

"Hear Us Now": On Supporting Afghan Women in Need of Shelter, a Lesson from Indonesia

by Farahnaz Roman

LLM Capstone Thesis

SUPERVISOR: Professor Renata Uitz

Central European University

© Central European University

June 7, 2020

Abstract

The Afghan State in response to violence against women, has developed significant legal framework. However, the gap between promises made and realities on the ground is huge. Running counter to the patriarchal society, a few local NGOs established women shelters in 2003, funded by international donors. Women victims of violence since 2003 found refuge and support in the form of shelters. Today, with the shrinking footprints of international donors, these shelters are at risk of closure. This is especially worrying as the Afghan government pursuant to U.S.-Taliban deal, is proceeding towards negotiations with Taliban. Considering, the past experience with Taliban, one can conclude that Taliban are not champions of equal rights of men and women. These shelters, seen as foreign impositions need support in order to assist women in need. This thesis is a reminder to the Afghan State to not forget it's international and national human rights obligations in responding violence against women by suggesting few recommendations, drawing upon lessons learned from Indonesia. To do this, first it is important to understand the process of development of state's obligation under international human rights to provide integrated services including shelters and then the legal framework of the states. The realities on the ground will reveal the difference between the promise made and the status quo. The Afghan State must ensure, women's well-being today and for the years to come. We surely want peace but not at the cost of our rights.

Acknowledgments

I would like to express my sincere gratitude to my supervisor, Renata Uitz who guided me like light throughout my research period. With her feedback, I was able to look at issues from different perspectives. Her constant encouragement and motivation has helped me throughout my work and gave this thesis interdisciplinary scope.

I also thank Oswaldo Ruiz-Chiriboga who during our Capstone Seminars, guided us with not only updated learning materials but made us to think critically. Every session we learned something new.

I would also like to thank the whole Legal Department who have been extremely inspiring during time my time at CEU. Their assistance and selfless guidance have been very crucial in this journey.

Lastly, my family and friends thank you for all the support and push, without you I would not have been able to come through this difficult but lifetime learning experience.

Table of Contents

Abstract.....	I
Acknowledgments.....	II
Table of Contents.....	III
List of Abbreviations	IV
Introduction	1
Chapter 1.....	4
1.1 Shelters overview.....	4
1.1.1 Emergency Shelters.....	4
1.1.2 Transitional house.....	5
1.1.3 Third stage housing.....	5
1.2 Shelters through the lens of International human rights standards: Rights-based approach	5
Chapter 2.....	11
2.1 Afghanistan’s National Legal framework in responding VAW	11
2.2 Realities on the ground: Practice	15
2.3 Challenges WPCs face	17
2.3.1 Social stigma	17
2.3.2 Mediation downsides.....	17
2.3.3 Daily social, structural and administrative challenges.....	18
2.3.4 Lack of strong reintegration strategy.....	18
2.3.5 Dwindling funds	19
2.3.6 Government’s control	19
Chapter 3.....	22
3.1 Indonesia: a general background.....	22
3.2 Indonesia: national and international obligations.....	23
3.3 Indonesia: Status quo and Good Practice.....	25
Recommendations	27
Bibliography	29
(ANNEX I).....	34

List of Abbreviations

AIHRC	Afghanistan Independent Human Rights Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DEVAW	Declaration on the Elimination of Violence against Women
DoWA	Departments of Women Affairs
EVAW Law	Law on Elimination of Violence against Women
ICCPR	International Covenant on Civil and Political Rights
ICESR	International Covenant on Economic, Social and Cultural Rights
MoWA	Ministry of Women Affairs at the national level
SR-VAW	UN Special Rapporteur on violence against women, its causes and consequences
SAARC	South Asian Association for Regional Cooperation
VAW	Violence against Women
WCC	Women Crisis Center
WPC	Women Protection Center

Introduction

“We have lost peace and sleep while thinking about the women in shelters and how they will lose refuge if the international donors stop funding these shelters” said Suraya Pakzad, an Afghan women right’s activist and the founder of Voice of Women Organization, running almost all women shelters in the western zone.¹

Nineteen years have passed since the fall of the Taliban regime, the darkest period for humanity. Although Afghanistan before Taliban was also not a very women-friendly country, women’s blatant oppression was the hallmark of their regime.² One of the major reasons for United States military intervention in 2001, was defined as “a wish to liberate women and girls from the sexist Taliban”; to put it in the words of Laura Bush, “a fight for dignity and rights of women”.³

Since 2001, a new government emerged as a light to restore humanity and a means for Afghan women to find justice. The 2004 Constitution promotes equality among men and women and commits the country towards observing international instruments. The establishment of the new government along with the international community’s support for Afghan women elevated hopes. Yet, according to Amnesty International Afghanistan remains the worst place to be a woman.⁴ Since the establishment of the new government, there have been many efforts to address Violence against Women (VAW). To study the discourse of all forms of responses to VAW⁵ or the causes behind VAW⁶ although is important but not in the scope of this thesis. This thesis focuses in the areas of “policy reform” and “shelter provision” to protect women victims of violence.

¹ During an internal meeting of Afghan Shelter Network, Organized by Voice of Women Organization at the Ministry of Women Affairs (MoWA), March 26, 2019.

² Horia Mosadiq, Women in Afghanistan: the back story, Amnesty International, November 25, 2014.

³ Laura Flanders, What has George W ever done for women? The Guardian, March 26, 2004.

⁴ The World’s Worst Places to Be a Woman, AMNESTY INTERNATIONAL, May 17, 2019.

⁵ Handbook on effective prosecution responses to violence against women and girls, United Nations Office on Drugs and Crime, 2014.

⁶ Mohammad Hussain Saramad & Latifa Sultani, Violence against Women in Afghanistan, AIHRC, 2013.

There are very few shelters in Afghanistan for women victims of domestic and other kinds of violence.⁷ These shelters are run by non-government organizations and are funded by American and other Western donors, UN agencies and international organizations.⁸ Although State supported shelters are lacking, international donors have shown little interest to continue supporting the existing shelters after 2020. This is a nightmare for VAW survivors living in shelters and women activists running them.⁹

There is no strong and practical reintegration policy to help these women reintegrate into the society therefore, for some of these women shelters become their home for a long period.¹⁰ While the provision of shelter for women victims of violence is one of the fundamental duties of the Afghan State under the national and international human rights framework, it has yet to run a shelter or to support financially the existing ones. Endurance and silence remain the only option when women victims of violence are denied justice, encouraged to settle with their abusive partners and offered no protection in case they decide to leave their houses.

Addressing the issue at hand is extremely important as Taliban are making inroads -- the same Taliban, who have been unprecedented in sidelining and having sexist opinions about women. Their strong opinion to keep the family together even if it is toxic: poses limitations on women and threatens the gains made by Afghan women in the recent years.¹¹

This paper offers comparative analysis for defining the Afghan State's obligations towards women victims of violence in light of international human rights standards and national legal framework. Moreover, it highlights the gaps between enforced laws and realities on the ground. It aims to provide recommendations for defining and implementing constitutional and other statutory obligations.

For this purpose, this paper studies the equivalent framework in Indonesia, a Muslim majority state. Indonesia has experienced a rowdy history, by going through colonization, dictatorship, military rule and civil conflict.¹² Indonesia's fight for independence and women's

⁷ Sarah Kamal, Development Communications Strategies and Domestic Violence in Afghanistan, March 31, 2006.

⁸ Vince Beiser, Where Women Go When They're Running From Their Own Families, TakePart, March 23, 2015.

⁹ Rahim Faiez, Afghan women fear loss of shelters as funding dwindles, AP News, May 4 2017.

¹⁰ Supporting Women's Economic Empowerment: lessons from India, IDLO, April 26, 2016.

¹¹ Dan De Luce, No guarantees for Afghan women in draft U.S.-Taliban deal, NBCnews, February 23, 2020.

¹² Indonesia, Country Reports on Human Rights Practices, The U.S. Department of State, February 28, 2005.

struggle for justice stretches similarities between the two countries. A fair comparison of both systems would allow studying both states' take on shelters and the realities on the ground.

Firstly, the thesis will study the international human rights standards concerning provision of shelters and their development time frame. Secondly, it will present the Afghan State's obligations under its national legal framework to provide shelters and then discuss the reality on the ground, in particular the shelters' challenges and the state's role in minimizing them. Further, it will study the framework and practice in Indonesia, drawing on its positive experience. Finally, the thesis draws a few recommendations based on the research on the existing legal frameworks, good practices of Indonesia and the challenges of Afghanistan.

The thesis is based on comparative desk research in light of available data. While, there have been helpful data available on violence against women, lack of data and literature on shelters in English remained a challenge throughout the research period.

Chapter 1

1.1 Shelters overview

Shelters are named differently in various societies; for instance, they are called women centers, community centers, refuges, safe houses, Women Crisis Centers (WCC) in Indonesia and Women Protection Centers (WPCs) in Afghanistan.

The UN Special Rapporteur on violence against women, its causes and consequences (SR-VAW) provides a wide definition for shelters, expanding on the definition which was initially advanced by WAVE: “A ‘shelter’ or ‘refuge’ denotes emergency and temporary safe accommodation for women and children who have been exposed to, or are at risk of (usually male) violence in a domestic context”.¹³ According to her, shelters mainly provide services to women victims of domestic violence but they can also provide refuge to women who are in danger of other forms of violence such as “trafficked persons, migrants and asylum seekers, and those fleeing from conflict to refugee and internally displaced persons camps, where the risk of gender-based violence is high”.¹⁴ Most of the time, the mode of the shelter is categorized based on the available resources of the states or foreign financial aid. Some provide services for a very short period starting from one to seven days such as “safe houses, emergency safe spaces and confidential private accommodation”.¹⁵ To have a better understanding of shelters, below is one possible way of categorizing shelters:

1.1.1 Emergency Shelters

Are known as “first stage emergency housing” or “refuge”. They deliver short up to medium term housing with emotional support to women who have or does not have children. The housing can last from few days until few months. Other than accommodation, they might also provide services such as “counseling, advocacy, programs for children, referrals and safety planning.”¹⁶

¹³ Report of the Special Rapporteur on violence against women, its causes and consequences, (A/HRC/35/30), June 13, 2017 and WAVE and Austrian Women’s Shelter Network, 2004.

