

Violence Against Women in Elections in Afghanistan: An IFES Assessment



Canada 



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Acronyms

ACCRA	Afghanistan Central Civil Registration Authority
BVV	Biometric voter verification
ECC	Electoral Complaints Commission
EVAW	Elimination of Violence Against Women
FGD	Focus group discussion
GoA	Government of Afghanistan
IEC	Independent Election Commission
IFES	International Foundation for Electoral Systems
IMAGES	International Men and Gender Equality Survey
NAP	National Action Plan
NUG	National Unity Government
SIGAR	Special Inspector General for Afghanistan Reconstruction
UNAMA	United Nations Assistance Mission in Afghanistan
UNSCR	United Nations Security Council resolution
U.S.	United States
VAWE	Violence against women in elections

Preface

The International Foundation for Electoral Systems (IFES) has worked to advance good governance and support all citizens' rights to participate in credible elections for over three decades. Violence against women in elections is a severe violation of women's ability to engage in the public lives of their country and exercise their rights. It undermines the integrity of the electoral process and affects women's participation as voters, candidates, election officials, activists and political party leaders. IFES works to document, prevent and actively end violence against women in elections (VAWE) through projects on four continents and applied field research.

This report is part of our ongoing efforts to combat VAWE around the globe. Through extensive on-the-ground interviews and focus groups, this report provides vivid evidence of the physical and psychological violence – in person and online – that contributes to the lack of representation of Afghan women in politics. The report captures the recommendations of Afghan specialists, stakeholders and IFES expert analysts to support Afghan women and reduce the obstacles they face in accessing justice and effecting political change.

Whether focusing on gender inclusiveness in Afghanistan or elsewhere around the world, IFES prioritizes the empowerment of women and girls as central to our mission to support transparent and resilient democracies. We invite you to join IFES in ending violence against women in politics and in all spheres of life.

A handwritten signature in black ink, appearing to read 'GB', is positioned above a horizontal line.

Gabrielle Bardall, Ph.D.
IFES Gender Advisor

Executive Summary

On October 20, 2018, Afghanistan held its long-delayed national parliamentary (*Wolesi Jirga*) election. Over the past two decades, Afghanistan's elections have faced logistical issues, allegations of fraud and insecurity, with unique impacts on women. The 2018 parliamentary election was no exception. Key Election Day challenges included delayed opening of polling stations, widespread confusion over biometric voter verification (BVV) forms, interference of polling station staff and voter intimidation. Additionally, during the election period, the United States (U.S.) and the Taliban were engaged in dialogues that included neither the Government of Afghanistan (GoA) nor women.

Afghanistan's combined factors of insecurity and political instability, widespread impunity for and high rates of violence against women, and negative perceptions about women's rights have gender-specific effects on Afghan women's full and equal participation in the electoral process. From September 2018 to March 2019, the International Foundation for Electoral Systems (IFES) worked with the Afghan Women's Network to conduct a field-based assessment to evaluate how Afghan women experienced violence throughout the 2018 parliamentary election and the key factors preventing women's full political participation. The assessment also identifies mitigation strategies to reduce and prevent electoral violence against Afghan women. Carried out with support from Global Affairs Canada, the assessment includes data from in-person focus groups, individual interviews and informational surveys that, taken together, reached 221 people across all of Afghanistan's 34 provinces.

Drawing on this data, the assessment highlights several key trends in electoral violence against Afghan women that must be urgently addressed:

Social media is effectively and increasingly used to amplify and disseminate attacks against women and their families to national audiences: The assessment found that character assassinations through social platforms are widely used by political opponents to discredit, humiliate or otherwise harm women candidates, and in so doing, destroy a woman's candidacy for political office. Two specific tactics include sharing women candidates' private photos – in which they were not covered by a veil – online; and spreading false allegations about the promiscuity of women candidates and their daughters. As one young woman said: "We are afraid of being defamed, this is why we don't dare to run for office. When I was younger I always wanted to be a politician but not anymore."

High rates of sexual harassment against women in politics perpetuate the negative perception that women politicians are immoral. Women candidates face pervasive sexual harassment which, as acknowledged by many of the respondents, is one of the driving factors discouraging women from contesting for office. The assessment found that women's lack of financial resources in particular exposes them to sexual abuse by other electoral stakeholders. Women candidates repeatedly cited examples of police, elected officials, party leaders and election administrators demanding sexual favors in exchange for financial or political support. Within this context, becoming a female politician is synonymous with being "guilty" of sexual relations, a fact that further shames survivors of violence and discourages women from exercising their right to political participation.

Within this context of widespread harassment, representatives from the Independent Election Commission (IEC) were among the most widely cited perpetrators. Assessment respondents noted that

IEC staff members demand sexual favors from women candidates in exchange for being placed higher on the candidate lists. If the scale of these incidents is indeed true, such incidents contradict statements by IEC staff that “there is no tolerance for harassment (including psychological) and this is very serious.” Additionally, public perceptions about impunity for IEC officials engaged in sexual abuse against women candidates and other women electoral stakeholders undermines the IEC’s ability to attract women staff, who held fewer than 7 percent of IEC staff positions in 2017.

There are widespread concerns that women’s exclusion from the ongoing dialogues with the Taliban will undermine women’s rights and democratic progress in Afghanistan. Assessment respondents repeatedly noted concerns that women’s rights to political participation and representation are being traded in deals with the Taliban. While the Taliban have publicly maintained that they will respect women’s rights, the assessment found that Taliban actors used threats and other violence throughout the 2018 election period to specifically discourage women’s political participation as voters and candidates. For example, respondents noted that the Taliban circulated a letter before the election threatening women that if they left their homes to participate in politics, “we will know.”

Harassment of women candidates contributes to families’ reticence to support women family members contesting for office. Respondents expressed that due to cultural beliefs, women cannot participate in politics without the active support of their families. As a result, one of the first hurdles women must overcome is to persuade their immediate families to support them in filing as candidates or even just registering to vote. Unfortunately, due in part to concerns that women will be harmed if they engage in politics, family members often discourage women from political engagement. Assessment respondents further highlighted that “family shame” around women voting and running as candidates has increased from the last election. This mentality can constitute violence against women in elections (VAWE) in the case that family members use intimidation, harassment or other tactics to inhibit women’s rights to engage in all aspects of the electoral process.

While the assessment finds significant obstacles to achieving women’s full and equal political participation, there are windows of opportunity to consider as well. These include a legal framework that stipulates punitive action for those who violate women’s rights; an existing network of women’s rights groups who have had notable successes working together to advance legal reforms; the development of government policies, such as the National Action Plan (NAP) that commits to addressing women’s safety and security; and existing structures – such as *shuras* and community councils – which are viewed by some women as accessible platforms for survivors of violence. Highlighting these and other windows of opportunities, the assessment concludes with practical recommendations for key stakeholders, including the government, international donors, civil society, the IEC and political parties, that could help mitigate VAWE, in so doing, take meaningful steps toward advancing Afghan women’s full and equal political participation. As Afghanistan prepares for future elections, including a presidential election currently scheduled for September 2019, strategic efforts are urgently needed to ensure that women’s rights to participate as political decision-makers are safeguarded and bolstered.

Introduction

In order to shed light on the obstacles affecting Afghan women's access to and full participation in the electoral process and the interventions needed to mitigate these obstacles in future election cycles, IFES worked with the Afghan Women's Network to conduct a field-based assessment on electoral violence against women in Afghanistan. Carried out with support from Global Affairs Canada, the Violence Against Women in Elections (VAWE) Assessment focuses on women's experiences throughout Afghanistan's 2018 parliamentary election. Through in-person focus groups, individual interviews and informational surveys of male and female candidates, the assessment identifies how women experience violence in elections and the key factors that are preventing greater participation, beyond what is currently available in the literature. In addition, this assessment also considered mitigation strategies or potential opportunities to reduce and prevent VAWE in Afghanistan.

The combined factors of insecurity and political instability; widespread impunity for and high rates of violence against women; and negative perceptions about women's rights have gender-specific effects on Afghan women's ability to participate as electoral leaders, decision-makers and stakeholders. While many of the problems raised by this assessment echo the dire situation of women in Afghanistan generally, the report also highlights some unique issues that are not captured by other reports on gender-based violence. In particular, four key findings set this research apart: 1) social media is effectively and increasingly used to amplify and disseminate attacks against women and their families to national audiences; 2) high rates of sexual harassment against women in politics – including by the Independent Election Commission (IEC) – perpetuates the negative perception that women politicians are immoral; 3) there are widespread concerns that women's exclusion from the ongoing dialogues with the Taliban will undermine women's rights and democratic progress in Afghanistan; and 4) harassment of women candidates contributes to families' reticence to support women family members contesting for office.

Despite these challenges, Afghan women should not be viewed merely as victims. In the last two decades, women political and civil society leaders have been critical to advocacy efforts aimed at codifying women's rights into Afghanistan's laws, and improving women's access to health, education and other social services. While the magnitude of VAWE is currently unacceptable, there are some areas of success or opportunity that can be developed to improve the situation and draw the country one step forward to a tipping point in women's political rights. Accordingly, this assessment includes recommendations for the IEC, government, civil society, political parties and the international community that can be implemented ahead of the 2019 presidential election and safeguard women's rights to political participation through future election cycles.

What is VAWE?

IFES recognizes that VAWE is a threat to the integrity and quality of the electoral process because it coercively excludes women from having a voice in governance through civic and political participation. VAWE is a violation of political and human rights and frequently also a violation of criminal or civil code that harms voters, candidates, election officials, activists and security and political professionals worldwide, occurring both online and offline. IFES defines VAWE as:

Any harm or threat of harm committed against women with the intent and/or impact of interfering with their free and equal participation in the electoral process during the electoral period. It includes harassment, intimidation, physical harm or coercion, threats, and financial pressures, and it may be committed in the home or other private spaces, or in public spaces. These acts may be directed at women in any of their roles as electoral stakeholders (e.g., voters, media, political actors, state actors, community leaders, electoral officials).¹

Common understandings of electoral violence originate in definitional frameworks that often privilege public acts of physical violence and violence between public stakeholders.² These definitions reflect male experiences of political violence and tend to overlook personal relationships between perpetrators and survivors, the variation in spaces where violence occurs and nuances within types of potential violence – all of which are essential for understanding the distinct nature of election violence experienced by women.³ Through increased attention to women’s participation and women’s voices in democracy assistance, narratives of VAWE in their homes, political arenas and public spaces have become more visible and must be part of any responsible VAWE response.

