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COMMISSION ON HUMAN RIGHTS
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by Rights and Democracy,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

AFGHANISTAN: THE SITUATION OF WOMEN AND GIRLS

Continued insecurity and barriers to women's political participation are the greatest challenges to women's realization of their human rights. Without increased security and political participation any semblance of gender equality is not possible in Afghanistan.

The Priority of Women's Political Participation

Afghanistan's Constitutional Loya Jirga (CLJ), which took place in December 2003, was a landmark in that 20% of the delegates were women. Unfortunately, however, women faced significant human rights violations in the form of harassment, intimidation, physical attacks and verbal threats which affected their ability to meaningfully participate in this particular political process. The violations were both explicit and implicit and were inadequately prevented and addressed by United Nations Assistance Mission in Afghanistan (UNAMA) and the international community. Women's experience at the CLJ should be treated as a lesson for the upcoming parliamentary elections currently scheduled to take place in April 2005.

RECOMMENDATIONS:

1. The Joint Electoral Management Body (JEMB) must organize the provision of mobile voting units to remote areas more than ten miles from the district voting site so that voting for representatives to the parliament is accessible to rural women.
2. The JEMB should procure buses with security features for the safe transportation of women parliamentarians travelling from the provinces to attend parliamentary sessions.
3. The JEMB should ensure that all publicity materials designed for use in raising public awareness of the elections is gender-sensitive, including images of women as well as men and encouraging the participation of women voters.
4. UNAMA should collaborate with the Afghan government and the Afghan Independent Human Rights Commission to establish an investigative body with authority to apprehend and charge those suspected of committing human rights abuses against women voters, delegates, lobbyists or civil society representatives and preventing their equal participation in the parliamentary elections.

The Challenge of Insecurity for Women

The year 2004 saw a shift in security practice in Afghanistan with new developments that are alarming in their effect on the lives of women and all Afghan citizens. Most of these developments are beyond the control of the Afghan government and it is the responsibility of the international community to reassess their approach to security in Afghanistan. Perhaps the most telling indication of the state of deterioration of security policy for Afghanistan was the departure of Médecins Sans Frontières in 2004, an international NGO that had been operating in Afghanistan for more than two decades.

Furthermore, insecurity and discrimination impede women's ability to actively participate in civil society, as well as to take advantage of opportunities now available to women in education,

employment and healthcare. The burning of girls' schools, the distribution of "night letters" threatening girls who attend school, a bomb left outside of a women's organization office in Jalalabad last year, the theft of a vehicle from a women's group in Herat, and restrictions placed on the programming of a women's radio station in Balkh are all examples of threats to women, their activism, and their equal participation in public life.

RECOMMENDATIONS:

1. The UN must work with the Afghan government to uphold its commitment to establish effective rule of law in all parts of the country (CHR Res. 2003/77) to protect the human rights of women and girls.
2. The UNHCHR should consider a resolution condemning the trend towards the militarization of aid, in Afghanistan, Aceh (Indonesia), Sri Lanka, among others and should make clear the consequences this entails for the security of women and girls, and for the international assistance community.

Human Rights Abuses of Women

The discrimination Afghan women face in nearly all facets of their lives has translated into one of the lowest quality of life indicators in the world. Of particular urgency is the dismal rate of maternal mortality in the country, perpetuated by women's limited access to healthcare, particularly safe childbirth and post-natal care. Unchallenged customary practices such as child marriage, forced marriage, the practice known as *bad* or *badal* (exchange of women and girls in blood feuds between tribes or families) combined with the lack of women's shelters and services for women such as legal aid clinics, have placed a disproportionate number of women in prison without charge or trial. These women have no legal recourse and the courts are generally unsympathetic to their cases, leaving them in prison where they are vulnerable to abuse, sickness and death.

RECOMMENDATIONS:

1. The issue of women's extra-legal detention should be addressed through increased capacity to the Afghan Independent Human Rights Commission to investigate cases of wrongful detention of women for "crimes" such as running away.
2. Donor countries should allocate funding to INGOs establishing women's shelters in Afghanistan to alleviate the problem of women's extra-legal detention by providing secure alternative shelter and forward-looking services, such as educational opportunities and skills training.
3. UNAMA is strongly urged to place greater emphasis on facilitating women's access to healthcare, particularly in rural areas by allocating greater funds for both security measures which make travel to healthcare clinics and hospitals safer, and for improving the quality of healthcare available to women, particularly in the area of maternal health.