

SENATE



SÉNAT

CANADA

Training in Afghanistan: Include Women

**Standing Senate Committee
on Human Rights**

The Honourable Nancy Ruth
Chair

The Honourable Mobina S. B. Jaffer
Deputy Chair

December 2010

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MEMBERS

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The Honourable Marjory LeBreton, P.C., (or Gérald Comeau) and James Cowan (or Claudette Tardif).

Other Senators who have participated from time to time in the study:

The Honourable Senators Joyce Fairbairn, Elizabeth Marshall and Donald H. Oliver.

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Allison Goody, Julia Nicol and Julian Walker, analysts.

Clerk of the Committee:

Adam Thompson

ORDER OF REFERENCE

Extract of the Journals of the Senate, Tuesday, November 3, 2010:

The Honourable Senator Nancy Ruth moved, seconded by the Honourable Senator Segal:

That the Standing Senate Committee on Human Rights be authorized to examine and report on the role that the Government of Canada may play in supporting the promotion and protection of women's rights in Afghanistan after Canada has ended its combat operations in 2011; and

That the committee submit its final report to the Senate no later than December 16, 2010, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

The question being put on the motion, it was adopted.

Gary W. O'Brien
Clerk of the Senate

EXECUTIVE SUMMARY

Canada's combat mission in Kandahar will end in 2011. The government has decided to refocus Canada's military contribution to the North Atlantic Treaty Organization (NATO)-led mission in Afghanistan on a training role until 2014. Within this context, the Standing Senate Committee on Human Rights examined the role that the Government of Canada can play in supporting the promotion and protection of women's rights in Afghanistan.

Women's participation in society is an integral component of good governance and sustainable economic and social development. Therefore, the Committee recommends that Canada make the advancement of women's rights a fundamental element of its approach to Afghanistan post-2011. In addition to this overarching recommendation, the Committee has identified five areas of focus:

- **Political reconciliation:** Afghan women must be fully supported so that they can assume meaningful roles in any future peace negotiations and work to protect women's rights.
- **Security:** To acquire the tools needed to gain the trust of local communities and to uphold the rule of law, Afghan security forces need training in community policing, UN Security Council resolution 1325, women's rights and civilian protection. The trainers themselves - Canada's armed forces and police - require gender sensitive training.
- **Justice:** Perpetrators must be held accountable for crimes committed against women. Capacity-building and awareness-raising initiatives across the justice system are needed to implement existing laws, such as the Elimination of Violence against Women law.
- **Education:** Education is central to sustainable development in Afghanistan. The education system and literacy programs require further resources, and a community-driven approach. Canada should also prioritize secondary and post-secondary education.
- **Local development:** Economic and social development assistance should target small-scale, local initiatives. Moreover, as they have benefited less than women living in urban centers since 2001, an increased focus on women in rural communities is required.

To safeguard women's rights, the Committee recommends that the Government of Canada ensure that its support for any national peace process that emerges in Afghanistan is framed by two

fundamental principles: women's meaningful participation in the peace negotiations and the full preservation of women's rights, such as those currently guaranteed in the country's Constitution. It's timely for Canada to implement its recent Action Plan on the UN Security Council resolutions on women, peace and security, as well as the recommendations from this Committee's 2010 report on that same subject.

The Committee's Recommendations

- 1. The Committee recommends that the Government of Canada include the advancement of women's rights as one of its five priorities for Afghanistan post-2011, consistent with its obligations under United Nations Security Council Resolution 1325 on women, peace and security.**

In Afghanistan, the Committee recommends that the Government of Canada:

- 2. Provide capacity building support and resources for women so that they can be effective participants in any future national peace negotiations, with particular attention given to the needs of rural women.**
- 3. Ensure that Canadian diplomatic and financial support for any national peace process that emerges in Afghanistan is framed by the following fundamental principles:**
 - a. The meaningful participation of Afghan women from diverse backgrounds and the promotion of gender sensitive approaches to the negotiations.**
 - b. The full preservation of women's rights protections, such as the existing equality rights in the Constitution.**
- 4. Expand the emphasis on community policing, women's rights, the rule of law and civilian protection in the training provided to the Afghan National Security Forces.**
- 5. Promote gender sensitive training for Afghan and Canadian security sector forces, including on the Elimination of Violence Against Women law.**
- 6. Assist the Afghan government to make concerted efforts to recruit female police officers and soldiers and to eliminate barriers to their participation in the security sector.**
- 7. Assist the Afghan government to develop local civilian monitoring committees to review the activities of security sector personnel.**
- 8. Direct its development assistance:**