Methodology

The VAWE assessment tool is based on the recognition that to effectively address VAWE, practitioners must not only understand historical trends of this type of violence in a country, but also the factors that precipitate the violence. They also should develop an understanding of the cultural and socio-political norms that impact the status of women in society as well as their participation in the electoral process, and societal and institutional responses to tackle the issue. To address this need, the assessment tool is organized around the analysis of four key factors which influence the incidence and extent of VAWE: 1) status of women; 2) women’s access to election processes; 3) trends in VAWE; and 4) responses to VAWE.⁴

¹ IFES, *Violence Against Women in Elections: A Framework for Assessment, Monitoring and Response*, 2016 <http://www.ifes.org/publications/violence-against-women-elections>, page 2

² IFES defines electoral violence as: “any harm or threat of harm to persons or property involved in the electoral process, or the process itself.” This includes physical and psychological harm, as well as property damage. In 2009, the United Nations Development Programme (UNDP) *Guide to Elections and Conflict Prevention* defined electoral violence primarily as “acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process, or that arise in the context of electoral competition....” The U.S. Agency for International Development’s (USAID) 2010 *Electoral Security Framework* concludes that “electoral violence refers to physical violence and coercive intimidation directly tied to an impending electoral contest or to an announced electoral result.” The IFES definition was developed as part of IFES “Electoral Violence Education and Resolution” (EVER) programs around the world. Further discussion of the evolution of the definition and the EVER methodology can be found in Lisa Kammerud, *Managing Election Violence: The IFES EVER Program* (IFES October 2009) and online at www.ifes.org.

³ For more details on the development of the VAWE typology, see <http://www.ifes.org/publications/violence-against-women-elections> page 12

⁴ These assessment factors are inspired by CARE’s Gender Assessment Framework, IFES Gender and Elections Analysis tool, and USAID’s Electoral Security Framework and Best Practices in Electoral Security.

Assessment Factors	
Status of Women	Broad concerns related to the status of women in their local and national communities; related root causes of violence against women in general and in elections specifically.
Women's Access to Election Processes	Gender dynamics specifically related to access to political and electoral processes, as well as democracy, rights and governance issues more broadly and dynamics related to the electoral legal framework, election administration, voter registration, women's political participation as voters, activists and the role of political parties.
Trends in VAWE	Incidents and trends in violence against women that occur within the context of the electoral cycle; triggers for gender-based VAWE.
Responses to VAWE	Responses to VAWE implemented by official actors and civil society, including political parties and the media. Identifies strategies to reduce or prevent violence against women during the electoral cycle.

The assessment tool uses standardized question sets to conduct interviews and focus groups on the challenges and opportunities within each of the aforementioned factors. This approach analyzes the structural, cultural and institutional barriers that may create conditions for VAWE in a particular country. It also takes into account the complex relationships among stakeholders and events that may specifically impact VAWE. IFES has conducted VAWE field assessments in Papua New Guinea, Bougainville, Sri Lanka, Zimbabwe and Haiti.

During the VAWE assessment in Afghanistan, IFES worked with the Afghan Women's Network, a nongovernmental organization, to conduct a VAWE field assessment between September 2018 and March 2019. The assessment included numerous initiatives to gather qualitative data, both in the lead-up to and the aftermath of Afghanistan's October 2018 parliamentary election, as follows:

- 11 focus group discussions (FGDs) and key informant interviews in Kabul, led by IFES' assessment team, that engaged 52 people (September 2018);
- Distribution of an informational survey to 130 male and female women candidates following the October election (December 2018 to January 2019), as well as key informant interviews with women candidates; and
- 10 focus group discussions and key informant interviews in Kabul, led by members of IFES' assessment team, that reached 39 people (February 2019).

Using these qualitative data collection methods, IFES and the Afghan Women's Network gathered information from a total of 221 individuals representing all 34 provinces. The data also incorporates perspectives of male and female candidates, elected officials, election observers, women's rights advocates, gender-based violence service providers, journalists and officials from the IEC and Electoral Complaints Commission (ECC).

Political Context

On October 20, 2018, Afghanistan held its long-delayed National Parliamentary (Wolesi Jirga) election originally scheduled for 2015. The 2018 election marked the sixth electoral exercise since the Taliban-controlled government was removed from power in 2001. The last election to be held in Afghanistan was the 2014 presidential election, which culminated in the formation of a National Unity Government (NUG) in an attempt to broker a political power sharing agreement between the two leading presidential candidates: current President Ashraf Ghani and Chief Executive Officer Abdullah Abdullah. Five years after its formation, the ongoing volatility of the NUG arrangement continues to affect political stability in Afghanistan.⁵

Over the past two decades, Afghanistan's elections have faced logistical issues, allegations of fraud, and pervasive insecurity, with unique and devastating impacts on women. The 2018 parliamentary election was no exception. According to the IEC, 4,040,549 Afghans voted in the 2018 parliamentary election, representing 45 percent of Afghanistan's 8.8 million registered voters.⁶ Gender disaggregation of voters is not available. This is a marked reduction in voter turnout from the 2014 presidential election, in which over 12 million Afghans were registered to vote, and the IEC reported that 6.6 million and 7.9 million voters cast ballots in the first and second rounds of voting, respectively; however the accuracy of these numbers was disputed.⁷ As noted in the January 2019 Special Inspector General for Afghanistan Reconstruction (SIGAR) report, key Election Day challenges included delayed opening of polling stations – which caused the IEC to call for a second day of polling for over 400 polling stations; widespread confusion over BVV forms; lack of awareness among IEC staff about the use of the BVV system; failure of election materials to reach polling stations on time; interference of polling station staff; voter intimidation; and vote buying.⁸ Additionally, elections in Kandahar were moved to October 27 after the Taliban killed a police chief and other key security officials days before the October 20 Election Day. Election results were delayed by several months and, as of March 2019, results from only 23 of 34 provinces have been released. Among those that have been released, women hold 35 seats in the Wolesi Jirga. Additionally, 418 of the 2,565 candidates (16 percent) were women, with at least two women contesting in every province, excluding Ghazni.⁹ In addition to those in Parliament, there are also a few women who hold appointed positions in government. Currently there are three female cabinet ministers, five female ambassadors and 11 female deputy ministers.¹⁰ Hosna Jalil was the first

⁵ *International Crisis Group, Afghanistan: The Future of the National Unity Government*. (April 10, 2017). Retrieved from <https://www.crisisgroup.org/asia/south-asia/afghanistan/285-afghanistan-future-national-unity-government>

⁶ See footnote 269 in the *Special Inspector General for Afghanistan Reconstruction (SIGAR) Jan 30, 2019 Quarterly Report* (Rep.). (January 30, 2019). Retrieved from <https://www.sigar.mil/pdf/quarterlyreports/2019-01-30qr.pdf>

⁷ Kraemer, R. (August 29, 2014). *Can Afghanistan Survive its Presidential Election?* Retrieved from <https://www.fpri.org/article/2014/08/can-afghanistan-survive-its-presidential-election/>

⁸ *The Situation in Afghanistan and its Implications for International Peace and Security, Report of the Secretary General* (Rep.). (December 7, 2018). Retrieved from <https://unama.unmissions.org/sites/default/files/sg-report-on-afghanistan-7-december-2018.pdf>, page 3

⁹ *Guide for Female Candidates to the Wolesi Jirga* (Publication). (October 25, 2018). Retrieved from <http://democracy-support.eu/afghanistan/uploads/5be1a17e26048.pdf>

¹⁰ Bezhan, F., and Furogh, S. (December 6, 2018). *Acceptance Is First Challenge For Afghanistan's First Female In A Senior Security Post*. Retrieved from <https://www.rferl.org/a/acceptance-is-first-challenge-for-afghanistan-s-first-female-in-a-senior-security-post/29641506.html>

woman to be appointed to a senior post at the Interior Ministry, where she serves as deputy for policy and strategic affairs in security.¹¹

A pervasive climate of insecurity underscored the operational election challenges. Indeed, the United Nations (UN) noted that there were more civilian casualties recorded on the October 2018 Election Day than any Election Day since 2009.¹² According to the UN Assistance Mission in Afghanistan (UNAMA), from the beginning of the voter registration period (April 14) through the end of the parliamentary campaign period (October 19), there were 152 election-related security incidents with 496 civilian casualties. “Women and children” represented 35 percent of the casualties.¹³ Additionally, a SIGAR quarterly report noted that as of October 2018, the government controlled only 55.5 percent of Afghanistan’s districts, with the Taliban and other insurgent forces occupying the rest of the country. This marks the lowest level of government control since SIGAR began tracking such data in November 2015.¹⁴

Overlapping with the election period, in July 2018, the U.S. announced that it would engage in dialogues with the Taliban. At the outset, these dialogues included neither the Government of Afghanistan (GoA) nor women, raising concerns about the impact that the Taliban’s formalized engagement in Afghanistan could have on women’s rights and safety. This is despite the fact that President Ghani has called for unequivocal respect for the “the constitutional rights and obligations of all citizens, especially women.” As noted by FGD participants throughout the report, women and men fear that the Taliban’s return, in whatever capacity they are recognized, will limit women’s political participation. Respondents fear that the Taliban will directly threaten women who participate in the electoral process, as was evidenced during the parliamentary election, and will foster an even more hostile environment for women candidates by resurfacing misogynist narratives that women’s exercise of their political, social and economic rights are “anti-Islam.”

Despite Taliban attempts to exclude women, women’s rights groups – building on decades of advocacy – are demanding that their rights be respected. In February 2019, for example, the Afghan Women’s Network released a widely read public statement, in response to a round of talks between the U.S. and Taliban in Doha, demanding “firm and explicit guarantees that Afghan women’s gains be protected” in any dialogues.¹⁵ As will be explored below, this confluence of women’s political engagement, continued erosion of security, weak rule of law, corruption and gender-insensitive cultural and socio-political norms uniquely impacts women’s experiences with violence in the electoral process.

¹¹ Ibid.

¹² *The Situation in Afghanistan and its Implications for International Peace and Security, Report of the Secretary General* (Rep.). (December 7, 2018).

¹³ *Afghanistan Protection of Civilians Special Report: 2018 Elections Violence November 2018* (Rep.). (November 6, 2018). Retrieved from https://reliefweb.int/sites/reliefweb.int/files/resources/special_report_on_2018_elections_violence_november_2018.pdf, page 3.

¹⁴ SIGAR (October 30, 2018). page 66

¹⁵ Afghan Women's Network. (February 2019). *Afghan Women's public statement on Doha Peace Talks* [Public statement]. Retrieved from http://awn-af.net/index.php/cms/press_detail/1506/12

Assessing VAWE in Afghanistan

Afghanistan consistently ranks as one of the most dangerous countries for women. A 2018 Thomas Reuters poll identified Afghanistan as the second most dangerous country for women worldwide.¹⁶ According to a 2018 report by the UNAMA, the murder of women is among the most prevalent forms of gender-based violence in Afghanistan.¹⁷ Furthermore, there is widespread impunity for perpetrators.¹⁸ This dangerous physical and political environment negatively impacts Afghan women's ability to participate as electoral leaders, decision-makers and stakeholders. At the same time, it is also important to note that throughout the recent decades, Afghan women have navigated these significant challenges as advocates for women's rights, gender equality, and peace. In order to get at the roots of violence, understand how it hinders access and clearly identify the different types of violence experienced by women around elections, IFES has broken down its analysis across four factors: 1) the status of women; 2) women's access to the electoral process; 3) trends in VAWE and 4) responses to VAWE.