¹⁴ A/HRC/35/30, para 55

¹⁵ Shelter for Women and Girls at Risk of or Survivors of Violence, Canadian Network of Women’s Shelters & Transition Houses, March 2013.

¹⁶ Ibid

1.1.2 Transitional house

Are also known as “second stage housing” provides accommodation for 6 months to one year. The refugees here, in addition to emotional services have stronger security measures i.e. “locked doors and windows, alarm systems.”¹⁷

1.1.3 Third stage housing

This is for women who have concluded the second stage but still need shelter. The nature of such housing might turn into a permanent housing for survivors who are dealing with mental illness or disabilities. Here, since their lives take features of communal shape, stronger security measures are not required.¹⁸

As indicated in the definition, shelters constitute a temporary refuge for women and ultimately women need to leave -- and need to be able to leave -- a shelter. In order to facilitate their integration to the society, the shelters must have comprehensive reintegration policies.¹⁹

1.2 Shelters through the lens of International human rights standards: Rights-based approach

The SR-VAW in her report encourages states to establish women’s shelters and protection orders under the states’ human rights obligations. These rights and obligations are rooted in women’s right to live free from violence. According to the SR-VAW: “When that right is denied, the full exercise of their other rights is limited.”²⁰ This section offers an overview of the international human rights instruments regarding such shelters and states’ obligations to provide shelters as an integrated response to VAW. States have due diligence obligations in preventing, protecting, prosecuting and providing redress to VAW survivors in a timely and proper manner.²¹

The human rights instruments studied in this chapter provide directly and at times indirectly for women’s right to live free from discrimination and offer a basis for urging states to take all the

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Shelters for Women Survivors of Violence: Availability and Accessibility in the Arab Region, Economic and Social Commission for Western Asia, 2019.

²⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21724&LangID=E>

²¹ A/HRC/35/30, para 48.

necessary measures to fight VAW, protect the survivors and prevent such violence. Below we will see how these human rights instruments developed such obligations.

– The right of women to live free from violence sounds evident.²² However, the main international human rights instruments on women's rights do not contain express provision on VAW. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which is considered as “the United Nations’ landmark treaty in the struggle for women’s rights”²³ under Article 2, obliges the states to establish a national legal framework in harmony with equal rights among men and women.²⁴ However, it does not contain any provision to address VAW explicitly instead in the words of Freeman, Chinkin and Rudolf: “States parties’ obligations with respect to the elimination of violence against women have been developed by a number of international institutional initiatives in which the Committee has played a key role.”²⁵

– Reinforcing the CEDAW Convention, in 1992 the CEDAW Committee issued the general recommendation No. 19, emphasizing that “Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.”²⁶ It also emphasized on the importance of preventive but also protective measures of the states and lists some of the protective measures that the states shall adopt including provision of shelters, counseling services, rehabilitation and support services for women who are either survivor or potential victim of violence.²⁷ The general recommendation No. 19 by adopting a rights-based approach became “the instrument that brought violence against women unequivocally into the domain of international human rights law.”²⁸

– The Declaration on the Elimination of Violence against Women (DEVAW) (also known as the Vienna Declaration 1993) describes the ill of violence against women in the following terms in its preamble:

²² Ending Violence against Women, UN Women. Available at: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women>

²³ The United Nations and The Advancement of Women, 1945–1995, UN Blue Books Series, Vol. VI (rev. edn, 1996) 5.

²⁴ Convention on the Elimination of All Forms of Discrimination against Women, December 18, 1979.

²⁵ Marsha A. Freeman, Christine Chinkin & Beate Rudolf, The UN Convention on the Elimination of All Forms of Discrimination against Women: A commentary, Oxford Public International Law, p.443-444 January 01, 2012.

²⁶ General Recommendation No. 19, para 1, 1992.

²⁷ Ibid Para 24.

²⁸ Marsha A. Freeman, Christine Chinkin & Beate Rudolf, (n-25)

“violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”

More specifically, it provides for state commitments to policy formation regarding VAW and under Article 4, creates a framework for national or international action.²⁹ In addition to calling upon states to provide a set of support services in form of rehabilitation, social services, facilities, support structures, legal aid and counselling services for women victims of violence it also requires states’ consideration and special attention to children, providing them with appropriate assistance.³⁰

– Bearing in mind women’s financial dependency, the CEDAW committee through general recommendation No. 33 (2015) in para 23 pointed out that “discriminatory procedural and evidentiary rules and a lack of due diligence in the prevention, investigation, prosecution, punishment and provision of remedies for violations of women’s rights result in contempt of obligations to ensure that women have equal access to justice”. Thereupon it expressly recommended that states “*ensure access to financial aid, crisis centres, shelters, hotlines and medical, psychosocial and counselling services*”.³¹

– Additionally, the UN’s Beijing Platform for Action (1995) urges states to “provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counseling services and free or low cost legal assistance, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence.”³² In the The Beijing Conference, women who came from all over the world and United Nations member states committed themselves to advocate for women’s equal rights, it constitutes a source of guidance and inspiration.³³ It does not bind states and it does not “provides a means for enforcement or for redress of wrongs”.³⁴

²⁹ Article 4, Declaration on the Elimination of Violence against Women, (GA 48/104, Dec 1993).

³⁰ Ibid

³¹ CEDAW/C/GC/33, 16 (b), July 23, 2015.

³² Beijing Declaration and Platform for Action, The Fourth World Conference on Women, Para 125(a), 4 to 15 September 1995.

³³ Beijing Declaration and Platform for Action, Beijing +5 Political Declaration and outcome, UN Women, 2014.

³⁴ Katrarzyna Pabijanek, Beijing Declaration and the Platform for Action, EuroGender, August 27, 2013.

– In General Comment no. 16 (2005) of the Committee on Economic, Social and Cultural Rights (ICCPR) emphasized that Article 3 of the International Covenant on Economic, Social and Cultural Rights (ICESR) read together with Article 10 requires state parties “to provide victims of domestic violence, who are primarily female, with access to safe housing”, adding that “[g]ender-based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality”.³⁵

– Another important document is the GA Resolution 63/155 (2008) on the intensification of efforts to eliminate all forms of violence against women which encourages states to establish or support “integrated centres through which shelter, legal, health, psychological, counselling and other services are provided to victims of all forms of violence against women”. The language used in this paragraph is much detailed than many previous recommendations in terms of the content of the obligation. Here, we can see that the obligations are clearly qualified by their feasibility. It provides for a clear distinction between states undertaking these obligations themselves and supporting or coordinating other agencies in their efforts.³⁶

– Furthermore, under the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002), the state parties are required to create state shelters for victims of trafficking. In addition, state parties may decide to support the non-governmental organizations that run such “protective homes or shelters”.³⁷

Given the international binding and non-binding instruments mentioned above, one can conclude that the development of the human rights framework on violence against women and especially corresponding state obligation has been a gradual process, paved by many soft law. This development was made possible by independent mechanisms that were created to monitor these instruments such as, treaty bodies, CEDAW committee, the Special Rapporteur on violence against women and few regional human rights bodies.³⁸

³⁵ E/C.12/2005/3, Para. 27, May 13 2005,

³⁶ A/RES/63/155, Para 16 (q), January 30, 2008.

³⁷ Article IX (3, 4), Saarc Convention on Preventing And Combating Trafficking In Women And Children For Prostitution, 2002.

³⁸ A/HRC/35/30, para 20.

Meanwhile, the role of feminist activism has been extremely important in bringing policy reform. The local feminist movements rely on international and regional conventions to influence policy reform.³⁹ In Asia, this policy reform is complex as it becomes a process of bargaining between the state and non-state actors in considering the different interests at stake and results in delays.⁴⁰

Although the UN general assembly resolutions are not legally binding, but they have significant weight showing global consensus of its member states.⁴¹ On the other hand, the general recommendations by CEDAW committee are, by some are considered; “authoritative statements” in regard to states accepted obligations”⁴²

The Afghan State has various international obligations to protect women from violence, including a due diligence obligation to provide shelter for women in accordance to the international covenants it has ratified, international practice and through recommendations of different international non-binding documents.

A particular further difficulty in defining the Afghan State’s obligations is that several obligations in this area are described by soft law instruments as “due diligence obligations,” a concept that has murky contours in international human rights law. Critical voices question the need of the concept as they believe requiring states to take reasonable measures is a vague term which is difficult to measure.⁴³

In international human rights law there is a debate on whether the prohibition of violence against women -- as an aspect of gender based discrimination -- constitutes *ius cogens* in international law.⁴⁴ However, the proponents of this preposition argue that women’s movement

³⁹ S. Laurel Weldon& Mala Htun, Feminist mobilization and progressive policy change: why governments take action to combat violence against women, *Gender & Development*, July 04, 2013.

⁴⁰ Paola Cagna& Nitya Rao, Feminist mobilisation for policy change on violence against women: insights from Asia, *Gender& Development*, July 15, 2016.

⁴¹ Marsha A. Freeman, Christine Chinkin& Beate Rudolf (n-25) p. 448.

⁴² General Recommendations, LSE, Center for Women, Peace+ Security.

⁴³ Lisa Grans, The concept of due diligence and the positive obligation to prevent honour-related violence: beyond deterrence, *The International Journal of Human Rights*, 22:5, 733-755, May 28, 2018.

⁴⁴ Elisabeth Veronika Henn, *International Human Rights Law and Structural Discrimination: The Example of Violence Against Women*, Springer, 87-88, 2019.

have been integral in human rights movement and the fact that international law has been advocating for women equality since 1960, is sufficient to rely on international customary law.⁴⁵

Nevertheless, Afghanistan is party to the above mentioned international human rights instruments including CEDAW and ICCPR.⁴⁶ It is also obliged to observe Universal Declaration of Human Rights (UDHR), United Nation's Charter⁴⁷, and is a member state of SAARC⁴⁸. In addition, the Afghan State is bound to respect the international customary law by virtue of International law.⁴⁹ The State is responsible to meet its obligation to which it has acceded in light of the above mentioned facts. In the next chapter, Afghanistan's national legal framework is discussed.

⁴⁵ Guertin, Judith E., Customary International Law and Women's Rights: The Equal Rights Amendment as a Fait Accompli Comment, p.138-141, 1987.

⁴⁶ OHCHR, UN treaty Body Database- Afghanistan

⁴⁷ Article 7, 2004 Constitution- Afghanistan

⁴⁸ <http://saarc-sec.org/about-saarc>

⁴⁹ Mehdi J. Hakimi, Elusive Justice, Northwestern Journal of Human Rights, 2020.

