

Briefing

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Leaving Them to It? Women's Rights in Transitioning Afghanistan

Summary

- Donor support for women's rights in Afghanistan since 2001 has produced many gains, principally in access to education, health, formal employment and political participation, alongside a certain momentum in legal protection against family violence and abuse. Yet it has also led to claims that aid programmes have failed to deal with deeper issues and contributed to an 'NGO-ized' women's movement.
- Donors, Western publics and Afghan activists and their local allies should recognize that external support cannot in any way compensate for local political organization. Afghan women can only secure gender equality for the long run if they become a political force to be reckoned with domestically – whether as constituencies in elections or in other ways.
- For Western governments, political capital is best spent on preventing setbacks and on attempts to contribute to an overall political landscape where there is room for democratic organization, debate and oversight. Donors should avoid attempts at fast-tracking gender equality through elaborate technocratic instruments, but at the same time also refrain from giving credence to notions that gender inequality is somehow inherent in Afghan culture.
- In this critical transition year, it is crucial that smaller organizations and actors are not cut off from funding, since they often take a more activist and radical stance than larger ones with a greater turnover capacity.



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Introduction

Two tendencies regarding the question of Afghan women and the responsibility of NATO countries towards them are currently discernible. The first, presented by many Afghan women's rights activists and their international supporters, points to the responsibility of Western countries towards Afghan women's, and demands vocal, assertive and continued support. The second suggests that change must come from within Afghan society, and emphasizes the limitations on what donors can do. Some argue further that large Western funding and outspoken demands could be counterproductive in terms of women's rights and freedoms.

The school enrolment rate for girls continues to lag significantly behind that for boys, maternal health remains among the worst in the world and the government has, on balance, shown little interest in implementing the new laws and policies that offer women protection from violence or take government practices in a more pro-female direction.

This paper attempts to disentangle these claims, and suggests ways forward. It argues that although donors might now increasingly emphasize that change must be locally driven, this does not exempt them from their earlier pledges to Afghan women. Nevertheless, being clear-eyed about how progress can take place is more constructive than simply denouncing Western governments as hypocrites for having failed to bring about changes of the scale implied in 2001. The best way to approach the issue of gender equality in Afghanistan is on the basis that donor aid cannot substitute for local political mobilization, while recognizing that there are many ways in which Western governments can and should serve as useful allies to Afghan women's rights advocates.

Helping women or supporting change?

Since 2001, much has changed for a large number of women in Afghanistan. The foremost gains have been in access to education, health, formal employment and

political participation, alongside the adoption of legislation stipulating protection against abuses and of gender-sensitive policy frameworks. Many assessments, however, seem to agree that overall, progress since 2001 has been uneven, if not disappointing, when assessed against the pledges of donors at the beginning of the NATO operation, and the aid flows of the last decade.¹ The school enrolment rate for girls continues to lag significantly behind that for boys, maternal health remains among the worst in the world and the government has, on balance, shown little interest in implementing the new laws and policies that offer women protection from violence or take government practices in a more pro-female direction. On a deeper and less measurable level, women's lack of access to property ownership, extremely rigid notions of female propriety which severely restrict their mobility and conduct, and continuing reports of exceedingly brutal violence against women who defy family and societal control all testify to a society that remains one of the most gender-unequal in the world, comparing unfavourably also with other countries in the region. Moreover, many activists have observed a conservative backlash against much of the protection infrastructure erected since 2001. Legislation on violence against women has been modified or undermined, and women's shelters have been repeatedly called into question. Even minor reforms are proving more difficult to implement.

A recent review of developments since 2001 concludes that a key reason for this state of affairs is that aid interventions have adopted a 'non-political, symptom-oriented approach'.² Instead of addressing the underlying causes of gender inequality – the attitudes, norms and power relations which relegate women to subordinate positions within the family, the marketplace, politics and public life – there has been a tendency to focus on technical problems such as women's lack of credit or the absence of schools or female teachers.³ While it is undoubtedly true that sustainable gains require gender relations to be altered, as opposed to women merely being 'helped' within their socially accepted roles,⁴ the question remains: what are the exact strategies Western countries can and should adopt to support such transformational changes?

