

AFGHAN WOMEN'S SOLIDARITY FOR INCLUSIVE PEACE: RECOMMENDATIONS FOR A JUST AND SUSTAINABLE PEACE IN AFGHANISTAN

BACKGROUND AND OVERVIEW

From April 13th through April 16th, 2021, following the postponement of the U.S.-backed Istanbul Peace Conference, a delegation of over 90 Afghan women from across Afghanistan participated in a series of workshops in Kabul on topics related to the Afghan peace process. Originally planned as preparatory workshops for high-level side-event meetings in Turkey with members of the Afghan government and Taliban negotiation teams and bi-lateral and multilateral stakeholders during the Istanbul Peace Conference, the purpose of the workshops was to provide an opportunity for Afghan women to develop policy recommendations for building lasting and just peace in Afghanistan.

The delegation of 90+ Afghan women included policy experts on issues such as national defense and security, women and human rights [under Islamic law], social and economic development, democracy and governance, peacebuilding, constitutional reforms, corruption, rule of law, victims' rights, IDPs and returnees. About half of the participants were from provinces outside of Kabul and the delegation included young women, women with disabilities, and religious and ethnic minorities.

The workshops were organized by a consortium of Afghan and international civil society organizations and partners under the united goal to ensure the meaningful participation and leadership of Afghan women at all stages of the peace process. Members of the consortium include the Afghan Women's Network, Mina's List, Cordaid, the National Democratic Institute, Folke Bernadotte Academy-Afghanistan Mechanism for Inclusive Peace, Search for Common Ground, the U.S. Institute of Peace and UN Women, Afghanistan.

The following recommendations were compiled from workshop discussion notes documented by the Kabul-based facilitators and note-takers.

RECOMMENDATIONS

I. GOVERNANCE AND POWER-SHARING

1. Democratic processes must be preserved. Inclusive, open and free elections must be held to establish district, provincial, and national governments, with all parties explicitly agreeing to preserve women's right to run for office and vote without restriction.
2. Political parties and the electoral law must guarantee at least 30% of each party's electoral candidate positions for women, with a provision to increase that over a defined period to match the proportion of women's representation in the population. All parties must agree that no high-level meetings or negotiations will take place unless 30% of participants are women.
3. Any future government parties must guarantee to preserve and strengthen the rights of women as defined according to the second chapter of the Constitution. The United Nations (UN), including the United Nations Assistance Mission in Afghanistan (UNAMA) and the international community must monitor, advocate and condition on-budget future foreign

assistance to any transitional or future government on the preservation of these rights. Any withdrawal of conditional assistance must not affect off-budget funding to Afghan women and girls and civil society.

4. Any future government must commit to implementing and maintaining the full range of commitments to any peace agreement(s) reached.
5. In any government, decisions must be taken by a majority (51%) and a transparency mechanism must be established to ensure information-sharing with, and accountability to, the Afghan people.
6. In the longer-term, any governance arrangements must decentralize power to create greater balance, an equitable distribution of resources, and a clear division of roles between the center, districts, and provinces.

In the event of a post-agreement power-sharing arrangement:

1. At least 70-85% of any power-sharing arrangement seats must go to current government actors and political parties, with no more than 25-30% of seats going to the Taliban.
2. All political appointments made during the power-sharing arrangement must be demonstrably based on merit and equitably include members from all ethnic and religious groups, with 30% of appointments reserved for women. Responsibilities or regional governance should be assigned on the basis of competence, not ethnicity.

II. CEASEFIRE AND MONITORING/VERIFICATION MECHANISMS

1. The UN at the highest level, including the UN Security Council, UNAMA and the international community must compel all parties to commit to a permanent ceasefire. Without it, the Afghan people will continue to suffer, conditions will not be conducive to peace, migration will continue, and prisoners will remain behind bars. A reduction in violence is not acceptable because it does not include measurable targets and has not proved effective to date.
2. Any cessation of hostilities must include bans on attacks and intimidation of women and girls, journalists, civil society, and civilians, as well as attacks on public and private properties, including places of worship, schools, universities, hospitals, and media offices. These protection concerns must be addressed as soon as possible and as a non-negotiating priority, in the peace process.
3. Ceasefire monitoring and verification bodies that are independent, impartial, and inclusive must be established at the national, provincial, and district levels. Their membership must include men and women from the international community as well as Afghan military and civil society from all districts and provinces. They must also include at least 30% Afghan women, as well as ethnic and religious minorities and youth.

III. FUNDAMENTAL FREEDOMS

1. In line with the Universal Declaration of Human Rights, the Cairo Declaration on Human Rights in Islam, the Convention on the Elimination of All forms of Discrimination Against

Women, and Afghanistan’s National Action Plan on Women, Peace, and Security, as well as according to the six Maqasid “objectives” of Sharia (protection of life, protection of dignity, protection of belief, protection of logic and mind “freedom of expression”, protection of lineage, protection of wealth) which are in line with the following fundamental human rights and must be enshrined in any agreement: the rights of all women and men to life, education, justice, work, and political participation; freedom of movement, the press, expression, association and assembly; freedom from employment discrimination – particularly for women in the media, the judiciary, and in the security sector, including ADNSF and national and local police – as well as freedom from gender discrimination in community-level decision-making.

