

# NOREF Policy Brief

## Promoting women's rights in Afghanistan: a call for less aid and more politics

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### Executive summary

To NATO countries, promoting women's rights in Afghanistan is often framed as a choice between committing to high levels of aid for gender-related activities and an uncompromising public stance vis-à-vis the Afghan authorities, or a realisation that women's rights is an internal issue where outsiders can achieve little. Both these options are based on misguided assumptions. Attempting to "fast-track" Afghan women's rights in isolation from local politics will fail. But neither is it correct to assume that Western actions can have no impact.

To the extent that Norway wants to make gender equality in Afghanistan a foreign policy priority, the most effective strategy is a comprehensive one. This means more attention to the negative effects of the international presence on Afghan feminist politics. It also means a long-term commitment. This commitment should not be measured in aid volumes, but in strategic support based on knowledge of civil society and Afghan politics more broadly.

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## Introduction

The rights of Afghan women, deeply politicised and now set to fade from the international agenda, are facing an uncertain future. This policy brief takes stock of developments in this area since 2001 and discusses the options available to Norway for supporting Afghan women in a rapidly changing context at the local, national and international levels.

There is currently a divergence of opinions about how NATO countries such as Norway can best support Afghan women's rights – or if this should be attempted at all. Some argue for an outspoken, uncompromising stand on gender equality, and high levels of financial aid earmarked for gender issues and the empowerment of women. Anything less, the argument goes, demonstrates the hollowness of the promise that the Western invasion would better the lives of Afghan women. Others, typically pleading insurmountable cultural or religious barriers, contend that women's rights should be crossed off the shrinking list of Western – including Norwegian – commitments in Afghanistan. This policy brief makes the case for a different strategy, based on a long-term perspective. The position of women in Afghanistan is not a discrete issue that can somehow be fast-tracked towards swift transformation through external pressure and funds. On the contrary, contests over women's positions in Afghanistan, as elsewhere, are profoundly shaped by broader political developments in the country. Failure to recognise this and instead attempt to empower Afghan women in isolation from local and national political processes or from other dimensions of the international intervention will only polarise Afghan political discourse and produce shallow gains.

## Achievements

Compared to the Taliban period and the years of turmoil that preceded it, the lives of many Afghan women have been drastically transformed since 2001. Commonly cited figures on education and health testify to this: from virtually zero during Taliban rule, 37% of school children are now girls, while maternal mortality has decreased by 22% since 2001. Since the overthrow of the

Taliban government, urban women have also regained much of the (admittedly limited) public visibility of earlier times, returning to work in government positions, teaching, business and aid organisations. Women's participation in politics, aided by constitutional quotas for female representation in parliament and provincial councils, is another dramatic change. The legal framework<sup>1</sup> and, to some extent, state protection offered to women have also improved. These gains are on the whole modest and reversible, and some are mostly of a formal nature. Afghanistan remains a highly unequal society in terms of gender. Life expectancy and literacy rates for women versus men in Afghanistan compare unfavourably with almost all other countries in the world, and extremely high levels of physical violence against women within the family also add to a picture where women are discriminated against in almost all areas of life.

## Donor-driven activism, the NGO-isation of civil society and nascent feminist mobilisation

After a decade the contradictions of the externally supported promotion of women's rights, or what has been termed *donor-driven gender activism*,<sup>2</sup> are well known. An unprecedented political focus (some of it nakedly instrumental), accompanied by large international funding flows in a society ravaged by war and with an extremely low female human capital base, has led to the emergence of a donor-dependent, fragmented and competitive women's "movement". Many of the formal gains, frameworks and compliance mechanisms that have materialised in this context were the result of externally driven efforts, sometimes with a small group of Afghan actors attached. Afghanistan's ratification without reservations of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as early as in 2003 seemed to be an action to satisfy donors or a result of their direct pressure.<sup>3</sup> In fact, Afghanistan

1 Notably the 2004 Constitution and the 2009 Law on the Elimination of Violence against Women.

2 See D. Kandiyoti, "The lures and *perils* of gender activism in Afghanistan", Anthony Hyman Memorial Lecture, School of Oriental and African Studies, London, March 2009.