Chapter 2

2.1 Afghanistan's National Legal framework in responding VAW

The legal system in Afghanistan is composed of sharia law, customary law and state law.⁵⁰ A fragmented constitution making process with the tensions among secular and sharia law resulted in the ratification of the 2004 Constitution, declaring Afghanistan an Islamic Republic.⁵¹ The U.S. ambassador to Afghanistan, Zalmay Khalilzad, named the 2004 Constitution as "one of the most enlightened constitutions in the Islamic world."⁵²

The current Constitution distinguished itself from previous constitutions in Article 24; it grants women an equal rights clause and prohibits any kind of discrimination among the citizens.⁵³ Some of the articles are sex neutral, one of its important articles is Article 6, which ensures justice among society and requires the State to protect human rights and dignity.⁵⁴ At the same time, Article 54 strengthens the status of family as the fundamental unit of the society; however, it goes on to emphasize on the well-being of the children and mother and requires the State to eliminate the traditions contrary to Islam.⁵⁵ Reading the provision in its entirety would support women in fighting few social taboos.

Although the Afghan Constitution provides equality provisions for women, the ultimate source of law is Sharia.⁵⁶ Sharia and Customary law both have been a great influence in the lives of Afghans especially in the matters concerning matrimonial regime, personal law, property law and norms of social interaction. Most of the practices concerning violence against women find refuge in Sharia and Customary law, for instance; arranged and early (child) marriages under guardianship and the suppression of women under tribalism.⁵⁷

⁵⁰ Thomas Barfield, "Afghan Customary Law and its Relationship to Formal Judicial Institutions", p. 1, USIP, 26 June 2003.

⁵¹ Article 1, 2004 Constitution.

⁵² Carlotta Gall, Afghan Council Gives Approval to Constitution, New York Times, January 2006.

⁵³ Article 24, 2004 Constitution.

⁵⁴ Niaz A. Shah Kakakhel, "Women's Rights and the New Constitution of Afghanistan," International Studies Journal 1, 57. no. 2, 2004.

⁵⁵ Article 54, 2004 Constitution.

⁵⁶ Article 130, 2004 Constitution.

⁵⁷ Kamali, Mohammad Hashim. "References to Islam and Women in the Afghan Constitution." Arab Law Quarterly, vol. 22, no. 3, pp. 270–306, 2008.

In addressing gender inequality, promoting and protecting women rights, the Afghan government established the Ministry of Women Affairs at the national level and Departments of Women Affairs (MoWA) at the provincial level (DoWA) already in 2001.⁵⁸ MoWA has a key role in furthering gender equality and advancing women's human rights. MoWA as a policymaker, oversight institution and at times services provider develops plans and policies for women and it monitors the implementation of gender related national and international policies.⁵⁹

Another success for women rights defenders was the endorsement of the Law on Elimination of Violence against Women (EVAW Law) in 2009 by presidential decree.⁶⁰ The law enumerates 22 forms of violence including rape and regulates severer punishments for early and forced marriages. The punishments in the law range from fines to different lengths of imprisonment and it includes death penalty in case a victim is killed. The law is significant as it criminalized violation of some of the women's civil rights such as the right to education and work.⁶¹

Under rights of the victim in article 6 (2), the law provides for the right to a safe shelter. Under Article 8, MoWA is obligated to adopt preventive and protective measures in responding to VAW and specifically in clause 3 of the same article is tasked for "providing protection for the victims of violence in protection centers (shelter), or if protection center is not available, other safe places, as well as monitoring and evaluating them"⁶². The article does not mention the details and extent of government's obligation but in Article 16 (1, 6) it requires adoption of relevant rules and regulations to implement this law in a better way.

The promulgation of the EVAW law became a lengthy process as it was affected by the conservative and extremist mentalities of MPs in the parliament. In fact, it took four years for drafting and lobbying this law and eventually President Hamid Karzai, who was under pressure by the international community, endorsed the bill when the parliament was in recess. As in the parliament, there were many opponents of the law and going through the normal process of ratification of the EVAW Law by the parliament might have put the law at risk of rejection.⁶³

⁵⁸ Report of the Working Group on the Universal Periodic Review- Afghanistan, United Nations- General Assembly, April 4, 2014.

⁵⁹ <https://mowa.gov.af/en/mowa-history>

⁶⁰ Unofficial translation: <https://www.refworld.org/pdfid/5486d1a34.pdf>

⁶¹ Torunn Wimpelmann: The Pitfalls of Protection, p.51, 2017.

⁶² Article 8(3), EVAW Law.

⁶³ The Pitfalls of Protection, (n-60) p.57-59.

Women activists several times tried to pass the bill through parliament. However, every time the bill was being presented to the parliament the conservative deputies started a debate over how the law is against Islamic rulings and Afghan culture, which always resulted in conundrum. During the debates in parliament one of the male deputies said: “This law is, anyway, for the women of the street [i.e., prostitutes]. Good women living under the protection of Islam have no need for this law.”⁶⁴

This statement reflects the dominant view of a deeply conservative society where the majority deem women who leave their house worthy of no protection and empathy. A female shelter manager during an interview stated that: “In Afghanistan, what kind of woman is regarded as deserving of their male relatives’ protection and support? A woman who is obedient, loyal, always thinks about the name of her male relatives, one who is silent and tolerates everything. Not one who goes to court to complain, who goes public, who goes outside.”⁶⁵ This confirms the existence of power dynamics between men and women as described earlier in the preamble of the Vienna Declaration.

It is in this context that the ratification of the EVAW law happened by the presidential decree, bypassing parliament. This was a hard-won victory for Afghan women rights and civil society activists. The newly created EVAW commission monitors the implementation of EVAW Law.⁶⁶ Despite the confrontations and objections, EVAW law is still enforced through presidential decree but since presidential decrees must be sent to the parliament for approval and the parliament can reject them, this puts the law at risk of being repealed by the parliamentary majority.⁶⁷

Afghan officials consider women residing in shelters out of control of their families and the government. Shelters are considered as a threat to the institution of the family, to the Afghan government’s authority over civil society and lastly to Afghanistan as a sovereign Muslim country.⁶⁸ That is why in 2011 MoWA attempted to nationalize the shelters and take the control of shelters by placing the shelters under the state’s administration. The Minister of MoWA, in a press conference on 15 February 2011 expressed that MoWA would run the women’s shelters. She further said “What have been run by NGOs now belong to the government. We are ready to be

⁶⁴ Sixth Joint Commission meeting on the EVAW law, November 17, 2009.

⁶⁵ Interview with a shelter manager, Herat, January 2010.

⁶⁶ EVAW law, Article 16.

⁶⁷ Torunn Wimpelmann, Problematic Protection: the law on Elimination of Violence against Women in Afghanistan, OpenDemocracy, November 29, 2013.

⁶⁸ The Pitfalls of Protection, (n-60) p.109.

responsible and should stand on our own feet.”⁶⁹ To this end, MoWA presented a draft regulation on WPCs to the Criminal Law Reform Working Group (CLRWG) in the Ministry of Justice to take financial control of the WPCs.

The draft regulation contained several provisions, which compromised women’s protection. One of the articles of the draft, allowed the relatives of woman residing in a shelter to take the sheltered woman with them without the consent of the woman. Another provision made it mandatory for women to convince a panel (admission committee) that they need shelter. Such a panel that most of its members were representatives from conservative government institutions, could refuse women’s admission at any time. According to its Article 8, women suspected or accused of crimes were not be allowed into shelters. This was big a concern, as most of the girls who run away from home, are seen as suspects of moral crimes, limiting their access to shelters.⁷⁰ According to this draft, the woman referring to shelters had to go through humiliating virginity tests. Thus, the draft did not assist women but instead complicated the process, limiting their access and contributed in re-victimizing women.⁷¹

The shelters protested the mentioned elements of the regulation; they argued that MoWA is not institutionally prepared to run the shelters or to stand the pressure from relatives. However, with the outcry by the international community⁷² and women rights activists the draft WPC Regulation was amended and passed in 2011, preserving the shelters’ independence from government’s financial control.⁷³ The original draft WPC Regulation was revised and endorsed considering the civil society organizations suggestions. However, the regulation still has strict rules for admission and release regime of VAW survivors and allows NGOs to run shelters under few conditions, one of them is to be registered under MoWA.⁷⁴ Currently, under the WPC Regulation, MoWA is required to establish state shelters and is authorized to monitor the activities of the non-state shelters.⁷⁵

⁶⁹ The Pitfalls of Protection, (n-60) p.116.

⁷⁰ The Pitfalls of Protection, (n-60) p.122-123

⁷¹ Horia Mosadiq, Afghan Government’s Takeover Of Women’s Shelters Adds Insult To Injury, February 14, 2011.

⁷² https://www.equalitynow.org/afghan_government_should_withdraw_proposed_bill_to_take_over_women_s_s_helters?locale=fr
<https://www.amnesty.org/en/latest/campaigns/2011/02/afghan-governments-takeover-of-womens-shelters-adds-insult-to-injury/>

⁷³ Rod Nordland, Afghan Official Says Women’s Shelters Are Corrupt, New York Times, February 15, 2011

⁷⁴ Article 5, WPC Regulation.

⁷⁵ Article 4, WPC Regulation.

In addition to EVAW law (2009) and WPC Regulation (2011), the state has been able to enact a couple of other gender specific legislation to live up its constitutional and international human rights commitments. As such, adoption of the National Action Plan for the Women of Afghanistan (2008), approval of the Afghanistan National Development Strategy (2008), Anti-Harassment Law (2017) and the 2018 Penal Code (amended).⁷⁶

Yet, with all the progress Afghanistan has made in terms of endorsing laws and regulations, the state is failing to assist VAW survivors. In the next section, I would draw attention to gap between the promises made through the legislation and the reality on the ground.

2.2 Realities on the ground: Practice

Gender-based violence is an undeniable fact in Afghan society. Violence against women shows 8.2% increase from the last year.⁷⁷ Government officials' push toward mediation, lack of access to justice, social stigma, the non-transparent protection system, the economic dependency and most importantly, the inaccessibility of shelters are some of the challenges the VAW survivors face. In addition, in the Afghan society running away from home is deemed a moral crime and the woman become accused of *zina* (illicit sexual relation) or attempting *zina*.⁷⁸ Traditionally *zina* is regarded as an offense against God, under Sharia the punishment is stoning for unmarried women, and lashing for married women. The punishment in the Criminal Code is lighter, but still very severe: 5-15 years imprisonment.⁷⁹ Despite the requirement to provide shelter under Constitution, EVAW law and WPC regulation, the State has failed to establish shelters or to support financially the existing private ones. The existing shelters that are run by NGOs are not sufficient in numbers and are at risk of closure as the international donors funds are declining.

