

## ***The role of women in nation-building: rocking the boat at the risk of making it capsize?***

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### **Abstract**

I have been in exile for a long time, and I was amazed at the resilience, intelligence, strength and ability of the Afghan women that I met who came from inside the country and around the world. These women, I promise, can rebuild the country with no problem. (Bernard et al, 2008: 150) In this paper I propose to examine the role played by women in post-conflict scenarios, especially with regards to peace-keeping and nation building. I would like to begin with a general statement about the important and equal role of women in society, a principle which is enshrined in both international human rights documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It is also a principle that is accepted by the major religions, including Islam. The proposed title of the paper takes its inspiration from the following quote:

Few policymakers responsible for nation-building would argue against the ultimate goal of establishing equitable, democratic and egalitarian societies in which the human rights of women are respected. Many however, express the fear that pursuing that goal “too soon” may rock the boat, and that in dealing with a boat so shaky that it may capsize anyway, you just can’t take the risk. (Bernard et al, 2008: 3)

This paper seeks to determine what role women should play in post-conflict scenarios, without “capsizing the boat”. It questions to what degree women’s involvement must be postponed in order to first “stabilize the situation”. Some would argue that given the various advantages in women’s involvement sooner rather than later, that their involvement ought not to be postponed.<sup>1</sup> The paper will particularly draw upon the involvement of women in Afghanistan. However, Afghanistan itself provides examples of the danger and difficulty of promoting women’s involvement in nation-building. For example, as recently as Sunday 29<sup>th</sup> September 2008 it was reported that an iconic Afghan policewoman, Malalai Kakar, had been shot and killed, and

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1. See: Shorish-Shamley, in: Bernard et al, 2008: 4-5.



that the Taliban had claimed responsibility for her death.<sup>1</sup> This was not the first instance of a woman in Afghanistan's post-2001 police force being directly targeted for assassination. The question these incidents raise is whether an emphasis on promoting the participation of women in the Afghan police-force is premature: is this an example of "rocking the boat" or is this all part and parcel of nation-building? The proposed broad outline for the paper is as follows: Introduction and basic premises: The equality of women and the role of women in society: general legal, social and religious principles; Women and nation-building: definitions, general principles, international documents and statistics; Afghanistan: processes and problems – historical context and modern issues; Conclusion: recommendations for Afghanistan in particular and for women in nation-building in a more general sense.

**Keywords:** Nation Building; Human Rights; Afghan Women; Women's Role.

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1. See: Aljazeera.net, 2008, Available online at: <http://english.aljazeera.net/news/asia/2008/09/20089287317569974.html>

## Introduction

What is the proper role for women in nation-building? Should women be involved from the beginning of a post-conflict reconstruction mission or should their involvement be minimal until security is completely restored? Is there a role for women in male-dominated areas of nation-building, such as the rebuilding of a police force? This paper seeks to address these questions by focusing on the role of women in nation-building, with emphasis on Afghanistan, and with a focus on the role for women in the reconstruction of the Afghan National Police ('ANP').<sup>1</sup> In Afghanistan, especially under the rule of the Taliban regime, women have been largely confined to contributing to society from within their homes. The few women who have entered the police force have been largely invisible to the public. The question posed is whether pushing women into the 'spotlight' and employing them in roles which they previously were not accustomed to filling is in the best overall interests of the nation-building mission or whether it would be better to wait until peace and security have been firmly established before seeking more visible roles for women.

This conference is focused on three broad concepts: peace, human rights and religion. All three of these concepts are at the forefront of the post-conflict<sup>2</sup> nation-building<sup>3</sup> exercise in Afghanistan. The connection between 'human rights' and the role of women in nation-building has at least two possible interpretations. First, one could argue that allowing women to play a role in the police force, if that is their desire, is an exercise of those individuals' human rights to pursue the career of their choice. This emphasises the individual's freedom of choice and their 'right' to take part in their society, including their right to work, without discrimination on the basis of their gender. Alternatively, one could argue that increasing recruitment of women into policing may help to ensure that all women's rights in society are better protected. This takes a broader view of the relationship between 'human rights' and the role that women can play in nation-building and it is this interpretation that is pursued here.

The title of this paper poses a question about the appropriate level of women's involvement in nation-building. It asks whether the pursuit of

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1. The ANP is the primary national police force in Afghanistan. It falls under the authority of the Ministry of the Interior and it has three divisions: Afghan Uniform Police, Afghan Border Police and Afghan Highway Police. The total police force numbers approximately 70,000-80,000.
  2. Referring to Afghanistan as a 'post-conflict' society is controversial in itself. See: Bernard et al, 2008, refers to Afghanistan as a 'post-conflict' society but this designation is open to debate in light of the current security situation prevailing there.
  3. The term 'nation-building' is discussed below. Its use here should not be taken as an endorsement of its appropriateness.

human rights for women should be pursued from the outset, even at the risk of 'rocking the boat'. The 'boat' is a metaphor for a state in a fragile post-conflict scenario and the particular 'boat' which is the focus here is Afghanistan. The notion that involving women 'too early on' may lead to a worsening security situation, and even 'capsizing the boat', is one that has been discussed in the literature.<sup>1</sup> There are, as yet, conflicting signals as to whether this particular 'boat' will remain upright and eventually head into calmer waters, or whether it will continue to rock and eventually 'capsize'. It is posited here that encouraging women to participate in nation-building is unlikely to be the reason for capsize and protection of women's rights should not be sacrificed in the interim until peace and security are restored.

A theme as broad as 'peace, human rights and religion' cannot be tackled adequately in one paper and even a sub-theme of 'peace, women and children' is a broad area of inquiry. Therefore, it is necessary to delineate the parameters of this paper. This paper does not seek to pass judgement on the role of women in Islam generally, nor is human rights record of the Taliban is not the focus of this paper and the role of women in Islam is a subject area in and of itself that is better left to the experts in that particular field, of which I am not one. Nor does this paper seek to make a comment on the lawfulness of the military intervention in Afghanistan which commenced on 7 October 2001 when the United States and the United Kingdom claimed the right to use force against Afghanistan on the grounds of self-defence. That day marked the beginning of the United States' military operation known by the codename *Operation Enduring Freedom*. Interestingly, human rights and the humanitarian situation in Afghanistan were among the grounds used by the United States and United Kingdom to justify their intervention in Afghanistan. Thus, a paper which sought to address the relationship between those lofty objectives and the subsequent human misery and loss of life which resulted from the invasion of Afghanistan would be one which could probably fit within the parameters of today's discussion. Nevertheless, the question of the legality of that intervention is one that has been dealt with elsewhere and is beyond the scope of the present inquiry.<sup>2</sup> This paper seeks to focus on the pursuit of women's human rights in a post-conflict, nation-building scenario, when the population of the nation in question is predominantly Muslim<sup>3</sup> and it

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1. See: Bernard et al, 2008: 10, "Does an overt effort to emplace the values of gender equity rock the boat and imperil a fragile peace?"

