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APPROACHES TO SUPPORTING WOMEN IN AFGHANISTAN: GAPS IN IMPLEMENTATION AND COORDINATION BETWEEN LAWS, PRACTICES AND PARTNERS

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Summary

- 23 key informant interviews were carried out within donor and implementing partner agencies working in the area of women's empowerment in Afghanistan. The interviewees showed a general uncertainty and skepticism towards how women's empowerment programs are planned, monitored, and evaluated, questioning whether they are even helping their recipients. This goes for both Afghan and international initiatives.
- Major problems that are recurring with women's empowerment programs are: duplication of models, emphasis on the number of women participating rather than measuring improved livelihoods, an inflexible planning process that takes little account of on-the-ground realities, and overall lack of coordination between all actors including local and national government.

International Non-Profit Organizations (I-NGOs), United Nations (UN) agencies and local Non-Profit Organizations (NGOs) remained at the forefront of Afghanistan's development with a particular focus on the empowerment

1. Gaisu Yari is the Appeals Board Commissioner at the IARCSC.

of women after the fall of the Taliban regime in 2001. The international community expected to stabilize Afghanistan through international aid with the aim of developing a modernized and more sustainable country in both policy and practices. This included the goal of empowering women with new rights and opportunities. However, there is reason to be concerned about donors' project designs, implementation and the way they are monitored and evaluated. Due to the ad hoc and parachute nature of the design and implementation of these initiatives, most of projects have failed to deliver on their promises and prove sustainable.

Based on 23 key informant interviews conducted in Kabul from international donors and implementers such as the UN, UN Women (UNWomen), UH-Habitat (UNH), the United States Agency for International Development (USAID), national NGOs and independent activists, this study gathered perspectives on how donor projects have been designed and implemented. It also looks at attempts to identify shortcomings or gaps that could reveal the process of monitoring, evaluation, and accountability in the Afghan context.

Impact of International Conventions and Resolutions

The Government of the Islamic Republic of Afghanistan (GoIRA) has made several international commitments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified in 2003 and the United Nations Security Council Resolution 1325 (UNSCR 1325) on women, peace and security adopted in 2013. All countries signatory to CEDAW are obliged to “incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women” as well as establish institutions that can enforce such new protections and ensure the elimination of all acts of discrimination henceforth.² GoIRA made the commitment to report its progress to CEDAW every four years.

GoIRA subsequently established several laws and policies towards achieving CEDAW commitments including the 2009 law for the Elimination of All Forms of Violence against Women (EVAW) and the 2016 Anti-Harassment

2. “Convention on the Elimination of All Forms of Discrimination against Women.” UN Women. <https://www.un.org/womenwatch/daw/cedaw/>

Law to Protect Women and Children. Institutions were then developed to implement these new laws. EVAW is the most ambitious of the two laws, designed to fulfill six objectives focused on 1) protecting women's sharia and legal rights along with their "human dignity",³ 2) fighting customs and norms that contradict Sharia and cause violence to women, 3) protecting women at risk of violence or who are already victims, 4) violence prevention, 5) providing "public awareness" and training on violence against women, 6) and prosecuting perpetrators of violence against women.

In 2017, the Afghanistan Independent Human Rights Commission (AIHRC) reported on the different types of violence against Afghan women and the performance of Afghan courts to enforce EVAW. Of the total cases the AIHRC reviewed, violence occurred almost predominantly from within victims' families (with 94% occurring in the victim's home and with 61% of perpetrators being husbands).⁴ The report compared its data between 2015 and 2016 which revealed an increase of 11.7% percent of registered cases of violence against women.⁵ A 2012 United Nations Assistance Mission for Afghanistan (UNAMA) report stated that while there was progress in terms of registration of incidents of violence against women by prosecutors and primary courts, the number of cases actually resolved through the judicial system remained "very low" in the 16 provinces under evaluation. Often, police and prosecutors refer such cases to traditional **jirgas** (assemblies) and **shuras** (consultative bodies). The advice and resolutions provided by these male-dominated institutions "often undermined implementation of the EVAW law and reinforced harmful practices."⁶ The data shows that progress in gaining equal justice for women has been hard to achieve.