Factor 1. Status of Women

Restrictions on women's lives, activities, choices and power stem from cultural beliefs about women's roles, as well as enduring instability and crisis in Afghanistan. The continued pervasive influence of the Taliban, and their punitive and misogynistic views of women, further spreads fear among women and their families of the potentially lethal cost of any public participation. These factors impact the status of women in society, which in turn affects both experiences with as well as response to gender-motivated and gender-differentiated electoral violence. It is therefore important to look beyond specific electoral access obstacles to the broader concerns related to the status of women in their communities. Key considerations include women's socio-economic status, the extent to which legal measures and government commitments protect women's rights and public perceptions around gender equality.

Socio-Economic Status: During Taliban control of Afghanistan (1996-2001), Afghan women faced some of the worst attacks on and retrenchment of their ability to exercise their rights, including basic rights to education, health services, freedom of movement, economic engagement and political participation. In the nearly two decades following the Taliban's removal from formal government control, both Afghan-led initiatives as well as donor-funded programs have resulted in some improvements to Afghan women's access to rights and services. For example, according to the Human Development Index, the proportion of births attended by skilled health personnel increased from 34 percent in 2010 to 50 percent in 2017.¹⁹ With regard to education, the president has recently committed to building 6,000 schools in the next school year that will increase access to schools for girls in remote areas. Additionally, the minister of education has agreed to allot 50 percent of teacher positions to women. There are also

¹⁶ Thomson Reuters Foundation, *The world's five most dangerous countries for women 2018*. (2018). Retrieved from <http://poll2018.trust.org/country/?id=afghanistan>

¹⁷ *Injustice and Impunity: Mediation of Criminal Offences of Violence against Women* (Rep.). (May 2018). Retrieved from https://unama.unmissions.org/sites/default/files/unama_ohchr_evaw_report_2018_injustice_and_impunity_29_may_2018.pdf, page 8

¹⁸ Ibid.

¹⁹ Human Development Reports, *Proportion of births attended by skilled health personnel (%)*. (June 20, 2018). Retrieved from <http://hdr.undp.org/en/indicators/181206>

reforms being introduced to increase gender-responsiveness and decrease stereotyping within the school curriculum, and the Department of Education is partnering with the UN Children’s Fund to implement programming on menstrual hygiene management to decrease the dropout rate of girls in schools.²⁰

Despite these steps, Afghanistan continues to rank low in indicators related to women’s rights and gender equality in comparison to other countries worldwide. In the 2018 Global Gender Inequality Index, Afghanistan ranks 168th out of 189 countries.²¹ An estimated 80 percent of Afghan women and girls are illiterate, only 11.4 percent have “at least some secondary education”²² and only 19.5 percent participate in the labor force, compared to 86.7 percent of men.²³ Freedom House’s 2018 Freedom in the World Index also identifies a variety of barriers that women face to accessing equal civil and economic rights, including gender-based violence, weak access to justice systems, limited employment opportunities and constraints on freedom of movement.²⁴

This limited access to rights must be understood as a recent development within a broader historical context. Indeed, prior to the Taliban’s control (1996) and the Soviet Union’s decade-long occupation (1979-88), Afghan women advocated for and exercised rights that were in some ways beyond most other countries. In particular, Afghan women’s right to vote was first recognized in 1919 and Afghanistan’s first Constitution – adopted in 1922 – recognized equal rights for women and men.²⁵ Afghanistan’s third Constitution (1964) again recognized women’s voting rights as well as women’s rights to contest for office, and in the decades following its adoption, women assumed roles as parliamentarians, judges, lawyers, and government officials.²⁶ Women have also led peace movements throughout decades of war. Notable examples range from the Revolutionary Association of Afghan Women, which was established in 1977 to promote women’s rights, secular democracy and multilateral disarmament, to the Afghan Women’s Network, which, as noted above, is currently advocating for women’s right to participate in dialogues between the U.S. and the Taliban.

Legal Status: The low status of women today contradicts Afghanistan’s legal framework which, on paper, includes several provisions that recognize women’s equal rights generally and their right to participate in the democratic process specifically. Most notably, Afghanistan’s 2004 Constitution prohibits any form of

²⁰ Remarks by Deputy Minister of Education Marjan Mateen at 63rd United Nations Commission on the Status of Women side event: “Afghan Women and Sustainable Development Achievements Opportunities and Challenges,” March 13, 2018.

²¹ Human Development Reports, *Table 5: Gender Inequality Index*. (2018). Retrieved from <http://hdr.undp.org/en/composite/GII>

²² Human Development Reports, *Population with at least some secondary education, female (% ages 25 and older)*. (2018). Retrieved from <http://hdr.undp.org/en/indicators/23906>

²³ Human Development Reports, *Table 5* (2018).

²⁴ Freedom House, *Freedom in the World 2018: Afghanistan Profile*. (March 11, 2018). Retrieved from <https://freedomhouse.org/report/freedom-world/2018/afghanistan>

²⁵ Central Asia Institute, *The Fight for Women’s Voting Rights*. (November 7, 2016). Retrieved from <https://centralasiainstitute.org/womens-voting-rights/>

²⁶ Nemat, O. A. (March 2011). *Afghan Women at the Crossroads: Agents of Peace—Or Its Victims?* (Rep.). Retrieved from http://www.peacewomen.org/sites/default/files/hr_afghanwomenatthecrossroads_march2011_0.pdf, page 8

discrimination between Afghan citizens and notes that “the citizens of Afghanistan, man and woman, have equal rights and duties before the law” (Article 22).²⁷ The Government of Afghanistan (GoA) has also adopted numerous strategies and action plans that aim to translate *de jure* principles of equality into practice. In 2015, for example, the GoA passed the Afghanistan NAP on UN Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, which includes a commitment to creating “an enabling environment for women to safely run for elected offices, register, vote and campaign.” More recently, in its 2017 review of its NAP, the GoA asserted that “in accordance with Afghanistan’s non-discrimination constitutional clause... women should participate in negotiations with armed oppositions, both in Afghanistan and internationally.”²⁸ Additionally, more than 15,000 women were consulted on women, peace and security prior to the February 2019 Afghan Women’s National Consensus on Peace Conference that included 3,500 participants. Jointly organized by the Office of the First Lady; the Ministry for Women’s Affairs; the High Peace Council; and the Afghan Women’s Network, the main output of the conference was a declaration that demands an end to war, an inclusive peace process and an adherence to current constitutional values.²⁹

These commitments complement international human rights obligations including the Universal Declaration of Human Rights, which guarantees all people the right to security of person (Article 3); the right to assemble and associate peacefully (Article 20); and the right to periodic and genuine elections by universal and equal suffrage, as well as secret vote (Article 21). Additionally, the Convention on the Elimination of All Forms of Discrimination Against Women, which Afghanistan ratified in 2003, requires states to eliminate discrimination against women in political and public life, including by guaranteeing women’s equal rights to vote, contest for and hold public office, and participate in the formation of government policies (Article 7). It should be noted, however, that women’s rights advocates have highlighted that other Afghan laws include discriminatory provisions that directly contradict women’s rights to equality as outlined in the Constitution. This includes Afghanistan’s Shiite Personal Status Law, passed in 2009, which identifies the “duty of the wife to defer to her husband’s inclination for sexual enjoyment” (Article 132:4).³⁰

Afghanistan also has several laws related to violence against women specifically. Afghanistan’s law on the Elimination of Violence Against Women (EVAW), which was enacted by presidential decree in 2009, makes specific mention of “fighting against customs, traditions and practices which contradict Islamic Sharia and cause violence against women.”³¹ The EVAW law identifies and criminalizes 22 acts of

²⁷ Islamic Republic of Afghanistan. (January 26, 2004). *The Constitution of the Islamic Republic of Afghanistan*. Retrieved from <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf>, Article 22

²⁸ Islamic Republic of Afghanistan Ministry of Foreign Affairs, *2017 Status Report on the Afghanistan’s National Action Plan on UNSCR 1325 (Women, Peace and Security)* (Rep.). (2017). Retrieved from http://cdn.mfa.af/reports/NAP_English_final_29-07-2018.pdf, page 17

²⁹ *In a first, a grand conference on peace of over 3,500 Afghan women organized in Kabul*. (February 28, 2019). Retrieved from <https://president.gov.af/en/1/2/28/19>

³⁰ *English Translation Shiite Personal Status Law* (Publication). (April 2009). Retrieved from <https://www.refworld.org/pdfid/4a24ed5b2.pdf>, pg. 45

³¹ Islamic Republic of Afghanistan, Ministry of Justice, President’s Office. (August 1, 2009). *Official Gazette, Extraordinary Issue (989), Law on Elimination of Violence against Women (EVAW)*. Retrieved from <https://www.refworld.org/pdfid/5486d1a34.pdf>

violence against women, including “recording the identity of a victim and publishing it in a way that damages her personality;” abusing, humiliating, or intimidating women; prohibiting women’s right to work; and sexual assault. Complementing the EAW law, in 2018, Afghanistan passed a new Penal Code that includes measures to move prosecution of violence against women cases from informal mediation processes to more formal courts. This is critical given that use of mediation and other traditional dispute resolution processes can undermine women’s individual rights to safety and security given that the focus of such informal mechanisms is often on restoring harmony and resolution between families, rather than protecting survivor’s rights.³²

Negative Views of Women’s Rights: Despite these legal provisions, negative cultural norms around women’s equality have caused limited progress on women’s socio-economic and political status. According to the 2019 *International Men and Gender Equality Survey (IMAGES) in Afghanistan*, which was carried out by Promundo with funding from Global Affairs Canada and U.N. Women, two-thirds of men surveyed “agreed” or “strongly agreed” with the idea that “women in Afghanistan have too many rights,”³³ and only 15 percent of men felt that “a married woman should have the same right to work outside the home.” Interestingly, the IMAGES survey also found that younger men were less likely to express support for gender equality, which the survey ascribes to the threat to young men’s sense of identity, “particularly their sense of achieving socially recognized manhood” within a politically unstable time.³⁴ This is a departure from some other country contexts, where youth are more likely to have progressive and gender equitable beliefs. FGD respondents repeatedly noted such negative views about women’s rights as a key barrier to women’s public participation. FGD respondents also highlighted how limited recognition of women’s equal rights and widespread insecurity have often caused families to discourage or restrict their female family members’ freedom to pursue jobs, higher education, voting and political office.

FGD respondents also repeatedly noted that negative perceptions of women’s rights and widespread violence against women undermine – rather than bolster – women political leaders’ tendency to work together. According to respondents, this is due to fears that women leaders are more vulnerable to violence themselves if they are seen as working on women’s rights, which can be portrayed as “Western” and “anti-Islam.” Reflecting on the previous group of women parliamentarians, FGD participants noted that “there are 69 women in parliament and they didn’t work together, and did not work for women,” and that “there is no occasion that women collectively work together for access of women to political rights.” Similarly, as a study on the passage of the EAW law found, “women legislators in the Afghan parliament with the loudest voices are also those who attract the most criticism – from other women members of parliament (MPs) as well as men.”³⁵ It should however be noted, that such seeming lack of coordination is unique to some women parliamentarians. In contrast, women’s

³² UNAMA (May 2018). page 34

³³ *Reflections on Gender, Patriarchy, and Peace, Results from the International Men and Gender Equality Survey (IMAGES) in Afghanistan* (Executive Summary). (2018). Retrieved from <https://promundoglobal.org/wp-content/uploads/2019/01/IMAGES-Afghanistan-Summary-WEB.pdf>

³⁴ Ibid.