⁷⁶ National Action Plan for The Women of Afghanistan Assessment Report (2007-2017), USAID Promote.

⁷⁷ Farid Behbud, Violence against women increases despite activists efforts in Afghanistan, Asia&Pacific, 24 November 2019.

⁷⁸ Powell, Catherine. "Women and Girls in the Afghanistan Transition." Council on Foreign Relations Working Paper. June 2014.

⁷⁹ Torunn Wimpelmann, Adultery, rape, and escaping the house: The protection and policing of female sexuality in Afghanistan, Chr. Michelsen Institute, (CMI) 2017.

In addressing gender inequalities and protecting women, Afghan women rights activists have gone through hard-fought battles. Running counter to the patriarchal society, these women activists have established few shelters for women victims of violence.⁸⁰ Currently, there are around 30 shelters officially recognized as Women Protection Centers and located in 20 out of 34 provinces of Afghanistan. All these shelters run by local NGOs and are funded by international donors.⁸¹ In a deeply conservative and Islamic society, this act by civil society actors received harsh reactions by the society including the government officials.

The public officials defined shelters as places to encourage runaway and divorce in the society in fact the Minister of Justice, called such shelters brothels.⁸² The shelters provide services such as; comprehensive legal aid, counseling, family mediation, medical health care, psychological support, literacy education and training.⁸³

In 2011, after the government's failed attempt to take the control of shelters, the WPC Regulation formulated formal coordination among the shelter organizations and the MoWA. Under the WPC Regulation, MoWA is obligated to supervise and monitor the activities of the shelters and to evaluate their actions in accordance to the rules mentioned in the regulation. This monitoring role is constrained to the site visits and checking the physical status of shelters. Financial oversight remained with the donors and not the state.⁸⁴

Shelters are expected to cooperate with the relevant government bodies. Unfortunately, in Afghanistan this sound relation does not exist. Although, the WPCs have created the Afghan Shelter Network which tries to create a bridge through its internal and external meetings, most of the time the challenges remain the same due of lack of follow up and persistence.

⁸⁰ Salma Rasam, Afghanistan: Women Seek Refuge in Safe Houses, IWPR, April 20, 2017.

⁸¹ <https://www.youtube.com/watch?v=XgRsop1JHd0>

⁸² Nelson, Dean, 'Afghan women in shelters are prostitutes, says justice minister' The Telegraph, June 21, 2012

⁸³ <https://womenforafghanwomen.org/womens-protection-centers/>

⁸⁴ Quil Lawrence, Afghan Women Fight Back, Preserve Shelters, NPR, September 26, 2011.

2.3 Challenges WPCs face

The challenges these shelters face are enormous. Below are some of the challenges I have noticed and categorized while working with DAWEQ- a local NGO providing capacity development services to the WPC's staff;⁸⁵

2.3.1 Social stigma

Toxic social norms harm both the VAW survivors and the service providers. The shelters are widely known in public as “khane amn” (literally: safe house) has a negative connotation. A woman, who decides to escape patriarchal norms and refuses to tolerate violence, has to deal with the fact that she would need to take refuge in a place, which is not accepted in the society and is seen as foreign imposition.⁸⁶

The woman who left home brings shame to the family, and most of the time the family seeks the restoration of their honor by killing her. In Jalalabad, the social stigma against shelters is very strong thus, there is very low demand for shelter services despite many cases of violence against women. It gets worse looking at Kandahar, where efforts of establishing shelters have failed.⁸⁷

Social stigma passes to women who are working in these shelters, too.⁸⁸ They are seen as family breakers and those who follow the Western impositions. During my several encounters with Benafsha Efaf, a WPC manager, she told me several times that she would get threats by the family members of the VAW survivors. The security of such shelters and their workers are at great risk.

2.3.2 Mediation downsides

Mediation results in returning women who seek refuge in shelters to their abusers by the MoWA and even by the shelters (that have limited capacity). In a report in 2018 UNAMA revealed that more than half of the cases they were monitoring between 2015 and 2017 were referred to

⁸⁵ <https://danner.dk/en/what-we-do/where-we-work/afghanistan>

⁸⁶ Human Rights Watch. 'I had to run away'. The imprisonment of women and girls for “moral crimes” in Afghanistan.” p.92-93 March 4, 2012.

⁸⁷ Afghanistan Public Policy Research Organization, Women's Shelters: A Preliminary Assessment, January 2018.

⁸⁸ Sarah Williams, Afghan Government Control of Women's Shelters Worries Advocates, VoA, February 15, 2011

mediation.⁸⁹ This has proven to be very harmful. In 2013, Amina, an 18-year old girl from Baghlan province ran away from home to escape forced marriage with an old man. Through MoWA, she was referred to a shelter. Yet, after 2 nights she was sent back to her family after her family promised not to harm her. Despite the promises, she never made it to home.⁹⁰

2.3.3 Daily social, structural and administrative challenges

When mediation does not work, the next step is to file a case for legal persecution. Any kind of implementation of the judge's decision would require the women to produce documents. To proceed with divorce, a woman would need her national identity card. Most of the victims, who left the house while escaping violence, do not take their documents (even if they possess any). Women who need to be hospitalized are denied assistance as they are not accompanied, (the workers of shelters cannot stay overnight). The lack of cooperation of state institutions delays the process to justice and denies the assistance victims of violence need.

2.3.4 Lack of strong reintegration strategy

Many women stay at these shelters for a long period of time as they do not have any other place to go, the shelter becomes a long term residential solution for them.⁹¹ Some of them, if lucky enough would find a job like Tabasum Bahar⁹², who escaped her violent husband and sought refuge in one of the shelters. Tabasum, after four years of restoration both mentally and physically, did something uncommon. She found a place to live independently, the training and skills she receives during her days in shelter helped her to maintain her financial situation, she goes every day to the same shelter and assists the new survivors. She said once "The center gives us hope, it enables us to have our own wings".⁹³ Although a few women in shelters find their ways to reintegration, for many this remains a dream. Regardless of the hopeful details of Tabasum's case, shelter becomes a home and a jail for many women. A sound reintegration strategy is lacking within the shelters and in MoWA to facilitate a proper reintegration of such women to the society.

⁸⁹ Afghanistan: Women will be silent no more, Amnesty International, March 8, 2019.

⁹⁰ Alissa J. Rubin, A thin line of defence against honor killings, The New York Times, March 2, 2015.

⁹¹ Rashida Manjoo, A/HRC/29/27/Add.3, May 12, 2015.

⁹² The name of the survivor is changed to ensure her safety

⁹³ #HearMeToo: Afghan women, the faces of change, UN Women, November 12, 2018

2.3.5 Dwindling funds

Recently the foreign interest for supporting these shelters have fallen, resulting in uncertainty concerning their funding. Without the financial assistance of international donors right now the fate of these few shelters is elusive. While shelters are meant to be temporary solutions for women, it is still a need for Afghan women. The worsening security condition, the U.S.-Taliban agreement and US withdrawal from Afghanistan are all alarming for women's rights.

The international aid agencies especially U.N. agencies' recent focus on concentrating on Syrian civil war and other global crisis has caused them to scale back their support to Afghanistan.⁹⁴ While provision of safe spaces is a great process to help women in crisis⁹⁵ for Afghan survivors of VAW having a roof is a priority. As Rafia, an attorney teaching constitutional law and political philosophy said "As long as state and society remain intractable, the need for women's shelters will be there".⁹⁶ A phase out, at this moment, where there is not a single state shelter would further victimize the VAW survivors and will oblige women to make peace with their abusers.

2.3.6 Government's control

Shelters are at constant risk of government's take over. The State abandoned attempts in 2011 and 2013 to take the financial control of shelters because of the persistence by the Afghan women activists and the outcry by the international donor community. The risk of such a takeover is present even today: in 2018 MoWA declared plans for seizing control of shelters' funding and channeling it through MoWA to ensure transparency. Women rights activists had expressed their concern that the funding from the government will put the shelters under the control of conservative politicians who from the very beginning opposed shelters and called for their closure.⁹⁷ Orzala Ashraf Nemat, an activist who assisted the establishment of shelter program in

⁹⁴ Rahim Faiez, Afghan women fear loss of shelters as funding dwindles, AP News, May 4 2017.

⁹⁵ Women & Girls Safe Spaces, United Nations Population Fund, a guidance note based on lessons learned from the Syrian Crisis.

⁹⁶ Rafia Zakaria, In defense of Women's Shelters, Dawn, March 1st, 2017.

⁹⁷ Heather Barr, No Shelter in Afghanistan -Afghan Government Moves to Seize Control of Women's Shelters – Again, Human Rights Watch, 19 March, 2018.

2004 says, “Any unplanned and rushing attempt to push this towards government control of shelters could result in putting the lives of victims at risk.”⁹⁸

Although, shelters in the words of Torunn Wimpelmann: “were radical developments”, and there are many concerns regarding government officials’ conservative opinion about shelters, shelter provision is one of the State’s obligation under national and international human rights instruments. The State shall not look at it as optional favor but a fundamental right of women. Moreover, taking over shelters is against the WPC Regulation, as the regulation provides for establishment of both state run and NGO run shelters.⁹⁹ The state in order to meet its national and international obligations must make sure to restore their broken trust and relationship with NGOs¹⁰⁰ and support their efforts. To address the concerns of women rights activists, the state shall make sure not to repeat the past and act upon the commitments it has made.

In addition to all of the mentioned challenges, the speed in negotiations between Taliban and the Afghan government -- following the U.S.-Taliban Agreement of 29 February, 2020 -- is a major concern for women rights activists. Until recently, the Taliban was seen by U.S. as a terrorist organization: now they are parties to an agreement. With all of the atrocities the Taliban have caused in Afghanistan, the deal happened without any commitment to renounce the Taliban’s past conduct or pledges to human rights especially women rights.¹⁰¹ A complete lack of women’s representation at the talks and the repeated reference to the vague terminology of “assuring women’s rights within the framework of Islamic values” is a big concern for Afghan women.¹⁰²

Women’s rights advocates are afraid of losing in the intra-Afghan talks what they have gained for women’s rights. Based on their previous record, the Taliban, who had suppressed women, would not allow women to run these shelters or women victims of violence to stay in shelters. They do not deem women as equals to men.¹⁰³

⁹⁸ Anum Mirza, Vulnerable Afghan women left at risk by government proposals to take control of women's shelters, The Telegraph, May 10, 2018.

