

**Statement before the U.S. House of Representatives
Committee on Armed Services,
Subcommittee on Oversight and Investigations**

***“TRANSITIONING TO AFGHAN SECURITY
LEAD: PROTECTING AFGHAN WOMEN?”***

A Statement by

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April 25, 2013

Rayburn House Office Building

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Madam Chairman, Ranking Member Tsongas, and Members of the Subcommittee, on behalf of the Center for Strategic and International Studies (CSIS) and our President and Chief Executive Officer, Dr. John Hamre, thank you for this opportunity to present an independent assessment of the security of Afghan women and girls and to provide recommended areas for enduring progress in this area. It is a great honor and pleasure to appear before you today.

The issue of protecting Afghan women and girls is not a new one. For more than a decade, many Afghan government officials and local community leaders have worked – with the advice and support of U.S. and international partners – to develop and implement key reforms that could better safeguard the rights, opportunities, and security of this vulnerable population. Since 2001, considerable attention and resources have focused on changing Afghanistan’s legal, security, political, and economic constructs toward this end. Major steps toward supporting the protection of Afghan women and girls have included creation of: a 10-year National Action Plan for the Women of Afghanistan (2008); the Law on Elimination of Violence against Women (2009); a High Commission on Elimination of Violence against Women (2010); a Special Prosecution Unit in the Attorney General’s Office (2010); Family Response Units in the Afghan National Police; gender units in a variety of Afghan government ministries and departments; and regulations on shelters and access to legal aid.¹ In light of these developments, it is certainly true that, as stated by the Department of Defense in its most recent *Report on Progress toward Stability and Security in Afghanistan*, “circumstances for Afghan women and girls have improved significantly since 2001.”²

But while these steps and others have changed the *circumstances* in which Afghan women and girls live, have they translated into *actual greater security*? Recognizing that security – broadly defined – includes a range of critical areas, from educational and employment opportunities to voting rights and political participation, I would like to

¹ United Nations Assistance Mission in Afghanistan, “Still a Long Way to Go: Implementation of the Law on Elimination of Violence against Women in Afghanistan”, December 2012, p. 1.

² U.S. Department of Defense, “Report on Progress toward Security and Stability in Afghanistan”, December 2012, p. 142.

focus my testimony on the physical security of Afghan women and girls. In particular, I would like to provide information on the types of incidents which have occurred recently, despite U.S., international, and Afghan efforts to eliminate violence against women and girls, as well as on issues surrounding access to justice. Finally, I will offer my perspective on programs and efforts that may offer the most promise for providing greater physical security for women in girls, both during and after the transition of security responsibilities to the Afghan National Security Forces in late 2014.

Security Incidents

First, it is important to understand the current state of violence against Afghan women and girls. According to the United Nations, more than 300 women and girls were killed and more than 560 injured in 2012, representing a 20 percent increase in such casualties over the previous year. Last month, United Nations Secretary General Ban Ki-moon expressed strong concern about these incidents, saying that he remains “deeply disturbed that despite some improvements in prosecuting cases of violence, there is still a pervasive climate of impunity in Afghanistan for abuses of women and girls. They have the inviolable right to live free of fear or attack, and women and girls are key to a better future for Afghanistan. Protecting them is central to peace, prosperity and stability for all people in the country.”³

In December 2012, the United Nations Assistance Mission to Afghanistan (UNAMA) released an updated critique of Afghan efforts to protect Afghan women and girls. Due to the general lack of availability, and the general underreporting, of comprehensive official data, there are significant challenges in gathering statistically significant and sufficiently detailed information on reporting, registration, investigation, and prosecution of violence against women and girls. That said, UNAMA’s report – entitled *Still a Long Way to Go: Implementation of the Law on Elimination of Violence against Women in Afghanistan* – provides a useful synopsis of incidents from October 2011 to September 2012, including but not limited to information on battery and laceration, sexual violence and harmful practices (e.g., early and forced marriages), *ba’ad* (i.e., use of girls in marriage to settle disputes), and “honor” killings.⁴

In the year addressed by the report, battery and laceration was the most prevalent type of case reported to the Afghan National Police (ANP) and prosecutors with some 896 complaints.⁵ Twenty-nine incidents of “honor” killings were registered with the ANP, 39 with prosecution offices, and 27 with the courts in the same timeframe.⁶ Incidents of sexual violence, including rape and forced prostitution, were also high: “the ANP and prosecutor’s offices from 22 provinces registered 63 and 93 cases of rape respectively,

³ Ban Ki-moon, “Secretary-General’s remarks to the Security Council Debate on Afghanistan,” New York, March 19, 2013.

⁴ It is important to note that while a landmark piece of legislation, the Law on the Elimination of Violence against Women does not cover incidents of “honor” killings or spousal rape.

⁵ UNAMA, p. 19.

⁶ UNAMA, p. 20.

while courts from 22 provinces filed 64 rape cases for the reporting period.”⁷ Additional information is available on forced self-immolation, as well as forced, underage, and *ba’ad* marriages.