³⁵ Larson, A. (2016). *Women and Power: Mobilising around Afghanistan’s Elimination of Violence Against Women Law*. London: Overseas Development Institute, page 7

rights groups in Afghanistan have effectively worked together to advance landmark legislation, including the EVAW law. Additionally, this negative perception about cooperation between women political leaders was not universally held across all FGD respondents. Indeed, one parliamentary candidate from Balkh province noted, “my main reason [for contesting] was to promote political rights for women... I thought it would be better if I could enter the political arena as a parliament member to open the door for other women as well.”

Factor 2. Women’s Access to the Electoral Process

Highlighting Women Leaders

Balkh Province

“I thought it would be better if I could enter the political arena as a member of parliament and open the door for other women.”

A woman candidate from Balkh province, who came from a civil society and academic background, shared that she was motivated to contest in order to help ensure that women are able to exercise their political rights to become leaders, whether as elected representatives or decision makers in the peace process. As the interviewee noted, unless women are included as leaders in the country’s peace process, it will be undermined with negative impacts on men, women, and the stability of the country. *“Every decision [in the peace process] will impact women and their participation in the political process. If women’s concerns are ignored, elections will lose meaning.”*

Under the umbrella of the broader status of women concerns identified above, there are specific obstacles to women’s participation in each part of the electoral process: as candidates, voters, election administrators and active citizens holding the process accountable.

1. Women as Elected Leaders and Candidates

The establishment of legislative quotas in Afghanistan’s 2004 Constitution had a significant, positive impact on the number of women representatives. Afghanistan has now legislated quotas at all levels of government, except for the executive branch. In the National Assembly, which is comprised of a Lower House or House of the People (Wolesi Jirga), and an Upper House or House of Elders (Meshrano Jirga),³⁶ 27 percent and 17 percent of seats are allocated to women respectively. The Wolesi Jirga quota provision is included in the 2016 Electoral Law, which states that elected women shall number at least twice the number of provinces (i.e., at least 68 in total).³⁷ Also per the electoral law, 25 percent of all seats are reserved for women at the provincial, district

and village council levels. This is an improvement from previous provisions that reserved 20 percent of seats for women at the provincial level and had no quota for village and district councils.³⁸

³⁶ Only members of the Lower House are directly elected.

³⁷ It should be noted that this provision does not take into consideration from which province women are elected, and is therefore inconsistent with the Constitution, which reads that at least two women from each province shall be represented in the Wolesi Jirga.

³⁸ See Election Law Articles 58, 61, 64 (Islamic Republic of Afghanistan Ministry of Justice, 2016).

Negative Perceptions of Women Leaders: While quotas have proven effective in increasing women’s access to elected office, they are not sufficient on their own to address the gender barriers inhibiting women’s influence and participation as elected leaders. One of the most significant challenges to women’s electoral representation in Afghanistan stems from negative public perceptions about women leaders. For example, a 2018 survey by the Asia Foundation found that Afghans are more than twice as likely to say that they prefer to be represented by a man in Parliament (43.7 percent) rather than a woman (19.9 percent), with 35.6 percent expressing no gender preference.³⁹ The same survey found that only about half of Afghans indicate that they support women assuming elected leadership positions such as provincial governor (55.4 percent), cabinet member (56.0 percent) or presidential candidate (48.2 percent).⁴⁰ Additionally, the 2018 IMAGES survey found that 64.8 percent of male respondents agreed that women are too emotional to be leaders, compared to 29 percent of female respondents, and only 58.2 percent of male respondents agreed that “a woman with the same qualifications can do as good a job as a man as a political leader.”⁴¹ According to a former woman candidate and FGD respondent, in some cases, such negative perceptions are perpetuated by religious leaders and others in positions of power:

“I resigned from my very high-profile post to run for office in the 2018 Wolesi Jirga elections, but [a] few days before the election, in my constituency mullahs announced in the mosques that casting vote in favor of women candidates is against the Sharia law. It started in one mosque and the next Friday, at least eight mosques did the same.”

Gender Insensitivity in Political Parties: FGD respondents found a similar lack of support for women leaders in political parties. As one woman said, “I was a member of a political party and ran for office but the party decided and announced that party members should vote for a male candidate of the party and not for me, though I was more qualified than the male candidate.” Another noted that while male political leaders sometimes use women in their campaigns “to show that they respect women’s rights,” the gesture is insincere as women are rarely asked to hold leadership positions on campaign teams. Such male-centered political party structures, which are common worldwide, not only restrict women’s access as contestants but can also limit their ability to advance as elected leaders. For example, one study in Afghanistan highlights how even after women are elected, they are still marginalized in political negotiations and decision-making because decisions are made “over lengthy dinners in the private homes of prominent (male) politicians – spaces from which women are categorically excluded on account of prevailing social norms.”⁴²

In its *Guidelines on Political Party Regulation*, the Organization for Security and Co-operation in Europe identifies numerous gender provisions that can be integrated into political party rules and procedures to

³⁹ Akseer, T., Haidary, M. S., Maxwell-Jones, C., Sadat, S. M., Swift, D., Veenstra, K., & Yousufzai, F. A. (December 4, 2018). *Afghanistan in 2018: A Survey of the Afghan People* (Publication). Retrieved from https://asiafoundation.org/wp-content/uploads/2018/12/2018_Afghan-Survey_fullReport-12.4.18.pdf, page 178

⁴⁰ Ibid, page 177

⁴¹ *IMAGES in Afghanistan* (Executive Summary). (2018). page 50

⁴² Larson, A. (2016). page 15

mitigate some of the restrictions on women. These include: implementing requirements for gender-balanced boards for selecting party candidates; requiring gender sensitivity training courses for political party members “to minimize the effect of historical inequalities in political life”; and adopting gender strategies and action plans that are developed and owned by the political parties themselves.⁴³ The lack of any such provisions in Afghanistan’s party frameworks contributes to the weak gender sensitivity across political parties.

Financial Resources and Barriers: In addition to negative perceptions about women leaders, other structural barriers – especially more limited access to financial resources – hinder women’s candidacy. A 2013 study of elected women representatives worldwide by UN.Women found that lack of finances is one of the strongest deterrents to women entering politics or contesting electoral campaigns.⁴⁴ These findings were echoed in a 2014 IFES report on political finance and gender equality.⁴⁵ Afghanistan has a relatively strong legal framework on political finance, which includes provisions to regulate party and candidate income and expenditure and requires disclosures of funds.⁴⁶ Nevertheless, corruption and impunity remain high, and lack of campaign finance compliance continues to persist.⁴⁷ In the realm of campaign finance, corruption takes shape in the form of largely unchecked and undisclosed contributions to campaigns. These contributions skew the political process by making elected officials and candidates feel obligated to wealthy benefactors.

FGD participants noted that “campaigning and winning votes is not enough to win an election.” FGD respondents highlighted the financial barriers that women face due to the high costs of campaigning, which are fueled in part by bribery and other forms of corruption. As one woman noted, “I went to register as a candidate in the IEC office and I paid AFS 10,000 (approximately 176 CAD) as a bribe, so they accept my candidacy application.” Another indicated that “My own party asked for money to nominate me for candidacy on behalf of my party.” While these are not gender-specific challenges, women’s generally limited access to finances can make running for office prohibitively expensive. This challenge is exacerbated by the fact that, per the Election Law, members of the civil service as well as instructors at government institutions – among a long list of other types of employees – must resign from their positions if seeking elected office. FGD participants noted this challenge, highlighting that in such cases, “we are deprived of the little salary we have during our political campaign while the current

⁴³ *Guidelines on Political Party Regulation* (Publication). (2011). Retrieved from <https://www.osce.org/odihr/77812?download=true>

⁴⁴ Ballington, J., & Kahane, M. (2014). *Women in politics: Financing for gender equality*. International IDEA, *Funding of Political Parties and Election Campaigns*, page 303

⁴⁵ Cigane, L., & Ohman, M. (2014, August). *Political Finance and Gender Equality* (White Paper). Retrieved from https://www.ifes.org/sites/default/files/political_finance_and_gender_equality.pdf

⁴⁶ Islamic Republic of Afghanistan Election Law Article 77 (2016), Ministry of Justice, 2016: “(...) obliged to accurately report to the Commission on Electoral Expense Limit, reporting of expenses, and funding sources for campaign.” Afghan Political Party Law (2016): Specific chapter on financial matters; Islamic Republic of Afghanistan Election Law Articles 6 (6), 14, 15, 17 provide for bans from foreign income and affiliation, creation of designated bank account, and sanction.

⁴⁷ The SIGAR report stated, “the lack of political will on the part of both the international community and the Afghan government to combat corruption resulted in a culture of impunity that frustrated anticorruption efforts.” *Special Inspector General for Afghanistan Reconstruction: High Risk List 3 (2014)* available at https://www.sigar.mil/pdf/spotlight/High-Risk_List.pdf

members keep their job, salary, government protection etc. and compete against us. There is no level playing field and it is very hard for female members to unseat the current elected members.”

Expressing gender-specific challenges, FGD participants also repeatedly highlighted that women candidates’ more limited resources requires them to “attach themselves” to powerful (often male) actors to project influence. As one woman candidate from Nangarhar noted, “many women candidates in Nangarhar had support of influential people like commanders, jihadi parties and others that provided them with money, car and others.” Such reliance on powerful male actors increases some women’s vulnerability to exploitation as support is often reportedly accompanied by requests for sexual favors. As noted by one respondent: “There were offices in many provinces that were promising men that if they pay certain amount of money, they will get elected... [The] Governor, Police Chief, mayor and local government officials were coming and going to these offices. They were taking money from male candidates and from women candidates they were asking sexual favors.”

Financial pressures could be eased through the provision of public funding for all candidates and affirmative funding measures for women, both of which are widely recognized as international good practice to mitigate some of the financial barriers that inhibit women from contesting for office. The Venice Commission, for example, identifies the need to establish systems of transparent, public funding and promote financial incentives for better representation of women within political parties.⁴⁸ Indeed, Afghanistan’s own Political Party Law provides that one income source for parties is “government assistance during elections.”⁴⁹ In practice, however, party financing from the government has never been implemented and there are no affirmative action public funding mechanism to encourage women’s participation in elections.

2. Women as Election Administrators

As with legislated quotas for elected leaders, Afghanistan’s 2016 Election Law mandates that at least two of the seven IEC members must be women. While the president nominates the IEC members, until February 2019, IEC candidates were identified by a Selection Committee that was also required to include a representative from at least one women’s rights group. The Selection Committee was directed to identify candidates who meet the “highest and most appropriate legal standards, *while taking into account the ethnic and gender composition*” of the IEC (emphasis added). In February 2019, the IEC selection process was amended so that registered political parties present one candidate each, and election-related civil society organizations present a list of 15 candidates, at least five of whom must be women (Article 13).