One line of argument suggests that donors have not been sufficiently forceful in holding the Afghan government to account and in earmarking funds. Donors are urged to maintain pressure on the government and hold it

¹ See for instance, AREU (2013), 'Women's Rights, Gender Equality and Transition: Securing Gains, Moving Forward', Issue Paper (Kabul: Afghan Research and Evaluation Unit); ICG (2013), 'Women and Conflict in Afghanistan' (Brussels: International Crisis Group); Wilkins, A. (2012), 'Missing the Target. A Report on the Swedish Commitment to Women, Peace and Security in Afghanistan' (Stockholm: Swedish Committee for Afghanistan (SCA), the Kvinna till Kvinna Foundation, and Operation 1325).

² AREU (2013), 'Women's Rights, Gender Equality and Transition', p. 42.

³ Ibid.

⁴ Azarbaijani-Mogaddam, S. (2007), 'Gender Mainstreaming Manual: Resource Material for Gender Trainers' (Kabul: Ministry of Women's Affairs).

to account for the implementation of laws and policy frameworks. They are asked to apply their leverage on the Afghan government to ensure that women are substantially represented at all high-level forums, in ministries, elected bodies and security institutions, and that gender strategies, budgeting and reporting are produced and monitored.⁵

Donors are urged to maintain pressure on the government and hold it to account for the implementation of laws and policy frameworks.

This approach emphasizes donors as 'watchdogs' and as the primary agents of change. A closer look at some of the instruments available to donors, however, reveals limitations. What often happens, especially when aid conditionalities require detailed reporting of government plans and progress, is that donors end up funding an enterprise of 'ghost-writing'. External consultants and agencies author elaborate plans and reports that have little bearing on actual government practice. For instance, the production of the 2008 National Action Plan for Women (NAPWA) was evidently in large parts outsourced to international consultants.⁶ With little participation from the government side, it is hardly surprising that there is scarce evidence of the plan being translated into government action. Similarly, the significant efforts to produce Afghanistan's first CEDAW report,⁷ and the subsequent UN review process, appear to have generated little interest within the country itself.⁸

In the light of diminishing external funding, the creation of new policy frameworks and mechanisms, laws and reports, ostensibly produced by the Afghan government but requiring a great deal of costly external input, appears to be an unwise donor priority. Implementation of existing rights and laws should take priority.⁹ Even this needs to be approached with realism – especially when frameworks

have come into being with limited Afghan government buy-in in the first place – but realism should not be confused with complacency.

An NGO-ized women's movement?

More fundamentally, there is an emerging conviction among some Afghan women's rights advocates that there has been insufficient focus on building up a political base around women's rights within the country, and that the ability to call upon Western countries for support has made civil society too outward-looking and externally dependent. Some also suggests that the funds made available to women's NGOs have led to the 'projectization' of women's activism and promoted individual over collective achievements, a view apparently directly contradicting those calling for stronger international involvement. The debate extends well beyond post-2001 Afghanistan; since the 1990s, women's movements in settings with much stronger traditions of grassroots politics, such as Palestine, India, Nepal and Latin America, are said to have been affected by NGO-ization, i.e. the process in which the ready availability of donor funding has led to a more professionalized, project-based women's rights advocacy, presided over by individual, sometimes elite experts.¹⁰ Critics of NGO-ization have argued that it has enabled a new breed of temporary, careerist 'nine to five feminists'¹¹ to displace those with commitment to actual and in-depth social change.¹² In Afghanistan, where women were completely marginalized from public life in the 1990s, where there are comparatively few traditions of social movement politics, and where there was an unprecedented interest by donors to support rapid change, it is not at all surprising that women's rights activism since 2001 shows such traits. It is clear that unprecedented donor funding since 2001 has created considerable competition, deflected from building up a political base, and led to a relative marginalization of non-English speakers.

⁵ See for instance AWN (2012), 'Afghan Women's Position Paper on the Occasion of the July 8, 2012 Ministerial Conference on Afghanistan in Tokyo, Japan, June 2012' (Kabul: Afghan Women's Network).