Anecdotal evidence abounds, but it appears that cultural and social norms, customary and religious beliefs, and threats to life prevent women and girls from reporting crimes to formal law enforcement and justice institutions. This is an important – and difficult – area in which change is necessary to counteract widespread violence that is clearly preventing women from participating in public life or helping to determine Afghanistan’s peaceful, stable future to the maximum extent possible. Families and communities play a significant role in addressing violence, and tailored efforts can help to support more effective programs in this process.

Access to Justice

Institutions also have an important role to play. Law enforcement and judicial officials must have not only the capability and capacity to implement existing laws, such as the Law on the Elimination of Violence against Women, but also the political will to do so. It appears that basic rule of law principles – as applied to incidents of violence against women and girls – require considerable attention that is focused on capability, capacity, and political will.

UNAMA identified the following as primary factors that hinder victims’ access to justice: lack of trust in the ANP, prosecutors and Departments of Women’s Affairs; absence of shelters, civil society organizations and women’s rights organizations; and lack of knowledge about the legal protections and mechanisms.⁸ There is reportedly evidence that ANP, prosecutors, and courts may exercise a disregard for transparency, delay processing cases, misplace documents and other evidence, fail to conduct adequate investigations, provide varying treatment to suspects and accused in the same cases, and lack accountability. Some of these failings reflect a certain level of incompetence, some reflect a certain level of corruption, some reflect a certain level of discrimination – practiced by police, prosecutors, and courts alike – against women, and some reflect a combination of these elements.

As I am sure you have heard from the Department of Defense, there is a continued effort to recruit and train women as part of the Afghan National Police; similar efforts are underway for qualified prosecutors and judges. This is a critical area as women and girls are much more likely to approach a female official to report a violent incident. However, the ANP is a long way from meeting its goal of 3,000 women members – in fact, they are roughly halfway there.⁹ Moreover, those female ANP members are often relegated to supporting roles, working behind the scenes in administrative functions instead of interacting with communities. This is certainly an area for further improvement.

⁷ UNAMA, p. 21.

⁸ UNAMA, p. 24.

⁹ U.S. Department of Defense, p. 74.

Finally, aside from these cultural and recruitment hindrances, part of the underlying problem is the cumbersome, non-standardized process for submitting a complaint. This process, which can refer victims to offices that simply do not have jurisdiction on criminal cases of violence against women, may result in referral after referral, sending victims to multiple offices over a protracted, disheartening period of time. Moreover, there is often inadequate follow-up in the cases of referrals.

Promising Programs and Efforts

With projects at the national, provincial, and community levels, U.S. Government programs appear to knit together several different elements that can empower, and advocate for, women. The Department of State and the United States Agency for International Development have lead U.S. Government responsibility for many of the women's initiatives in Afghanistan, many of which focus on increased political, economic, and civic participation, urban development, and capacity-building for the Ministry of Women's Affairs. The Department of Defense works with Departments of Woman's Affairs at provincial and district levels, provides mentors to security ministries on gender integration and human rights, and aims to work with Afghan female security forces to create a more enduring engagement capability that could benefit women throughout the country. Regarding security and access to justice, though, the most promising U.S. Government programs aim for "an effective rule of law where women can rely on both the informal and the formal sectors."¹⁰ These programs aim to increase involvement of women as police officers, prosecutors, defense attorneys, judges, and other positions in the spectrum of the justice system.

To reinforce these positive steps, the U.S. Government, international community, and Afghan leaders may want to focus increased attention on the details of capability- and capacity-building in the hopes of mitigating discrimination against women, addressing bureaucratic hindrances, and persuading victims to access the justice system. Programs in this area should emphasize outreach to communities, working with civil society and local leaders to raise awareness of options available to victims of violence and of the potential consequences for perpetrators; this outreach should include efforts to work with Afghan men and boys, in terms that resonate with them, to develop greater sensitivity to why violence against women and girls is a real and preventable problem. In addition, programs should reform bureaucratic processes – whether in clarifying jurisdictions, streamlining documentation, improving custody of evidence, or other practical steps – that hinder the timely registration, investigation, and prosecution of violence against women and girls. Another important step will be to ensure that Afghan women are in meaningful positions within the justice sector – not simply relegated to administrative tasks.

In short, there needs to be a reliable, trustworthy system through which Afghan officials can implement landmark legislation, such as the Law on the Elimination of Violence

¹⁰ U.S. Department of Defense, p. 143.

against Women, and other institutional changes that can better protect Afghan women. U.S. Government efforts to enable such a system should focus support in addressing the key deficiencies.

Final Thoughts

Finally, it is important to note that while the security of Afghan women and girls can be a valuable indicator about the overall security throughout the country, United Nations Special Envoy to Afghanistan Jan Kubiš recently acknowledged that most incidents are not linked to insurgent violence in that nation. Rather, attacks are “linked to domestic violence, tradition, culture of the country.”¹¹ Because this is a problem within the Afghan society, it will be difficult – if not impossible – for U.S. or other international forces to address adequately. I would be happy to discuss the implications of the current situation for a residual U.S. force in Afghanistan after the 2014 transition of security responsibilities, should any Member of the Subcommittee want to examine that particular issue set.

Again, I appreciate the opportunity to engage in this conversation, and I stand ready to respond to your questions.

¹¹ Jan Kubiš, statement to reporters, New York, March 18, 2013.