- a. **To capacity-building throughout the entire justice sector, particularly in remote communities, which should include support for civil society actors involved in justice policy advocacy and/or the provision of legal services.**
 - b. **To strongly encourage the Afghan government to hold perpetrators of violence against women accountable and to disallow those same perpetrators from holding positions in government.**
 - c. **To promote initiatives to implement and raise public awareness of the Elimination of Violence Against Women Law.**
- 9. Continue to focus considerable resources on the expansion of literacy training for women and girls, with far greater attention given to rural areas.**
- 10. Support an approach to primary education that encourages local ownership of education, based on small, community-level schools.**
- 11. Place a priority on secondary and post-secondary education, ensuring that the needs of rural women and girls are met, that culturally appropriate infrastructure is in place, and that the practical skills training needed to build women's human capital, such as medical and scientific knowledge and engineering, is prioritized.**
- 12. Establish, in concert with the Afghan government and other international donors, a scholarship program to enable women to attend post-secondary institutions, which should include dedicated spaces for girls from rural areas.**
- 13. The Committee recommends that when the Government of Canada takes the recommendations in this report into account, they put special emphasis on Pashtun women.**
- 14. The Committee recommends that, in its economic and social development assistance in Afghanistan, the Government of Canada prioritize small-scale and localized projects that reflect the will of those affected.**

INTRODUCTION

As Canada changes its role in Afghanistan, our country has a new opportunity to support the rights of Afghan women by adopting a coherent development approach. Up to now, efforts by the international community to promote women's rights in Afghanistan have been ad hoc and inconsistent. The Standing Senate Committee on Human Rights therefore believes that Canada must take concerted steps to prioritize women's rights in that country, bringing informed approaches based on what we have learned.

Progress has been made since the international community's involvement began in 2001, which can be built upon: more girls are attending school; some women are voting in elections; some women occupy decision-making positions; and important new institutions have been established such as the Afghan Independent Human Rights Commission (AIHRC) and the Ministry of Women's Affairs.

Nevertheless, at the end of 2010, Afghanistan is at an important crossroads. The Afghan government as well as many North Atlantic Treaty Organization (NATO) governments have argued that the longer term stabilization of the country will likely require a political settlement. The Committee's witnesses argued that advances made since 2001 with respect to women's rights could be compromised by demands pursued, or choices made, by the parties at the negotiating table, including the Government of Afghanistan, tribal leaders and the Taliban. The Committee strongly believes that this cannot be allowed to happen. While stability and security are critical, the development of Afghanistan is equally important. Canada must use all the tools and leverage at its disposal – bilaterally and in partnership with NATO and the United Nations (UN) – to preserve existing women's rights in Afghanistan, while also laying the groundwork for the sustainable enhancement and enforcement of these rights (e.g. fairness in customary law, complaints to the human rights commission, access to courts and fair policing). In adopting this approach, Canada and NATO would only solidify the chances of success for their objectives in the country, given that women's meaningful participation in society is an integral component of good governance and sustainable economic and social development.

The next three years present a window of opportunity, given Canada's decision to end its combat mission in Kandahar in 2011 and plans to refocus its military involvement on a training role until

2014. Canada can use this period to help establish the groundwork for Afghans and Afghan institutions to be in a strong position to continue progress over the long term. This is an ideal moment for Canada to prioritise a critical issue - women's rights - and to make a significant contribution to Afghanistan's development over the long term. As Canada takes its next steps in Afghanistan, it also has a timely opportunity to implement its recent Action Plan on the UN Security Council Resolutions on Women, Peace and Security, as well as implement the recommendations from this Committee's November 2010 report on that same subject.¹

¹ Department of Foreign Affairs and International Trade (DFAIT), *Building peace and security for all*, October 2010, http://www.international.gc.ca/START-GTSR/women_canada_action_plan-plan_action_femme.aspx?lang=eng. The Committee's report on UNSC Resolution 1325, *Women, Peace and Security: Canada Moves Forward to Increase Women's Engagement*, was tabled on November 18, 2010. It can be accessed here: <http://www.parl.gc.ca/40/3/parlbus/commbus/senate/com-e/huma-e/rep-e/rep05nov10-e.pdf>.

THE COMMITTEE'S APPROACH

A. The Advancement of Universal Values, Grounded in the Local Context

Western governments, non-governmental organizations (NGOs) and individuals are often criticized for imposing “western values” on other countries when they seek to promote women’s rights. However, Afghan women have clearly and consistently indicated that they do not share this view. The Committee was told that these women speak of their desire for improved access to services like quality education, skills development and healthcare. Local demand for political rights, despite the risks, was demonstrated by the fact that there were more women candidates in the September 2010 parliamentary elections than in the 2005 elections when the campaign environment was much safer. All too often, charges of the imposition of “western values” are used by extremist and conservative elements of society as a pretext to stifle women’s points of view. As Dr. Sima Samar, Chairperson of the Afghan Independent Human Rights Commission, stated in her written submission to the Committee, “Human rights are global human values as well as Afghan values.”²