⁶ Hozyainova, A. (2013), 'Lost in Translation: Gender Mainstreaming in Afghanistan', in T. Wallace, F. Porter and M. Ralph-Bowman, *Aid, NGOs and the Realities of Women's Lives: A Perfect Storm* (Rugby, Warwickshire: Practical Action Publishing); Kuovo, S. (2011), 'Taking Women Seriously? Conflict, State-Building and Gender in Afghanistan', in S. Kuovo and Z. Pearson (eds), *Feminist Perspectives in Contemporary International Law. Between Resistance and Compliance?* (Oxford and Portland, Oregon: Hart Publishing), pp. 159–77.

⁷ By the Committee on the Elimination of All Forms of Discrimination Against Women.

⁸ Hozyainova (2013), 'Lost in Translation'; Kandiyoti, D. (2009), 'The Lures and Perils of Gender Activism in Afghanistan', The Anthony Hyman Memorial Lecture, School of Oriental and African Studies, University of London.

⁹ As is often pointed out, Afghanistan's civil code grants women significantly more rights than many are in reality able to exercise, such as a minimum age of marriage, protection against unwanted marriages, dowry (*mehr*), and (some) inheritance. In addition, the 2009 Law on Elimination of Violence Against Women (EVAW) has criminalized the violation of many of these rights, although in practice this appears to have had little impact, with the majority of prosecutions under the EVAW law reported to be related to physical violence such as beating and murder.

¹⁰ Alvarez, S. E. (1999), 'Advocating Feminism: The Latin American Feminist NGO "Boom"', *International Feminist Journal of Politics* 1(2):181–209; Jad, I. (2004), 'The NGO-isation of Arab Women's Movements', *IDS Bulletin* 35(4): 34–42.

¹¹ Of course this critique equally applies to international or Western counterparts.

¹² Roy, S. (2011), 'Politics, Passion and Professionalization in Contemporary Indian Feminism', *Sociology* 45(4): 587–602, p. 589.

Yet, around the world, after an initial wave of criticism, the debate about the impact of NGO-ization has become more nuanced. Activists and scholars are now increasingly moderating their stance,¹³ arguing that the effects of the proliferation of women's NGOs are more ambiguous than earlier criticism suggested, and vary according to context. For instance, the influx of donor funding to women's organizations can be important in expanding access to gender work beyond elite and upper-middle-class women (who can afford to volunteer their time), not to mention the economic independence that employment offers many women. Such dynamics are evident in Afghanistan, where women activists are quite heterogeneous in terms of class and regional backgrounds. Moreover, as in Pakistan during the rule of President Zia-ul-Haq (1978–88), NGOs have provided a space for more radical, less compromising women's advocates who, had they operated within government structures, probably would have been more cautious. The NGO-run women's shelters, on which the Afghan government attempted to enforce significant restrictions, are a case in point.

On this basis, while the particular impact of donor funding on forms of women's activism in Afghanistan is not yet well understood, it can safely be concluded that the spectre of NGO-ization is not necessarily an argument for the discontinuation of gender-orientated aid to Afghan civil society *per se*. A debate about how women's rights advocates can counter negative impacts of aid flows would be healthy, but it would need to be driven by Afghan activists themselves. Many of them are understandably reluctant to open up a discussion that might leave them open to further attacks from within Afghanistan, where for many years a populist backlash has attempted to frame female NGO workers as nothing but immoral Western agents.

Meanwhile, donors must attempt to strike a difficult balance. On the one hand, if they lavish funds too uncritically they risk attracting entrepreneurs and fortune seekers. On the other hand, if they impose too rigid funding criteria, which tend to come in the form of measurable activities and indicators, they risk excluding the kind of actors whose strengths are based on being locally grounded as opposed to proficient in aid reporting templates. Getting the balance right at the very least requires as much time, patience, contextual understanding and freedom from set disbursement targets as donors can muster. Moreover, in a year marked as a critical transition, it is crucial that smaller organizations and actors are not cut off from funding. They often require very small

amounts of money to continue their activities, and might not be attractive to overworked embassy personnel seeking to reduce their number of contracts. Yet they are often extremely important in that they maintain a more activist, radical and critical stance.

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At the same time, more long-term funding (a minimum of three years) would allow more organizations the breathing space for trial and error, and to avoid having to chase short-term visibility and outputs divorced from processes of real change. In this respect, questions can be raised, for instance about the usefulness of 'awareness-raising' framed in terms of quantitative indicators (for example, 200 elders trained on human rights in district X; 50 women taught about their rights in village Y) unless strategies are in place that connect trainees to networks of mobilization or other frameworks of action.