2. See for instance, Williamson, 2009.

3. The US' military forces have recently had a significant amount of nation-building experience within predominantly Muslim societies: Afghanistan was the US' sixth intervention since 1991 in which the society was predominantly Muslim. See: Dobbins,

focuses on the role that women can play in securing and protecting women's rights.

In this paper, 'nation-building', 'state'-building' and 'peace-building' are used interchangeably to refer to a long-term process, undertaken on a multilateral basis by either individual states or by the United Nations ('UN') or by a combination of both, and these missions encompass democratisation, modernisation, political development and post-conflict reconstruction.<sup>1</sup> Regardless of which of these terms is used, the attainment of peace is the common objective.

### **Human rights, peace and security**

There is a close relationship between human rights, peace and security, and between peace-building and human rights. The former UN Secretary-General, Dag Hammarskjöld, acknowledged as much in 1956:<sup>2</sup>

we know the question of peace and the question of human rights are closely related. Without recognition of human rights, we shall never have peace, and it is only within the framework of peace that human rights can be fully developed.

Former Secretary-General Kofi Annan built on that observation when he noted on several occasions that:<sup>3</sup>

There can be no security without development and no development without security, and neither can be sustained in the longer term without being rooted in the rule of law and respect for human rights.

The strong connection between peace, security, development and human rights has been repeatedly noted in UN documents over the years<sup>4</sup> and by members of various international organisations.<sup>1</sup> The

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Jones, Crane, and De Grasse, 2007: iii. "In 1991, the US liberated Kuwait. In 1992, US troops went into Somalia, in 1994 into Haiti, in 1995 into Bosnia, in 1999 into Kosovo, and in 2001 into Afghanistan. Six of these seven societies were Muslim. Thus, by the time US forces entered Iraq, no country in the world had more modern experience in nation-building than the United States. No Western military had more extensive recent experience operating within Muslim societies...How could the United States perform this mission so frequently yet so poorly?"

1. See: Stephenson, 2005, Available online at:

[http://www.beyondintractability.org/essay/nation\\_building/](http://www.beyondintractability.org/essay/nation_building/)

2. Dag Hammarskjöld, address on human rights to the American Jewish Committee in New York, 1956, cited in Richmond and Carey (eds) *Subcontracting Peace* supra n 15 at xvi.

3. Secretary-General, 2006, Available online at:

<http://www.un.org/apps/sg/sgstats.asp?nid=2365>

4. For a selection of documents in which the interrelatedness of these concepts has

increased international awareness of the importance of peace-building culminated in the establishment of the UN Peace building Commission.<sup>2</sup> UN Secretary-General, Ban Ki Moon, considers that the value of the Peace building Commission is in its bringing together of the three main pillars of the UN - peace and security, development and human rights – in an integrated approach to peace building.<sup>3</sup>

Regardless of the term used, a peace/state/nation-building mission consists of various constituent elements including military and police contingents, civil administrators, and experts on political reform and economic development.<sup>4</sup> This paper focuses on just one of those elements, the police.

### Women, peace and human security

Within the broader context of human rights, peace and security<sup>5</sup> there are various areas which attract special attention, one of which is the relationship between *women*, peace and security. In 2000, the Security Council adopted resolution 1325, “Women and Peace and Security”.<sup>6</sup> It was followed by six Security Council presidential

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been discussed, see UN Doc A/58/323, “Implementation of the United Nations Millennium Goals”, 2 September 2003 and also UN Doc A/59/2005, Report of the Secretary-General “In Larger Freedom: towards development, security and human rights for all – Addendum”, UN Doc A/59/2005/Add.2, Available online at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/356/07/PDF/N0535607.pdf?OpenElement>

1. “...the modern age demands that we think in terms of human security — a concept of security that is people-centred and without borders. A concept that acknowledges the inherent linkages between economic and social development, respect for human rights, and peace”: El Baradei, M “Human Security and the Quest for Peace in the Middle East”, Sadat Lecture for Peace, University of Maryland, 24 October 2006, Available online at: <http://sadat.umd.edu/lecture/lecture/ElBaradei.htm>
2. The Peace building Commission is a new intergovernmental advisory body that supports peace efforts in countries emerging from conflict: see the UN Peace building Commission website: <http://www.un.org/peace/peacebuilding/>
3. UN Economic and Social Council, Secretary-General Ban Ki Moon, “Remarks at the End of the Second Session of the Peace building Commission”, 23 June 2008, Available at: [http://www.un.org/apps/news/infocus/speeches/search\\_full.asp?statID=272](http://www.un.org/apps/news/infocus/speeches/search_full.asp?statID=272)
- 4 See: Dobbins (ed) Jones, Crane, and De Grasse, 2007: iii.
5. The notion of ‘security’ has developed over time: ‘security’ is now largely understood to refer to ‘human security’ which involves creating political, social, environmental and cultural systems that give people the building blocks of survival, livelihood and dignity. Human security covers a range of issues, including personal security, community security, economic security, food security, health security and environmental security: Bernard et al, 2008: 15-16.
6. UN Doc S/Res/1325 (2000), adopted by the Security Council at its 4213th meeting, on 31 October 2000, Available online at: <http://daccessdds.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

statements on women, peace and security which call for action to be taken in areas such as conflict prevention and early warning; peacemaking and peacebuilding; post-conflict reconstruction and rehabilitation; disarmament, demobilisation and reintegration.<sup>1</sup> Resolution 1325 (2000) highlighted the need for action in mainstreaming a gender perspective in peace and security. This much is demonstrated in the Secretary-General's 2004 report on women, peace and security:

Resolution 1325(2000) holds out a promise to women across the globe that their rights will be protected and that barriers to their equal participation and full involvement in the maintenance and promotion of sustainable peace will be removed. We must uphold this promise. (UN Doc S/PRST 2004/40)

The gender perspective in peace and security has received considerably more attention since 2000.<sup>2</sup> Resolution 1325 contained a number of measures and recommendations which are directly relevant to the present inquiry. The Security Council recognised that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can all significantly contribute to the maintenance and promotion of international peace and security.<sup>3</sup> The Security Council urged Member States to ensure increased representation of women at *all* decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.<sup>4</sup> The Security Council urged the Secretary-General to expand the role and contribution of women in UN field-based operations, including the civilian police.<sup>5</sup> The Security Council also called upon all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including:

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1. See UN Security Council Resolution 1325 (2000), 2008-2009 Action Template synopsis, Available at: <http://www.unscr1325.org/>. For the Presidential Statements see UN Docs S/PRST/2001/31, S/PRST/2002/32, S/PRST/2004/40, S/PRST/2005/52, S/PRST/2006/42 and S/PRST/2007/5.
  2. In the six years prior to the adoption of resolution 1325 in 2000, only 4 percent of Security Council resolutions mentioned women, girls or gender. In the six years after its adoption, over 25 percent of resolutions referred to women, girls, gender or resolution 1325: see "Helpful Language on SCR 1325: Women and Gender Issues", Available online at: [http://www.womenwarpeace.org/webfm\\_send/1615](http://www.womenwarpeace.org/webfm_send/1615)
  3. See: S/Res/1325 (2000), tenth preambular paragraph.
  4. See: S/Res/1325 (2000), operative paragraph 1.
  5. See: S/Res/1325 (2000), operative paragraph 4.

Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, **the police** and the judiciary.<sup>1</sup>

There has been effort and progress on a global level towards recognising the impact of conflict on women and girls and towards achieving the objective of gender mainstreaming in peacekeeping and peacebuilding.<sup>2</sup> However, in the context of Afghanistan there are still significant threats to women's rights and serious barriers to their equal participation in the maintenance and promotion of sustainable peace. It is submitted that the Security Council's recommendations in resolution 1325 (2000) have largely not yet been realised in Afghanistan.

The analysis below adopts a three-pronged approach. First, an overview is provided which encompasses some of the human rights, peace and security-related challenges facing women in Afghanistan. Secondly, a summary is provided of the efforts to date to address those challenges emphasising the role of women in the police. Finally, some recommendations are made as to the best way forward for women in Afghanistan with some critique of the current arrangements towards recruiting women into the ANP.

### **Women and human rights in Afghanistan: an overview**

Research by both domestic and international organisations portrays a fairly negative picture of the current state of women's human rights in Afghanistan. Amnesty International's latest global report states that "women's rights continued to be eroded in many areas"<sup>3</sup> and that "women working for the government faced threats and several survived attempted assassinations."<sup>4</sup> Media reports tend

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1. See: S/Res/1325 (2000), operative paragraph 8(c).
  2. The relationship between women and conflict was an issue in the UN before the adoption of resolution 1325 in 2000. For example, in 1974 the General Assembly adopted the Declaration on the Protection of Women and Children in Emergency and Armed Conflict. The UN held four World Conferences on Women which focused on the linkages between gender equality, development and peace: in Mexico (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995). Over the years, the focus of the discussions moved increasingly towards the effect of conflict on women and girls and their role in peace building. For a more comprehensive overview of progress between 1946 and 2000, see the Taskforce on Women, Peace and Security, at: <http://www.un.org/womenwatch/ianwge/taskforces/wps/history.html>
  3. Amnesty International Report 2008, The State of the World's Human Rights, Afghanistan, Available online at: <http://thereport.amnesty.org/eng/regions/asia-pacific/afghanistan>
  4. Amnesty International Report 2008, The State of the World's Human Rights, Afghanistan, Available online at: <http://thereport.amnesty.org/eng/regions/asia->



to confirm that women and girls have been specifically targeted for violence and assassination. In September 2006, the head of the Women's Affairs department in Afghanistan, Safia Ama Jan, was shot and killed by armed men on motorbikes outside her home in Khandahar. She had served as the head of Khandahar province women's affairs department since 2002 and was well known as a teacher and women's rights activist.<sup>1</sup> The Taliban reportedly claimed responsibility, claiming that she was targeted because she worked for the government.<sup>2</sup>

In May 2005, Shaima Rezayee, a presenter on a privately owned television station, was shot and killed in Kabul.<sup>3</sup> On 31 May 2007, Shakiba Sanga Amaj, a female journalist and newsreader from a private television station, was shot and killed whilst in her home in Kabul.<sup>4</sup> Six days later, on 5 June 2007, Zakia Zaki, a female journalist running a private radio station called *Peace Radio* in Parvan province, was killed in her home by an unknown armed man.<sup>5</sup>

Recent targets have included female police officers and schoolgirls. On 29 September 2008, Afghanistan's most high profile policewoman, Malalai Kakar, was shot and killed as one of her sons prepared to drive her to work. Kakar was the head of Khandahar's department for crimes against women. The Taliban claimed responsibility for the attack.<sup>6</sup> Prior to her murder, the 35-year-old mother of six was the only policewoman in the city of Kandahar. When interviewed by an American news agency, which was celebrating her status as the only policewoman in Kandahar, Kakar

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1. The Guardian, "Taliban kills top Afghan woman" 26 September 2006, Available online at: <http://www.guardian.co.uk/world/2006/sep/26/afghanistan.gender>; see also UNESCO "A defender of Afghan women's right to education - Safia Ama Jan (1941-2006)", Available online at: [http://www.unesco.org/education/introduction\\_en.pdf](http://www.unesco.org/education/introduction_en.pdf)
2. Aljazeera.net "Afghan woman activist shot dead" 25 September 2006, Available online at: <http://english.aljazeera.net/archive/2006/09/20084914302039902.html>
3. The Guardian, Obituary: Shaima Rezayee, 15 June 2005, Available online at: <http://www.guardian.co.uk/news/2005/jun/15/guardianobituaries.media>
4. According to Afghan media reports, the journalist's father and aunt were implicated in the murder: see International News Safety Institute, "Afghanistan: Media Safety" 7 August 2007, Available online at: [http://www.newssafety.com/index.php?view=article&catid=109%3Aafghanistan-media\\_safety&id=3939%3Aafghanistan-suspected-killers-of-female-tv-journalist-identified&option=com\\_content&Itemid=100105](http://www.newssafety.com/index.php?view=article&catid=109%3Aafghanistan-media_safety&id=3939%3Aafghanistan-suspected-killers-of-female-tv-journalist-identified&option=com_content&Itemid=100105)
5. BBC News, "Afghan woman radio head shot dead" 6 June 2007, Available online at: [http://news.bbc.co.uk/2/hi/south\\_asia/6726117.stm](http://news.bbc.co.uk/2/hi/south_asia/6726117.stm)
6. A Taliban spokesperson said: "Kakar was our target and we successfully eliminated our target": TimesOnline, "Leading policewoman Malalai Kakar shot dead in Afghanistan" 29 September 2008 <http://www.timesonline.co.uk/tol/news/world/asia/article4842498.ece>

was reported to have said that she hoped there would be more women in the police force but she doubted that that would happen for two reasons: first, because of the low and irregular salary, and second, because women and men in Afghanistan do not usually work alongside one another in the same workplace, as she did.<sup>1</sup>

Each of these women have had their human rights violated. However, these high-profile examples are merely the 'tip of the iceberg' in terms of the reported violations of women's human rights in Afghanistan. The UN Development Programme's "Afghanistan Human Development Report 2007" states that:<sup>2</sup>

Violence against women in Afghanistan is widely believed to have reached epidemic proportions. Yet, because the majority of cases remain unreported due to the severe restrictions women face in seeking justice or redress, limited evidence exists to confirm this perception. Women suffer from tremendous human rights violations. One example is the high level of forced and child marriages. Between 60 and 80% of marriages in the country are forced.

