



Kingdom of the Netherlands



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND

The long road to Gender equality in Afghanistan

A multilevel and participatory approach to improve access to justice for women

Women who claim their legal rights in Afghanistan have a hard time. For the vast majority of women the right to access education, health and social security only exists on paper. In reality things are quite different. The reason is that several legal systems coexist in Afghanistan: the traditional, the Islamic and statutory law. Although the Afghan Constitution has a *Sunni hanafi* religious orientation, meaning that many point of views are rather conservative and traditional, the Constitution still foresees a large space for the realization of women's rights. Nevertheless, it is still the traditional law, limited interpretations of Islamic Sharia Law and the culture norms that have the final say in many areas.

Working for women's rights has always been extremely sensitive yet not impossible. GIZ Rule of Law aims to "Improve Access to Justice for Women" throughout its several areas of operation. These areas include: Access to Justice, Community Policing, Supporting female law students and Women's Rights. While the respective activities are coordinated with the relevant ministries, interventions on gender are outlined under a special agreement with the Ministry of Women Affairs.

What makes our work so special is our exceptional approach to promote women's rights throughout all the areas of operation. Therefore women's rights find consideration in all planning and decision making processes.

We try to work in close cooperation with our national partners and to give them responsibility to implement gender related activities.

Four main focus areas have been identified.

The areas include:

- A. Improving Legal Awareness and Access to Legal Justice for women
- B. Professionalize Huquq¹ Officers in Implementing Justice for women
- C. Empowerment of female jurists and police officers
- D. Support women in pursuing specific legal rights

Therefore three major gender related achievements by GIZ Rule of Law are illustrated here to describe the project's approach in a deeply conservative society on the way to guaranteeing

¹ Huquq officers are representatives of the Ministry of Justice on district level dealing with civil cases and connecting people with the Courts

women's rights. The fundamental tool behind the project's success is its sound communication across the line departments of the partner organizations and ministries. The following achievements have given special recognition to the project by national partners and international clients:

1. Bilateral agreement between the Ministry of Women Affairs and the Ministry of Justice

GIZ Rule of Law brought together the Ministry of Women Affairs and the Ministry of Justice to sign an agreement that both Ministries will work closely together in the future to assure no gender discriminated laws will come into force. Therefore the Ministry of Women Affairs gets the opportunity to comment the draft laws from the Taqin Department of the Ministry of Justice which is the Ministry's legislative drafting unit. The purpose of commenting the draft laws is to screen them from a gender sensitive perspective and to avoid direct and indirect gender based discrimination. If laws are mistakenly perceived as gender-neutral, opportunities will be missed to include the views of different groups of women and men in policy formation and delivery which will misjudge the different effects on each group and the systems and organizations that support them.



Signing ceremony of the Memorandum of Understanding between the Ministry of Women Affairs and the Ministry of Justice

The agreement between both Ministries is unprecedented because the Ministry of Women Affairs will have direct access to influence politics, incorporating the interests of women in a conservative society like Afghanistan into the legal system.

2. Legal information center inside the Blue Mosque (Shrine of Hazrat Ali) in Mazar-e Sharif

In a highly religious setting like Afghanistan where Islamic norms have limited interpretations, statutory laws are felt more in need. However, religious parties are less open to this concept. In an exceptional intervention, GIZ Rule of Law led the Department of Hajj and Religious Affairs and the Department of Justice (both representations of the respective ministries on provincial level) in establishing a legal information center inside the courtyard of the Blue Mosque in Mazar-e Sharif, Balkh Province.



Legal information center at the Blue Mosque in Mazar-e Sharif

In fact, this initiative derives from the Ministry of Justice’s legal awareness strategy that had never been implemented on the ground before. Basically, it provides free legal awareness services and hands out legal brochures printed by the Ministry of Justice to the community. The topics are very comprehensive; they include for example information on women’s property rights in marriage and inheritance rights.

The information centre is currently helping members of the community, including women, to also explore the range of their rights in light of the Constitution. It is being administered by the Department of Justice and female law and political science students. The fact that students from our internship program with the Ministry of Justice are providing legal aid is very pleasant and helps to build young students’ capacities with regard to an easier access to the job market.

3. Gender Volunteer Focal Points

Unlike the Ministry of Justice, the Ministry of Women Affairs has no representation on district level. This is at a time when women living in the districts are in particular need of support of the Ministry of Women Affairs, mainly because women feel more insecure on district level. They have no female focal points and often are not allowed to speak to men. To balance out the lack of representation on district level, the Department of Women Affairs took the lead in cooperation with the Department of Justice, the Provincial Governors and the District Governors of Balkh and Badakhshan to establish a network of Gender Focal Points. GIZ Rule of Law facilitated and coordinated the cooperation.



Introduction of Volunteer Focal Points to the district governors in cooperation with the provincial governor of Balkh

Today, 22 women are working voluntary as focal points in their districts. The Gender Focal Points support women with legal cases by advising and referring them to the relevant legal institutions. Gender Focal Points receive basic legal trainings to be able to identify and refer cases concerning women’s rights to the right institutions avoiding delays for the case parties and delays, deliberately or not by non-responsible institutions.

Monitoring and Evaluation

GIZ Rule of Law has a multilevel monitoring and evaluation approach. The monitoring and evaluation of our work is followed up by international and national colleagues.

Both have the responsibility to update the online reporting system whereas the national focal points make sure that all reports from the activities are meeting the requirements of the monitoring and evaluation system.

All activities in the area of operation have indicators that feed in to the statistics of outcomes achieved.

For example, the indicator for the activity that connects the Ministry of Women Affairs with the Taqin Department of the Ministry of Justice regarding the sharing of draft laws is: The percentage of the draft laws shared and commented on by the Ministry of Women Affairs during one year. The increase in the number of draft laws shared and commented by the Ministry of Women Affairs is further reflected in the overall monitoring system of the Rule of Law project. Another indicator relates to the number of female visitors at the legal information center at the Blue Mosque in Mazar-e Sharif which feeds into the outcome of raising legal awareness in communities. Likewise all other activities have indicators and milestones that are set based on the existing baselines.

Cooperation with partners

It is obvious that a good cooperation with our partners is the key to a successful and sustainable development of women's rights in Afghanistan. GIZ Rule of Law not only values establishing close cooperation mechanisms on an equal footing with partners but also invites them on a regular basis for exchange meetings to steadily improve the cooperation and the partners work by assessments and coordination if needed. However, the big challenge on the way to promoting gender equality is that culture norms are prevalent and still many people value them more than any other norms. In our experience inclusion of influential men and especially religious scholars in our approaches are working very well. In a friendly atmosphere constructive feedbacks are gathered, discussed and debated. In doing so the project has become a genuine contributing partner among many others in Afghanistan. This recognition is reflected in the nature of similar other activities undertaken by the project; these include among others: School awareness programs, supporting female law students at Sharia and Law faculties, internships for female law students and legal awareness theaters for women. Participation of female students at all these interventions with enthusiasm is the most important reassuring success factor of our work.

We are working with our national and international partners like the Finnish and Dutch governments closely together to change perceptions and behaviors of people in Afghanistan. The willingness to face these obstacles comes from few female outspoken leaders identified on a regular basis in the workshops and trainings we conduct as well as from few men who want to see a change in point of views on gender related issues in Afghan society.