⁹⁹ Article 4, WPC Regulation.

¹⁰⁰ Andrew E. Kramer, Shelters have saved countless Afghan women, so why are they afraid?, The New York Times, March 17, 2018.

¹⁰¹ Farahnaz Ispahani, The US-Taliban Deal Ignores Human Rights and Women, The Diplomat, March 06, 2020.

¹⁰² Lucy Lamble, Wrong peace deal could mean 'return to chaos' for Afghanistan, The Guardian, August 20, 2019.

¹⁰³ Louise Hancock, A Place at the Table: Safeguarding women’s rights in Afghanistan, Oxfam, 2011.

To conclude, the challenges mentioned in this chapter are very crucial to be addressed in order to assist women victims of violence and to prevent their re-victimization in the society. At this crucial time, the State needs to back the efforts by NGOs in minimizing the challenges they face daily. State support is vital in providing better services to women victims of violence. Peace shall come to Afghanistan but at no cost.

Chapter 3

3.1 Indonesia: a general background

Indonesia is a Muslim majority country and one of the most diverse countries in terms of culture, ethnicity and religion. Violation of women's human rights in Indonesia has been a major concern for several years. During authoritarian regime enforced by General Suharto in 1966s, the aim of the New Order was to achieve national harmony and economic progress, but it lacked any consideration to human rights, political freedom and transparency. After he fell from power in 1998, the country's transformation towards democracy began; the changes in political, social and economic spheres were indicator of a relatively representative system.¹⁰⁴

Women were largely affected by the mass violence, among them dozens became victims of rape. This became a rallying point for Indonesian women to become organized and seek accountability from the government, which resulted in establishment of the National Commission of Violence Against Women (Komnas Perempuan) in 1998. The Commission is tasked to deal with human rights violations of women in Indonesia.¹⁰⁵ In particular, it is meant to develop instruments, standards and concepts to prevent, control and eliminate violence against women. Its major achievements can be the establishment of one-stop crisis center for women victims of violence throughout the country. The Commission is determined to work closely with the NGOs.¹⁰⁶ It has assisted in improving the networks among NGOs to strengthen their efforts to advocate and lobby for women rights.

Through signing Memorandum of Understanding (MOU), the Komnas Perempuan, civil society organization and other service providers have developed an institutional cooperation and referral system. Since the CSOs and other service providers need formal assistance of other governmental agencies such as police, court, and hospitals, the MOU helps in facilitating such

¹⁰⁴ Taavana, Women organizing for change: Indonesia's law on the elimination of domestic violence available at: https://tavaana.org/en/case-studies/Indonesian_Women_against_Domestic_Violence_En

¹⁰⁵ National Commission on Violence against Women, National Human Rights Institution Independent Report, September 27, 2019.

¹⁰⁶ Mikaela Nyman, *Democratizing Indonesia: The Challenges of Civil Society in the Era of Reformasi*, p.144, NIAS Press, 2006.

cooperation by specifying the roles and responsibilities of each government institution. For example, the role of integrated Service Center in hospitals, trauma centers and safe house under Social Affairs Department, Special Unit PPA at Police stations, courts and the Attorney General's Office.

3.2 Indonesia: national and international obligations

Although a Muslim majority country, unlike Afghanistan, Indonesia has not declared Islam as the state religion. It mentions in Article 29, that the State is based on the belief in one and only god but does not name any religion.¹⁰⁷ Every citizen in Indonesia has the right to choose the religion of its choice.¹⁰⁸

The national legal framework in Indonesia is very progressive; the constitution that emphasizes on protection of human rights declares the right to protection and equal treatment of every people.¹⁰⁹ Article 28 I section (2) of the Constitution ensures every people freedom from discriminating action as well as protects everyone from discriminative acts.

In addition, Indonesia has passed a law on Human Rights (Law No.39/1999) in which it declares women rights as human rights.¹¹⁰ Indonesia under this law obliges itself to protect, respect, enforce and develop human rights under this and International Human Rights Law.¹¹¹ In determining International Human Rights Indonesia will take into consideration the United Nation's Declaration of Human Rights, CEDAW and Convention of the Rights of the Child.¹¹²

In 2000, a national "Zero Tolerance Policy" (ZTP) was launched, complete with a plan to eradicate VAW. This resulted in enactment of certain gender specific instruments.¹¹³ Indonesia enacted a law on the Elimination of Domestic Violence (Law No. 23/2004) which focuses on

¹⁰⁷ Article 29, Indonesia Constitution 1945.

¹⁰⁸ Ibid, Article 28 (E).

¹⁰⁹ Ibid, Article 28(D).

¹¹⁰ Article 45- Law No.39/1999

¹¹¹ Ibid, Article 71.

¹¹² Chapter one- Law No.39/1999

¹¹³ Hayati, Elli Nur et al. "Challenges for a local service agency to address domestic violence -a case study from rural Indonesia." *Global journal of health science* vol. 6,6 214-25. 15 Aug. 2014.

criminalization of domestic violence against women including marital rape as a criminal-justice response. It requires a mandatory arrest of the offenders and imprisonment up to 15 years.¹¹⁴

Article 2 (1) of the Government Regulation No. 4/2006 regarding the Cooperation to Rehabilitate Victims of Domestic Violence states that “the rehabilitation to victims is done by central and regional government institution along with social institution based on their task and functions, including providing required facilities to recover the condition of the victims”. The facilities mentioned in the mentioned article includes room for specific service in the police, professional worker, service center and shelter and other infrastructure required for victims’ rehabilitation.¹¹⁵

Unlike Afghanistan, the government of Indonesia has built cooperative relationships with the NGOs providing shelter services. Shelters are even supported by the religious leaders if they feel victims need religious guidance.¹¹⁶ The Ministry for Women’s Empowerment has established a strong working relationship with the NGOs and other government departments in order to combat VAW comprehensively. The significant result of this cooperation are creation of Special Investigation Rooms by women police in the police stations, facilities in the hospitals to provide health care and women crisis centers provided by NGOs.¹¹⁷

This cooperation also includes financial assistance. The National Commission for Women in cooperation with Indonesia for Humanity (IKa) organized an exhibition named “Works for My Friends II”. The funds have helped more than 11 WCCs in Indonesia. In 2003, 122 million Rp was raised to strengthen WCC.¹¹⁸ The fund which was established to raise funds from the public to

¹¹⁴ Dina Afrianty, Local Women’s Organizations and Domestic Violence in Indonesia, Volume 174: Issue 1 March 06, 2018.

¹¹⁵ Article (2) section 2- Government Regulation No. 4/2006, the Cooperation to Rehabilitate Victims of Domestic Violence.

¹¹⁶ The Elimination of Trafficking In Persons in Indonesia, Coordinating Ministry for People’s Welfare, Jakarta, 2005.

¹¹⁷ Kathryn Robinson, Sharon Bessell, Women in Indonesia: Gender, Equity and Development, published by Singapore Institute of Southeast Asian Studies, p.75- 2002.

¹¹⁸ Ibid

support WCC, became perpetual fund named as “Pundi Perempuan” to support WCC in response to the dwindling funds by the donors.¹¹⁹

3.3 Indonesia: Status quo and Good Practice

Today gender-based violence exists in different forms and scales throughout the country, which are mostly linked with religion, culture, law and politics. Child marriage, female genital mutilation, polygamy and other gender-based discrimination is widely practiced and sometimes legitimized by male dominant interpretations of religion.¹²⁰ In 2017, 348,446 cases of violence were reported, an unprecedented number, 25% increases compared to last year. The increase does not necessarily mean an increase in violence cases but it can also show that more women are now willing to report it.¹²¹

“In 2011, Integrated Service and Empowerment Units for Women and Children Survivors (P2TP2A) are established in 20 of 34 provinces and 117 of 409 districts. Hospital-based Integrated Crisis Units (PKT) exist in 22 hospitals, Integrated Service Units exist in 42 police-affiliated hospitals (Rumah Sakit Bhayangkara), 305 Women and Children Special Units are set up at provincial and district level police stations, and 42 Women’s Crisis Centres (WCC) are run by Women NGOs”¹²². The WCC operate independently, through funding of international donors and other institutions are supported by government.

The services WCC offer depends on the type of the unit, but mostly include “counselling, community support group, legal counseling, reference to other institution, traditional resolution, provision of shelter, psychological therapy, continual counseling, hotline service, medical service, and economic strengthening”.¹²³

Mandated by the law on Elimination of Domestic Violence, Indonesia developed and signed a minimum service standard for women and children victims of violence by Decree No.1/2010 of

¹¹⁹ John Wiley & Sons, Global Best Practices for CSO, NGO, and Other Nonprofit Boards, April 10, 2018.

¹²⁰ JACK BRITTON, A long way to come for women’s rights in Indonesia and Australia, RIGHT Now, August 2018.

¹²¹ Shenny Fierdha and Chandni Vasandani, Violence against women on rise in Indonesia: Report, Wold Asia-Pacific 08.03.2018

¹²² Elli Nur Hayati, Domestic violence against women in rural Indonesia, Umeå University, SE-901 87 Umeå, Sweden, 2013.

¹²³ National Commission on Violence against women, Annual Notes on Violence Against Women, March 8, 2006.

the Ministry of Women's Empowerment and Child Protection. The standard provides for the provision of minimum service standards to the victims of violence in areas of community report and information, health rehabilitation, judicial protection, social rehabilitation, repatriation, social reintegration and monitoring and evaluation areas.¹²⁴

Furthermore, based on the minimum service standard the government in order to better serve the victims developed Standard Operational Procedure (SOP). The SOP, which is based on human rights and gender equality standards, provides guidelines for service providers while delivering services to women and children victims of violence.