Beyond the two mandatory seats at the commission level, however, women are significantly underrepresented across the IEC. According to reports by Afghanistan’s Central Statistics Organization,

⁴⁸ European Commission for Democracy through Law (Venice Commission). (2015). *Report on the Freedom of Expression of Judges (Venice, 19-20 June 2015)*. Retrieved from [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2015\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2015)018-e)

⁴⁹ Islamic Republic of Afghanistan, Independent Elections Commission of Afghanistan. (n.d.). *Political Parties Law*. Retrieved from http://www.iec.org.af/pdf/legalframework/law/politicalparties_law.pdf, Article 15

in 2017 women accounted for only 6.8 percent of the IEC's staff (22 of 325).⁵⁰ FGD respondents identified discriminatory hiring practices as one barrier to women being hired. By comparison, women make up 22.5 percent of the total civil service, underscoring the significantly lower rates of women's representation in the IEC. A respondent from the IEC noted "many examples" where women applicants for IEC jobs scored higher on written tests than competing male candidates, but were passed over because "the male applicants knew people at the IEC."

On paper, the IEC has adopted numerous measures aimed at addressing gender inequality in the electoral process. In 2009, for example, the IEC established a Gender Unit that is tasked with "ensuring that gender is taken into consideration in all of IEC's electoral work."⁵¹ According to the IEC's website, the Gender Unit has a gender strategy for promoting women's electoral participation. Additionally, the IEC's "Code of Conduct for Electoral Staff" includes commitments that staff will "endeavor to ensure that women make use of their rights,"⁵² and "respectfully behave towards persons irrespective of their gender, religion, belief, age and or their disability..."⁵³ The IEC's 2006-09 strategic plan also indicated that "principles of gender equality are followed for the recruitment of the IEC staff at all stages of operations to the extent possible."⁵⁴ In reality, FGD respondents repeatedly identified concerns around lack of substantive, institutional commitment to the Gender Unit's work. As one respondent noted, despite the establishment of a Gender Unit, "there will be big problems because there is no attention to women" at the IEC. Echoing these concerns, the Elections and Transparency Watch Organization of Afghanistan noted that the Gender Unit "lacks the necessary facilities and capacity to play an active role in encouraging women's participation in elections."⁵⁵ Even more worrying than a reported lack of institutional commitment to gender equality, the most significant gender-related challenge for the IEC according to FGD respondents is widespread allegations of sexual harassment of women by IEC staff. This issue will be covered in greater detail under Factor 3.

In addition to the IEC, Afghanistan has an ECC that is made up of five commissioners at the national level, plus a chief executive officer and three provincial commissioners in each province, one of whom must be a woman. As of March 2019, two of the seven IEC commissioners are women. During FGDs, respondents identified the requirement to nominate at least one woman provincial commissioner for each province as a window of opportunity to integrate a gender lens into the electoral complaints

⁵⁰ *Afghanistan Statistical Yearbook 2017-18. Issue No. 39*(Publication). (August 2018). Retrieved from [http://cso.gov.af/Content/files/%D8%B3%D8%A7%D9%84%D9%86%D8%A7%D9%85%D9%87%20%D8%A7%D8%A%D8%B5%D8%A7%D8%A6%DB%8C%D9%88%DB%8C/%D8%B3%D8%A7%D9%84%2096/English%20Yearbook%201396-min%20\(1\).pdf](http://cso.gov.af/Content/files/%D8%B3%D8%A7%D9%84%D9%86%D8%A7%D9%85%D9%87%20%D8%A7%D8%A%D8%B5%D8%A7%D8%A6%DB%8C%D9%88%DB%8C/%D8%B3%D8%A7%D9%84%2096/English%20Yearbook%201396-min%20(1).pdf)

⁵¹ Independent Election Commission of Afghanistan. (n.d.). Retrieved from <http://www.iec.org.af/2012-05-29-07-06-38/gender-mainstreaming>

⁵² Islamic Republic of Afghanistan, Independent Elections Commission of Afghanistan. (n.d.). *Voter Registration Update, Code of Conduct for Electoral Staff*. Retrieved from http://www.iec.org.af/pdf/code_of_conduct/2014/code_of_conduct_electoral_staff_eng.pdf, Article 11

⁵³ Islamic Republic of Afghanistan, Independent Elections Commission of Afghanistan. (n.d.). Article 7

⁵⁴ Islamic Republic of Afghanistan, Independent Election Commission. (December 2006). *Independent Election Commission Strategic Plan 2006-2009*. Retrieved from <http://aceproject.org/ero-en/regions/asia/AF/afghanistan-iec-strategic-plan-2006>, page 6

⁵⁵ Election and Transparency Watch Organization of Afghanistan (ETWA), *Report on the IEC's Performance and the Way Forward* (October 2017), Retrieved from <http://ewa.org.af/site/?p=336>, page 6

process. However, as with the IEC, women remain significantly underrepresented as staff across the ECC, accounting for only 7 percent, or 14 of the ECC's 201 staff.⁵⁶

3. Women's Access to Voter Registration and Polling Stations

Afghanistan's 2016 Electoral Law introduced a significant change to the voter registration process. For the first time, the IEC had to ensure that each polling station had a unique voter list, linking voters to a specific polling station. Using national ID cards (*Tazkiras*), Afghans were required to register in person at the same polling station where they would later vote. While this approach is intended to reduce fraud by mitigating duplicitous voting in multiple polling stations, the voter registration process was widely seen as lacking in resources, time and advanced planning. This has had significant implications for gender equitable access to voter registration. According to IEC statistics, 8,843,151 eligible voters were registered for the 2018 election – 5,768,549 men and 3,074,602 women.⁵⁷

FGD respondents noted that one of the key challenges was that due to “conservative traditions,” women were less likely to have Tazkiras as, in some cases, an ID card is not viewed as an essential item for women.⁵⁸ As noted in FGDs, while this was an issue for women broadly, it was a particular challenge for women from certain ethnic groups, with reportedly higher perceptions among Pashtuns that obtaining Tazkiras for women is “shameful”.⁵⁹ The voter registration process was more involved, sometimes prohibitively so, for those who lacked a Tazkira as they had to first travel to a district office – run by the Afghanistan Central Civil Registration Authority (ACCRA) – to obtain the Tazkira and then travel to their voter registration site to register to vote. Costs associated with travel, cultural restrictions on women's movement, and physical security concerns combined to present gender-differentiated challenges.

Leading up to and during the parliamentary election, FGD participants noted that there was a shortage of “female searchers” at the entrances of registration and polling centers who would be able perform body searches on women to check for weapons and explosives. While data on the number of female searchers from the 2018 election is limited, lack of sufficient numbers of women was a problem in previous elections. For the parliamentary election in 2010, for example, the Ministry and the Independent Directorate of Local Governance signed a directive instructing provincial governors to recruit 10,000 female searchers. However, due to the delays in making this decision and creating an operational plan for implementation, only 4,750 were recruited by Election Day.⁶⁰

⁵⁶ *Afghanistan Statistical Yearbook 2017-18*. (August 2018), page 19

⁵⁷ *Elections in Afghanistan, 2018 National Parliamentary (Wolesi Jirga) Elections* (Publication). (October 15, 2018). Retrieved from

https://www.ifes.org/sites/default/files/2018_ifes_afghanistan_parliamentary_elections_faqs_final.pdf

⁵⁸ Zahir, F. (June 13, 2018). “Afghan Women Excluded From Upcoming Vote.” Retrieved from

<https://iwpr.net/global-voices/afghan-women-excluded-from-upcoming-vote>

⁵⁹ Ibid.

⁶⁰ National Democratic Institute (NDI). (September 20, 2010). *Preliminary Statement of the National Democratic Institute Election Observation Mission to Afghanistan's 2010 Legislative (Wolesi Jirga) Elections* [Preliminary statement]. Retrieved from

https://www.ndi.org/sites/default/files/NDI_Afghan_2010_EOM_preliminary_statement.pdf

4. Women Voters

Women face physical challenges in merely casting a ballot. Given cultural traditions and religious beliefs, and to facilitate the involvement of women in the electoral process, the IEC has always established dedicated polling stations for women. However, during the first elections after the fall of the Taliban, the IEC faced difficulties staffing female polling stations with female election officials due to limited literacy levels among potential staff, and a significant number of female-only polling stations continue to be run by men. The challenge of addressing the dearth of female-only polling stations is compounded by issues related to physical insecurity. In 2018, there were many more areas that were defined as insecure from the previous election, resulting in fewer polling stations and longer distances between stations. There should have been 7,384 voting places throughout Afghanistan,⁶¹ but the IEC was only able to open 4,900 polling stations due to security issues.⁶²

Respondents repeatedly noted that fear of being killed at a polling station affects men and women differently, since the sense of shame for a family is greater when woman is killed in an election-targeted attack or other security incident. One woman recalled, “I went to register as a voter with my mother-in-law – and the same day there was a suicide attack and if you go and then go [die] it will shame the family. If a woman gets killed in such places there is lots of shame, but not for men.” Such lack of recognition of women’s equal political rights, including the value of a woman’s autonomous vote, is similarly reflected in survey data, such as The Asia Foundation’s 2018 survey that found that while 87.6 percent of Afghans believe that women should be allowed to vote in elections, only 56.6 percent of respondents indicated that women should decide whom they will vote for on their own.⁶³ Although it was not unanimous, some respondents suggested that the level of support for women’s political participation, or lack thereof, differs across ethnic groups. Respondents expressed that Pashtun populations were most likely to discourage women’s independent voting and broader electoral participation.

5. Women’s Access to the Election Complaints Process

The Electoral Law in Afghanistan allows any individual as well as observers to file complaints. However, several FGD respondents identified that women, more so than men, lacked the knowledge needed to correctly file complaints with Afghanistan’s ECC. As an employee of the ECC noted, “We get very weak complaints without evidence from women... Complaints need to be supported with evidence.” According to a FGD respondent, “We [women] feel more secure and comfortable to go and register complaints at the ECC but none of us have had the experience of registering a complaint with the ECC. Usually the candidates register complaints, but voters hardly register [them].” It is important to note that while the ECC can receive election-related complaints, if the complaint relates to an electoral crime

⁶¹ Amiri, E., & Nelson, C. (2018, October 19). *Afghan Elections Delayed in Kandahar After Assassination of Top Security Official*. Retrieved from <https://www.wsj.com/articles/afghan-parliamentary-elections-delayed-in-kandahar-after-taliban-attack-1539941758?ns=prod/accounts-wsj>

⁶² *Above 4 million people vote in Wolesi Jirga polls*. (October 22, 2018). Retrieved from <https://www.pajhwok.com/en/2018/10/22/above-4-million-people-vote-wolesi-jirga-polls>

⁶³ Akseer, T., Haidary, M. S., Maxwell-Jones, C., Sadat, S. M., Swift, D., Veenstra, K., & Yousufzai, F. A. (December 4, 2018). page 145

– as defined in the 2016 Election Law – the ECC should refer the case to the responsible body as they do not have the authority to conduct criminal investigations.

Factor 3. Trends in VAWE

Based on FGD discussions, IFES has identified eight trends that are pervasive or unique to VAWE. Breaking down these trends experienced by Afghan women during the electoral process provides a better understanding of VAWE in Afghanistan to inform recommendations with the greatest potential for effecting real change.