One of the key problems in assessing the state of women's human rights in Afghanistan is the lack of reliable data. The UN Development Fund for Women ('UNIFEM') compiled a report in May 2006 that was intended to provide baseline data on the nature and extent of violence<sup>3</sup> against women.<sup>4</sup> The data showed that the most common perpetrators of violence against women were family members including intimate partners: 82 percent of all violent acts were committed by family members and only 9 percent were committed by other members of the community and 2.5 percent by the state.<sup>5</sup> Bearing

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1. See Jacinto, L., ABCNews.com "Kandahar's only Policewoman walks a tough beat - veiled" 2 October [2007], Available online at:  
<http://www.womenforafghanwomen.org/press/ABC100203.html>

2. UN Development Programme, Afghanistan Human Development Report 2007 - Bridging Modernity and Tradition: Rule of Law and the Search for Justice (UNDP, Pakistan), 2007: 26 citing UNIFEM Uncounted and Discounted: A Secondary Data Research Project on Violence against Women in Afghanistan (UNIFEM Afghanistan, 2006).

3. Using the 1993 UN Declaration on the Elimination of Violence Against Women, the researchers defined 'violence' as: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life": UNIFEM, 2006: 9.

4. UNIFEM assembled data based on 1,327 cases from 818 respondents. The data had previously been collected by 17 organisations between 1 January 2003 and 30 June 2005: UNIFEM, 2006: 9. For the methodology of the UNIFEM research, See: UNIFEM, 2006: 8-12.

5. See: UNIFEM, 2006: 20. Note that in 7.3 percent of cases the perpetrators of

Bearing in mind the relatively small sample of women in the study, one interesting aspect of the UNIFEM research is that, regardless of the type of violence being measured,<sup>1</sup> the majority of violent acts were committed by **family members**.<sup>2</sup> This result is somewhat counter-intuitive as the public perception, contributed to by the high-profile attacks which are reported on in the international media, would seem to be that the Taliban are mainly responsible for attacks on women and girls. The UNIFEM report suggests that such an assumption would be incorrect.

UNIFEM, UNICEF and others have identified many factors which contribute towards the perpetuation of violence against women in Afghanistan including cultural, economic, legal and political issues. Low levels of literacy among women, the legal definition of rape and domestic abuse, laws regulating to divorce, child custody, maintenance and inheritance and the apparent lesser status of women either by written law and/or by practice have each been identified as issues.<sup>3</sup> One of the contributing legal factors is the “insensitive treatment of women and girls by police and the judiciary”. (UNIFEM, 2006: 20.23.)

The key findings of the UNIFEM study can be summarised as follows. Violence affects women of all ages in Afghanistan without regard to marital status, education or employment. Violence against women is committed by actors within the family, the community and by the state and it begins to affect women at an early age. Abuse perpetuated by a member of a woman’s family or by someone known to her is widespread and violence perpetuated by an intimate partner is endemic. Perpetrators of violence are mainly men but women make up approximately 10.4 percent of the total perpetrators. Acts of violence against women are taking place with impunity – the government, communities and families are not doing enough to prevent violence against women. Finally, women need better access to services, especially when they are seeking help from violence perpetuated by the family.<sup>4</sup> The UNIFEM study also highlights the need for further research into the number and nature of violent acts being committed against women, since present data collection is inadequate.<sup>5</sup> Further research carried out from May 2006 to October 2007 confirms the UNIFEM

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violence were unknown.

1. The UNIFEM researchers divided violent acts into physical, psychological and sexual violence.
2. The term ‘family members’ was defined in sub-categories to include intimate partners, nuclear family, extended family and in-laws: UNIFEM, 2006: 20.
- 3 See: UNIFEM, 2006: 20-23.
4. See: UNIFEM, 2006: 30-31.
5. See: UNIFEM, 2006: 30.

study's findings regarding the likely identity of perpetrators: in the more recent research, 92 percent of cases of abuse were found to have been carried out against women by family members, in-laws and other relatives.<sup>1</sup>

An institution that has played a key role in identifying the threats to women's rights is the Afghanistan Independent Human Rights Commission ('AIHRC'), a body established under the Afghan Constitution to promote, protect and monitor human rights. The AIHRC issued a report on the "General Situation of Women in Afghanistan" which highlights serious problems for women in Afghanistan.<sup>2</sup> The AIHRC has identified several specific areas of concern including family violence, forced marriage, underage marriage, forced prostitution, rape, the treatment of widows and self-immolation or suicide. Regarding self-immolation (the practice of women committing suicide by setting themselves on fire) various reports note that this is becoming an increasingly serious problem in Afghanistan, especially in the western provinces,<sup>3</sup> and that it is often the end result of domestic violence.<sup>4</sup> The AIHRC recorded 184 cases of self-immolation in 2007<sup>5</sup> which compared with 106 in 2006. Self-immolation is not always included in statistics of violence against women: in one report self-immolation was not included because it didn't satisfy the definition of violence which requires violence perpetuated by *another individual*.<sup>6</sup> Recent reports suggest that self-immolation is on the rise and that not all incidents are even being reported.<sup>7</sup> The AIHRC notes that the police and judiciary do not launch

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1. UNIFEM Afghanistan, Violence Against Women Primary Database, Available online at: <http://afghanistan.unifem.org/prog/GJ/EVAW/database.html#primary>, Chart 6. This report shows that women and girls are mostly abused by people close to them, that is, family members (father, mother, brother(s), sister(s)), life partners (husband, fiancée, ex-husband and/or boyfriend), step-family members, in-laws and other relatives. The report notes that this group accounts for 92 percent of the reported cases of abuse. It also notes that when women or girls seek recourse from the government they are further molested by the government representatives.
  2. Afghanistan Independent Human Rights Commission, Human Rights Situation in Afghanistan During 2006-2007, Available online at [http://www.aihrc.org.af/Rep\\_eng\\_H.R\\_situation2006\\_2007.pdf](http://www.aihrc.org.af/Rep_eng_H.R_situation2006_2007.pdf)
  3. See for example Afghanistan Women's News, "Self-immolation on the rise", Available at: <http://afghanwomennews.blogspot.com/2008/11/self-immolation-on-rise.html>
  4. The AIHRC reported in 2003-2004 that causes of self-immolation include forced marriage, early childhood marriages, multiple marriages, lack of societal awareness of women's rights, the psychological impact of 25 years of war, customary practices such as 'bride price' and family problems: UNIFEM, 2006: 12.
  5. Afghanistan Independent Human Rights Commission, Evaluation Report on General Situation of Women in Afghanistan, Available online at [http://www.aihrc.org.af/Evaluation\\_Rep\\_Gen\\_Sit\\_Wom.htm](http://www.aihrc.org.af/Evaluation_Rep_Gen_Sit_Wom.htm)
  6. See: UNIFEM, 2006: 12.
  7. Afghanistan Women's News, "Self-immolation on the rise", Available at: <http://afghanwomennews.blogspot.com/2008/11/self-immolation-on-rise.html>

launch any investigation to determine the causes and motivations of suicide and self-immolation by women. As a result, men who provoke women into taking such drastic measures are not investigated and are essentially immune from legal and penal repercussions. Homa Sultani, a researcher at the AIHRC, recommends that the government ensure proper investigation into each case of suicide by women and, where needed, to bring those responsible to justice.<sup>1</sup> Sultani observes that there is presently a “culture of impunity” for those who push women to self-immolation or suicide.