The development of Special Services Units currently named as the Women and Children Service Unit (PPA) in police stations and integrated Crisis Units in hospitals were other steps to protect women in all places.¹²⁵

The service providers in Indonesia also face some challenges i.e. lack of human resources and funds. Lack of central and local governments support to such service providers add on the challenges, as they have eliminated or decreased their findings. However, in 2011, several institutions have done partnerships with service providers to provide them with counselors, prosecutors and personal to handle data record. High Courts, State Courts and Religious institutions have also provided them with personal to update the data and access to information. Few have also provided facilities for instance fax machines, phone lines, computers and printers. The good working relations between WCC and government institutions is a key to a relatively successful WCC regime in Indonesia. Bearing in mind the good practices in Indonesia, the next chapter offers few recommendations for the Afghan State.

¹²⁴ Good Practices: Eliminating Violence Against Women And Children (EVAWC), Ministry of Women, Family and Community Development, Malaysia.

¹²⁵ Ministry of Women's Empowerment Regulation No. 1 of Year 2007, Coordination Forum for Cooperation for the Prevention and Recovery of Victims of Domestic Violence.

Recommendations

Patriarchal order of the society and seeing shelters as Western imposition has resulted in less supportive attitude of the government institutions towards shelters. To overcome this challenge, states must not only have comprehensive, integrated policies and laws based on international human rights framework but also take necessary measures to live up these commitments. Establishing shelters shall be a priority in a human rights-based approach to addressing violence against women. International human rights instruments and adjacent soft law provide ample guidance on both preventive and responsive measures to protect women's right to be free from violence and discrimination.

The Afghan state has obligations to this effect under international law as well as under national law. Instead of repeatedly trying to take over shelters - and their funding, provided by foreign donors -- the state must meet its human rights obligations: support existing shelters and build its own facilities to meet the necessities for the VAW survivors.

Based on the study of both states and lessons learned from Indonesia, the following recommendations are made to the Afghan State to:

- 1- Relax the strict rules for admission of women to shelters (removing the mediation requirement) and stop the practice of releasing / returning women to their families without the women's consent;
- 2- Establish a budget line in the national budget to fund existing shelters and to establish new shelters in areas not covered by existing shelters;
- 3- Implement existing laws and policies on preventive and protective measures addressing violence against women;
- 4- Create special rooms in the public hospitals to response for VAW survivors;
- 5- Conduct surveys within existing shelters and addressing the loopholes of the existing legal framework and the different needs of women- in cooperation with civil society / currently operating facilities;
- 6- Develop a reintegration strategy for VAW survivors to ensure their safe and secure reintegration;
- 7- Develop the legal framework and support for open shelters for long-term support for women who cannot return home;

- 8- Turn the Directorate of Women Protection Center in MoWA to a one-stop crisis coordination center - to ensure a clear line of communication and cooperation among state institutions through comprehensive MoUs;
- 9- Preserve capacity, professional staff, experience, knowledge and data gained through decades of service provision in existing shelters - and assist with the transfer of knowledge to staff in new facilities;
- 10- Adopt standards for shelters and produce a step by step implementation strategy in order to professionalize the services women receive, in cooperation with NGOs;
- 11- Conduct nationwide awareness raising programs to change the mentality of government officials and as well as the public to see shelter a human basic need and not as an institution contradicting Islamic values;
- 12- To preserve, establish and publish relevant data on WPCs, as currently little data is available;
- 13- Establish monitoring mechanisms to respond to the current concerns and challenges.
- 14- To protect women's rights at the intra-Afghan talks with the Taliban;

Bibliography

- 1- Horia Mosadiq, Women in Afghanistan: the back story, Amnesty International, November 25, 2014.
Online Available at: <https://www.amnesty.org.uk/womens-rights-afghanistan-history>
- 2- Laura Flanders, What has George W ever done for women? The Guardian, March 26, 2004.
Online Available at: <https://www.theguardian.com/world/2004/mar/26/gender.uk>
- 3- The World's Worst Places to Be a Woman, AMNESTY INTERNATIONAL, May 17, 2019.
Online Available at: <https://www.amnestyusa.org/the-worlds-worst-places-to-be-a-woman/>
- 4- Handbook on effective prosecution responses to violence against women and girls, United Nations Office on Drugs and Crime, 2014. Online Available at: chrome-extension://oemmndcbldboiebfnladdacbfmadadm/https://www.unodc.org/documents/justice-and-prisonreform/Handbook_on_effective_prosecution_responses_to_violence_against_women_and_girls.pdf
- 5- Mohammad Hussain Saramad & Latifa Sultani, Violence against Women in Afghanistan, AIHRC, 2013.
Online Available at: <chrome-extension://oemmndcbldboiebfnladdacbfmadadm/https://www.refworld.org/pdfid/5297436c4.pdf>
- 6- Sarah Kamal, Development Communications Strategies and Domestic Violence in Afghanistan, March 31, 2006. Online Available at: chrome-extension://oemmndcbldboiebfnladdacbfmadadm/http://www.sarahkamal.com/uploads/3/4/2/5/34256464/afghan_media_strategies_on_domestic_violence.pfp.final_revision.20060720.pdf
- 7- Vince Beiser, Where Women Go When They're Running From Their Own Families, TakePart, March 23, 2015.
Online Available at: <http://www.takepart.com/article/2015/03/23/afghanistan-womens-shelters-honor-killings>
- 8- Rahim Faiez, Afghan women fear loss of shelters as funding dwindles, AP News, May 4 2017.
Online Available at: <https://apnews.com/faaf75d42dde4e62b14c1a775d59730f>
- 9- Supporting Women's Economic Empowerment: lessons from India, IDLO, April 26, 2016. Online Available at: <https://www.idlo.int/fr/news/highlights/supporting-women%E2%80%99s-economic-empowerment-lessons-india>
- 10- Dan De Luce, No guarantees for Afghan women in draft U.S.-Taliban deal, NBCnews, February 23, 2020.
Online Available at: <https://www.nbcnews.com/politics/national-security/no-guarantees-afghan-women-draft-u-s-taliban-deal-n1140471>
- 11- Indonesia, Country Reports on Human Rights Practices, The U.S. Department of State, February 28, 2005.
Online Available at: chrome-extension://oemmndcbldboiebfnladdacbfmadadm/https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/07/indonesia_0.pdf
- 12- Report of the Special Rapporteur on violence against women, its causes and consequences, (A/HRC/35/30), June 13, 2017 and WAVE and Austrian Women's Shelter Network, 2004.
Online Available at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Pages/ListReports.aspx>
- 13- Shelter for Women and Girls at Risk of or Survivors of Violence, Canadian Network of Women's Shelters & Transition Houses, March 2013. Online Available at: <chrome-extension://oemmndcbldboiebfnladdacbfmadadm/http://www.endvawnow.org/uploads/modules/pdf/1363538451.pdf>

- 14- Shelters for Women Survivors of Violence: Availability and Accessibility in the Arab Region, Economic and Social Commission for Western Asia (E/ESCWA/ECW/2019/5). [Online Available at: chrome-extension://oemmndcblldboiebfnladdacbfmadadm/https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/shelters-arab-region-availability-accessibility-english.pdf](https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/shelters-arab-region-availability-accessibility-english.pdf)
- 15- <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21724&LangID=E>
- 16- Ending Violence Against Women, UN Women. [Available at: https://www.unwomen.org/en/what-we-do/ending-violence-against-women](https://www.unwomen.org/en/what-we-do/ending-violence-against-women)
- 17- The United Nations and The Advancement of Women, 1945–1995, UN Blue Books Series, Vol. VI (rev. edn, 1996) 5.
- 18- Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180, December 18, 1979. [Online Available at: chrome-extension://oemmndcblldboiebfnladdacbfmadadm/https://www.ohchr.org/documents/professionalinterest/cedaw.pdf](https://www.ohchr.org/documents/professionalinterest/cedaw.pdf)
- 19-Marsha A. Freeman, Christine Chinkin & Beate Rudolf, The UN Convention on the Elimination of All Forms of Discrimination Against Women: A commentary, Oxford Public International law, p.443-444 January 01, 2012. [Online Available at:https://opil.ouplaw.com/view/10.5422/fso/9780199565061.001.0001/actrade-9780199565061-chapter-19#actrade-9780199565061-div1-124](https://opil.ouplaw.com/view/10.5422/fso/9780199565061.001.0001/actrade-9780199565061-chapter-19#actrade-9780199565061-div1-124)
- 20- General Recommendation No. 19, para 1, 1992. [Online Available at: https://www.refworld.org/docid/52d920c54.html](https://www.refworld.org/docid/52d920c54.html)
- 21- Article 4, Declaration on the Elimination of Violence against Women, (GA 48/104, Dec 1993). [Online Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/48/104&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/48/104&Lang=E)
- 22- Beijing Declaration and Platform for Action, The Fourth World Conference on Women, Para 125(a), 4 to 15 September 1995. [Online Available at: https://www.un.org/womenwatch/daw/beijing/platform/](https://www.un.org/womenwatch/daw/beijing/platform/)
- 23- Beijing Declaration and Platform for Action, Beijing +5 Political Declaration and outcome, UN Women, 2014. [Online Available at: chromeextension://oemmndcblldboiebfnladdacbfmadadm/https://www.icsspe.org/system/files/Beijing%20Declaration%20and%20Platform%20for%20Action.pdf](https://www.icsspe.org/system/files/Beijing%20Declaration%20and%20Platform%20for%20Action.pdf)
- 24- Katrarzyna Pabijanek, Beijing Declaration and the Platform for Action, EuroGender, August 27, 2013. [Online Available at: https://eurogender.eige.europa.eu/posts/beijing-declaration-and-platform-action#post](https://eurogender.eige.europa.eu/posts/beijing-declaration-and-platform-action#post)
- 25- General Comment N. 16, E/C.12/2005/3, Para. 27, May 13 2005. [Online Available at: chrome-extension://oemmndcblldboiebfnladdacbfmadadm/https://www2.ohchr.org/english/bodies/cescr/docs/CESCR-GC16-2005.pdf](https://www2.ohchr.org/english/bodies/cescr/docs/CESCR-GC16-2005.pdf)
- 26- GA Resolution, A/RES/63/155, Para 16 (q), January 30, 2008. [Online Available at: https://www.un.org/en/ga/63/resolutions.shtml](https://www.un.org/en/ga/63/resolutions.shtml)
- 27- General recommendation on women's access to justice, CEDAW/C/GC/33, 16 (b), July 23, 2015. [Online Available at: chrome-extension://oemmndcblldboiebfnladdacbfmadadm/https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf)
- 28- Article IX (3, 4), Saarc Convention on Preventing And Combating Trafficking In Women And Children For Prostitution, 2002. [Online Available at: http://saarc-sec.org/digital_library/detail_menu/saarc-convention-on-preventing-and-combating-trafficking-in-women-and-children-for-prostitution](http://saarc-sec.org/digital_library/detail_menu/saarc-convention-on-preventing-and-combating-trafficking-in-women-and-children-for-prostitution)
- 29- S. Laurel Weldon & Mala Htun, Feminist mobilization and progressive policy change: why governments take action to combat violence against women, Gender & Development, July 04, 2013. [Online Available at: https://www.tandfonline.com/doi/full/10.1080/13552074.2013.802158](https://www.tandfonline.com/doi/full/10.1080/13552074.2013.802158)