Though fundamental human rights are universal values, local realities must also be taken into consideration. Every society is informed by its history, traditions, and experiences. Rather than denying local culture and religion, these very elements should be used as points of reference to explain and legitimate human and women’s rights. Thus, while universal values must provide the framework for the international community’s overall approach in Afghanistan, as Carla Koppell of the Hunt Alternatives Fund told the Committee, there is “a real opportunity to let those who are local frame the issue.”³

The Committee acknowledges that striking the right balance between respect for the local context and adherence to international human rights standards is no simple task. Nonetheless, the Committee is convinced that, if the international community works in close partnership with the Afghan government and with a diverse range of local societal actors - so long as women are included and allowed to speak with their own voices – that such a balance is possible. Afghanistan ratified the international Convention on the Elimination of All Forms of Discrimination against Women

² Written submission provided to the Committee. All testimonies referenced in this report were taken during the 3rd Session of the 40th Parliament.

³ *Evidence*, 22 November 2010.

(CEDAW), among other international human rights conventions, and it was the Afghan government that decided to enshrine gender equality in its 2004 constitution. The critical task now is for the international community to work with Afghans to prevent the erosion of such rights and create the space in which Afghan women and women's rights advocates feel safe to conduct and further their work.

B. Women's Rights: One of Five Canadian Priorities

The international community, including Canada, has promoted women's rights in Afghanistan since the mission began in 2001. This support is demonstrated by the series of development and financing commitments undertaken by both the Government of Afghanistan and the international community, beginning with the Bonn Agreement and continuing through the most recent conference in Kabul in July 2010.

To build on these commitments, Canada should make the advancement of women's rights a fundamental and active element of its strategy for Afghanistan post-2011, in addition to the four priorities already outlined by the Government of Canada: children and youth; security, the rule of law and human rights; regional diplomacy; and, humanitarian assistance. The government has committed to women's rights promotion as part of the latter initiatives, but in the absence of a stand-alone priority, it is unlikely that sufficient regard, resources and personnel will be devoted specifically to the status of Afghan women. Gender perspectives should be fully integrated into Canada's engagement in the other four policy areas. This is an important opportunity for Canada to demonstrate leadership internationally and encourage concrete action on women's rights. As Kevin McCort, President and Chief Executive Officer of CARE Canada, told the Committee, "There is a vacancy, and Canada has both the credibility and the structure to fill it."⁴

- 1. The Committee recommends that the Government of Canada include the advancement of women's rights as one of its five priorities for Afghanistan post-2011, consistent with its obligations under United Nations Security Council Resolution 1325 on women, peace and security.**

⁴ *Evidence*, 15 November 2010.

KEY AREAS OF FOCUS FOR CANADA

A. Reconciliation

All those women who have been vocal, MPs and women's rights activists know they will be the first to be killed if a Taliban government comes back into power.⁵

Lauryn Oates, Canadian Women for Women in Afghanistan (CW4WA)

Many NGOs and Afghan women are concerned that the Government of Afghanistan could eventually sacrifice women's rights both in response to demands from certain quarters in Afghanistan and in exchange for peace with the insurgents. The Government of Canada has also expressed such concerns to its counterparts in Afghanistan. As Rachel Reid of Human Rights Watch explained, these anxieties flow from recent history:

This is a government that has shown itself very capable of trading away women's rights when it is politically expedient to do so, whether it is with the Sharia Personal Status law ... or when President Karzai freed some gang rapists from jail well before their term had ended because he wanted to do a favour for a political ally...There have been many occasions when women's rights have been traded away, despite the supposed protection of the constitution.⁶

Ms. Reid also told the Committee of the chilling occurrence in Taliban-controlled areas where threatening “night letters” have been sent to women who, for example, work in a school.⁷

For women, reconciliation without gender equality as an underlying principal is extremely dangerous. As stated by Nipa Banerjee of the University of Ottawa's School of International Development and Global Studies, “Women want a just peace process... and not [to] be treated as bystanders and mere victims of circumstances.”⁸ One of the most effective means to guard against any potential dismantling of women's rights protections is by including women themselves in the talks.

⁵ *Evidence*, 22 November 2010.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Evidence*, 15 November 2010.

As the Committee discussed in its report on United Nations Security Council Resolution 1325 (UNSC Resolution 1325) on women, peace and security, women must be provided with the opportunity to take on meaningful roles in peace negotiations to ensure that their concerns are respected and adequately addressed. Kevin McCort (CARE Canada) explained that:

[P]rogress has to be measured by results, not just presence. Canada can be the one that pushes for the right safeguards for women's rights and participation to be put into place. No one else is doing it.⁹

The individual women involved in the negotiations also matter, as some may feel pressure to support powerful political interests or men's agendas. As Professor Cheshmak Farhoumand-Sims of Saint Paul University told the Committee, "gender-sensitive Afghan women"¹⁰ who will focus on women's rights protections are needed. By building a peace process that is more inclusive of diverse societal actors, Afghanistan would also be increasing the number of people in the country who feel that they have an interest in the peace.

