.7%) said that they wanted to achieve fair and lasting peace, 74 people (2.1%) said peace talks should be conducted between afghans without the intervention of foreign country, and Taliban should be persuaded in this regard, 45 people did not answer this question.

The Demands of Women from the Afghan Government

Besides the demands and expectations that the field research interviewees had from the peace talks process, they also called on the Afghan Government, the Taliban and the United Nations as part of their demands for peace talks, for example, 10.6% of the interviewees, (370 women) asked the government for peace and end of war. According to these interviewees, the Afghan government should not lose the chances and attempt to take advantage of this process in order to establish permanent peace in the country.

1335 people (41%) said that the government should support the rights and freedoms of women in the peace talks, 1103 people (31.6%) stressed that the government should protect the achievements of the past 18 years, including the principles and values of human rights, especially human rights of women and the Constitution, and should not trade these principles and values in any way. 6 people (0.2%) demanded that the government should provide the grounds for the interim government; 33 people (0.9%) stressed that the government should not accept the creation of an interim government, 83 people (2.4%) asked the government not to surrender to the armed opposition, including the Taliban and try to eliminate them, 2 people (0.1%) proposed the government to amend the Constitution in favor of the peace process, 11 people (0.3%) asked the government not to allow foreigners to interfere in the peace process, 121 people (3.5%) asked the government to take action to disarm irresponsible armed men. 320 people (9.2%) asked the government to fight seriously against ethnic, linguistic, religious discrimination. The remaining 12 people (0.3%) did not answer this question.



The Demands of Women from the Taliban

The immediate cease fire and the end of war and suicide attacks, respect for the Constitution and other achievements of the past 18 years, providing access to education and other services were among the most important demands of interviewees from anti-government armed groups, especially the Taliban.



370 interviewees (10.6%) asked the anti-government armed groups, especially the Taliban, to accept cease fire and help ensure the security and the peace process.

1435 people (41%) asked the Taliban and other opposition groups to respect the fundamental rights and freedoms of citizens, especially women, the Constitution and the recent 18-year achievements of the Afghan people.

1103 people (31.6%) asked the Taliban and other opposition groups to apologize to the people of Afghanistan for their oppression.

74 people (2.1%) emphasized that all opposition groups, especially the Taliban, should lay down their arms and surrender to the government.

34 people (1%) asked the Taliban and other opposition groups to provide education and training for citizens, including women in their areas of control, and to eliminate any threats in this regard.

28 people (0.8%) asked the Taliban and other opposition groups to abide by their commitment to peace.

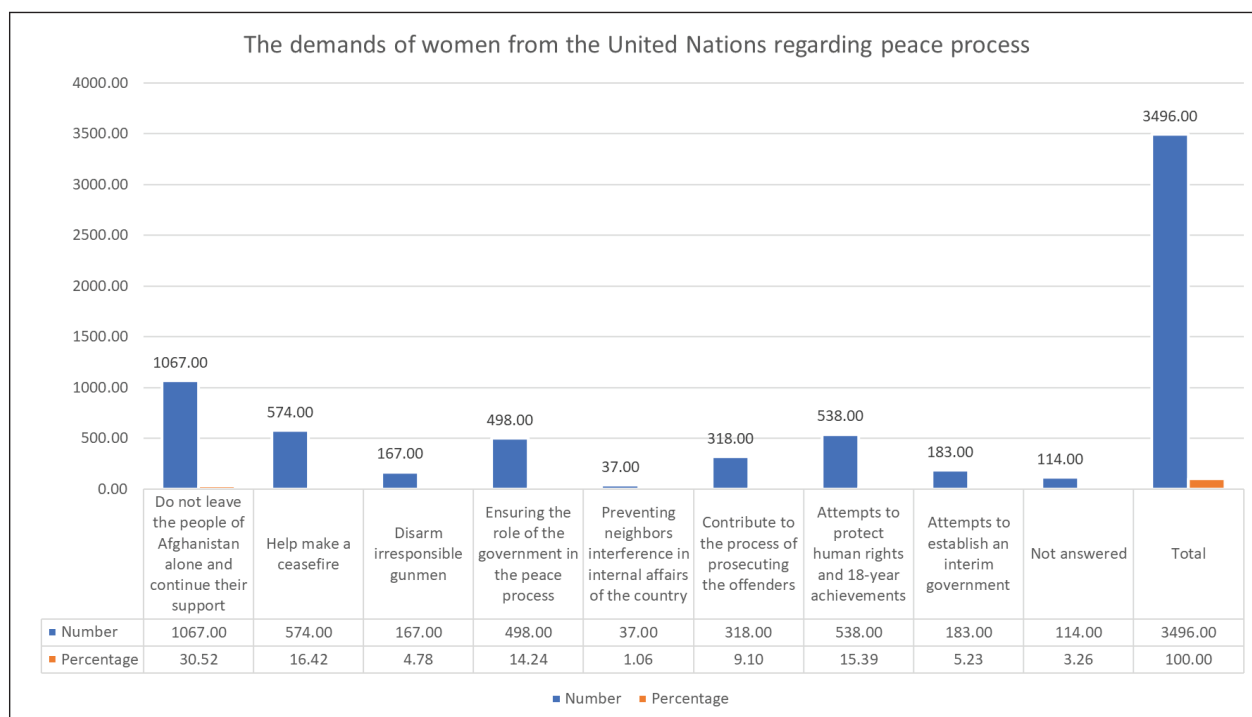
4 people (0.1%) asked the Taliban to help establish a temporary government, and one person (0.03%) noted regarding the withdrawal of foreign troops from Afghanistan, 5 people (0.3%) asked for the implementation of the Islamic Sharia and another one (0.03%) asked the Taliban to topple down the current system. 441 people (12.6%) did not answer this question.