- 30- Paola Cagna& Nitya Rao, Feminist mobilisation for policy change on violence against women: insights from Asia, Gender& Development, July 15, 2016. [Online Available at: https://www.tandfonline.com/doi/full/10.1080/13552074.2016.1194035](https://www.tandfonline.com/doi/full/10.1080/13552074.2016.1194035)
- 31- General Recommendations, LSE, Center for Women, Peace+ Security. [Online Available at: https://blogs.lse.ac.uk/vaw/int/cedaw/general-recommendations/#:~:text=General%20recommendations%20are%20not%20treaties,specific%20to%20violence%20against%20women%3F](https://blogs.lse.ac.uk/vaw/int/cedaw/general-recommendations/#:~:text=General%20recommendations%20are%20not%20treaties,specific%20to%20violence%20against%20women%3F)
- 32- Elisabeth Veronika Henn, International Human Rights Law and Structural Discrimination: The Example of Violence Against Women, Springer, 87-88, 2019.
- 33- Guertin, Judith E., Customary International Law and Women's Rights: The Equal Rights Amendment as a Fait Accompli Comment, p.138-141, 1987.
- 34- Lisa Grans, The concept of due diligence and the positive obligation to prevent honour-related violence: beyond deterrence, The International Journal of Human Rights, 22:5, 733-755, May 28, 2018. [Online Available at: https://www.tandfonline.com/doi/full/10.1080/13642987.2018.1454907](https://www.tandfonline.com/doi/full/10.1080/13642987.2018.1454907)
- 35- OHCHR, UN treaty Body Database- Afghanistan. [Online Available at: https://www.ohchr.org/EN/Countries/AsiaRegion/Pages/AFIndex.aspx](https://www.ohchr.org/EN/Countries/AsiaRegion/Pages/AFIndex.aspx)
- 36- Article 7, 2004 Constitution- Afghanistan. [Online Available at: chrome-extension://oemmnecbldboiebfnladdacbfmadadm/http://www.afghanembassy.com/pl/afg/images/pliki/TheConstitution.pdf](http://www.afghanembassy.com/pl/afg/images/pliki/TheConstitution.pdf)
- 37- <http://saarc-sec.org/about-saarc>
- 38- Thomas Barfield, "Afghan Customary Law and its Relationship to Formal Judicial Institutions", p. 1, USIP, 26 June 2003.
- 39- Carlotta Gall, Afghan Council Gives Approval to Constitution, New York Times, January 2006. [Online Available at: https://www.nytimes.com/2004/01/04/international/asia/afghan-council-gives-approval-to-constitution.html](https://www.nytimes.com/2004/01/04/international/asia/afghan-council-gives-approval-to-constitution.html)
- 40- Niaz A. Shah Kakakhel, "Women's Rights and the New Constitution of Afghanistan," International Studies Journal 1, 57. no. 2, 2004.
- 41- Kamali, Mohammad Hashim. "References to Islam and Women in the Afghan Constitution." Arab Law Quarterly, vol. 22, no. 3, pp. 270–306, 2008.
- 42- Report of the Working Group on the Universal Periodic Review- Afghanistan, United Nations- General Assembly, April 4, 2014. [Online Available at: chrome-extension://oemmnecbldboiebfnladdacbfmadadm/https://www.refworld.org/pdfid/539064f14.pdf](https://www.refworld.org/pdfid/539064f14.pdf)
- 43- Ministry of Women Affairs : <https://mowa.gov.af/en/mowa-history>
- 44- Unofficial translation available at: <https://www.refworld.org/pdfid/5486d1a34.pdf>
- 45- Torunn Wimpelmann: The Pitfalls of Protection, p.51, 2017.
- 46- Sixth Joint Commission meeting on the EVAW law, November 17, 2009.
- 47- Interview with a shelter manager, Herat, January 2010.
- 48- Torunn Wimpelmann, Problematic Protection: the law on Elimination of Violence against Women in Afghanistan, OpenDemocracy, November 29, 2013. [Online Available at: https://www.opendemocracy.net/en/5050/problematic-protection-law-on-elimination-of-violence-against-women-in-afghan/](https://www.opendemocracy.net/en/5050/problematic-protection-law-on-elimination-of-violence-against-women-in-afghan/)
- 49- Horia Mosadiq, Afghan Government's Takeover Of Women's Shelters Adds Insult To Injury, February 14, 2011. [Online Available at: https://www.amnestyusa.org/afghan-governments-takeover-of-womens-shelters-adds-insult-to-injury/](https://www.amnestyusa.org/afghan-governments-takeover-of-womens-shelters-adds-insult-to-injury/)
- 50- https://www.equalitynow.org/afghan_government_should_withdraw_proposed_bill_to_take_over_women_s_shelters?locale=fr
<https://www.amnesty.org/en/latest/campaigns/2011/02/afghan-governments-takeover-of-womens-shelters-adds-insult-to-injury/>

- 51- Rod Nordland, Afghan Official Says Women's Shelters Are Corrupt, New York Times, February 15, 2011
[Online Available at: https://www.nytimes.com/2011/02/16/world/asia/16afghanistan.html](https://www.nytimes.com/2011/02/16/world/asia/16afghanistan.html)
- 52- National Action Plan for The Women of Afghanistan Assessment Report (2007-2017), USAID Promote.
[Online Available at: chrome-extension://oemmmndcbldboiebfnladdacbfmadadm/https://mowa.gov.af/sites/default/files/2019-08/NAPWA%20Assessment%20Final%20and%20Approved.pdf](https://oemmmndcbldboiebfnladdacbfmadadm/https://mowa.gov.af/sites/default/files/2019-08/NAPWA%20Assessment%20Final%20and%20Approved.pdf)
- 53- Farid Behbud, Violence against women increases despite activists efforts in Afghanistan, Asia&Pacific, 24 November 2019. [Online Available at: http://www.xinhuanet.com/english/2019-11/24/c_138579772.htm](http://www.xinhuanet.com/english/2019-11/24/c_138579772.htm)
- 54- Powell, Catherine. "Women and Girls in the Afghanistan Transition." Council on Foreign Relations Working Paper. June 2014. [Online Available at: https://www.cfr.org/report/women-and-girls-afghanistan-transition](https://www.cfr.org/report/women-and-girls-afghanistan-transition)
- 55- Torunn Wimpelmann, Adultery, rape, and escaping the house: The protection and policing of female sexuality in Afghanistan, Chr. Michelsen Institute, (CMI) 2017. [Online Available at: https://www.cmi.no/publications/6404-adultery-rape-and-escaping-the-house](https://www.cmi.no/publications/6404-adultery-rape-and-escaping-the-house)
- 56- Salma Rasam, Afghanistan: Women Seek Refuge in Safe Houses, IWPR, April 20, 2017. [Online Available at: https://iwpr.net/global-voices/afghanistan-women-seek-refuge-safe-houses](https://iwpr.net/global-voices/afghanistan-women-seek-refuge-safe-houses)
- 57- [Documentary on WPCs Online Available at: https://www.youtube.com/watch?v=XgRsop1JHd0](https://www.youtube.com/watch?v=XgRsop1JHd0)
- 58- Nelson, Dean, 'Afghan women in shelters are prostitutes, says justice minister' The Telegraph, June 21, 2012. [Online Available at: https://www.telegraph.co.uk/news/worldnews/asia/afghanistan/9346779/Afghan-women-in-shelters-are-prostitutes-says-justice-minister.html](https://www.telegraph.co.uk/news/worldnews/asia/afghanistan/9346779/Afghan-women-in-shelters-are-prostitutes-says-justice-minister.html)
- 59- Women for Afghan Women (WAW), an organization providing shelter services look at: <https://womenforafghanwomen.org/womens-protection-centers/>
- 60- Quil Lawrence, Afghan Women Fight Back, Preserve Shelters, NPR, September 26, 2011. [Online Available at: https://www.npr.org/2011/09/26/140709134/afghan-women-fight-back-preserve-shelters?t=1585985789262](https://www.npr.org/2011/09/26/140709134/afghan-women-fight-back-preserve-shelters?t=1585985789262)
- 61- <https://danner.dk/en/what-we-do/where-we-work/afghanistan>
- 62- Human Rights Watch. 'I had to run away'. The imprisonment of women and girls for "moral crimes" in Afghanistan." p.92-93 March 4, 2012. [Online Available at: https://www.hrw.org/sites/default/files/reports/afghanistan0312webwcover_0.pdf](https://www.hrw.org/sites/default/files/reports/afghanistan0312webwcover_0.pdf)
- 63- Afghanistan Public Policy Research Organization, Women's Shelters: A Preliminary Assessment, January 2018. [Online Available at: http://appro.org.af/wp-content/uploads/2018/03/2018-01-12-Womens-Shelters-and-NAP-1325.pdf](http://appro.org.af/wp-content/uploads/2018/03/2018-01-12-Womens-Shelters-and-NAP-1325.pdf)
- 64- Sarah Williams, Afghan Government Control of Women's Shelters Worries Advocates, VoA, February 15, 2011. [Online Available at: https://www.voanews.com/east-asia/afghan-government-control-womens-shelters-worries-advocates](https://www.voanews.com/east-asia/afghan-government-control-womens-shelters-worries-advocates)
- 65- Afghanistan: Women will be silent no more, Amnesty International, March 8, 2019. [Online Available at: https://www.amnesty.org/en/latest/news/2019/03/afghan-women-will-be-silent-no-more/](https://www.amnesty.org/en/latest/news/2019/03/afghan-women-will-be-silent-no-more/)
- 66- Alissa J. Rubin, A thin line of defence against honor killings, The New York Times, March 2, 2015. [Online Available at: https://www.nytimes.com/2015/03/03/world/asia/afghanistan-a-thin-line-of-defense-against-honor-killings.html](https://www.nytimes.com/2015/03/03/world/asia/afghanistan-a-thin-line-of-defense-against-honor-killings.html)
- 67- Rashida Manjoo, A/HRC/29/27/Add.3, May 12, 2015. [Online Available at: https://www.refworld.org/docid/5583f8224.html](https://www.refworld.org/docid/5583f8224.html)
- 68- #HearMeToo: Afghan women, the faces of change, UN Women, November 12, 2018 [Online Available at: https://asiapacific.unwomen.org/en/news-and-events/stories/2018/11/afghan-women-the-faces-of-change](https://asiapacific.unwomen.org/en/news-and-events/stories/2018/11/afghan-women-the-faces-of-change)
- 69- Rahim Faiez, Afghan women fear loss of shelters as funding dwindles, AP News, May 4 2017. [Online Available at: https://apnews.com/faaf75d42dde4e62b14c1a775d59730f](https://apnews.com/faaf75d42dde4e62b14c1a775d59730f)
- 70- Women& Girls Safe Spaces, United Nations Population Fund, a guidance note based on lessons learned from the Syrian Crisis. [Online Available at: chrome-extension://oemmmndcbldboiebfnladdacbfmadadm/https://www.refworld.org/pdfid/551158134.pdf](https://www.refworld.org/pdfid/551158134.pdf)
- 71- Rafia Zakaria, In defense of Women's Shelters, Dawn, March 1st, 2017. [Online Available at: https://www.dawn.com/news/1317588](https://www.dawn.com/news/1317588)
- 72- Heather Barr, No Shelter in Afghanistan -Afghan Government Moves to Seize Control of Women's Shelters – Again, Human Rights Watch, 19 March, 2018. [Online Available at: https://www.hrw.org/news/2018/03/19/no-shelter-afghanistan](https://www.hrw.org/news/2018/03/19/no-shelter-afghanistan)