3 C. Farhoumand-Sims, "CEDAW and Afghanistan", *Journal of International Women's Studies*, vol 11, no. 1, November 2009.

submitted its first CEDAW report only in 2012, and only after Norway funded the establishment of a reporting unit within the Afghan Ministry of Foreign Affairs. Similarly, the National Plan of Action for the Women of Afghanistan – the Afghan government's strategy for gender mainstreaming and improving the situation of women – relied heavily on international consultants embedded with the Ministry of Women's Affairs, and the document is regarded as overly complicated and with limited resonance among Afghan policymakers.<sup>4</sup> The record of civil society activism is also mixed. The exceptional level of international interest and funds has facilitated the emergence of a "jet-setting" strata of English-speaking Afghan women activists. Membership of this set is often jealously guarded and fiercely contested. Although the feminist convictions of many of these activists are not in question, they have shown a tendency to prioritise the cultivation of transnational alliances over developing domestic support bases.

At the same time recent signs have emerged that advocacy is slowly becoming more organised and strategic. The national umbrella network for women's organisations, the Afghan Women's Network, has upped its game in recent times, spearheading several lobbying wins. These include reversing the Afghan government's decision to nationalise women's shelters under a deeply problematic framework and greatly expanding women's participation at the 2011 Bonn conference. Donors, including Norway, have also started to co-ordinate and pool their funding for civil society, in particular through the recent establishment of Tawanmandi, a joint funding mechanism intended to counteract short-term and unco-ordinated donor support. There is also an emerging recognition in many Afghan quarters, particularly among younger activists, that rather than a plethora of vocational training courses, micro-credit schemes and other short-term NGO interventions, the promotion of women's rights requires an issue-based, broad political mobilisation against gender injustice and patriarchal practices. Moreover, not all individuals who claim to be speaking on behalf of women are committed to this kind of politics. From this perspective the anticipated decline in international funding might not be entirely bad

news if it means driving away those actors whose entry into the women's rights field has been overly opportunistic.

## Islam and women's rights in Afghanistan

The activities described above have to some extent created a parallel technocratic space inhabited by donors, gender experts and NGOs. Yet in any setting women's status can be neither understood nor transformed in isolation from the broader political context. In Afghanistan, as in many countries with a history of Western imperial encounters, the position of women has been transformed into questions of national sovereignty and the protection of religion against infidel encroachments.

The link between national sovereignty and deeply conservative gender relations, ostensibly ordained by Islam, remains significant. In the post-2001 political order, where many power holders evidently owe much of their current positions to Western funds and armed support, taking a conservative position on women's rights has become a valuable way of demonstrating one's nationalist and Islamic credentials in the face of accusations of being a Western collaborator. It is partly in this context that the presidential endorsement earlier this year of the National Ulema Council statement declaring that women are secondary to men and that violence against women is, up to a point, ordained by sharia must be understood.<sup>5</sup>

Moreover, international conventions and frameworks, such as UN Resolution 1325, CEDAW and the UN Declaration of Human Rights, are frequently dismissed as Western or even anti-Islamic instruments. In response, Norwegian diplomats and others sometimes suggest that feminist interventions in the country can only be successful if rooted in an Islamic framework. However, such a strategy, often

<sup>4</sup> Sari Kuovo, *Taking Women Seriously? Conflict, State-building and Gender in Afghanistan*, forthcoming.

<sup>5</sup> Official declaration by the National Ulema Council of Afghanistan, March 2nd 2012.

termed *Islamic feminism*,<sup>6</sup> is no magic fix that can somehow transcend existing power dynamics. In contemporary Afghanistan, this strategy is currently facing a particularly hostile environment. Progressive or moderate Islamic scholars who would be at the forefront of articulating an alternative vision of Islamic gender relations are few and far between.<sup>7</sup> Among dominant Sunni *ulema* there appears to be a fairly standard public position on gender relations. This position links female visibility and mobility with immorality and societal disintegration, places women under the guardianship and authority of their husbands and fathers, and celebrates women's alleged high status in the private sphere by virtue of being mothers and wives.<sup>8</sup> Challenging this particular reading of Islam, espoused by an alliance of conservative Islamic scholars and former *mujahideen*, has become problematic. Afghans who question these groups' self-declared monopoly over Islamic gender doctrine are frequently accused of being hostile to Islam, or even of being traitors, apostates and infidels.