The AIHRC also identified rape as an area of concern.<sup>2</sup> Rape is a subset of a type of violence that could be characterised as ‘sexual violence’ and within which some researchers have included forced marriage, child marriage, forced engagement, forced prostitution, forced sexual intercourse with a husband, sexual assault and refusal to grant divorce.<sup>3</sup> The AIHRC report on human rights in Afghanistan in 2007/2008 showed that 51 cases of rape had been reported to the AIHRC and it specifically noted that law enforcement officers did not always take complaints seriously and did not always prosecute alleged offenders.<sup>4</sup> Female complainants need to feel that they have support from the police and that making a complaint is likely to lead to action rather than further violence or intimidation.

Another area of concern is forced marriages, including child marriages. In Afghanistan, there is a traditional practice called *bad* (literally, “feud”), which involves marrying off girls and women to settle disputes. AIHRC research shows that more than 38 percent of women in Afghanistan have been wedded off against their will and without their consent<sup>5</sup> although the exact figure is difficult to ascertain and may be much higher.<sup>6</sup>

Using marriage for compensation and settlement of murder, property and financial disputes is more prevalent in some areas than others.<sup>7</sup> It has been described as “a heinous tribal practice” (Kamali,

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1. See: Afghanistan Women’s News, “Self-immolation on the rise”, Available at: <http://afghanwomennews.blogspot.com/2008/11/self-immolation-on-rise.html>

2. “Rape is a problem that exists in most parts of Afghanistan”: AIHRC, Evaluation Report on General Situation of Women in Afghanistan, Available online at [http://www.aihrc.org.af/Evaluation\\_Rep\\_Gen\\_Sit\\_Wom.htm](http://www.aihrc.org.af/Evaluation_Rep_Gen_Sit_Wom.htm)

3. In the UNIFEM 2006: 18-19, the authors note that sexual violence accounts for 25.2 percent of all violent acts committed against women. The UNIFEM researchers included forced marriage or co-habitation and child marriage “since they are mechanisms used to control women’s sexuality”.

4. See: AIHRC, 2007/2008 report: 20.

5. See: AIHRC, 2006.

6. UN Economic and Social Council, “The Situation of Women and Girls in Afghanistan”, UN Doc E/CN.6/2006/5, 8 para 15.

7. See: AIHRC, 2006.

2008: 270, 299) and as “an egregious violation of women’s right to personal integrity.” (AIHRC, 2006: 20) In cases of murder, the local *jirga* or council of elders, may order a settlement involving marriage of a young girl from the offender’s family to a close relative of the victim.<sup>1</sup> Forcing a girl or woman to marry against her will is not only a violation of a woman’s right to personal integrity but it is the beginning for the violation of other rights of the woman, such as the right to marry and found a family and the right to due process of the law.<sup>2</sup> Ultimately, it may result in women taking their own lives in a desperate attempt to escape their predicament through self-immolation.

The right to marriage and to found a family is a basic human right, predicated on the consent of both parties to the marriage. It is a right which is protected under both domestic and international law. The Afghan Constitution confirms that “family is a fundamental unit of society and is supported by the state.” (Afghan Constitution, Article 54(1)) The state is compelled to adopt “necessary measures” to ensure the physical and psychological well-being of the family, especially of child and mother, and the “elimination of traditions contrary to the sacred religion of Islam.” (Afghan Constitution, Article 54(2)) The Convention for the Elimination of Discrimination Against Women (“CEDAW”)<sup>3</sup> provides that state parties shall take all necessary measures to eliminate discrimination against women in all matters relating to marriage and family relations,<sup>4</sup> and shall ensure, on the basis of the equality of men and women, the same right to enter into marriage.<sup>5</sup> It also requires states to take measures to ensure, between men and women, “the same right freely to choose a spouse and to enter into marriage only with their free and full consent” (CEDAW, Article 16(1)(b)) Afghanistan is a party to CEDAW, and as such, the state has an obligation to “take all appropriate measures” to ensure that the rights afforded to women are realised.<sup>6</sup> Clearly, forced marriages and the tribal practice of women being traded to settle disputes is a flagrant violation of their rights under both the

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1. See: Kamali, 2008: 299.

2. They are denied the right to due process because the women are punished not for a crime that they have committed but for crimes committed by other family or tribal members: Kamali, 2008: 20 and 64.

3. The Convention for the Elimination of Discrimination against Women (“CEDAW”) was adopted by the UN General Assembly on 18 December 1979; it entered into force on 3 September 1981. CEDAW currently has 185 signatures, more than ninety percent of the member states of the UN.

4. See: CEDAW, Article 16(1).

5. See: CEDAW, Article 16(1)(a).

6. Afghanistan signed CEDAW on 14 August 1980; Afghanistan formally acceded to CEDAW on 5 March 2003.

Afghan Constitution and CEDAW.<sup>1</sup>

The ultimate violation of a woman's human rights occurs when she is murdered. The AIHRC recorded 59 cases in 2007/2008 in which a woman's right to life was violated due to family violence, although this number does not include 'honour killings' and there are also other cases that "have gone unrecorded." (AIHRC, 2008) The AIHRC reported that "many women are thrashed and degraded" and in 2007, 845 cases of battering had been referred to it.<sup>2</sup> The right to life is the most fundamental human right. It is protected by the Afghan Constitution, in Article 23, which provides that "Life is a gift of God and a natural right of human beings. No one shall be deprived of this right except by the provision of law." (Afghan Constitution, Article 23) It is also protected under international treaties such as the International Covenant on Civil and Political Rights ('ICCPR') to which Afghanistan is a signatory.<sup>3</sup>

Violence against women is unacceptable, whether it attracts the attention of the international media, or occurs within the family and is largely unreported. It is unacceptable regardless of whether it occurs in Afghanistan or elsewhere. Afghanistan is being singled out here for attention but the statistics compiled there are broadly comparable to global statistics.<sup>4</sup> Violence against women is not acceptable in either a constitutional/legal sense or in an Islamic sense. With regard to the former, women in Afghanistan ought to be given in reality, the protection that is supposedly afforded to them by