GoIRA continued to pass national pro-women plans in reaction to international movement on this issue. Two years after the UNSC passed UNSCR 1325, GoIRA developed the 2015 National Action Plan (NAP 1325). In

3. "Law on Elimination of Violence against Women (EVAW)." Afghanistan Ministry of Justice; Official Gazette: Extraordinary Issue. Issue No. 989. August 1st, 2009. <https://www.refworld.org/pdfid/5486d1a34.pdf>

4. "Summary of the Report on Violence against Women: The causes, context, and situation of violence against women in Afghanistan." Afghanistan Independent Human Rights Commission. 2017. P 4. <https://www.aihrc.org.af/media/files/Research%20Reports/Summerry%20report-VAW-2017.pdf>

5. Ibid. P 2.

6. "Still a Long Way to Go: Implementation of the Law on Elimination of Violence against Women in Afghanistan." United Nations Assistance Mission in Afghanistan. December 2012. P 4. https://www.ohchr.org/Documents/Countries/AF/UNAMA_Stillalongway_go_implementation.pdf

the NAP, the government set for itself broad goals encompassing women's issues as diverse as psychological support for abuse victims, financial resources for women in distress, engaging men and boys to participate in fighting violence against women, and an end to judicial impunity for crimes against women.⁷ The Afghanistan Public Policy Research Organization (APPRO) produced a 2018 report with support from Sweden and Oxfam concluding that while the NAP clearly articulates the need for detailed implementation planning, coordination, monitoring, and evaluation, it had still not shown evidence of an implementation plan or monitoring and evaluation mechanisms.⁸ There also appeared to be no linkages between key actors of the plan. While it praises the budget structure proposed by the Ministry of Finance, most issues with the NAP are attributed to lack of clarity around the actual budgeting taking place and lack of interest among government actors. The result has been no evaluations or monitoring of NAP 1325 activities and lack of technical capacity and human resources.

Most interviewees for this research agreed that laws such as EVAW, the Anti-Harassment of Women and Children Act, and other initiatives are perceived as achievements when in reality they have faced severe implementation challenges. Zaki Daryabi, the head of the EtilaatRoz newspaper, argued that "while men and women have equal rights to marriage and have the same equal responsibilities before, after, and during the marriage, unfortunately our civil code or civil law is derived from Sharia principles,"⁹ which restricts women trying to file for divorce from their husbands.¹⁰ On the other hand, what women have gained since the fall of the Taliban is unavoidable, he argued. Universities are particularly focused on women, he believes. He also points out examples of women-led media on TV (Zan TV), in print news, and radio.¹¹ Sayed Muzaffar Shah, the Country Director of the Center for Civilians in Conflict, asserted that "fundamentally things have not changed. It is

7. "Afghanistan's National Action Plan on UNSCR 1325-Women Peace and Security: 2015-2022." Ministry of Foreign Affairs. June 2015. https://unama.unmissions.org/sites/default/files/wps-afghanistan_national_action_plan_1325_0.pdf

8. "Afghanistan's NAP 1325 (2015-2018): A Critical Assessment." Afghanistan Public Policy Research Organization. May 2018. Pp 19-21. <http://appro.org.af/wp-content/uploads/2018/05/2018-05-13-Afghanistans-NAP-1325-A-Critical-Assessment.pdf>

9. Daryabi, Zaki, Editor in chief of Etilaatroz Newspaper. Interview by the Author. May 26, 2018.

10. Ibid.

11. Ibid.

because the mentality of the people has not changed, the life of women on the domestic level has not changed.”¹² He believes that bringing a change through projects and donors aid programs will not have a larger impact. Ehsan Qaane, a researcher at the Afghanistan Analyst Network agreed with Muzaffar Shah and had concerns about women’s current protections in the workplace.¹³ To Qaane, examples including violence against women and unsafe work environments show that the country is not fulfilling expectations. All interviewees agreed that since women-related initiatives are donor-driven with a top-down approach, changes at the local level are impossible. This is further complicated by the inflexible approach of donors and the rosy picture of women’s progress created by local NGOs who think such positive spins are necessary to keep donors interested. The latter in particular obscures the reality on the ground and can negatively impact the planning phase of donor programs. In addition, the APPRO report explains the consultation process is already skewed by the lack of public participation and by the inclusion of international policy experts who lack knowledge of Afghanistan.¹⁴

Duplication of Project Designs

Duplication among donor projects is another reason donor aid has had a weak impact. UN and USAID projects have applied similar thematic projects with weak coordination and collaboration resulting in blurred approaches among practitioners. An interviewee (remaining anonymous)¹⁵ stated that UNWomen project themes are almost identical to those of other donor agencies with a similar design of three-two-six days of training. If donor funding was channeled to long-term and sustainable projects, the outcomes would be increasingly more diverse and sustainable.