The intersection of religion, the status of women and national sovereignty also leaves international actors in a precarious position. Taking a strong public position on women's rights, whether through an Islamic or secular framework, risks reinforcing the narrative of the clergy and the jihadis, who are keen to maintain their credentials as vanguard protectors of religion and nation against outside threats. At the core of this

narrative is the claim that Islam is vulnerable to the machinations of the West whose agenda is to de-Islamise Afghanistan.<sup>9</sup>

In turn, some international actors take the Afghan conservatives' denunciation of women's rights as a Western imposition that goes against Islam and Afghan culture at face value, instead of treating it as one of several competing perspectives within the country. Achieving gender equality in Afghanistan becomes a question of how much the West can push "its" values onto a singularly sceptical Afghan population, otherwise in an original state of hostility to such ideas.<sup>10</sup> This perspective renders Afghanistan homogeneous and overlooks the historical and political backdrop of current controversies over gender and the role of the post-2001 Western presence in shaping them.

## Options for Norway

Norway's engagement with gender has taken place on a number of levels. Thirty-seven per cent of total Norwegian aid to Afghanistan is channelled through a multi-donor trust fund,<sup>11</sup> and Norway has, together with other donors, lobbied the fund's administrator (the World Bank) for a greater focus on gender. Norway is also one of the largest donors to UN Women in Afghanistan, having entered into a three-year strategic agreement with the organisation's Afghanistan office in 2010. However, UN Women has struggled with security restrictions, international recruitment, and a level of mistrust between it and some of the Afghan women's organisations whose advocacy efforts it is supposed to co-ordinate. Thus, Norway's choice of the organisation as a key Norwegian partner in Afghanistan may reflect the former's wish to strengthen UN Women and the UN system as a leading global actor on women's rights rather than an assessment of the organisation's ability to deliver in Afghanistan.

6 Islamic feminism, which essentially means to anchor the transformation of gender relations in a reinterpretation of Islamic texts, has achieved important gains in countries like Morocco, Malaysia and, intermittently, Iran.

7 Guistozzi and Ibrahim suggest two reasons for the conservative leanings of Afghan clerics: firstly, the relative poverty of Afghanistan, which historically saw the emergence of a reactionary and poorly educated clergy and, secondly, the fact that many Afghan *ulema* eventually reached a regional standard of education in Pakistan during the 1980s onwards and beyond, where fundamentalist versions of Islamic teachings reigned (Antonio *Giustozzi* with Niamatullah Ibrahim, "Thirty years of *conflict: drivers* of anti-government mobilization in Afghanistan, 1978-2011", *Afghanistan Research and Evaluation Unit*, January 2012, [http://www.geo.fu-berlin.de/.../Conflict\\_of\\_Afghanistan1978-2011.pdf](http://www.geo.fu-berlin.de/.../Conflict_of_Afghanistan1978-2011.pdf)).

8 For instance, polygamy is sanctioned with few restrictions, and a literal reading of the Koranic verse 4:34 is taken to mean that husbands can under certain circumstances beat their "disobedient" wives. Women's legal rights pertaining to divorce, child custody, and inheritance are understood in a rigid fashion that places them on a highly unequal footing and often forces them to remain in abusive marriages. Women defying family supervision are treated as criminals. For example, in 2010 the Supreme Court issued a directive stating that women fleeing family violence to a non-relative's house are committing a punishable offence.

9 This was brought into sharp relief during the controversies over the Shia personal status law, when in the views of many the eventual condemnation by Western leaders only complicated the issue by giving ammunition to those who denounced efforts to amend the law in a more progressive direction as "foreign interference".

10 See Sari Kuovo, "Women and reconciliation (4): a response to Anatol Lieven's Afghan books review", accessed May 10th 2012, <http://aan-afghanistan.com/index.asp?id=2489>.