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1. Although it is a positive step that Afghanistan has acceded to CEDAW, Afghanistan is not currently a signatory to the Optional Protocol to CEDAW, which gives individuals within signatory states the ability to make a complaint, known as a 'communication', if their rights have been violated and they have exhausted the domestic remedies open to them. It is submitted that Afghanistan ought to become a signatory to the Optional Protocol to confirm its commitment to CEDAW and to provide women, as individuals and in groups, to highlight violations of their rights by making communications to the CEDAW Committee: Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women, UNGA A/RES/54/4, 15 October 1999, Fifty-fourth Session, Agenda Item 109, Annex, Available online at: <http://daccessdds.un.org/doc/UNDOC/GEN/N99/774/73/PDF/N9977473.pdf?OpenElement>
  2. The provinces of Faryab, Badakhshan, Kunduz and Nangarhar had the highest reported numbers of forced marriages in 2006-2007: AIHRC, 2006-2007: 64.
  3. International Covenant on Civil and Political Rights, UNGA Res 2200A (XXI), 21 UN GAOR Supp. (No 16) at 52, UN Doc A/6316 (1966), 999. Article 6(1) of the ICCPR provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".
  4. For example, at least one woman in four in the UNIFEM study had suffered some form of sexual violence, which compares to a rate of one in five worldwide. Between 30.7 and 43.1 percent of the women sampled had experienced some form of physical violence, which compared with a worldwide figure of 33 percent: UNIFEM, Uncounted and Discounted, supra n36 at 31.

law in the Afghan Constitution as well as the numerous international conventions to which Afghanistan is a party. With regard to the latter point, violence against women is not acceptable in Islam, nor is forced marriage or under-age marriage. The majority of Muslim jurists agree that a woman cannot be forced into a marriage against her wishes.<sup>1</sup> A sample of Arab states' laws on marriage shows that the consent of the woman is necessary for a contract of marriage to be entered into.<sup>2</sup> The proper training and education of current and future police officers in the ANP may help to increase women's enjoyment of this and other human rights.

### **Women and the Afghan National Police ('ANP')**

The suggestions discussed below are not the only steps that need to be taken and it is apparent that pursuit of one goal, such as creating a more gender-balanced police force, without a comprehensive approach across all sectors, is unlikely to yield results. For example, education for girls is one area of concern, which is not examined in this paper, but which is directly related to addressing the problem of violence against women. According to the AIHRC, 85 percent of women and girls in Afghanistan are illiterate<sup>3</sup> and in Afghanistan at present, the number of girls going to school is half the number of boys – in some regions the ratio is a mere 3 percent girls to 97 percent boys.<sup>4</sup> Research shows that illiterate women, and women with only a basic education, are far more likely to be subjected to acts of violence than more educated women.<sup>5</sup> Thus, improving access to education for girls and women is one issue that needs to be separately addressed in the overall efforts to reduce incidents of violence against women in Afghanistan. It is self-evident that “economic reconstruction and poverty eradication measures must move in tandem with constitutional rights and law reform.” (Kamali, 2008: 304)

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1. With the exception of al-Shafi'i: See Waines, 1995. See also Engineer, 2004: 117: “...without the woman's approval, and approval on her conditions, a marriage cannot take place. She is clearly an equal partner in contracting a marriage.”

2. See: Welchman, 2007.

3. See: AIHRC, 2008.

4. That is the ratio reported by the AIHRC in Zabul province: *ibid*. The main reason why girls do not attend school in Zabul is a lack of security but in some other provinces the low female enrolment is due to the fact that there are not enough girls' schools. Family poverty is another reason why fewer girls attend school than boys: *ibid*.

5. In the UNIFEM study of violence against women, 24.2 percent of victims were illiterate; 7.9 percent were literate; 5.2 percent had attended primary school; 4.4 percent secondary school and only 1.7 percent had a higher education. The study's accuracy is marred by the fact that in 56.7 percent of cases, the literacy of the victim was unknown: See UNIFEM, 2006: 16.



The focus of this paper is the role that women can play in one key peace /nation/state-building institution, namely, the civilian police force. The police are sometimes the first point of contact when an individual alleges that their rights have been violated; the police are responsible for investigating complaints from women and for prosecuting the suspects. The need for a gender perspective in policing has been highlighted by researchers, scholars and organs of the UN. The AIHRC report discussed above frequently refers to the role played by law enforcement officials who either fail to investigate complaints or exacerbate the situation rather than assisting the alleged female victim.<sup>1</sup> Scholars have suggested that “[e]very Ministry and department of government, the judiciary and the law enforcement agencies should adopt policy measures on gender equality within their own spheres of jurisdiction.” (Kamali, 2008: 302) The UN Security Council, in resolution 1325 and elsewhere, has highlighted the need to adopt a gender perspective when implementing peace agreements, including adopting measures that ensure the protection of the human rights of women and girls in relation to, *inter alia*, the police.<sup>2</sup>

The government of Afghanistan, and in particular the Ministry of Interior (‘MOI’) and the Ministry of Women’s Affairs (‘MOWA’) have declared gender a priority. The MOWA has developed a National Action Plan for the Women of Afghanistan (‘NAPWA’) which is the government’s primary vehicle for promoting women’s rights and participation in rebuilding Afghanistan.<sup>3</sup> It was the result of a large-scale multi-consultative stakeholder process across Afghanistan on women’s issues which took place throughout 2005 and which ultimately culminated in the adoption of the draft NAPWA in 2006.<sup>4</sup> One of the proposals in NAPWA concerns the role and number of women in the ANP: NAPWA calls for 30 percent of the police and army to be women.<sup>5</sup> Presently, there are approximately 160-180 women in the ANP, which

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1. For example, in relation to forced marriages, the AIHRC reports that “poor families are not only oppressed by the powerful individuals, but the law enforcement organs also support those individuals” and in relation to self-immolation, the AIHRC reports that “no self-immolation case has been prosecuted and those causing women to resort to self-immolation have not been brought to justice”: see AIHRC report, *supra* n50 at 62 and 12 respectively.

2. See: S/Res/1325 (2000), *supra* n19, para 8.

3. See: NAPWA brochure, Available online at: [http://afghanistan.unifem.org/docs/pubs/07/NAPWA\\_brochure.pdf](http://afghanistan.unifem.org/docs/pubs/07/NAPWA_brochure.pdf)

4. See: Afghan National Development Strategy (‘ANDS’), Available online at: [http://www.ands.gov.af/ands/Provincial\\_Consultations/details.asp?id=22](http://www.ands.gov.af/ands/Provincial_Consultations/details.asp?id=22). The exact status of the NAPWA at present is unclear from this website.

5. See: Murray, 2007: 108, 115. The author has thus far been unable to secure a copy of the full National Action Plan for Women but is in the process of trying to obtain it from the MOWA in Afghanistan.

equates to approximately 0.3 percent of the police force.<sup>1</sup> Most of those women were recruited before the civil war and only a handful have been recruited and trained since the fall of the Taliban.<sup>2</sup> Some reports, including a notable report from the RAND 'think-tank', seem to suggest that women have been integrated into the police force since the fall of the Taliban regime, but most of the present policewomen were employed prior to 2001.<sup>3</sup> The Afghanistan Human Development Report 2007 notes that:

Since 1960, small numbers of women have served in the police force. Currently, women constitute slightly more than one-third of 1 % of police personnel. There has been a recent modest increase in the numbers of women in the police...Policewomen do not perform the full range of police functions and, with a few notable exceptions, have played only a minor support role to male police. (Murray, 2007: 108, 115)

The "recent modest increase" refers to the total number of 165 women in the police in May 2005 which increased to 233 in February 2007.<sup>4</sup> Recruitment of more women into the police since the 'fall of the Taliban' has proven to be a challenge for a number of reasons. Mobility and security are two issues in recruiting policewomen, but one expert has observed that "policing is considered a low-status occupation, so not quite respectable for women" and "the recruitment programme is ill-planned and lack-lustre".<sup>5</sup> Another obstacle for women working in the ANP is the fact that the ANP is regarded as a "gendered" organization, meaning the organisation itself is built on masculine premises that inherently discriminate against women. This is evident in organizational and rank structures, firearms and emphasis on physicality in the police force.<sup>6</sup> One particular example of organizational bias relates to the uniform. The forage cap which is worn by all police officers, male and female, reveals part of the policewoman's hair and all of her neck. This obviously offends Islamic sensibilities. Wearing a uniform that is Islamically unacceptable would probably not have a positive effect on either recruitment into the police force or security for existing policewomen.