Given the high stakes for women raised by the prospect of peace negotiations with the insurgents, building support for women's rights at the local level is more important than ever (an issue that will be discussed in detail at the end of this report). If local communities see the benefits of women's advancement, including better health and increased incomes, they are more likely to protect women's rights, regardless of what the elite political class might agree to in any reconciliation process.

Canada has a significant diplomatic, military and development presence in Afghanistan. If need be, it can use that leverage to apply pressure on the Afghan government to demand continuing protections for women's rights as part of any future national reconciliation process or peace deal with the Taliban. While strict policy conditionality is not popular in current thinking about development assistance, the alternative is far worse. The challenges and sacrifices tied to Canada's continuing involvement in Afghanistan are immense, and the desire of many to pursue a mitigating strategy that would permit an expeditious exit of the West from Afghanistan is understandable. However, the Committee strongly believes that Canada must do everything in its power to safeguard and ensure that women's rights are affirmed, acknowledged and by no means abandoned.

⁹ Ibid.

¹⁰ *Evidence*, 22 November 2010.

In Afghanistan, the Committee recommends that the Government of Canada:

- 2. Provide capacity building support and resources for women so that they can be effective participants in any future national peace negotiations, with particular attention given to the needs of rural women.**
- 3. Ensure that Canadian diplomatic and financial support for any national peace process that emerges in Afghanistan is framed by the following fundamental principles:**
 - a. The meaningful participation of Afghan women from diverse backgrounds and the promotion of gender sensitive approaches to the negotiations.**
 - b. The full preservation of women’s rights protections, such as the existing equality rights in the Constitution.**

B. Security

Improving the security situation in Afghanistan would not only improve the living conditions of women in that country, but also enhance their access to public spaces, economic opportunities and social services.

To establish security over the long term, Canada’s government has identified the training of the Afghan National Security Forces (the Afghan National Army and the Afghan National Police) as one of its main priorities. The Committee is interested in the specific content of this training. As discussed in detail in the Committee’s recent report on the implementation of UNSC Resolution 1325, gender-sensitive training for security forces is essential to human security, justice, accountability and community trust.¹¹ The Committee recommended that comprehensive instruction on gender priorities in and different perspectives of armed conflict must be integrated throughout the courses given to the Canadian military and police as well as the foreign military and police forces that they train. Further, the Committee recommended that both the Canadian Forces and the RCMP do the following: enhance their capacity by having advisers with specific expertise in gender issues relevant to the conflict zone, set clear objectives to increase the proportion of deployed female personnel to 20 per cent by 2015, and increase the number of women appointed to high-level leadership positions.

¹¹ *Women, Peace and Security: Canada Moves Forward to Increase Women’s Engagement*, tabled November 18, 2010, <http://www.parl.gc.ca/40/3/parlbus/commbus/senate/com-e/huma-e/rep-e/rep05nov10-e.pdf>.

The Committee learned from CARE Canada that Afghan police currently receive only a half hour of training on women's rights and four days on community policing out of eight weeks of total training. As David Cortright of the Kroc Institute for International Peace Studies at the University of Notre Dame stated before the Committee, "We cannot just give these service members guns and send them out unless they have a real understanding of the rule of law and human rights training."¹²

Donor governments have tended to focus on the quantity of trained personnel more than their quality, which directly affects how trainees perform in the field. The Committee welcomes the Government of Canada's recent training efforts, including the mentorship provided to the Gender and Human Rights Unit at the Afghan Ministry of the Interior and the training given to Afghan police officers in human rights. But, it strongly encourages the government to intensify its work in this area.

Training on community policing, UNSC Resolution 1325, women's rights, gender sensitivity and civilian protection obligations will improve operational effectiveness by providing tools for the armed forces to gain the trust of local communities. In turn, the latter will be more likely to report crimes and provide more reliable information on insurgent activities. Training must be designed to inculcate a respect for the rule of law and a sense of responsibility to the citizenry. On the latter point, some witnesses suggested that a basic mechanism for independent civilian oversight of police and military activities could help to build accountability and enhance acceptance of the security forces amongst local communities.