1. Threats from the Taliban

At the time of this report, the Taliban is engaged in ongoing international dialogues from which, as noted above, women have been largely excluded. Throughout the dialogues, the Taliban have maintained that they will respect women’s rights: in a February 2019 dialogue in Moscow, for example, a Taliban spokesperson indicated that “the policy of the Islamic Emirates is to protect the rights of women in a way that neither their legitimate rights are violated nor their human dignity and Afghan values are threatened.”⁶⁴ However, in reality, Taliban actors used threats and other violence throughout the election period to specifically discourage women’s political participation. For example, FGD respondents noted that the posting of voter lists outside the polling place prior to the election leaves women uniquely vulnerable. As one respondent highlighted: “The Taliban will see list.” In another case, an FGD respondent highlighted organized tactics by the Taliban that aimed to intimidate women from voting: “In Helmand and Wardak and a few other provinces, there was a night letter [threatening that] if any women leave your house, we [the Taliban] will know.” Still another explained that a potential candidate was effectively threatened by another woman candidate who “provided gossip to the Taliban that she has come from the American side” – a rumor that would put the woman in danger as she would be seen as an enemy.

These and other examples underscore the way that the Taliban effectively restricts women’s political participation, through direct violence and use of threats and intimidation. Women candidates highlighted that unless women’s rights are specifically protected as a core part of any peace negotiations, the already tight space for women to enter politics will be further restricted: “Every decision will impact women and their participation in the political process. If done without women, no woman will be brave enough to participate in politics in the future. If women’s concerns are ignored, elections will lose meaning.” Another woman candidate stated that the Taliban do not believe in women’s rights, and that a formalization of the Taliban’s role – without engagement from either women or the GoA – will undermine democracy: “Political rights and elections won’t make sense. It will be their [the Taliban’s] regime.” One media representative noted that unless the Taliban are integrated into an “open” Afghanistan, rather than an Afghanistan bent to the demands of the Taliban, “*the war will not finish*” as women and other groups will be forced continue to fight to gain back their rights and freedom.

⁶⁴ Rahmaty, Masooma. (March 8, 2019). *On International Women’s Day, a Closer Look at the Missing Voices of Women in Afghan Peace Talks*. Retrieved from <https://theglobalobservatory.org/2019/03/international-womens-day-missing-voices-women-afghan-peace-talks/>

2. Harassment by or Within the Election Administration and Other Stakeholders

The IEC is responsible for administering and supervising elections, including reviewing candidate applications and issuing accreditation letters to candidates.⁶⁵ As such, the IEC has significant influence

Highlighting Women Leaders

Nangarhar Province

“I have not lost hope and will continue working for women’s rights, and in the next round I will enter politics stronger.”

A woman candidate from Nangarhar province explained that she decided to contest to strengthen rule of law, increase parliamentarians’ accountability to their constituents, and promote women’s rights to participate in all aspects of society. Reflecting on her experience as a woman candidate, the interviewee noted challenges but also highlighted that she was able to use her position as a trusted woman to reach different groups that other candidates may not be able to reach. The candidate described sitting with women, teachers and students in her district to talk about her campaign. Some in the community “trust women more and think women are more honest compared to other (male) candidates.”

over the degree to which women are able to participate throughout the electoral process. Unfortunately, one of the most egregious and prominently cited forms of VAWE highlighted throughout IFES and the Afghan Women’s Network’s FGDs were allegations of rampant harassment and abuse by IEC staff against women voters, candidates and election officials. Women candidates faced some of the worst forms of abuse which, as noted in the candidate section below, exacerbates the significant barriers that women face when determining whether to contest for office. While FGD respondents noted that the issue of sexual harassment is pervasive – extending throughout government ministries and not limited to the IEC – the IEC’s responsibility to register candidates and administer the electoral process gives it significant leverage over women. As one said, “An IEC official in the province has influence whether a candidate wins or loses and they can use this for violence.”

In several cases, respondents noted that IEC staff members demand sexual favors from

women candidates in exchange for being placed higher on the candidate lists. For example, one civil society member explained that “I wanted to run for office, but from the very low IEC official to the top, everyone wanted sexual favors and that was the reason preventing me from running for office.”

Exacerbating the issues of harassment are perceptions of impunity for IEC officials engaged in sexual abuse against women candidates and other women stakeholders. One member of a leading observation group noted: “IEC local staff requested sexual favors from a woman candidate in the parliamentary election. They [the IEC] did not pay attention to this case when they were told. This case is very common in most provinces.” Another FGD respondent noted that in Helmand province, a senior IEC staff “clearly asks for sexual favors from female candidates in return for support. We reported this to IEC-HQ, but no action was taken against him.” Still another FGD participant highlighted that a male election official was

⁶⁵ Islamic Republic of Afghanistan, Ministry of Justice. (September 25, 2016). *Official Gazette, Election Law Issue No:(1226)*. Retrieved from http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

transferred, rather than dismissed, after several women submitted complaints of inappropriate behavior against him. Indeed, none of the respondents were aware of corrective measures taken against IEC staff who reportedly asked for sexual favors.

If the scale of these incidents is indeed true, then rampant harassment contradicts the statements by IEC staff that *“there is no tolerance for harassment (including psychological) and this is very serious.”* It also undermines the IEC’s ability to attract women staff, who in 2017, held fewer than 7 percent of staff positions. Even in cases where women would want to join the IEC, the allegations of harassment cause families to restrict their participation. As one respondent noted, she knew a school teacher who wanted to work for the IEC but was prohibited by her family due to the IEC’s harmful reputation. Expectations of harassment by the IEC are so rampant that, as stated by one respondent, “women with dignity don’t dare to run...”

3. Character Assassinations of Women Candidates via Social Media

Around the world, social media has become a platform for attacks on women, particularly those who assume more public profiles. A 2015 report found that women are 27 times more likely to be abused online than men.⁶⁶ VAWE online is an especially damaging violation of internet freedom because it is intended to silence women’s voices and prevent them from exercising their civic and political rights. It extends the reach of online harassment, both tarnishing a women’s reputation locally and potentially nationally, as well as exposing candidates to attacks from an exponentially larger group of potential harassers. In addition, the anonymity of online attacks protects the attacker, creating an environment of impunity where there are no repercussions for the attacker and where the victim is presumed guilty with no recourse to defend herself. As demonstrated in Afghanistan, this violence is no less fearsome or damaging to those in the direct line of attack simply because it is committed online.

Social media engagement is on the rise in Afghanistan, where 10 percent of the population is now online, a figure that is likely to grow precipitously in the coming years. FGD respondents repeatedly highlighted the use of character assassinations through social platforms as a widely used and effective strategy for destroying a woman’s candidacy for political office, stemming in part from gendered stereotypes that emphasize women’s purity and piety in Afghanistan. For example, accusations of “lost virtue” were reportedly used by political opponents to discredit, humiliate or otherwise harm women candidates. In multiple cases, FGD respondents noted that women candidates’ private photos – in which they were not covered by a veil - were obtained by political opponents and posted online. As one woman stated, “it’s more difficult for women to campaign on social media because their photos are edited and misused on fake accounts to humiliate them.” Similarly, a woman candidate said, “They used my pictures in social media and made a page under the name of [individual’s name redacted] and published different topics using my name.” Still another reported that “Someone posted my picture with a sports uniform using Photoshop and posted it in social media.” Still another candidate said: “I studied in the Russian Federation and when I decided to run, I deactivated my Facebook account, but my

⁶⁶ Tandon, N., & Pritchard, S. (2015). *Cyber Violence Against Women and Girls, A World-wide Wake-up Call* (Rep.). Retrieved from http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/cyber_violence_gender%20report.pdf?v=1&d=20150924T154259

opponents somehow got my student pictures and by using social media spread rumors against me that I was not wearing a scarf and I was a communist and don't believe in Islam." In Afghanistan, posting such private or edited photos, especially those in which women are not wearing a veil, feeds a damaging narrative about women's morality. The Asia Foundation's 2018 survey found that nearly a third of survey respondents identify the burqa – the most conservative form of dress – as the "most appropriate form of dress for women in public."⁶⁷

In addition to posting images of women candidates that leave them open to attack, social media platforms have also been used to threaten women's families. As one candidate noted, after she announced her candidacy for the parliamentary election, opponents posted stories on social media platforms indicating that her daughter had "escaped from the family," an allegation intended to shame the woman candidate. The anonymity with which these and other social media attacks occur underscore a culture of impunity. As one young woman said: "We are afraid of being defamed, this is why we don't dare to run for office. When I was younger I always wanted to be a politician but not anymore."

Social media platforms were also used to discourage women from registering to vote. As noted above, new voter registration provisions required voters to use picture identification and respondents highlighted that many women did not want to share their pictures as they feared the pictures would be spread through online or offline platforms. One woman candidate from Baghlan Province experienced this firsthand: "when I went to my village to mobilize women to get their Tazkiras, they refused because they did not want their pictures to go on social media." A civil society leader similarly indicated that "wives and daughters" do not want to get their Tazkira since "Registration staff are not trusted with photos or access to photos." While the IEC said these concerns did not become a reality, the rumors and misinformation likely discouraged some women from registering.

Recognizing the pervasive issues with social media, several women candidates did also identify social media platforms as an effective and low-cost outlet for raising their public profile, as well as a source of reinforcement. One woman candidate from Balkh noted that while she faced harassment, "I was encouraged a lot through social media."

4. Sexual Violence Against Women Candidates

In addition to threats specific to social media, women candidates face pervasive sexual harassment, which, as acknowledged by many of the respondents, is one of the driving factors discouraging women from contesting for office. Such practices contribute to shaming of women candidates and fuels attacks on women candidates' virtue. A FGD participant noted, "As respected women, we don't dare to run for office as the process is so corrupt and dirty." In addition to general attacks on women's virtue, respondents highlighted that women candidates are portrayed as non-Islamic, non-Afghan, supporting the Americans or "not coming from a good background." Still others highlighted how the lack of financial resources exposes women to sexual abuse by IEC staff and other electoral stakeholders. According to respondents, "IEC staff asks for bribes from wealthy male candidates and there is no doubt about it. As women don't have enough financial resources, they are asked for sexual favors in return for support."

⁶⁷ Akseer, T., Haidary, M. S., Maxwell-Jones, C., Sadat, S. M., Swift, D., Veenstra, K., & Yousufzai, F. A. (December 4, 2018). page 142

Similarly, one woman candidate noted that a high-level official within the security sector “told me that he will support my campaign and collect a lot of votes for me and also pay me money, but I need to enter into sexual relations with him.” Sexual harassment of women in politics is evidently rampant. While the response must be tailored to Afghanistan, steps taken by countries like Bolivia, which codified gender-based political violence in its legal framework and established stronger reporting mechanisms, can provide one model for mitigating high rates of and impunity around sexual violence against women candidates.

Negative perceptions about sexual behaviors of women candidates and political leaders is so widespread that respondents replicated some of the harmful assumptions about women political leaders’ “morality” within the FGDs. One respondent noted, for example, that women within the political parties only succeed by establishing “illicit sexual relations with the leader of political party,” while another indicated that “being a female candidate or elected member is equal to being a prostitute.” Within this context, becoming a female politician becomes synonymous with being “guilty” of sexual relations, a perception that further shames survivors of violence and discourages women from exercising their right to political participation. Ultimately, such perceptions that women candidates must trade sexual favors for candidate positions feeds the devastating and increasingly common mentality that “an Afghan woman should sacrifice her dignity and body to become a politician or elected official.”