Another interviewee (who also chose to remain anonymous)¹⁶ working with UN-Habitat (UNH) shared her experience of a UNH tailoring skills training

12. Syed Muzaffer Shah. Interview by the Author. June 14, 2018.

13. Ehsan Qaane. Interview by the Author. June 02, 2018.

14. “Afghanistan’s National Action Plan on UNSCR 1325-Women Peace and Security: 2015-2022.” Ministry of Foreign Affairs. June 2015. P. 12. https://unama.unmissions.org/sites/default/files/wps-afghanistan_national_action_plan_1325_0.pdf

15. Anonymous. Interview by the Author.

16. Anonymous. Interview by the Author.

project implemented in 2005 in the city of Jalalabad, Nangarhar. This project provided machines, instructors, and materials that would enable women to learn and produce sellable products.¹⁷ The assumption was that since uneducated women in the region learnt embroidery at an early age, the program could help by turning that into a revenue base with access to local markets. Sewing machines were given to the women at the end of their training. This is but one example of many similar skills trainings throughout the country directed at increasing women's skillset and self-reliance.

However, the lack of follow-up on how the trainees used these skills to earn money is what Mehri Mirzad, an employee at UNH, struggles to understand. Mirzad argued that the Jalalabad project ultimately failed because of a lack of follow-up mechanisms for post-implementation. She goes further: "If you go to any house or Internally Displaced Persons (IDP) camp, there are trainings for tailoring or embroideries. The problem with that is all the houses in Jalalabad got a tailoring machine. But you hardly find a tailor. The trainings were only three to six months. You cannot train a tailor to be a tailor in three months."¹⁸ Mirzad believed that learning the skills of tailoring requires more resources and long term planning for a better outcome. She further argued that the available funding was lacking because all the project designs were result-based instead of impact-based. What that means is that donors "want to know how many women got trained, how many women participated in the advocacy training or other short period trainings. But no one goes back and checks if that training had an impact."¹⁹ Implementers may end up with the same participants they had in their previous training which allows donors and implementers to use the same participants over and over in their statistics.

Neither international donors nor national NGOs formed collective approaches to designing their projects; instead such projects are often developed from abroad. Most of these projects are donor-driven as Sayed Muzaffar Shah argued. "Donors are coming with an assessment. Most of the time, their assessments are based on assumptions. They do not [work] based on the

17. "Tailoring and Hand Pump Project (Kandahar)." UN Habitat. November 08, 2005. http://www.fukuoka.unhabitat.org/projects/voices/afghanistan/detail02_en.html.

18. Mehri Mirzad. Interview by the Author. June 07, 2018.

19. Ibid.

reality on the ground, [nor based on] proper assessments in Afghanistan [where they know] how much money they want to spend.”²⁰ Gender indicators in project design are symbolic according to Muzaffar Shah.²¹ A needs assessment is not a requirement to award a project or select the right partner. When speaking with Afghans currently working with international agencies in leadership positions, they claim to still not have access to project designs or the awarding process. Anosha Ejlasi, working within the donor community, claimed that although she works as a senior gender specialist for the UNH, she still does not know how projects are designed or how partners are selected.²² This is a shame since, as the donor community may not have full access to the country, Afghans working among them are an important body of information and resources which could simultaneously become an asset to design proper projects and select the right partners.

M&E and Coordination Mechanisms between Donors and Implementers

Monitoring and Evaluation (M&E) among the donor community and the NGOs is a question of responsibility for what they construct together. Both donors and partners use their own methods to monitor and evaluate a project yet some of these practices have shortcomings. For instance, Ejlasi does not know what mechanisms are used in the M&E of the UNH despite herself working as a specialist within that organization. She said: “I cannot give you the right answer on the procedures of how they collect their data.”²³ Another interviewee, a UK Department for International Development (DFID) representative (speaking anonymously) who had an almost identical position as Ejlasi, noted that at the UN level it is difficult to have a proper M&E procedure for conflict areas: “If we cannot travel, we hire third-party monitoring. We let them go and do the monitoring, [or] sometimes we use some NGOs who are present in those areas.”²⁴

These mechanisms exist on paper but reveal flaws in their results. The government has the responsibility to monitor projects, the implementing partners have an obligation to submit an M&E report, and the donor should

20. Syed Muzaffer Shah. Interview by the Author. June 14, 2018.

21. Ibid.

22. Anosha Ejlasi. Interview by the Author. June 07, 2018.

23. Ejlasi. Research Interview.

24. Anonymous. Interview by the Author. June 23, 2018

have its practical procedure. According to Mirzad, “in this process, what is lacking is that we take this process so lightly.”²⁵ Monitoring and evaluation are two different processes. Monitoring should be used before the problem occurs, whereas evaluation is to see the impact post-implementation. “What happens [is] that they usually check the last phase which is the evaluation part. They [forget] the monitoring phase. It is with the government, with the partners, and the donors,”²⁶ Mirzad argued. According to this explanation, if monitoring is not taking place during the implementation, it will be tough to analyze the quality of a project and whether or not it was executed in the best way possible. As soon as the contract is signed between the donor and partner, nothing can be changed during the implementation.