The Demands of Women from the United Nations

Most of the interviewees, including 1067 people (30.5%) asked the United Nations not to leave the people of Afghanistan alone. They should continue their economic and political support from the Afghan government.

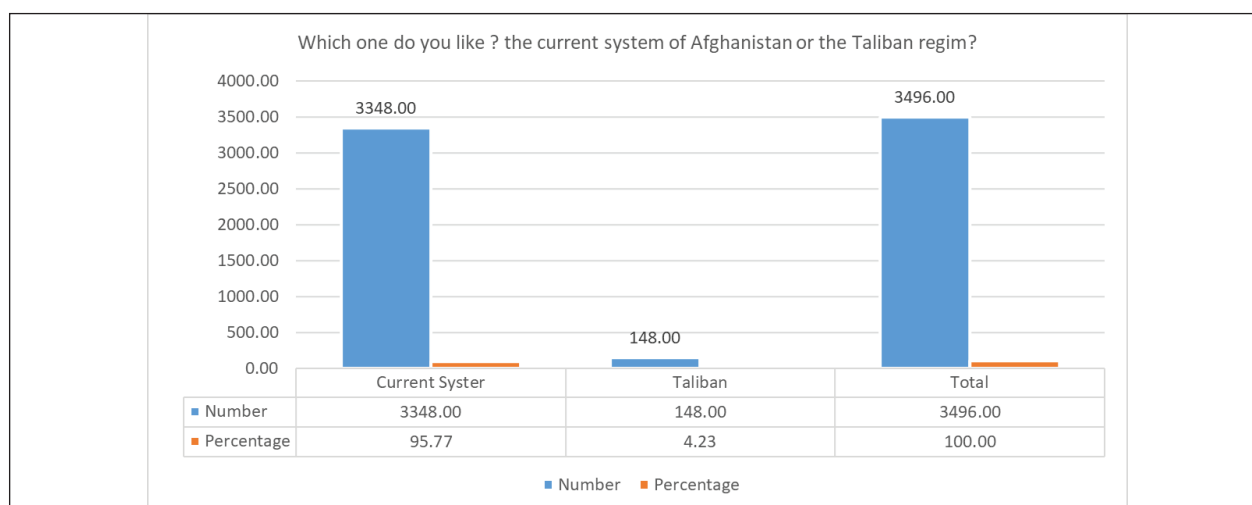
574 people (16.4%) asked the UN to make attempts for ceasefire and support the peace process. 167 people (4.8%) said the United Nations should work to disarm irresponsible gunmen. 498 people (14.2%) confirmed that the UN should work to stabilize the role of the government in the peace process. 37 people (1.1%) asked the UN to try to convince the neighboring states of Afghanistan not to interfere in the internal affairs of Afghanistan. 318 people (9.1%) asked the UN to bring the oppressors to justice. 538 people (15.4%) said that the UN should contribute in the area of ensuring the conditions for the observance of human rights and fundamental freedoms. Eventually, 183 people (5.2%) asked the United Nations to work to establish a temporary government. The remaining 114 people (3.3%), did not answer this question.

Summing up the demands of the interviewees from the peace process in Afghanistan, and from the government, the anti-government armed groups, especially the Taliban and the United Nations, indicate that the majority of the Afghan people emphasized the four issues, including the end of war and immediate cease fire, respect for the human rights of citizens, especially women, preserving of the achievements of the past 18 years, including the Constitution, and addressing of war crimes and violence against the Afghan people.