To reach these objectives, training needs theoretical and practical components:

- Training on legal rights and obligations with respect to women's rights (constitutional, Islamic, civil and international law);
- Training on legal procedures and requirements (burden of proof, evidentiary requirements, etc.);
- Training on approaches to the investigation of crimes, particularly crimes against women (how to undertake questioning and record information in a gender-sensitive manner, appropriate ways to work with victims and provide services for victims, etc.);
- The adaptation of training materials and methods of delivery so as to be accessible to illiterate trainees, who currently form the majority of recruits. In keeping with the

¹² *Evidence*, 22 November 2010.

Committee's observations on the centrality of education, which will be discussed below, literacy training should be incorporated.

For such training to be effective, the same principles must be integrated and taken seriously by those who will be providing the instruction - the Canadian Forces and the RCMP - in their own institutions and internal training programs.

Another important step in establishing effective security forces in Afghanistan is increasing the number of female recruits. This is particularly true in parts of the country where rules around how men and women interact are strict. As Carla Koppell told the Committee, female security sector personnel can provide better "protection to female victims of crime and enabl[e] household searches and investigation of female suspects."¹³ The National Action Plan for the Women of Afghanistan calls for a 20% increase in the number of women in the security forces within ten years and for an eventual critical mass of 30% if there is to be a significant impact on the security sector.¹⁴

Recruitment has only been marginally successful and will likely increase at a very slow pace unless Afghanistan's security sector institutions take concrete steps to build an environment that appeals to women and their families. As the RCMP told the Committee, Afghan female recruits "have very little support from a mainly male command structure. They are characteristically last on the list for equipment, facilities and training."¹⁵ As of June 2010, there were only 1,100 female police officers out of 107,000 and fewer than 1,000 female soldiers.¹⁶

As one means to address recruitment, Sarah Smiles Persinger of the Kroc Institute suggested that female recruits could be given opportunities to learn from other countries with Muslim majority populations which have female members in their police service and armed forces. These female officers could mentor and share their experiences with Afghan women who are considering joining the security forces.

Canada is currently training Afghan women police officers on self-protection and is lately attempting to increase the number of Canadian women involved in training, which are important first

¹³ Ibid.

¹⁴ Ministry of Women's Affairs, *National Action Plan for the Women of Afghanistan*, http://www.unifem.org/afghanistan/docs/pubs/08/NAPWA/English/NAPWA_CHAPTER_4.pdf.

¹⁵ Assistant Commissioner Graham Muir, RCMP, *Evidence*, 29 November 2010.

¹⁶ Carla Koppel, *Evidence*, 22 November 2010.

steps in applying Resolution 1325 in Afghanistan. As an RCMP official noted in his testimony, “The continued and increased participation of Canadian civilian police women at the front-line and at senior levels is certainly important to the long-term success of our Canadian police mission.”¹⁷ The Committee agrees.

The Committee recommends that the Government of Canada:

- 4. Expand the emphasis on community policing, women’s rights, the rule of law and civilian protection in the training provided to the Afghan National Security Forces.**
- 5. Promote gender sensitive training for Afghan and Canadian security sector forces, including on the *Elimination of Violence Against Women* law.**
- 6. Assist the Afghan government to make concerted efforts to recruit female police officers and soldiers and to eliminate barriers to their participation in the security sector.**
- 7. Assist the Afghan government to develop local civilian monitoring committees to review the activities of security sector personnel.**

C. Justice, the Rule of Law and Gender

A 2006 survey of 4,700 Afghan women found that 87.2% had experienced physical, sexual or psychological violence or forced marriage during their lives.¹⁸ Very few make formal complaints and prosecutions and convictions are rare, resulting in a general lack of accountability.

The Afghan Constitution guarantees the equality of men and women. At the same time, it declares Afghanistan to be an Islamic republic, which may or may not create an inherent tension, depending on the interpretation of Islam that is used. Furthermore, family and criminal laws in Afghanistan raise a number of gender equality issues. The 2009 Shia Personal Status law, for example, garnered significant outcry in Afghanistan and abroad, eventually causing it to be amended. Even then, provisions violating women’s rights apparently remain, such as the requirement for wives

¹⁷ Assistant Commissioner Graham Muir, RCMP, *Evidence*, 29 November 2010.

¹⁸ Global Rights, *Living with Violence: A National Report on Domestic Abuse in Afghanistan*, March 2008, http://www.globalrights.org/site/DocServer/final_DVR_JUNE_16.pdf?docID=9803, p. 1, cited in Human Rights Watch, *We Have the Promises of the World: Women’s Rights in Afghanistan*, 2009, p. 32.

to seek the permission of their husband to leave the home unless they have “reasonable legal reasons.”¹⁹

In criminal law, the Afghan Penal Code includes laws addressing extramarital sex (zina) which are written in such a way that a rape victim risks being prosecuted for having extramarital sex, because she must admit to having sexual relations with the rapist.²⁰ Honour killings also receive lower sentences than those for other murders.²¹