'Do no harm' analysis must extend to the possibility that gender aid might do more harm than good; poorly conducted workshops are probably worse than no workshops. Significant segments of the Afghan population seem to have concluded from the post-2001 buzz around women's rights and gender training that gender empowerment is a zero-sum equation where more power to women can only translate into a corresponding loss of power to men. While there are many reasons for this perception, one appears to be that limited attention has been paid to masculinity and how conservative gender ideologies negatively affect men by creating rigid expectations about what it means to be 'manly'. Approaches that could usefully be explored and developed further in Afghanistan include inviting men to reflect upon how their gender has affected their life, in terms of both constraints and privileges; initiating discussions on alternative male role models to the in-command patriarchy; and offering counselling and support for the many men struggling to negotiate community pressure as well as internalized expectations about provider responsibilities and the enforcement of female seclusion.¹⁴ All of this suggests the

¹³ See for instance Alvarez, S. E. (2009), 'Beyond NGO-ization?: Reflections from Latin America', *Development* 52: 175–84, where the author revisits some of her former arguments.

emphasis should be placed on innovation and quality, rather than quantity, when it comes to empowerment programmes.

At the same time, donors need not be afraid of an *urban bias*. Much has been made of the fact that the women's movement in Afghanistan, to the extent that it exists, has been fairly Kabul-centric and unable to reach the rural areas, but it should not be assumed that urban-based, by definition, means elite-driven, apolitical and relatively impotent. In fact, there is still a lot of scope for civil society within urban centres to become more organized. Given the extremely perilous security situation in many rural areas, and the rapid pace of urbanization, focusing efforts on urban areas such as Kabul, Mazar-e Sharif and Herat is actually quite sensible. Obviously, service delivery should not cease in rural remote areas, and, as a recent review points out, the small-scale support to women's economic empowerment has had some impact and should be supported by meso-level strategic policies, enabling greater access to markets, credit and economic activities for both rural and urban women.¹⁵ Nevertheless, in the last decade it has often been conservative social norms, rather than the lack of available opportunities, that have prevented women from fully or even partly benefiting from health, education or economic development programmes.¹⁶ Unless such norms are confronted and questioned directly, change is likely to be slow. At the same time, to expect such transformational politics to emerge in places without security is quite unrealistic, and in the context of donor aid raises questions about the ethical dimensions of putting aid recipients at risk. In the meantime, there is certainly no need to abandon all support for transformational change across the country on the basis that rural areas cannot be reached.

The primacy of the political

Most importantly, donors, Western publics and Afghan activists and their local allies should recognize that external support cannot in any way compensate for local political organization. Afghan women can only secure gender equality for the long run if they become a political force to be reckoned with domestically – whether as constituencies

in elections or in other ways. For their part, donors must think beyond NGOs and technocratic interventions as vehicles of change. They can play a supportive role as *facilitators* of broader mobilization, doing what they can to encourage rule-bound and transparent elections and political processes more generally, protect freedom of speech (including the ability to criticize power-holders safely) and expand access to quality education at all levels, for both men and women. Moreover, as long as they are funding Afghan Security Forces, donors can hold them to account regarding the provision of security for high-profile women. The assassinations of female government officials and politicians, while amounting to a small proportion of total violence in Afghanistan, have a disproportionate impact on women's mobility and confidence.

Afghan women can only secure gender equality for the long run if they become a political force to be reckoned with domestically.

Donors can also be allies of a women's rights movement by supporting self-analysis and critical discussion, for instance by supporting the emergence of professional media organizations, sponsoring gender studies programmes at universities, financing public libraries and good-quality translations of recent books and texts into Afghan languages, continuing to support adult literacy classes, and maintaining and expanding university funding and scholarships abroad, the latter particularly at first-degree levels. Instead of spending limited political capital on getting in place landmark, new gender-sensitive policy frameworks, donors should focus their efforts on equipping Afghan women and their allies to negotiate change for themselves.