5. Attacks by Women on Women

FGD participants indicated that in 2018, more so than in any other election year, women incumbent candidates were seen as intimidating other women challengers and leveraging connections to powerful allies to discourage other women candidates from contesting. Research has shown that political elites and incumbents, threatened by increased numbers of women leaders for fear that they may lose their own seat, do sometimes seek to “limit the authority of female entrants and sideline women as a group”⁶⁸ to preserve political power. Research, however, has generally focused on the tactics used by male political elites to “render women less effective.”⁶⁹ FGD respondents highlighted similar issues among women incumbents, reflecting a zero-sum approach to women’s reserved seats in which incumbent women candidates believe that non-incumbent women must be defeated and undermined in order to preserve power – one downside of an otherwise constructive system of reserved seats for women. Tactics identified by respondents ranged from psychological harassment to physical threats. For example, one respondent noted that “Some of my opponents (men and women) had paid media to make false and destructive reports about me.” Another reflected that a woman incumbent “removed my campaign poster and were stepping over them.” Respondents also noted instances where women incumbents propagate allegations or rumors of sexual harassment against women candidates to “defame” their competitors – a practice that further discourages women from reporting. It should be noted, however, that such violence and intimidation against candidates extends beyond women to non-incumbents in general. One male candidate highlighted that “*Current members of parliament...give*

⁶⁸ Bjarnegård, E., & Zetterberg, P. (2016). Political Parties and Gender Quota Implementation: The Role of Bureaucratized Candidate Selection Procedures. *Comparative Politics*, 48(3), 393-417, page 9

⁶⁹ Krook, M. L. (2016). Contesting gender quotas: dynamics of resistance. *Politics, Groups, and Identities*, 4(2), page 272

direct and indirect threats and they talk to community members and have them inform them if someone comes to campaign.”

It is unclear from this study whether women incumbents are as hard on male competitors as women competitors, or whether they appear to be predominantly tougher on women competitors because they have less recourse to fight back. More research is required to fully understand this trend.

6. Attacks on Candidates' Families

Beyond threats to women politicians themselves, FGD respondents also described how threats are extended to women's families in a way that they are not for male political leaders. Respondents noted that women often fear for their children's lives and the risk that entering politics places on the entire family. Daughters are particularly vulnerable to attacks. As one former candidate noted, "Once I was a candidate, they started spreading rumors that my daughter is kidnapped so they can defame my daughter." An election observer highlighted that beyond rumors, there were several cases where children of women candidates were kidnapped "in attempt to stop [their mothers] from running for office."⁷⁰ Another woman candidate noted that after she announced her candidacy, mullahs and religious leaders disseminated messages that she was the "daughter of a Russian soldier," a rumor designed to bring shame to her family by challenging the morality of her mother, and "spreading rumors against my other family members." Still another woman noted that someone sent her a message during her campaign threatening that she and her family would face violence. "My family encouraged me not to run, but I thought about it, and decided to do this anyway."

7. Physical Security Issues Around Voter Registration and Voting

There are multiple examples related to gender-specific concerns around safety at voter registration and polling sites. As one FGD respondent noted "We had problems, even here in Kabul, where women were not allowed to go and register – [there are] three reasons for this: unacceptable culture, deterioration of security, and women not informed about their political rights." The location of the voter registration and polling stations in schools and subsequent threats to students, especially girls, is one such gender-differentiated challenge. Voter registration and polling are, by necessity, highly publicized events that require the IEC to advertise where and when it will open registration and polling centers. Such publicity increases the risk and vulnerability to anti-government disruptor groups. According to UNAMA's report on election violence during the parliamentary election, over half of the polling centers, which also served as voter registration sites, were in schools, and threats of attacks against the schools, largely from the Taliban, resulted in school closures and decreased attendance rates. Girls' schools were reportedly disproportionately affected.⁷¹ As noted under Factor 2, women were also exposed to unsafe registration processes because of their disproportionate need to obtain a Tazkira – a challenge that was exacerbated by ACCRA's decision that it would only issue Tazkiras from existing district offices rather than using mobile teams that would include dedicated female staff. Experiences from previous voter registration exercises in Afghanistan show the importance of facilitating registration for women in more

⁷⁰ In this context, "kidnapped" is a euphemism for being raped, which within the conservative context, can have devastating effects on women's personal life.

⁷¹ UNAMA (November 2018). page 6

rural and traditional areas by reducing the distance women have to travel outside the immediate household or village.

8. Use of Violence by Family Members to Restrict Women's Political Participation

The 2018 IMAGES survey found that nearly half of polled Afghan men (49.6 percent) agreed or strongly agreed with the statement that “women who participate in politics or leadership positions cannot also be good wives or mothers.”⁷² FGD responses and recent survey data underscore a general lack of

Highlighting Women Leaders

Herat Province

“As a citizen of the country I think it’s my mission not to step back and be silent against injustice. Silence is failure and I will continue with my struggle.”

Women candidates – such as one interviewee from Herat Province – noted their desire to enter Parliament in order to bring the “*real voice of the people*” into the parliamentary branch of government. The interviewee articulated numerous campaign priorities, including improving management of government resources, increasing budget allocations to the neediest provinces, and implementation of rights-based laws and frameworks, such as Afghanistan’s National Action Plan on UNSCR 1325. Despite noting her frustrations over rampant corruption throughout the campaign, the woman candidate said she would contest again in the future in order to fulfill her obligations to stand “against injustice.”

familial support for women’s rights to full, equal and independent political participation. Such sentiments can constitute VAWE in the case that family members use intimidation, harassment, or other tactics to restrict women’s rights to register and vote. One woman respondent highlighted that “Demanding the right to participate in elections may put women’s safety in danger inside the household.” Another respondent highlighted that “In Kunduz and north Kabul, the warlords and commanders have told their men to force their woman to vote for their candidates.”

FGD respondents also highlighted that “family shame” around women voting and running as candidates has increased from the last election, and as a result, one of the first hurdles women must overcome is to persuade their immediate families to support them in filing as candidates or even just registering to vote. As one respondent highlighted, “Getting permission from male members of the family is difficult most of the time and women face different types of violence including physical violence if they don’t accede to their male family

members and act based on their will.” Two interrelated factors drive family restrictions on women’s political participation: 1) concerns around and fear for abuse of women family members if they run for office or vote; and 2) persistent, negative public perceptions about support for women’s independent political rights.

FGD respondents repeatedly mentioned that widespread harassment of women candidates contributes to families’ reticence to support women family members contesting for office out of fear that the women will be harmed, with subsequent, negative social and economic impacts on the families. As

⁷² IMAGES in Afghanistan (Executive Summary). (2018). page 50

noted above, social media is widely used as a public platform to attack a woman's virtue, and anxiety around this type of public exposure leads family members to discourage women from contesting. As one respondent noted, sharing personal information to undermine women candidates "has a multiplication effect and impact [on the] family." Notably, a former candidate from Kabul explained that when she was running for office, "even my brother in-law was reluctant to post my photos in his shop. I posted some of my posters in his shop, but the next day he removed them and told me that 'if people know that I'm connected with a female candidate, it will bring shame on me and business will be affected.'"

At the same time, some women candidates did highlight specific instances where their families provided a source of support, rather than friction, in their campaigns. As one woman candidate from Balkh province noted, members of her family actively contributed to her campaign: "my sister was responsible for public awareness and billboards, my brother was arranging my meetings and logistics for gatherings; my husband provided materialistic and moral support, and my other relatives provided fuel for cars and supported me while going to campaigning." Another candidate from Nangarhar noted that "my brothers were beside me and in every campaign they accompanied me." While such examples of proactive family support were relatively few, they highlight the important role that families can play in bolstering – rather than discouraging – women's political participation.

Factor 4. Responses to VAWE

While analysis of the above three factors paints a grim picture, there are some areas of progress or opportunity to consider as well. A legal framework that protects women and stipulates punitive action for those who violate women's electoral rights is a net positive. In addition, women's groups have had notable successes working together to advocate for legal and other changes, the government has developed a NAP that includes commitments to addressing women's safety and security, and existing structures – such as *shuras* and community councils – are viewed by some women as accessible platforms for obtaining help for women facing violence. While these responses fall short of the incredible demand for effective VAWE mitigation and prevention mechanism needed in Afghanistan, they provide a foundation that can be built on for future solutions.

Afghanistan has numerous legal frameworks that can be drawn on to protect and promote women's rights to safety and security throughout the electoral process. In addition to the ERAW law (2009) and NAP on UNSCR 1325 (2015), Afghanistan's 2016 Election Law identifies the following as electoral crimes, carrying a mandatory prison sentence:

- "Threat, intimidation, irreverence, and exertion of pressure against a voter, a candidate, monitor, observer, media and electoral workers," (Art. 99(1)3); and
- "Exerting violence or pressure or disrupting the security situation that leads to interruption of the electoral process" (Art 99(1)10).

The 2018 Penal Code also includes a specific chapter on election crimes, which are the same as those defined in the Electoral Law, although there are inconsistencies, including in the level of sanctions

between the two laws.⁷³ Although VAWE is not specifically mentioned in these frameworks, the definitions of election-related crimes outlined above do cover many forms of VAWE, thus placing jurisdiction for prosecution with the courts. In reality, jurisdiction over how to respond to election crimes, including VAWE, has been confusing and inconsistent. Current legal provisions create a perception that the IEC and ECC have a role to play in investigating crimes and imposing criminal sanctions.⁷⁴ The 2016 Election Law identifies the ECC's authority to identify election crimes, but not prosecute. As a result, while women may file VAWE-related complaints with the ECC – for example, under Article 427 of the Penal Code or Article 99 of the Election law, which cover violence for the purpose of disrupting the electoral process – it is ultimately up to the relevant legal authorities to prosecute any VAWE-related crimes. What the ECC does have the authority to do is invalidate votes based on use of force against a voter or election work that results in “deprivation of freedom” or serious injury.⁷⁵ Beyond criminal prosecution, the IEC is responsible for putting measures in place to ensure the “security of the vote,”⁷⁶ which can be done in coordination with the Afghan security forces, consisting of the Afghan National Army, Afghan National Police, Afghan Local Police and National Directorate of Security. Such measures can and should include provisions that could improve women's electoral access by increasing gender-sensitive security.

Outside of the IEC and ECC, the GoA has established some services that can be drawn on for VAWE-related complaints. These include setting up Family Guidance Centers in provincial capitals to provide legal advice and health and psycho-social services to women survivors of violence,⁷⁷ as well as a women's hotline through the Ministry of Interior. Additionally, respondents highlighted that Afghanistan's Chief Executive Officer Abdullah Abdullah has committed to establishing a committee made up of civil society representatives, the Human Rights Commission, Women's Affairs Ministry and Attorney General Office to examine issues related to VAWE specifically, although no steps were taken to make this operational during the parliamentary election. Provincial-level police headquarters have set up desks to receive cases related to violence against women, an important step despite the fact that gender-based violence service providers indicated that women rarely file cases with the police since “going to police headquarters is too scary for women.”