In a move to improve the legal protections for women, President Karzai adopted the Elimination of Violence against Women law by decree in 2009. The law criminalizes rape and child marriage. It also provides for those who deny women the right to education, work or health care to be punished. However, there are other less progressive elements in the law and conservative parliamentarians may yet try to weaken it.²²

The National Stability and Reconciliation Law (commonly known as “the Amnesty law”) has also been met with concern. The law protects both the pre-2001 factions and those currently fighting the government from prosecution even for war crimes, crimes against humanity and the use of sexual crimes as weapons of war. The Transitional Justice Co-ordination Group, which brings together twenty-four Afghan civil society organizations, is calling for the repeal of this law.²³

The Committee reminds the Government of Canada of the Committee’s recommendation (#22) in its recent report on UNSC Resolution 1325, specifically:

The Government of Canada should refuse to provide any form of support to the negotiation or mediation of cease-fires, peace agreements or post-conflict settlements that include amnesties for serious human rights abuses and/or sexual violence committed during hostilities.²⁴

¹⁹Ibid, p. 3.

²⁰Human Rights Watch, *We Have the Promises of the World: Women’s Rights in Afghanistan*, 2009, pp. 32–34.

²¹Ibid, p. 34.

²²Ibid, pp. 32, 33 and 45.

²³ Human Rights Watch, *Afghanistan: Repeal Amnesty Law*, <http://www.hrw.org/en/news/2010/03/10/afghanistan-repeal-amnesty-law>; The Reality of Life in Afghanistan, *Afghanistan Quietly Brings into Force Taliban Amnesty Law*, <http://www.rawa.org/temp/runews/2010/02/11/afghanistan-quietly-brings-into-force-taliban-amnesty-law.html> ; International Center for Transitional Justice, *ICTJ Statement on Afghanistan Amnesty Law*, <http://www.ictj.org/en/news/features/3456.html>.

²⁴ *Women, Peace and Security: Canada Moves Forward to Increase Women’s Engagement*, tabled November 18, 2010, <http://www.parl.gc.ca/40/3/parlbus/commbus/senate/com-e/huma-e/rep-e/rep05nov10-e.pdf>.

Impunity is not just about past crimes. It creates an ongoing climate of fear for women. This fact was noted by Rachel Reid of Human Rights Watch, who told the Committee:

Women parliamentarians, counsellors and activists who assert their rights face serious threats. In the last few years, several high-profile women have been assassinated, and their killers have still not been brought to justice.²⁵

Permanently reversing this culture of impunity requires strengthening and professionalizing the Afghan justice system. Women's access to justice must also improve, particularly in rural areas.

As the Women's Protection and Development Commissioner of the AIHRC has noted, "Police and judges see violence against women as legitimate, so they do not prosecute cases."²⁶ Also, formal courts do not exist everywhere, so local elders and shuras (consultative gatherings) routinely decide criminal and civil matters. They are often unfamiliar with the law and may not respect constitutional rights or sentencing requirements, choosing to apply their interpretation of Islamic or customary laws.²⁷ For example, women continue to be given as compensation to resolve conflicts between families or to pay a debt, in contravention of a Presidential decree banning such practices.²⁸ Women themselves are also often unfamiliar with their rights and face intense social pressure not to seek justice.²⁹

Canada already provides some assistance in this area, including by employing "a legislative drafting expert who specializes in women's rights under Islamic law to help build capacity in the Afghan Ministry of Justice" and funding the training of justice officials on women's rights under Islamic law. The Committee welcomes DFAIT's belief that, "no one can be more credible and effective in lobbying for the rights of Afghans than Afghans themselves."³⁰ At the same time, the Committee believes that Canada can go further.

²⁵ *Evidence*, 22 November 2010.

²⁶ Human Rights Watch (2009), p. 6.

²⁷ U.S. Department of State, *2009 Human Rights Report: Afghanistan*, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136084.htm>.

²⁸ Jennifer Rowell, *Looking for Leadership: Women's Empowerment and Canada's New Role in Afghanistan*, CARE Canada, 20 October 2010, p. 35; *Ibid*.

²⁹ U.S. Department of State (2009).

³⁰ Gordon Venner, Assistant Deputy Minister for Afghanistan, Middle East and Maghreb, Department of Foreign Affairs and International Trade, *Evidence*, 29 November 2010.