- 73- Anum Mirza, Vulnerable Afghan women left at risk by government proposals to take control of women's shelters, The Telegraph, May 10, 2018. [Online Available at: https://www.telegraph.co.uk/news/2018/05/10/vulnerable-afghan-women-left-risk-government-proposals-take/](https://www.telegraph.co.uk/news/2018/05/10/vulnerable-afghan-women-left-risk-government-proposals-take/)
- 74- Andrew E. Kramer, Shelters have saved countless Afghan women, so why are they afraid?, The New York Times, March 17, 2018. [Online Available at: https://www.nytimes.com/2018/03/17/world/asia/afghanistan-womens-shelters.html](https://www.nytimes.com/2018/03/17/world/asia/afghanistan-womens-shelters.html)
- 75- Farahnaz Ispahani, The US-Taliban Deal Ignores Human Rights and Women, The Diplomat, March 06, 2020. [Online Available at: https://thediplomat.com/2020/03/the-us-taliban-deal-ignores-human-rights-and-women/](https://thediplomat.com/2020/03/the-us-taliban-deal-ignores-human-rights-and-women/)
- 76- Lucy Lamble, Wrong peace deal could mean 'return to chaos' for Afghanistan, The Guardian, August 20, 2019. [Online Available at: https://www.theguardian.com/global-development/2019/aug/20/wrong-peace-deal-could-mean-return-to-chaos-for-afghanistan](https://www.theguardian.com/global-development/2019/aug/20/wrong-peace-deal-could-mean-return-to-chaos-for-afghanistan)
- 77- Louise Hancock, A Place at the Table: Safeguarding women's rights in Afghanistan, Oxfam, 2011.
- 78- Taavana, Women organizing for change: Indonesia's law on the elimination of domestic violence available at: [https://tavaana.org/en/case-studies/Indonesian Women against Domestic Violence En](https://tavaana.org/en/case-studies/Indonesian_Women_against_Domestic_Violence_En)
- 79- National Commission on Violence against Women, National Human Rights Institution Independent Report, September 27, 2019. [Online Available at: chrome-extension://oemmnecbldboiebfnladdacbfmadadm/https://ngocsw.org/wp-content/uploads/2019/10/Komnas-Perempuan-Independent-Report-BPFA25.pdf](https://ngocsw.org/wp-content/uploads/2019/10/Komnas-Perempuan-Independent-Report-BPFA25.pdf)
- 80- Mikaela Nyman, Democratizing Indonesia: The Challenges of Civil Society in the Era of Reformasi, p.144, NIAS Press, 2006.
- 81- Article 29, Indonesia Constitution 1945. [Online Available at: chrome-extension://oemmnecbldboiebfnladdacbfmadadm/https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf)
- 82- Hayati, Elli Nur et al. "Challenges for a local service agency to address domestic violence -a case study from rural Indonesia." Global journal of health science vol. 6,6 214-25. 15 Aug. 2014.
- 83- Dina Afrianty, Local Women's Organizations and Domestic Violence in Indonesia, Volume 174: Issue 1 March 06, 2018. https://brill.com/view/journals/bki/174/1/article-p24_2.xml
- 84- The Elimination of Trafficking In Persons in Indonesia, Coordinating Ministry for People's Welfare, Jakarta, 2005. [Online Available at: http://www.protectionproject.org/wp-content/uploads/2010/11/NAP-Indonesia_2004-2005.pdf](http://www.protectionproject.org/wp-content/uploads/2010/11/NAP-Indonesia_2004-2005.pdf)
- 85- Kathryn Robinson, Sharon Bessell, Women in Indonesia: Gender, Equity and Development, published by Singapore Institute of Southeast Asian Studies, p.75- 2002.
- 86- John Wiley & Sons, Global Best Practices for CSO, NGO, and Other Nonprofit Boards, April 10, 2018.
- 87- JACK BRITTON, A long way to come for women's rights in Indonesia and Australia, RIGHT Now, August 2018. [Online Available at: http://rightnow.org.au/opinion-3/long-way-to-come-womens-rights-indonesia/](http://rightnow.org.au/opinion-3/long-way-to-come-womens-rights-indonesia/)
- 88- Shenny Fierdha and Chandni Vasandani, Violence against women on rise in Indonesia: Report, Wold Asia-Pacific 08.03.2018 [Online Available at: https://www.aa.com.tr/en/asia-pacific/violence-against-women-on-rise-in-indonesia-report/1083224](https://www.aa.com.tr/en/asia-pacific/violence-against-women-on-rise-in-indonesia-report/1083224)
- 89- Elli Nur Hayati, Domestic violence against women in rural Indonesia, Umeå University, SE-901 87Umeå, Sweden, 2013. [Online Available at: chrome-extension://oemmnecbldboiebfnladdacbfmadadm/http://umu.diva-portal.org/smash/get/diva2:665851/FULLTEXT01.pdf](http://umu.diva-portal.org/smash/get/diva2:665851/FULLTEXT01.pdf)
- 90- National Commission on Violence against women, Annual Notes on Violence Against Women, March 8, 2006. [Online Available at: https://en.komnasperempuan.go.id/publications-annual-notes](https://en.komnasperempuan.go.id/publications-annual-notes)
- 91- Good Practices: Eliminating Violence Against Women And Children (EVAWC), Ministry of Women, Family and Community Development, Malaysia. [Online Available at: chrome-extension://oemmnecbldboiebfnladdacbfmadadm/https://asean.org/wp-content/uploads/images/Community/ASCC/ACWC/Good%20Practices%20-EVAWC%20Publication.pdf](https://asean.org/wp-content/uploads/images/Community/ASCC/ACWC/Good%20Practices%20-EVAWC%20Publication.pdf)
- 92- Ministry of Women's Empowerment Regulation No. 1 of Year 2007, Coordination Forum for Cooperation for the Prevention and Recovery of Victims of Domestic Violence.
- 93- Mehdi J. Hakimi, Elusive Justice, Northwestern Journal of Human Rights, 2020. [chrome-extension://oemmnecbldboiebfnladdacbfmadadm/https://law.stanford.edu/wp-content/uploads/2020/01/Mehdi-J.-Hakimi-Northwestern-Journal-of-Human-Rights-Article-Winter-2020.pdf](https://law.stanford.edu/wp-content/uploads/2020/01/Mehdi-J.-Hakimi-Northwestern-Journal-of-Human-Rights-Article-Winter-2020.pdf)

(ANNEX I)

Open Letter to International Community- Hear Us Now

Dear Champions of Human Rights,

We understand the whole world is going through chaos right now, please hear us too in the crowd. Afghan women, who have been fighting their battles since many years, are still at risk of negligence by the insurgent groups, by the United States, by the Afghan government and by its international donors who are leaving survivors of violence to their faith.

Since forty years, Afghanistan is going through tough times, and things have reached to the peak of uncertainty with the conclusion of U.S.-Taliban Agreement. U.S. in a hurry to leave Afghanistan failed the Afghan women or the government of Afghanistan as the agreement commits the Taliban (who suppressed women like no one else) to hold no human rights values. Busy in its battles, women shelters are not a priority for the Afghan government.

Afghan women had fought hard won battles to go against the patriarchal and extremists' mindsets in bringing the concept of Shelters to Afghanistan- a society who sees family structure as the most pure institution. Since 2003, through the generous support of its international donors, the women shelters provided refuge to thousands of women who decided to break up with their violent pasts and live a decent life. With the shrinking footprints of United States from Afghanistan, other donor agencies' funds are dwindling too.

Remembering the record of women rights violation in Afghanistan, there is no doubt that the State might deal with Taliban at the cost of women's rights and turning down the safe heaven VAW survivors have. The decreased funds and uncertain future of shelters leaves women at jeopardy. We request the international community to prevent the occurrence of history, otherwise women will pay much more this time as they will be silent no more.

In assisting us to maintain these refuges for women, we request the international community to:

- 1- Continue supporting the existing shelters and encourage the state to establish new ones.

- 2- Assist the Afghan State in living up its international obligations in providing shelters and raising awareness regarding its necessity.
- 3- Make a new long-term, sustainable and predictable commitment to champion women rights in Afghanistan through different technical, political, social and economic support.
- 4- Coordinate a mechanism for different countries to contribute in protecting women.
- 5- Have regular meeting with the Afghan Shelter Network in order to listen their suggestions and assisting them in their work.
- 6- Continue assisting the shelters now than to regret helping later.

Your support is needed more than ever, as it is an uncertain time for Afghan Women.