11 This is the 2010 figure.

Norway also funds a number of international, Norwegian and Afghan NGOs that include gender in their programme portfolios and participate in the Tawanmandi consortium. The embassy has from time to time played an active role in behind-the-scenes advocacy for women's rights, such as supporting a larger female representation at the 2011 Bonn conference and helping to galvanise international opposition to the controversial 2009 family code for Shias. Finally, Norway has taken a special interest in women's rights in the province of Faryab, home to its Provincial Reconstruction Team. Here the Norwegian embassy supported the building of a female prison and a women's shelter, and launched a project focused on gender-based violence. These projects proved relatively costly and subsequent reviews have raised questions about their sustainability.<sup>12</sup>

From the overall track record of Western governments and the broad trends in Norwegian engagement, some direction for future policy can be derived. Most fundamentally, Norwegian and international support for women's rights in Afghanistan must be based on the principle of supporting long-term, sustainable gains anchored in the Afghan political context. The polarised and politicised situation regarding women's issues in Afghanistan clearly demonstrates that women's rights can never be secured, at least not in a sustainable manner, in isolation from broader political developments.

Yet this is exactly what Western governments often have attempted. High-profile declarations of commitments to and funding for women's rights have been occurring in parallel with other policies that have undermined the very institutions and conditions on which such gains depend, such as a formal justice system, a functioning parliament and a non-militarised political landscape. For instance, despite the explicit protestations of most Kabul-based human rights activists, many NATO governments, notably the U.S. and Britain, have promoted the strengthening and official recognition of informal justice processes. Norway has also experimented with this in Faryab and Herat (in the latter province through the Norwegian

Refugee Council). Western governments have also weakened parliamentary process through a tendency to push through favoured legislation by decree rather than through parliament, and the support of clearly reactionary (and armed) figures such as Abdul Rasool Sayaff, the late Burhanuddin Rabbani and a host of other more locally based strongmen has undermined both the rule of law and feminist politics.

These contradictions reflect competing priorities within NATO governments, but they make for ineffective policy nonetheless, and often lead to a polarised climate where little can be achieved. Therefore, rather than push for symbolic achievements in the field of women's rights, Norway, like other NATO countries, needs to take a comprehensive view of the setting in which gains for women are promoted and defended.

Such a broader perspective might mean not allocating the limited political capital that the West and Norway have left in Afghanistan to individual cases of gender injustice or striving for perfect formal frameworks (convention ratifications, elaborate action plans consonant with international best practice or showpiece legislation) unless these already have significant Afghan support. Instead, pressure should be applied to counter the blatant politicisation of the justice system and promote freedom of speech, credible elections, and above all inclusive and transparent peace talks. This will foster a climate where women's activism and progressive politics can operate more easily, something that is ultimately more important than securing formal adherence to international frameworks and best gender practices.

In this regard, the parliamentary quota system, in which women are guaranteed 25% representation in parliament, is significant, because it ensures Afghan women a place in mainstream politics. Although female members of parliament have struggled to unify on a pro-woman platform, and transparency and due process in parliament often leave much to be desired, in Afghanistan the quota system has contributed to the normalisation of women's presence in political debate. Defending it from potential constitutional amendments in peace talks and elsewhere should be a priority for Norway and NATO countries in general.

<sup>12</sup> NORAD, *Review of Norwegian Refugee Council (NRC) Afghanistan*, NORAD Report, Oslo, June 2011; NORAD, *Review of Prison Advisory Project in Faryab, Afghanistan*, NORAD Report, Oslo, 2010.

With regard to conservative religious doctrine and its current stranglehold on gender discourse, it is probably not for countries like Norway to challenge conservative scholars directly on their interpretations of sharia. Here, Norway should take note of the experience of other donors such as Canada, which has tried with little apparent success in recent years to bring in Islamic experts from countries such as Egypt and Palestine to lecture sceptical Afghan *ulema*. At the very least, if a direct engagement with sharia debates on gender is to be attempted by external actors, it must be done with considerable expertise and discretion, and in close co-ordination with local groups and demands.