Coordination among donors and stakeholders can be difficult yet crucial to project implementation and M&E. Donors’ country offices are the main intermediaries between the HQs and beneficiaries. Country offices design and plan their initiatives. “To be honest, we try and have tried to be as relevant to Afghanistan as possible but I can see there are still shortcomings,”²⁷ said one interviewee (choosing to remain anonymous). UN Women also tries to align its projects with GoRA priorities such as the Women’s Economic Empowerment agenda, Citizen Charters, or the National Solidarity Program. The reason UN Women uses this method is to minimize parallel structures that might compete with the government. According to an anonymous interviewee, “We are here to support, not compete.”²⁸ After Afghanistan’s government developed its Afghanistan National Peace and Development Framework (ANPDF) beginning 2017, UN agencies came together to develop One UN for Afghanistan, coordinating their work.

This mechanism only helps UN agencies in the country, not other individual donors. The platform focuses on six areas: education; food-security, nutrition and livelihoods; health; return and reintegration; rule of law; and human rights advocacy and protection. In addition, norm and standard-setting are considered a broad function of the UN that applies to the whole

25. Mirzad. Interview by author, June 07, 2018

26. Ibid.

27. Anonymous. Interview by the Author.

28. Anonymous. Interview by the Author.

platform.²⁹ These six thematic areas are trying to go hand-in-hand with the themes of the ANPDF³⁰ which serves as GolRA's roadmap towards greater self-reliance. UN agencies had been highly criticized for its insufficient work in Afghanistan, particularly UN Women. As such, the new changes are designed to address such criticisms—especially that of lack of coordination and the creation of parallel structures to the government. Transparency and accountability are important values in the One UN initiative. Efforts on the GolRA side, meanwhile, can be seen in Ministry of Finance's recent donor aid database showing the aid coordination team how the new approach is working. Nonetheless, it is still not clear if it will be that much more transparent since the culture of corruption and waste has been embedded in the government for many years.

Conclusion

This research was undertaken based on the assumption that there had not been enough progress on women's empowerment in Afghanistan. It was also assumed that embedded corruption within local partners is the main obstacle for women-related programs' impact. However, the findings show this obstacle may not be as central to the story as initially supposed. Instead, the main problem (linked to the corruption issue) is the implementation gap between the existing laws and current practices occurring simultaneously to a gap between development donors and partners. Interviewees from both the donor side and partner side described the confusion this inflicts on their work. Most responded with uncertainty that women are being empowered and what the research found is less than promising.

GolRA, since its initial establishment, produced many laws, regulations, specific policies and mechanisms to protect women and to ensure women have equal rights before the law. The government has also worked to increase women's presence in government and leadership levels so that it symbolizes their commitment to the international world. However, most of the new mechanisms have not been fulfilled; as the confusion around the implementation of the NAP 1325 showed, it can appear like government

29. Afghanistan: "One UN— One Programme"; 1 January 2018- 31 December 2021. UNESCO. November 21, 2017.

https://en.unesco.org/sites/default/files/one_un_afghanistan.pdf

30. Ibid.

interest in enacting these laws ends with the symbolism of the act. On the other side of the development partnership, the donor community still lacks accountability and transparency. This is true of their project designs to assist women and their weak M&E. Lack of coordination remains a major issue. It is hoped that the following recommendations will be considered in future initiatives (with the full knowledge that the post-peace process landscape will be different).

Policy Recommendations

- IGOs, UN agencies, and NGOs should develop a coordination mechanism that can help them both at the national and sub-national level. An improvement in coordination among development actors and government agencies would help budget effectiveness and long-term sustainability.
- IGOs, UN agencies, and other international actors should design programs using on-the-ground research and needs-based assessments. Business methodology in designing projects cannot assist the complex issues women face in different levels of the society. It should be recognized that Afghan women have the capacity to assess their own needs and provide feedback to donors for further support. This allows both women and donors to be coordinated and implement sustainably.
- GoIRA should have clear Monitoring and Evaluation mechanisms in the Ministry of Economy to hold NGOs and donors accountable. This will prevent NGOs from using women's rights as a business they can profit from.