Interviewees' Red lines in Peace Talks

Before asking the interviewees' point of views about their red lines in the peace talks with Taliban, they were asked which regim they approve to rule in Afghanistan, the system which is currently ruling or the Taliban?



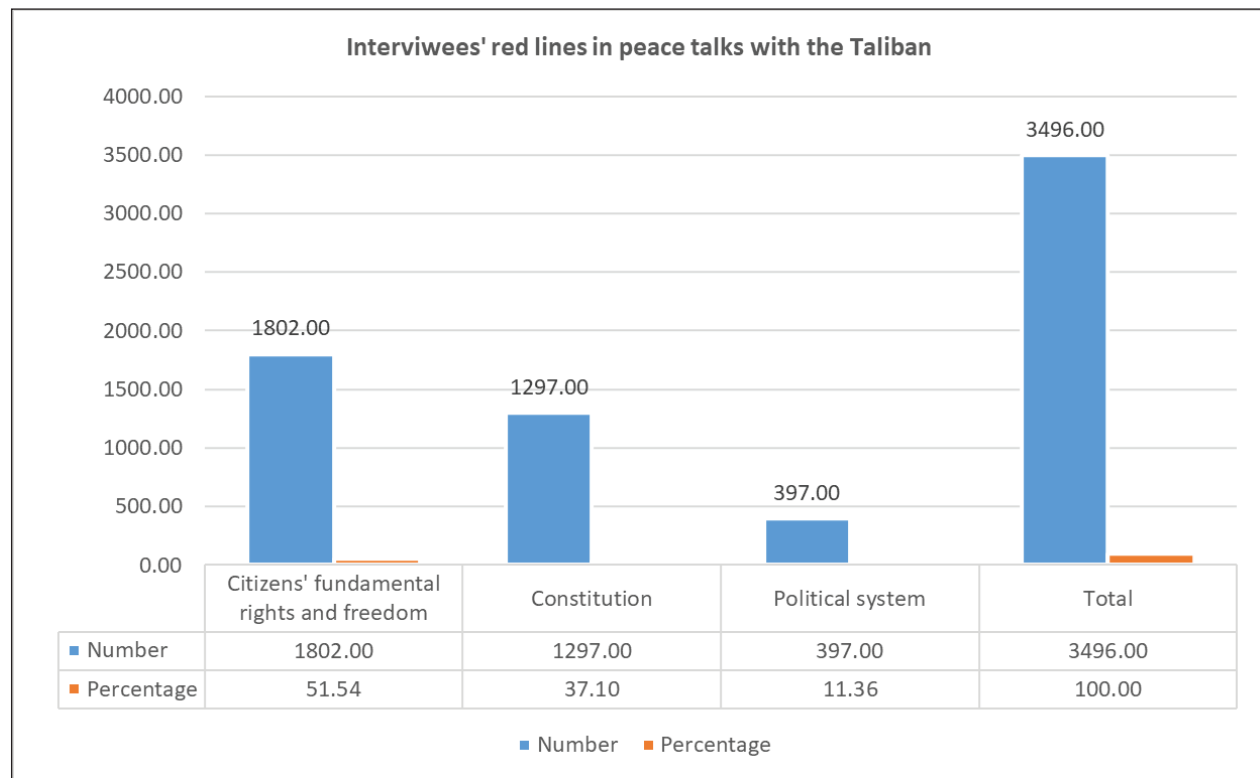
3348 people, (95.8%) of all interviewees, said they support and approve the current system, and 148 (4.2%) said they prefer the Taliban regim.

But regarding the red line of peace talks the interviewees identified three achievements of recent years, as red lines of peace talks, which include fundamental rights and freedoms of citizens, the Constitution and the political system.

Out of the 3496 interviewees, 1802 people (51.5%) said the fundamental rights and freedoms of citizens, 1297 people (37.1%) said that the Constitution, and 397 people (11.4%) mentioned that the political system are the red lines of peace talks with the Taliban. According to the interviewees, no individual or institution has the right to negotiate or trade the above



mentioned values in the peace agreement.



Conclusion

The findings of this research showed that women in Afghanistan, despite the good achievements they have gained in accessing their basic rights and freedoms in the past 18 years, are still concerned about the situation and face many challenges and problems, particularly in the area of their rights of access to justice and peace.

According to the findings of this report, Afghan women are the main victims of continued war and armed conflicts and, in addition to the fact that many have lost their children and husbands during the war and terrorist attacks, 7.58% of the victims are still women.

The continuation of war and armed violence has damaged the rule of law, and discrimination and prejudice restrained the access of citizens to human rights and freedoms and encountered the fair and equal participation of all people, especially women, in the structure of power and national trends with problems.