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1. See: Murray, 2007: 108, 115.

2. See: Murray, 2007: 108, 115.

3. See: Bernard et al, 2008: 30, "Soon after the Taliban government was overthrown, the Afghan government decided to build a police force that included both men and women, so women have been more successful in integrating into the police."

4. See: Bernard et al, 2008: 83, Table 4.4.

5. See: Murray, 2007: 115.

6. See: UNDP, 2007: 83.

Notable monetary and personnel contributions towards police-building in Afghanistan have been made by Germany, the United States and Norway and New Zealand.<sup>1</sup> A recent report from Norwegian police officers suggests that progress in police-building in general has been affected by a number of serious issues including the defection of police officers to the Taliban, a high percentage (95 percent) of police-in-training testing positive for drug use, a failure to substantially reduce opium production, the release of prisoners on narcotics charges in return for bribes and the sexual harassment of female police officers from their superiors.<sup>2</sup> The last of those issues is especially relevant to the focus of this paper. Female police officers who are, against the odds, recruited into the ANP are, in some cases, subjected to harassment and sexual attacks from their colleagues. This does not bode well for the future of the ANP if women who are sworn to protect others are themselves being attacked from individuals within the organisation.

### **Conclusions and Recommendations**

Women in Afghanistan are subjected to violence on a range of levels including physical and sexual violence, mainly from perpetrators within their family. There is a lack of female police officers in the ANP to whom female victims can complain and who might be in a position to identify with the complainants and help improve their situation without subjecting the victims to further harassment and intimidation. Female police officers are themselves reportedly subjected to sexual harassment from their superiors in the ANP. The problems inherent in recruiting and maintaining reasonable levels of women in the police force exist in developed countries, and this is not a problem that is exclusive to Afghanistan. Even for developed countries which have a high level of security and which have a long tradition of encouraging women's participation in the workforce, including the police force, problems exist in recruiting and retaining female police officers.

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1. For instance, Germany, as lead nation for the police under the Bonn Agreement, established the Kabul Police Academy. For a summary of the police-building in Afghanistan from 2002-2006, see Murray, *Police-Building in Afghanistan*, supra n88 at 110 onwards. The New Zealand Police have been based in the Afghan province of Bamiyan since 2005 and have been the lead nation for police development there. A Family Response Unit (FRU) was established in Bamiyan in 2007 which was staffed by nine Bamiyan-based female ANP members. Bamiyan has one of the highest numbers of female police in Afghanistan, according to the New Zealand Police: *Police News*, Vol 40(10) November 2007, pp. 228-231. Available online at: <http://www.policeassn.org.nz/communications/newspdf/nov07.pdf>

2. See: *Aftenposten.no*, Berglund, N "Police face huge training challenges in Afghanistan" 29 September 2008, Available online at: <http://www.aftenposten.no/english/local/article2681857.ece>

Significant efforts have been made to improve the number of women in the ANP and to improve the overall level of training in human rights issues for all police officers in Afghanistan. As of December 2008, over 300 Afghan policewomen have been trained at the Central Training Centre, the seven Regional Training Centres and the Kabul Police Academy.<sup>1</sup> The number of ANP Family Response Units ('FRUs') has grown from one in 2005 to 24 in 2008. The FRU policewomen have received small-group training in literacy, report writing, computer skills and emergency midwife training.<sup>2</sup>

Despite these gains, more women are needed in the ANP for four reasons. First, violence against women is under-reported and in many cases where women approach government officials for assistance they are further abused. If there are more women police officers, including more FRUs, more women are likely to report incidents of violence and harassment of complainants is likely to occur.<sup>3</sup>

Secondly, increasing the number of women in the police force may challenge the culture of violence against women. One of the findings of the UNIFEM report was that acts of violence against women are taking place with impunity. The use of women to settle disputes, whilst Islamically unacceptable, seems to continue, particularly in tribal areas. Increasing the numbers of female police officers who are educated in Islam and in human rights would improve this situation over the longer term. The actual numbers of women in the police force are important, but so is their visibility. Murray notes that at the moment, the female police officers "are usually invisible to the public".<sup>4</sup> (Murray, 2007: 5)

Thirdly, there is substantial literature in the social sciences which suggests that women have higher standards of ethical behaviour and are more concerned with the common good.<sup>5</sup> At the country level, higher rates of female participation in government are associated with lower levels of corruption. Increasing the representation of

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1. See: US Department of State, "Afghanistan Programme Overview" Available online at: <http://www.state.gov/p/inl/narc/c27187.htm>

2. See: US Department of State, "Afghanistan Programme Overview" Available online at: <http://www.state.gov/p/inl/narc/c27187.htm>

3. One of the factors perpetuating domestic violence is "insensitive treatment of women and girls by police and judiciary": UNIFEM, 2006: 23.

4. Note that Tonita Murray is the Policing Advisor to the Minister of the Interior and Senior Police and Gender Advisor.

5. See: Dollar, Fismond, and Gatti, "Are Women Really the 'Fairer' Sex? Corruption and Women in Government (Washington DC: The World Bank, Policy Research Report on Gender and Development, Working Paper Series No 4, 1999). Available at: <http://siteresources.worldbank.org/INTGENDER/Resources/wp4.pdf> This report was cited in Bernard et al, 2008: 5.

women in institutions such as the police and administrative bureaucracies ought to result in decreases in corruption<sup>1</sup> which was one of the problems identified in the recent report by Norwegian police officers.<sup>2</sup> Therefore, although increasing the number of women into the ANP may be beneficial for women and may be “valued for its own sake, for reasons of gender equality”, the empirical evidence suggests that there may be “extremely important spin offs from increasing female participation.<sup>3</sup>

Fourthly, it is not only men who commit crimes: women commit crimes, too. The UNIFEM report noted that 10.4 percent of violence against women is perpetrated *by other women*.<sup>4</sup> From an Islamic point of view, it is essential to have women in the police force so that they can be receptive to complaints from women and deal with them face-to-face in seclusion when necessary, but also so that they can conduct interrogations of women suspects. This is an often overlooked consideration when the role of women in the ANP is being discussed. Even Muslims who regard themselves as ‘religiously conservative’ would be able to see the merits of having a female police officer deal with female complainants, female witnesses and female accused.<sup>5</sup> Tonita Murray has noted that in general, Afghans do not want women coming into contact with male police, so the answer is to have female police.<sup>6</sup>