2. In line with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, any future Afghan governments must guarantee and protect the rights and freedoms of ethnic and religious minorities.
3. An inclusive committee must be established to support and monitor the preservation of these fundamental rights. The committee must include both parties to the peace talks; Afghan women, civil society, ethnic and religious minorities; and international technical experts. Additional international mechanisms, such as special rapporteurs and watch groups, must be explored.

IV. MONITORING AND EVALUATION OF A PEACE AGREEMENT

1. A UN Security Council Resolution must be adopted to endorse any peace agreement reached between the parties.
2. An education and outreach mechanism must be established to educate the public on the provisions of the peace agreement and the benefits of peace to build legitimacy, buy-in, and accountability for its implementation. The program should include a community peace-building component in which women and civil society have a role in monitoring and implementation of the peace agreement at the local level.
3. A joint monitoring and verification commission must be established to ensure parties to the agreement respect and abide by their commitments in the agreement. The commission must be inclusive of representatives from the signing parties, Afghan civil society, ethnic and religious minorities, and international experts. At least 30% of the commission's decision-making members must be Afghan women, and it should have provincial-based offices in each province. The commission must also have a sub-commission tasked to address and resolve disputes that may arise during implementation of the agreement and threaten escalation.

V. CONSTITUTIONAL REFORM PROCEDURES

1. The 2004 Constitution, which is based on Islamic principles, must not be discarded in its entirety. Specific articles may be amended, but only based on Article 149 of the current Constitution.

2. All parties must explicitly agree that the Constitution shall only be amended to improve the conditions and the fundamental rights of the Afghan people, men and women, in line with Afghanistan's accountability to international law and obligations.
3. While the decision to amend the Constitution can be agreed upon during peace negotiations, no revisions must be discussed during the negotiations themselves. Instead, an independent, impartial, and inclusive commission must be established to revise the Constitution. This commission must include legal and religious scholars, including from other Muslim countries, human rights experts, gender experts, and civil society. At least 30% of its members in decision making must be Afghan women. The international community must monitor the constitution reform process.
4. The amended Constitution must enshrine the rights of all Afghans, men and women, to life, dignity, and property, and the protection of their human, civil, political, economic, social, and cultural rights, including the right to free speech, religion, and to democratically choose their political leaders. It must preserve the existing quota system for women.
5. Any amendments to the Constitution must be endorsed by a loya jirga. Article 110 of the Constitution clearly states that only a loya jirga has the authority to endorse revisions to the Constitution.

VI. WOMEN'S LEGAL RIGHTS UNDER ISLAMIC LAW

1. Women's Rights in Islam as understood through mainstream Hanafi jurisprudences are clear and specific and should be preserved without cultural deviations. Followers of Jafari and other Madhaheb/مذاهب must be fully protected and allowed to exercise their religious rituals.
2. Women's right to life, access to health and mobility are all afforded to her in Islam and the government has no right to restrict these. The government's role is to establish systems to ensure women have access to health and safety for mobility.
3. Women's right to education and to pursue her career to earn her own income are her rights in Islam. The government's role is to establish systems to facilitate comprehensive education and to ensure the protection of women's land, jobs and income. This includes Muslim women's right to become a judge or represent her community among other careers according to Hanafi and Jafari jurisprudence. As stipulated in Islam, followers of other religions must be protected to exercise their religious rights.
4. Women's right to make life choices related to her marriage, education and contracts in business are her rights in Islam that no government has the right to restrict and should only pursue policies that facilitate the protections of this right.
5. Women's right to political participation in all forms from election to representing her community in local and national assemblies are afforded to her in Islam and the government's role is to ensure inclusive representation and remove obstacles to women's effective participation.
6. Women's right to be assumed innocent before being proven guilty and access to justice through due process is her right in Islam. The government must ensure that its justice system is not biased against women and that justice for women is upheld as well as punishing those who slander women baselessly.

In the interim

7. Women's school, places of work and places of worship should be protected.
8. Women should have safe spaces to retreat to along with children when there is violent conflict and those who are not engaged in combat along with women, children and the elderly should be protected according to Islam.
9. Attacks on women must immediately cease and no judgements should be passed on women's moral behavior until the formal justice system is appropriately functioning and Islamic due process can be followed.

Post-agreement

11. Any post agreement settlement must ensure women's rights are upheld and protected. There should not be an interim time when women's rights are less than another time as Islam affords all these rights.
12. Women who are victims of domestic violence and violent conflict, must be protected and provided with legal, social and psychological assistance to seek justice and navigate the justice system.