As a general rule, Western governments should prioritize speaking out against any blatant erosions of existing gains, and demand that women are adequately represented in internationally sponsored forums such as aid conferences. This is particularly relevant to any internationally brokered peace negotiations. To some, the demand that peace talks with the Taliban must not proceed at the cost of women

¹⁴ For discussions on the potential role of masculinity in Afghan gender programming, see Azarbaijani-Moghaddam, S. (2010), 'A Study of Gender Equity through the National Solidarity Programme's Community Development Councils: "If Anyone Listens I Have a Lot of Plans"' (Kabul: Danish Committee for Aid to Afghan Refugees (DACAAR)); and Wu, J. (2012), "'The People Follow the Mullah, and the Mullah Follows the People": Politics of Aid and Gender in Afghanistan post-2001', Rapoport Centre Human Rights Working Papers Series 3/2012 (Austin, Texas: The Bernard and Audre Rapoport Center for Human Rights and Justice). It should be noted that as 'masculinity' approaches to gender programming have gained popularity around the world, a controversy has developed around whether a focus on men as 'victims' of patriarchy could be taken too far, losing sight of the fact that on balance, in gender-unequal societies, men's access to property and material goods, public prestige and physical security within the family far outweighs that of women. This is a particular hazard in Afghanistan where, for instance, the efforts to increase criminal accountability for violence against women in the face of widespread impunity could sit somewhat uneasily with programmes placing the perpetrators' problems at the center of responses.

¹⁵ Ganesh, L. with M. Kohistani and R. Azami (2013), 'Women's Economic Empowerment in Afghanistan, 2002–2012: Information Mapping and Situation Analysis', Synthesis Paper (Kabul, AREU).

¹⁶ *Ibid.*

has been repeated to the point of platitude but the point nevertheless remains important. Should negotiations take place, donors would have an obligation to use their leverage to ensure women (and pro-democracy forces) have adequate representation and that concessions over women's status do not become an easy way of placating insurgents. While donors should avoid attempts at fast-tracking gender equality through technocratic instruments, which are anyway likely to have little impact, they must also avoid giving credence to deeply problematic notions that gender inequality is somehow part of the DNA of Afghan culture. Islamists in Afghanistan and elsewhere typically single out the areas of family and criminal law, and women's public roles and presence, to project their power, but there is no good justification for why it should be in these fields – highly important to women – rather than in defence, security or administration that any compromises to insurgents are made. Some donors may be persuaded by claims that an Islamist legal framework is more or less the natural order of things in Afghanistan. Such fatalism need not be entertained – Afghanistan has maintained a balance of moderate accommodation of conservative sharia for most of the 20th and 21st centuries – with the exception of the 1990s.

Conclusions

The rights and positions of Afghan women remain deeply politicized issues. With the 2014 transition, there is a danger that their fate becomes hostage to one of several problematic Western stances. Fatigued or disinterested Western governments may embrace the argument that Afghans must drive changes in this area, thus effectively deprioritizing

women's rights altogether. Along these lines, it might be suggested that women's equality is a Western concept alien to most Afghans. On the other hand, segments of the Western public might seek to hold their governments to their promises to women in Afghanistan as a matter of principle, without interest in the practicalities of workable strategies, or in order to expose the instrumentalization of the plight of Afghan women on the eve of the 2001 intervention.

Donors cannot be held solely responsible for the lack of 'outcomes', but they can be held responsible for the priorities they set.

None of this is particularly productive. Donors cannot be held solely responsible for the lack of 'outcomes', but they can be held responsible for the priorities they set. At the moment, useful ways forward might be to continue supporting vital health and education services, with more attention to higher education, funding-focused and well-conceived advocacy work, and in a situation of diminishing influence and energy, to refrain from designing and then pushing through elaborate new strategies, frameworks or legislation. Political capital is better spent on preventing setbacks, and attempting to shift the overall political mood towards one where there is room for democratic organization, debate and oversight. The space would then be there for Afghans to articulate local feminist visions and priorities and to decide upon the best strategies to develop and mobilize coalitions for change – and to counter conservative forces. While this route to change is slower and thus likely to fall spectacularly short of some of the pledges made more than 10 years ago, it is far more sustainable and ultimately more likely to produce real progress.

Opportunity in Crisis

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