8. The Committee recommends that the Government of Canada direct its development assistance in Afghanistan:

- a. To capacity-building throughout the entire justice sector, particularly in remote communities, which should include support for civil society actors involved in justice policy advocacy and/or the provision of legal services.**
- b. To strongly encourage the Afghan government to hold perpetrators of violence against women accountable and to disallow those same perpetrators from holding positions in government.**
- c. To promote initiatives to implement and raise public awareness of the Elimination of Violence Against Women Law.**

D. Education

Connected to the expansion of security, justice and political rights, all witnesses stressed the centrality of education to sustainable development in Afghanistan. As Professor Cheshmak Farhoumand-Sims said, “Education provides an enabling environment for everything else that we wish to take place.”³¹ Educated women are better able to care for their families because they have more knowledge of nutrition, basic health remedies and sanitation. Education is also a key driver of empowerment, allowing women to more effectively protect their rights and promote their points of view in private and public life.

Significant progress has been made since 2001 in providing educational opportunities to Afghan children, including Canada’s signature project to build or repair 50 schools in Kandahar and the Education Quality Improvement Program for which Canada is a lead donor. There were approximately 7.3 million children in school in 2009, 37 per cent of whom were girls. This is a marked improvement over 2002 levels, when the 900,000 total schoolchildren were all boys.³² Signalling the Afghan government’s support for increased educational attainment, the ten-year (2008–2018) National Action Plan for the Women of Afghanistan (NAPWA) calls for a 50% increase in girls’ enrolment at all levels and a 50% reduction in illiteracy.

³¹ *Evidence*, 22 November 2010.

³² *Afghan Update: The Education for All Edition*, Summer 2010, No. 23, <http://unama.unmissions.org/LinkClick.aspx?link=Afghan+Update/AU+Education+English+No.+23.pdf&tabid=1741&mid=3608>

These goals have yet to be realized. The overall literacy rate for the country is estimated to be 36% for males; 18% for females.³³ As Lauryn Oates told the Committee, “Afghan women often use blindness as a metaphor for illiteracy. It is crippling, silencing and keeps women out of public life.”³⁴ Many challenges persist, including attacks against schools and schoolchildren, which are overwhelmingly targeted at girls, and limitations with respect to school infrastructure, trained teachers and proper textbooks. Despite these difficulties, the reasons for focusing on education are numerous. Men and women’s access to information and the means to build knowledge are crucial for broader social and economic development.

Literacy training is also particularly important because it counteracts misinformation and intimidation. A person who is equipped to seek out information can, for example, develop their own understanding of their obligations under Islam, rather than relying on interpretations provided by others, such as the Taliban. Education is also an important element of an effective security strategy. For the poor youth of Afghanistan, education supported by international donors provides an alternative to the madrassas, which have in many cases taught intolerance. It also provides an alternative to joining the insurgency. Moreover, educated men and boys are more likely to support women’s rights and to seek out non-violent ways to resolve disputes.

A number of witnesses suggested that primary education should be focused around small, community-level schools. Moreover, they argued that local ownership of these schools should be promoted from the outset. Communities that have been involved in the development of their schools and feel they have a stake in them are more likely to protect the schools from the insurgents. The Committee learned that families are not always opposed to the general idea of education; rather, “more subtle cultural taboos” associated, for example, with girls attending schools without walls or having to travel unaccompanied to schools in larger centers causes them to object.³⁵

The Committee heard that most international donors currently focus on primary education. Though it is an important area that deserves continuing attention, Canada has the opportunity to fill a gap and place a priority on secondary and post-secondary education in Afghanistan. Since 2002, after

³³ Brookings Institution, *Afghanistan Index: Tracking Variables of Reconstruction and Security in Post-9/11 Afghanistan*, 20 September 2010.

³⁴ *Evidence*, 22 November 2010.

³⁵ Rachel Reid, *Evidence*, 22 November 2010.

the fall of the Taliban regime, many children have started or returned to school and are now finishing primary school. This cohort of students could be an explosive force in Afghan society if they become disillusioned by the absence of opportunities to continue their education and build their skills. Canada can play an important role by supporting the expansion of new and existing secondary and post-secondary institutions. On the latter, Dr. Sima Samar wrote in her submission to the Committee:

Providing post-secondary and higher education to such graduates particularly to girls and women, leads to female teachers, who then go back to their respective society and teach new girls. It is cyclical and can lead to a much larger societal change.³⁶

Indeed, there is a direct correlation between the quality and availability of teachers and the continuing success of the entire education system, particularly when considering that, in many communities, local customs require that girls be taught by female teachers. As Kevin McCort from CARE Canada noted in his appearance before the Committee, Afghan families must feel that their lives will be different if they educate their children:

When a family changes a girls' day from collecting firewood, gathering water or looking after livestock, it has to know that what she will learn at school is helping that family. The results matter.³⁷

The Committee agrees that steps are required to generate the catalysts – women with training and skills – who can perpetuate such results.