In addition to government efforts, Afghanistan's civil society networks have also implemented some measures to counter rampant violence against women. Respondents noted, for example, that there is a toll-free number for women to provide support and counseling to victims that is run by a nongovernmental organization. Women-led peace councils and women *shuras* are also viewed as

⁷³ See Afghanistan, Penal Code, art. 423 (Islamic Republic of Afghanistan Ministry of Justice, 2017); See Election Law art. 99 (1.2;1.3) (Islamic Republic of Afghanistan Ministry of Justice, 2016).

⁷⁴ The electoral law provides a list of election violations with sanctions, and a list of election crimes with applicable punishment. And it states that IEC declares the sanctions. *Id.* at article 99 (4); “The cash fines and punishments mentioned in this law, shall be declared by the Commission, and be implemented by the law enforcement authorities.

⁷⁵ See Election Law Article 84 (2016)

⁷⁶ *Ibid.*, Article 81

⁷⁷ *Islamic Republic of Afghanistan Ministry of Foreign Affairs, 2017 Status Report on the Afghanistan's National Action Plan on UNSCR 1325 (Women, Peace and Security)* (Rep.). (2017) pages 3, 23-24

sources for alternative dispute resolution for women, including related to abuse and other forms of violence.⁷⁸

Acknowledging these resources, FGD respondents repeatedly highlighted that due to a combination of factors, women rarely report instances of electoral violence. Lack of trust in institutional responses was one of the most prevalent concerns. As one respondent noted, “sometimes if our rights are violated in different ways, we keep silent as first there is no place we can register a complaint and trust that it will be heard.” Others noted that “there is no credible organization that we trust will deliver justice,” and “I didn’t report it [sexual harassment] to anyone as I didn’t believe in the institutions and the second reason is that I would become defamed.”

Highlighting Women Leaders

Kabul Province

“My biggest achievement was gaining public support, people openly supported my bid and now I’m known as someone who can fight for their rights.”

A woman candidate from Kabul province and survivor of domestic violence described her desire not only to fight for women’s rights, but also to build a network of like-minded women parliamentarians “*who can pursue women related issues with one voice... irrespective of their religious or party affiliations.*” While she said that the challenges were too significant for her to want to run again, she is committed to remaining an advocate for women’s rights, and encouraging “donor agencies” to support women candidates “*who feel vulnerable and alone.*”

A second challenge is that the severity of the punishments for crimes related to violence against women, which could include VAWE, discourages women from bringing cases. While the criminalization of violence against women is critical to ensuring that survivors have legal recourse, a UNAMA report found that the law’s reliance on incarceration for punishment of perpetrators becomes a deterrent to survivors’ reporting instances of violence.⁷⁹ This is particularly the case for domestic situations, in which the perpetrating male family member is relied on for income. FGD respondents also repeatedly highlighted concerns that if the abuse is reported, there will be “retaliation by male members of the family,” putting male family members at risk. “Afghan men are happy to even kill or to be killed if their female family member is sexually assaulted or raped or even requested for sexual favors.” Respondents also expressed fears that men may retaliate against them. As one respondent said, “We also keep silent because if a male member of the family

know that someone did or attempted to do something wrong with us, they may resort to violence as an act of revenge or at least stop us from working outside [the home].” Within this context, women may calculate that bringing complaints around VAWE and other forms of violence against women will be prohibitively costly.

⁷⁸ Luccaro, T., & Gaston, E. (July 2014). *Women’s Access to Justice in Afghanistan, Individual versus Community Barriers to Justice, Peaceworks, No. 98* (Rep.). Retrieved from https://www.usip.org/sites/default/files/PW98_Women's-Access-to-Justice-in-Afghanistan.pdf

⁷⁹ UNAMA (May 2018). page 26

A third challenge to accessing recourse mechanisms for VAWE or other forms of violence against women is the significant lack of awareness by women about how to access the justice system, and by provincial courts of how to properly handle case of VAWE. According to a U.S. State Department report, prosecutors and judges in remote provinces are largely unaware of laws aimed at addressing violence against women, and report receiving pressure to release defendants “due to familial loyalties, threat of harm, or bribes.”⁸⁰ Such lack of awareness about proper criminal channels fuels the utilization of mediation and other informal mechanisms for even the most serious cases of violence against women. The GoA’s own 2017 report on implementation of the NAP on UNSCR 1325 highlighted the issue of women’s weak access to formal courts, noting that one of the biggest barriers to implementation of the EVAW law “is the use of traditional justice, customary law or mediation in lieu of access to constitutional justice/formal justice.”⁸¹

Conclusion

While the challenges faced by Afghan women can seem insurmountable, especially when it comes to the high rates of VAWE, gains made in other countries that face challenging status of women, electoral access and violence trends serve as examples of what steady, informed and concerted efforts can do over time. Violence against women laws have made notable strides around the world even in the last decade; international frameworks now entrench women’s rights to participate fully in all elements of their country’s development – from the political sphere to economic growth; and new movements, such as the #MeToo movement, continue to build momentum behind more sophisticated understandings of women’s rights. Within Afghanistan, the country’s rich history of women’s activism and political engagement is a resource for continued advocacy for women’s rights and gender equality. These examples do not diminish the obstacles faced by Afghan women or understate the incredible efforts that are now needed in Afghanistan to change these deplorable conditions. However, they do demonstrate that in time, change is possible with the concerted, combined effort of national and international champions consistently pushing the boundaries and strategically building on successes.

This study adds to the existing literature on gender-based violence in Afghanistan, as well as obstacles to women in elections, providing a unique look at violence against Afghan women in elections from the perspectives of Afghan women themselves, alongside other male electoral stakeholders. This deep dive into some of these less understood factors provides an opportunity to contribute informed recommendations to moving the bar when it comes to the elimination of VAWE and promotion of full political participation of women in Afghanistan. As Afghanistan grapples with an ongoing conflict and prepares for future elections, including a presidential election currently scheduled for September 2019, strategic efforts are urgently needed to ensure that women’s rights to participate as electoral and political decision-makers are safeguarded and bolstered.

⁸⁰ *Country Reports on Human Rights Practices for 2017, Afghanistan 2017 Human Rights Report* (Rep.). (March 4, 2018). Retrieved from <https://www.state.gov/documents/organization/277519.pdf>

⁸¹ *Islamic Republic of Afghanistan Ministry of Foreign Affairs, 2017 Status Report on the Afghanistan’s National Action Plan on UNSCR 1325 (Women, Peace and Security)* (Rep.). (2017). pages 23-24

Recommendations

To the GoA:

- Strengthen the campaign finance regulatory framework and establish a sufficiently resourced monitoring unit at the IEC that is equipped to more effectively enforce campaign finance provisions. Such provisions would reduce the cost of electoral campaigns and, in so doing, even the playing field between male and female candidates.
- Establish a system of public funding of political parties and create incentives for political parties to increase women's representation by giving additional funds to those that run or elect more women.
- Strengthen educational outreach on the reporting channels for violence against women and build the capacity of legal authorities to investigate such cases in formal courts.
- Update the 2016 Election Law, EVAW Law or other relevant legislation to explicitly recognize violence against women candidates and elected representatives as criminal, and establish reporting mechanisms that can be used by women in public office.
- Encourage legal authorities to collaborate more closely with the ECC to prosecute VAWE crimes.

To the IEC:

- Ensure that the Gender Unit has the resources and authority needed to carry out its role, and that representatives from the IEC Gender Unit are on hiring panels for senior-level staff, as well as integrated into decision-making processes.
- Establish a gender quota to mandate a minimum number of senior-level women officers in each provincial office.
- Implement an IEC public awareness campaign that includes specific steps taken to enhance the IEC's commitment to enhancing neutrality, professionalism, gender equality and women's participation.
- Strengthen internal codes of conduct to include prohibition of any forms of violence against women, both within and outside of the IEC, clarify penalties for violations, and establish confidential reporting channels.
- Conduct and publish pre- and post-election technical assessments to identify and plan for the gender-differentiated needs throughout the electoral cycle. Key areas of focus could include a systematic analysis of women's legal rights, mapping of women-only polling station placements, gender-sensitive voter information requirements, and the level of women's representation across election administrators and security providers.
- Implement and enforce a zero-tolerance policy for sexual harassment policy for all staff.
- Implement gender sensitivity training for IEC staff and security actors that includes a focus on the unique ways that VAWE impacts women's political participation and undermines the democratic process. Trainings should highlight the roles and responsibilities of IEC staff to identify and address VAWE at polling stations and throughout the electoral process.
- Conduct robust voter and civic education that includes a focus on the importance of women's political participation, as well as information on mechanisms for addressing gender-based electoral violence. Such campaigns could include gender-sensitive messaging that demonstrates that male family members and respected leaders endorse and stand with women candidates.

- Acknowledge online hate speech, including against women candidates, as unacceptable and a violation of electoral laws.
- Ahead of elections, deploy mobile registration teams that include women to facilitate the voter registration of women, particularly in rural areas.

To Civil Society:

- Support public awareness campaigns that highlight the importance of women's political participation as elected leaders. Campaigns could highlight: women's rights to democratic participation, as laid out in the Constitution and Islam; examples of men's support for women political leaders; online violence against women as an illegal act; and campaigns where female politicians share their success stories.
- Train judges, police and others, especially in the provinces, on how to adjudicate and investigate VAWE cases, and produce reference materials to support these efforts.
- Provide leadership trainings to women in politics that include a focus on building solidarity networks with other women leaders. IFES' global "She Leads" leadership training could serve as a model.
- Serve as watchdogs to monitor lawsuits and other election complaints filed around gender-specific election violations and publish results.
- Conduct gender-specific election observation, either independently or inclusive of larger observation missions, using internationally recognized checklists.

To Political Parties:

- Develop and adopt political party codes of conduct and action plans that include a commitment to respecting women's rights to a safe and secure political environment, zero tolerance toward sexual harassment, and a rejection of utilization of gender-based hate speech and other forms of violence against women through social media platforms.
- Implement requirements for gender-balanced boards for selecting party candidates.
- Require gender sensitivity training courses for political party members.

To International Donors:

- Support programs that promote civil society's role as watchdogs against misogynistic coverage of women candidates and provide targeted training to electoral stakeholders – including IEC and ECC officials – with a focus on gender sensitivity, gender-inclusive budgeting and planning.
- Support strengthened IEC public awareness efforts that include a focus on women's political participation and the essential role that women play as equal stakeholders in the democratic process.
- Support efforts by national nongovernmental organizations to build awareness of violations, publishing results of any court cases and reinforcing other zero-tolerance messaging toward sexual harassment in the electoral process.
- If international dialogues move forward, guarantee that women are well-represented at the table and prioritize the demands made by Afghan women, as outlined in the Afghan Women's Network's 2019 statement on the "Doha Peace talks", as termed by the Afghan Women's Network, which was

released in response to a round of discussions between the U.S. and Taliban. These include: ensuring that the democratic structure of government is maintained; protecting women’s equal rights in the Constitution and in all Afghan laws, especially rights to safety and security; maintaining commitments to international and regional human rights agreements; and protecting freedom of expression and assembly – both during and after negotiations.



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