The findings of this study confirm that, in spite of acceptable legal capacities in the area of protection of women, Afghan women and girls are still facing threats of abuse, sexual violence and gender-based violence. The threats against women in the area of access to civil and political rights are worrying.

Many women in the country still do not have citizenship card, and worst of all, they do not even believe that having legal identity documents is the first step of enjoyment of their basic and fundamental rights in civil and political life.

A number of women in Afghanistan still do not receive a voter ID card, and do not have full confidence in the values like elections and the rights to vote as effective capacities for private and collective life in the future. A number of them have not been able to receive a voter ID card for a variety of reasons, such as prevention of family members and security challenges.

The access of women to the right to work and employment is still limited and the challenges of corruption and discrimination in the state organs threaten women more than others. Discrimination against women in the offices and challenges such as harassment in the workplace are one of the most important questions that currently has restrained and marginalized women in Afghanistan.

The findings of this national inquiry have also shown that Afghan women are faced with different restriction in their access to education and higher education such as security threats, in particular the threats posed by armed people and terrorist attacks against girls' schools, family members' disagreement, street harassment, household economic challenges, and lack of facilities in this area. Women, while constituting half the country's human population, only 38.85% of the school students and 26.37% of the higher education institutions are women and girls.

Likewise, in the area of access to quality health services, Afghan women face many challenges, and they also suffer from problems in the area of full access to the right to work and employment outside the home.

The findings of this national inquiry have shown that most of the women's challenges and problems in terms of access to fundamental rights and freedoms are under the influence of the war and the durability of armed and terrorist attacks, and the lack of peace and tranquility has caused the Afghan people, especially women, not to be in a position to enjoy the full and fundamental rights and freedoms of women.

Therefore, Afghan women, along with the men of the country, strongly condemn war and armed violence and support the peace process with particular concerns.

The results of this national inquiry have shown that a large number of women in the country (71.8%) are concerned about the presence and role of women in peace talks and warn that they are marginalized.

Based on the findings of this national inquiry, 73.5% of the people of the country believe that the presence and role of women in national programs and processes, including the peace process, should be taken seriously and the proportion between men and women should be considered in all major political and national interactions.

The findings of this national inquiry also highlighted the women's perspective on democracy, and have shown that from the point of view of the Afghan people, especially the women of the country, democracy is the only system that can bring the people of the country together, despite their various ethnical, linguistic and religious differences.

This research has shown that security is one of the very fundamental values of collective life and is one of the most important areas for access to other human rights and freedoms of citizens. For this reason, peace and security have been among the main priorities of the majority of those who participated in the research as interviewees or participants of public hearing and focus group meetings.

Participants in this national inquiry, which amounts to 5322 people, including those attending the public hearing and focus group meetings, as well as those involved in field research, despite the clear demands that principally have from the peace process, they also have demands from the Afghan government, anti-government armed groups and the United Nations



regarding the peace process, cease fire and access to justice. They have emphasized that there will never be a lasting peace without providing justice and dealing with war crimes and violence against the Afghan people. Therefore, in order to achieve lasting peace, the rights and freedoms of the last 18 years are to be protected, the republican system, the principle of free elections and the constitution are to be respected, the rights of the victims of war and terrorist attacks should be addressed, and the trust of the people, especially the victims of hostilities, armed conflicts and terrorist attacks should be ensured, in order to secure justice.

Participants in this national inquiry also talked about the red lines of the Afghan people in the peace talks, saying that the fundamental human rights and freedoms, the Constitution and the current system are the red lines of peace negotiations, and no one from any address has the right and authority to trade these values.