Many things need to be done to increase opportunities for higher learning, but some priorities are outlined here. Particular attention must be paid to the needs of rural women, and more specifically Pashtun women. Rural women often have greater difficulty in accessing educational opportunities due to remoteness, cost and their more traditional backgrounds. Building culturally appropriate infrastructure, such as gender-segregated dormitories, is necessary to ensure that girls, and particularly rural girls who do not have access to such institutions locally, are able to attend secondary and post-secondary institutions. The development of practical programs in subjects such as medicine, science and engineering that can provide the needed human capital to rebuild Afghanistan should be supported financially and through technical support from Canada's world class educational institutions. Finally, Canada should partner with the Afghan government and other international donor governments to

³⁶ Written submission.

³⁷ *Evidence*, 15 November 2010.

create a post-secondary scholarship program designed to increase women's participation in higher-level education. Dr. Samar indicated to the Committee that this external mechanism of support could be very beneficial given that "boys are always given precedence" for limited family funds.

In Afghanistan, the Committee recommends that the Government of Canada:

- 9. Continue to focus considerable resources on the expansion of literacy training for women and girls, with far greater attention given to rural areas.**
- 10. Support an approach to primary education that encourages local ownership of education, based on small, community-level schools.**
- 11. Place a priority on secondary and post-secondary education, ensuring that the needs of rural women and girls are met, that culturally appropriate infrastructure is in place, and that the practical skills training needed to build women's human capital, such as medical and scientific knowledge and engineering, is prioritized.**
- 12. Establish, in concert with the Afghan government and other international donors, a scholarship program to enable women to attend post-secondary institutions, which should include dedicated spaces for girls from rural areas.**

E. Small-Scale, Local Development should be prioritized where possible

Finally, as an overall comment, the Committee believes that economic and social development projects that can be driven and sustained by local communities in Afghanistan should be promoted to the greatest degree possible so as to advance the situation of women over the long term. Functioning local economies can also help to promote security, providing a viable alternative to the insurgency and connected economic activities.

As Lauryn Oates told the Committee:

[I]n my years of watching both stunning success stories in development and shocking failures, the one pattern I can see emerging clearly is that small is beautiful, and sometimes the most impact can be achieved by a project that has a budget of less than \$50,000.³⁸

The first step is to allocate development assistance according to women's needs, priorities, ideas and perspectives. That way, projects will fit real demand, and local communities will develop a sense

³⁸ *Evidence*, 22 November 2010.

of ownership, thus increasing the likelihood that they will protect the project from insurgent attacks and work towards its completion. Cost-sharing with communities is another way of building community “buy-in” and assessing whether there is real local commitment to a project.

Consulting locally is particularly important in order to ensure the relevancy of programming directed at rural communities, where the context is most markedly different from what is familiar to western donors and aid workers. As Sara Smiles Persinger stated: “It is definitely a common criticism that not enough has been done for rural women. Elites in urban areas have been the chief beneficiaries of this focus on women's empowerment.”³⁹ An official from the Canadian International Development Agency (CIDA), James Melanson, Director General of the Afghanistan Task Force, confirmed to the Committee that its work with progressive local actors has proven very effective.

Identifying and working with local resources, both in Afghanistan and within specific communities, will help to address the challenges faced by outsiders who may not have the language skills or knowledge of local customs necessary to be effective. As one example, Lauryn Oates told the Committee about a library her organization had funded. The local volunteer had used part of the library's budget to buy religious texts that Ms. Oates thought were too complex for most people in the community to read. However, when the local religious leaders came to see the library, they recognized the books and were reassured. At the mosque, they then promoted going to the library as an obligation for all good Muslims. The volunteer had understood what was needed for his community to accept the new institution in a way that international development workers rarely can.

The Pashtuns comprise the largest ethnic group in the country, and the Taliban are predominantly Pashtun. As a result, under Taliban rule, Pashtun women are subjected to oppressive conditions and denied basic human rights.

As Canada extends its mission in Afghanistan, we must bear in mind the Pashtun women, who are on the front lines everyday and are often overlooked by the Afghan government and its allies.

Canada has done a tremendous job in promoting the lives of women in Afghanistan. As we extend our mission in Afghanistan, we must ensure that the gains which have been made by Afghan women during the past decade are not lost once the foreign troops withdraw.

³⁹ Ibid.

Witnesses also told the Committee that men and boys, particularly in Pashtun communities, must be engaged if projects targeting women's rights are to be successful. Such outreach allows male community leaders and heads of families to become aware of what the women in their community are doing, making it less likely that the men will feel excluded or misunderstand the purpose of an initiative. Men will in turn be more willing to allow the women in their family to be involved in local projects and to access the new services.

13. The Committee recommends that when the Government of Canada takes the recommendations in this report into account, they put special emphasis on Pashtun women.

14. The Committee recommends that, in its economic and social development assistance in Afghanistan, the Government of Canada prioritize small-scale and localized projects that reflect the will of those affected.