VII. TRANSITIONAL SECURITY ARRANGEMENTS

1. Transitional security arrangements that are directly informed by women's priorities must be established first at the provincial level, and then at the national level. There should be a monitoring mechanism and women should be part of that.
2. Two commissions must be established, one to determine inclusive transitional security arrangements and one to monitor their implementation. Both must be independent, impartial, and inclusive bodies that include Afghan civil society, ethnic and religious minorities, and international experts. At least 30% of each body's members must be Afghan women.
3. Afghanistan's national institutions, including educational and security institutions, and public infrastructure, including schools, madrassas, hospitals, markets, dams, historical sites, and other public spaces, must be explicitly recognized and strengthened by all parties to the negotiations as national assets that belong to and benefit all Afghans, men and women.
4. After the signing of any peace agreement, the Taliban and other armed parties must explicitly commit to not returning to the battlefield and an independent, impartial, and inclusive monitoring mechanism must be established by all parties and the international community, including the UN Security Council, to ensure these commitments are upheld.
5. The transitional security of the country must be provided by an ethnically and religiously inclusive Afghan National Security Forces and police force. No regions shall be allowed to maintain or be secured by militias or armed groups of a particular ethnicity or religion.

VIII. TRANSITIONAL JUSTICE AND VICTIMS' RIGHTS

1. Women victims of the war must be included in the peace process, and their rights, including their right to justice, must be enshrined in any peace agreement. Negotiations must address justice, spiritual, and material reparations for victims of the war.

2. The negotiating parties must make no decisions about victims' rights without a meaningful participation of victims, including women and ethnic and religious minorities in the peace talks.
3. Any future Afghan government must honor and guarantee support and accountability to all victims of the past 42 years of conflict, especially the wounded, traumatized, orphans, widowed, and disabled. A national policy of transitional justice must be developed, in consultation with the International Criminal Court, that focuses on, and monitors truth-seeking, reconciliation, healing, reparation to victims and their families and forgiveness in accordance with Afghan and international law.
4. International security forces, the Taliban, and the government must all apologize to victims of the war.
5. After the signing of any peace commitment, an investigative body must be established to investigate and prosecute crimes committed during the conflict.

IX. REINTEGRATION AND REHABILITATION

1. Any peace agreement must accelerate a comprehensive and inclusive Demobilization, Disarmament, Reintegration, and Rehabilitation (DDRR) program. The program must include the collection of illegal or unregistered guns throughout the country. Illegal arms dealers, traders, and traffickers inside and outside Afghanistan must be identified and brought to justice.
2. Any peace agreement must establish a clear timeline for the return and reintegration of Afghan refugees and a concrete, time-bound plan to provide them with housing, security, livelihood opportunities, and life skills training.
3. Taliban family members residing outside of the country must be issued citizen IDs (Tazkira) and they and Taliban civilians must be protected, returned safely to their homes, and provided with opportunities to engage positively with society and the state.
4. Regional jirga should be formed to bring together community members from all sides of the conflict to promote social reintegration and peaceful co-existence.
5. Any future government must establish community outreach programs, especially to marginalized areas, that promote peace and understanding between all Afghans, men and women, Taliban and non-Taliban. Such outreach programs must be accompanied by development programs that provide communities in marginalized areas with livelihood opportunities.

X. WOMEN'S POLITICAL AND PEACEBUILDING PARTICIPATION

1. Any peace process design should include modalities that ensure direct consultations with local and provincial women leaders and civil society actors from diverse backgrounds to share their recommendation and joint positions to directly inform the formal process.
2. The conveners of the peace talks must include at least one independent woman observer from civil society in the track one process.

3. The UN and the international community, including the convenors of the peace talks should advocate with both parties that all negotiations for a peace deal retains the centrality of safeguarding human rights, particularly women and victims' rights.
4. The international community must bring an independent, third-party religious scholar to the negotiations to advise both parties on women's rights and participation from an Islamic perspective.
5. Women from the Taliban side must participate in the peace process.
6. Afghan media must cover women's participation and their comprehensive contributions to the peace process – not only on women's rights.
7. Additional research must be done to analyze peace and security issues from women's perspectives. This must include discussions with women, particularly in rural villages and these should inform the priorities and outcomes of the formal peace talks.
8. The government must actionably demonstrate their commitment to women's inclusion at all stages of a peace process and political settlement and how this benefits the broader public and achieving lasting peace
9. Women must be included in Parliament, the Cabinet and in local government.

XI. RECONSTRUCTION AND TRAUMA HEALING

1. Any future government must adhere to the highest standards of accountability and transparency and must take all necessary steps to eliminate corruption and to counter the production and smuggling of illicit narcotics and human trafficking.
2. Trauma healing must be an integral part of the reconciliation process to promote peace, build resiliency, and reduce the likelihood of recurring violence and vigilante justice.
3. International donor countries should provide long term support to trauma healing programs, co-designed with local communities to address their unique needs and ensure Do No Harm principles, as well as on- and off-budget funding for training professional social workers and establishing mental health hotlines.
4. Trauma coping mechanisms must be included in school and madrasa curriculum.