Police reform in Afghanistan should continue and should include women if the ANP is to become more responsive to the community, more ethical and respectful of human rights and more gender-balanced to serve all of the population.<sup>7</sup> However, it is not enough to simply increase the number of women in the police force. The women who are currently employed and who are recruited in the future

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1. See: Dollar, Fismond, and Gatti, “Are Women Really the ‘Fairer’ Sex? Corruption and Women in Government” (Washington DC: The World Bank, Policy Research Report on Gender and Development, Working Paper Series No 4, 1999). Available at: <http://siteresources.worldbank.org/INTGENDER/Resources/wp4.pdf>

2. See supra n97 and accompanying text.

3. See: Dollar, Fismond and Gatti, 2008: 6.

4. See: UNIFEM, *Uncounted and Discounted*, 2006:31.

5. This point is not often raised in the literature, and when it is mentioned, it is done so in passing rather than being a significant aspect of the argument: see, for example, Murray, 116; see also Murray, 2007: 101 at 27 fn 12 where Murray acknowledges that this point was raised by Zuza Fialova, a Consultant in Human Rights, Democracy and Civil Society in the German Provincial Reconstruction Team in Kunduz.

6. Tonita Murray, personal communication with the author, 3 February 2009.

7. See: Murray, 2007. These are three of the recommendations made by Murray in her report. She also recommends that police reform efforts should be directed towards making the ANP less militaristic and she recommends that it be better-equipped, transparent and open to external oversight.

must be educated in human rights and be made aware of the particular issues facing Afghan women. Many of the current female police officers were recruited under a variety of political regimes which tends to colour their perception of their role. Murray notes that many police women in Afghanistan see their functions as solely serving the interests of the state, maintaining order, and controlling crime rather than helping individuals, communities or other women.<sup>1</sup> Thus, simply increasing the numbers of female police officers will not be of great advantage unless they are specifically trained to recognise and respond to the issues facing women in Afghanistan. In addition, male police officers must also be educated in human rights and be made aware of the need to condemn violence against women and support female complainants when they approach the police.

Although the general impetus towards greater involvement of women in the ANP is to be applauded, some aspects of the current programme are flawed. For example, the uniform which female police officers in Afghanistan are presently required to wear is problematic. The uniform itself is masculine in nature with a jacket and trousers and a tight belt around the waist. The 'forage cap' which leaves some of the hair and all of the neck exposed is not Islamically acceptable. There is no reason why Afghan women should not be able to wear an Islamically-acceptable police uniform as do their counterparts in Malaysia, the Philippines, Dubai and indeed Iran. The uniform requirement needs to be addressed immediately in order to make this career attractive to religious Afghan women who want to serve their country but do not want to compromise their faith by dressing immodestly. Wearing an Islamically-acceptable uniform, with the option of loose-fitting garments rather than trousers and a tight-fitting shirt/jacket, and wearing a hijab rather than a forage cap, would probably also help to enhance community security for female police-officers since their current uniform is no doubt offensive to many conservative Afghan Muslims. From a security perspective, the recent targeting of women in the ANP by outside forces such as the Taliban might be lessened if more modest dress practices were adopted and if the benefits of having female police officers in the ANP to deal with female suspects and complainants were highlighted.<sup>2</sup>

The RAND-sponsored study of women in the ANP has been cited throughout this paper. Although many of the arguments and recommendations raised in the RAND report have merit, one which this author has difficulty with is the recommendation that "side-by-

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1. See: Murray, 2007: 5.

2. At the time of writing on 3 February 2009, the forage cap was still part of the official uniform for women: as confirmed by Murray, T, personal communication with the author, 3 February 2009.

side female and male decision-making structures at all levels of society should be abolished in favour of integrating women into previously all-male structures".<sup>1</sup> (Bernard et al, 2008: 133) That recommendation fails to recognise that Afghanistan is an Islamic state and that Islam requires separation of the sexes: Western employment practices cannot be simply transplanted into the Afghan context. It is the author's view that it will not "rock the boat" to increase women's participation in the ANP if certain considerations are borne in mind, such as the need to maintain the separation of the sexes, the need to offer an Islamically-acceptable uniform for women and the need to educate police men and police women on what practices are Islamically acceptable, and on human rights in general. However, taking that a step further by forcing women to participate in all aspects of society and in all levels of the workplace side-by-side with men, may well "rock the boat". This, it is submitted, is a risk that it is not necessary to take.

Finally, with regards to the numbers of police women which the NAPWA hopes to achieve, it was discussed above that the long-term plan is for 30 percent of the ANP to be women. This is an overly ambitious target and may distract from the more important objectives which involve making the ANP more responsive to women's needs. Even in a country such as New Zealand the current proportion of sworn police officers who are women is just 16.7 percent.<sup>2</sup> It is recommended that instead of focusing on the sheer quantity of women officers, and setting an unrealistically high figure as the goal, a more realistic figure ought to be settled on and the MOI should equally focus its efforts on ensuring that both male and female police officers are well-trained and well-aware of the issues facing women in Afghanistan so that they can respond appropriately.

In conclusion, it is argued that all stakeholders in Afghanistan need to accept that violence against women and girls denies women equality, security, dignity, self-worth and the ability to fully enjoy their fundamental human rights.<sup>3</sup> For that reason, involving women

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1. The authors of that text are also openly critical of female-centred economic enterprises which they claim could have "detrimental effects" and could perpetuate "a divide between women and men in the workplace". They claim that "the nation-building community should seek to integrate both genders into businesses where possible". With respect, this type of comment demonstrates a lack of understanding of Islamic values. A division of men and women in the workplace is highly desirable from an Islamic perspective and local values ought to be respected by the "nation-building community".

2. See: New Zealand Census of Women's Participation 2008, Available online at: [http://www.hrc.co.nz/hrc\\_new/hrc/cms/files/documents/28-Mar-2008\\_12-59\\_39\\_2008\\_Census\\_of\\_Womens\\_Participation.pdf](http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/28-Mar-2008_12-59_39_2008_Census_of_Womens_Participation.pdf) at 56.

3. See: UNICEF and Innocenti Research Centre, 2000.

in the ANP cannot wait until peace and security are firmly established. The author agrees with Murray when she states that:

Recruitment of women into policing should continue particularly because peace has not been established. Women are part of the solution to bringing peace, not just a frill one adds later.<sup>1</sup>

It is the view of this author that violence against women is not Islamic and having women serve as sworn police-officers in the ANP is not un-Islamic. In fact, there is an Islamic imperative to having significant numbers of female police officers in the ANP and the international community ought to continue to support efforts at increasing female participation, albeit with an understanding of and an appreciation for Islamic values.

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