AIHRC Women, Peace and Security National Inquiry Recommendations

1. The universal human rights of all Afghan citizens must remain non-negotiable; they must be promoted throughout the entire peace process and understood, supported and agreed upon by all actors involved within the process in leading up to reaching an agreement on a binding peace settlement. Clear and measurable checks and balances must be put in place to ensure that the human rights of Afghan citizens will at no point be in danger, not only by this agreement but by any political entity to govern the Afghan people.
2. A positive peace must be promoted and advocated for throughout the entire peace negotiations. A negative peace is reached when there is an absence of violence within society, with a positive peace promoting the ability of citizens to reach their full potential as humans born equal within a society. The parameters and setting for a positive peace to take place within must be agreed upon by both negotiating parties, without the compromise of universal human rights. In addition to this, the duration of the negotiation period must take place within a ceasefire setting to ensure an immediate end to civilian casualties. After 41 years of conflict, this peace process cannot must be treated with patience and afforded the adequate amount of time needed to consolidate all aspects of peace to be negotiated throughout the years of successive war.
3. The meaningful participation and equal inclusion of Afghan women within the peace process, particularly in the planning, decision making and implementation phase, is essential as their representation of this demographic, which is amongst the most vulnerable and hard-hit by the successive years of civil conflict, is imperative. It must include capable Afghan women within the negotiation period, decision-making capacities, and interpretation of any texts which will affect their status within society. This underscores that the status, role and future of Afghan women must at no point be compromised within the series of negotiations and agreed upon terms. This includes agreement on any open-ended text and/or ideological interpretations that could harden the freedom and human rights of Afghan women.
4. Those selected to negotiate on behalf of the Afghan people must represent the inclusive general will and best interest of the greater Afghan population, deferring from promoting discriminatory, divisive, politicized, and/or self-interest-based agendas. The international community and Afghan government must ensure that all factions of society are represented and have equal advocacy within the negotiation period, particularly, but not limited to, victims of the war, minorities, person(s) with disabilities, women and children and internally displaced peoples and/or returnees.
5. Mandates such as CEDAW, ERAW, and Resolution 1325 must be binding pillars within any framework of the peace negotiations, including a tangible budget allocated to each of these commitments to ensure they can be meaningfully implemented. In addition to this, the governmental budget of Afghanistan must take a gender sensitive and inclusive approach to avoid phenomena such as the feminization of poverty.
6. A continued commitment to good governance and implementation of best practices to eliminate the cultures of impunity, nepotism and corruption, respect and political will towards the implementation of the rule of law, continued promotion of democracy and strengthening of democratic institutions must be at the crux of this peace negotiation and any agreement to be reached by both parties.
7. All actors, national and international, who have been involved in the intervention, development and peace process within Afghanistan, must be accountable and active in implementing a sustainable and long-term method of measuring the adherence to any inclusive and binding peace settlement reached and agreed upon by official and legitimate negotiating parties, as a measure to prevent any future conflicts.
 - a. A neutral monitoring capacity must be put in place to ensure all areas of the peace agreement and commitments are observed. This includes, but is not limited to, defining a threshold used to measure the commitment binding actors accountable to a sustainable, long-term and democratic peace, which will be led through a steering capacity ensuring the peace implementations are on track.
 - b. In addition to this, a framework must be drafted and ratified by all parties should any actor default on their commitment to peace as agreed upon in any settlement to be reached, which should be supported by an agreed upon legitimate and recognized appeals system. This requires the establishment of a neutral conflict resolving state-structure to address any and all complaints and conflicts by signatories.



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- c. This process must take into consideration the input of independent institutions, civil society group and experts and include them as key actors tasked to carry out these specific functions, and must have the equal and meaningful participation of the Afghan government, the United Nations and the international community.
8. Any interpretation of religious text must be defined, clarified and in the presence of experts, civil society groups, independent institutions and international partners, particularly with regards to the role, status and future of women, ethnic and religious minorities.
9. Any binding peace agreement must ensure a free, fair and democratic media is preserved and protected, with the assurance that journalists and citizens can practice freedom of speech and expression without fear and/or retaliation.
10. All warring parties must agree to a process of disarmament to ensure a de-escalation of violence, reduced threat onto civilian populations, and a commitment to ensuring Afghanistan will not become a safe-haven and/or breeding ground for terrorist organizations.
11. There must be a process of rehabilitation and reintegration of Taliban foot soldiers and their families back into Afghan society.
12. Transitional justice must be part and parcel of the peace process to address nationwide grievances and ensure a cease of rivalries, revenge killings and to begin a process of collective national healing accounting for the 41 years of civil conflict. Negotiating parties, taking into consideration transitional justice experts, civil society groups and victims, must outline the methodology of approaching transitional justice accompanied by a timeline and a set of targets to be achieved. The Afghan government and international actors must promote this process and be accountable to the Afghan people to carry this initiative through.
13. There must be an agreed framework of recognition, followed by remittances to be distributed indiscriminately to the victims of this conflict. There must be a framework of identifying civilians who qualify and a just amount to be distributed which will not fall victim to corruption within the allocation. This process must be drafted in close partnership with independent institutions and civil society organizations operating in Afghanistan. In addition to this negotiating parties must commit to ratifying an agreed upon framework to ensure they are accountable to the Afghan people. This process will be part and parcel of the road to trust building amongst Afghans and those in positions of power and those responsible for casualties.
14. Free and fair elections must be advocated for and promoted as a democratic right of all Afghan citizens. The AIHRC urges the Afghan government, the international community and the UN to address the challenges faced by women in their participation in the election as voters or candidates, and provides the required conditions for a healthy, acceptable and standard election.



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