What Western donors such as Norway can do more easily is to address the broader conditions that have made it so difficult to challenge conservative and rigid gender ideologies cloaked in religious justifications. This involves making a commitment to education, especially higher education, in order to foster a greater current of intellectual pluralism and tolerance for debate and dissent. The ability of the *ulema* and *mujahideen* to brand opponents apostates and traitors for presenting an alternative reading of Islam depends on an environment where knowledge and truth are monopolised and alternative thinking is deemed seditious.

These circumstances can be explained partly by the state of Afghanistan's higher education system, which remains in decay. While a total overhaul of higher education is needed, recent ministerial appointments to the Ministry of Higher Education have not been encouraging. Meanwhile, a generation is missing out on opportunities to engage with current academic knowledge and critical thinking. Norway and other donors can remedy this situation on a modest scale through providing scholarships (in-country or abroad) and support for independent academic organisations and activities.

Secondly, breaking up the conservatives' monopoly over religious doctrine and gender requires greater appreciation of their power base and the broader conditions providing fertile ground for their positioning. Enabling Afghanistan's rulers to appear more sovereign in other fields (particularly by observing agreements on Afghan

clearance of international military operations, minimising civilian casualties and ending indefinite detention) might be more effective than attacking conservative gender ideology directly when this is one of the few fields left for Afghans to demonstrate their independence from the West. Equally important, the ascendancy in parliament and across the political landscape of a bloc of religious conservatives with a militant background represents perhaps the single most damaging development in the last decade for women's rights. This situation is mainly due to the political rehabilitation of these militants as partners of the international intervention in 2001 and subsequent military operations. Another round of ceding ground to conservative militants such as the Taliban in a unilateral, non-transparent manner will be detrimental to women. Norway and like-minded countries should oppose far-ranging and bilateral deals between the U.S. and insurgent groups and support the inclusion of women and democratic forces in any peace talks. On the other hand, if talks fail, military escalation and the long-running practice of arming local partners in semi-formal or shadowy arrangements are not desirable alternatives.

Direct Norwegian support to civil society and women's organisations should be well informed, selective and strategic. Promising initiatives and actors should be funded, but if these cannot be found, money should not be disbursed merely for the sake of maintaining aid expenditure at a set level. In other words, the general tendency of the Norwegian government to use high levels of development aid to signify "commitment" to Afghanistan can be counterproductive and should be discontinued. Moreover, in order to make informed decisions about when and how to engage, it is paramount that Norway maintain a knowledge base, particularly at the embassy level, with respect to the vast and ever-evolving number of organisations and actors competing for support. In particular, the embassy in Kabul needs to be allocated sufficient staff and resources to carry out detailed monitoring and quality assurance of aid projects.

## Conclusions

For external actors, promoting women's rights in Afghanistan in the present climate is not a question of steaming ahead with large financial resources and elaborate technocratic interventions, along with the occasional uncompromising statement addressed to Afghan leaders. This might appease domestic audiences seeking to hold Western governments to account for their pledges to Afghan women. However, experience has shown that commitment cannot be measured in funds and strong public stances, but in the willingness to adopt a long-term perspective that acknowledges the broader dynamics that shape the conditions of Afghan women and their struggle for rights and status.

Therefore, even if faced with charges of "abandoning" Afghan women, the Norwegian government should resist offering symbolic and isolated measures such as high levels of aid for women's rights activism when these cannot be effectively absorbed. Instead, it should be recognised that the short-term international strategy of empowering military actors and circumventing nascent democratic and legal institutions is fundamentally detrimental to women's rights in ways that cannot be corrected by large financial injections into what is narrowly and conventionally understood as the "women's rights field". The most important contribution a country like Norway can make to Afghan women's rights is to call on its allies, particularly the U.S., to halt such policies. It should be acknowledged that Western actions in the political and military arenas have consequences for Afghan actors striving to promote women's rights. All too often, gender equality has been treated as a stand-alone issue and in turn one that is most easily traded away in compromise under the guise of cultural difference.

## Further reading

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