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Obstacles within the International Community: The Exercise of Afghan Women's Agency for Peace in Post-Conflict Reconstruction

by Stephanie W. Hampton

Ultimately...women must be involved in the peace process not only because they suffer disproportionately, or because they have previously been excluded, but because their contribution to the world is invaluable.

—Felicity Hall and Mikele Aboitiz¹

Under the Taliban's draconian interpretation of Shari'a law, Afghan women were forced from public life and publicly executed for minor infractions. Yet, in just over two years since the Taliban fell, the women of Afghanistan have entered the political arena and successfully pressed for specific language in the Afghan constitution enshrining women's rights as human rights. From being the most oppressed women in the world to enjoying the promise of more seats in Parliament than many Western nations, Afghan women have clearly made gigantic strides in their quest for peace and security. Their remarkable progress, however, is overshadowed by the current unstable security situation in Afghanistan and the lack of international political and military assistance which are needed to consolidate the successes that the Afghan women have realized.

How has this seemingly rapid transformation of Afghan women occurred? The answer may partially lie in the concept of development as freedom put forth by Amartya Sen in his 1999 book, *Development as Freedom*.² He proffers a new paradigm which includes not only GDP data, but human development factors, such as Infant Mortality Rates (IMR) and literacy rates, to determine a nation's level of development in terms of sustainable development. In his view, people are not simply human capital to be considered only as one part of three in an economic equation for development, but people—liberated from 'unfreedoms' such as poverty and illiteracy who can build capacity through their own agency as the Afghan women have done. Agency is expressed in this case by the unhampered exercise of individual effort for betterment of self and community in an interconnecting, empowering, and reciprocal network of personal, political, civil, social, and economic freedoms. In elucidating this socially valuative approach to development, Sen argues that individual reasoned agency and freedom (or more specifically, the absence of unfreedoms which restrain individual agency) work synergistically to foster and complement an array of freedoms, which in turn benefits the family, the community, and the nation.³

Individual freedom is quintessentially a social product, and there is a two-way relation between (1) social arrangements to expand individual freedoms and (2) the use of individual freedoms not only to improve the respective lives but also to make the social arrangements more appropriate and effective. ⁴

War is waged on the bodies of the women and children who are the primary victims of war. Owing no allegiance to a formal state, warlords—not bound by international law—commit atrocities upon these vulnerable populations with impunity, creating whole new categories of egregious war crimes. Political and military strategies pursue the methodical destruction of an entire culture's economic, governmental, and social infrastructure by targeting women as the vessels of a culture, the nurturers of the family, community, and nation. Systematic gender violence through forced pregnancy, slavery and sexual violence seek the extinction of an entire culture — supported at the highest level of military command.⁵

Women and children experience war and war's aftermath differently than men and are disproportionately harmed by war

Women and children experience war and war's aftermath differently than men and are disproportionately harmed by war. In direct contrast with World War II where civilian casualties were approximately 65 percent,⁶ civilians are now being targeted as a weapon of war so that approximately 80 to 90 percent of casualties are civilian, and 80 to 90 percent of these are women and girls. Out of the thirty-five million refuges and displaced persons in the world, 80 percent are women and girls.⁷ In any war, the women and children always lose.

In the aftermath of war, it is often women- and children-led families who constitute the majority in post-conflict nations such as Afghanistan, where approximately 54 to 60 percent of the population is female. Under extreme conditions of deprivation of the basic necessities of life and the constant threat of violence, it is often left to women to gather any remaining family and seek safety, sustenance, and shelter. When the family is secured, women's attention turns outward to the community where they organize themselves to provide schooling, medical care, and support groups for traumatized persons. In Afghanistan, where women's community and political involvement was forbidden and even their physical movements curtailed, women often went underground at great risk to themselves, during periods of conflict or repression, as Kofi Annan has said of such women in post conflict situations, to "maintain the social fabric...replace destroyed social services and tend to the sick and wounded. As a result, women are the prime advocates of peace."9 Women also have the greatest motivation to seek peace, for they have the most to lose, and the least to gain, by war. As such major stakeholders in war, they deserve an opportunity to contribute towards the construction of a sustainable peace.

Women have always been on the frontlines in post-conflict situations. Out of the necessity borne of the huge demographic shift that war brings, women shoulder

decision-making responsibilities and roles formerly gendered as male and, in the temporary vacuum of leadership in formal government, build capacity within themselves to carve out new gender roles based on their abilities and skills, often gained through dire necessity. These changes result in greater self-confidence and a self-motivated desire for greater political participation and power through the organizations they create, supporting Sen's observation that freedoms foster other freedoms. Consequent to these gender role changes and the paucity of authority, the post-conflict period remains the best window of opportunity to effect changes in the political, economic, and social climate of the country. When the fabric of society is rent, it can be rewoven in a new way. One of the tools used to remake a society is gender mainstreaming. Mandated under Security Council Resolution 1325, gender mainstreaming is a perspective designed to integrate women's and girl's needs, experiences, and special requirements into the mainstream effort as an integral part, not simply as isolated "women's" programs that may be underfunded, understaffed, and forgotten to rebuild society.

The gendered roles which apply to men, women, girls, and boys determine individual status which then determines how household, and reconstruction, benefits are apportioned.

What does it mean to mainstream gender? What do we mean when we talk of gender? Why is gender mainstreaming a valuable tool in the success of reconstruction in the post-conflict arena? Gender is the "socially constructed rather than biologically determined roles of men and women as well as the relationships between men and women in a given society at a specific time and place." The gendered roles which apply to men, women, girls, and boys determine individual status which then determines how household, and reconstruction, benefits are apportioned. Gender mainstreaming was defined by the United Nations Economic and Social Council (ECOSOC) in 1997 as:

The process of assessing the implications for women and men of any planned action...in any areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of the policies and programmes in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated.

The goal of gender mainstreaming is not simply be the insertion of gendered language into documents or the mandating of gender advisory units without funding and staffing, but the "transformation of unequal social and institutional structures into equal and just structures for both women and men." The inclusion of gender advisors who are well versed in assessment tools to determine how war differentially affects gender roles and risks improves the delivery of humanitarian aid and informs reconstruction efforts. To achieve this degree of improvement, it is necessary that

these gender advisors are not tokens but are funded, staffed and included in high-level decision making.

Gender analysis uses a variety of methods to understand the relationships between the two sexes: Their respective access to and decision-making power over family, community, and international resources; and their respective activities and the relative valuation of those activities. These analyses, done by a gender advisor in a post-conflict region, can provide insight into how organizations may best distribute humanitarian aid, provide appropriate levels and different kinds of security for all groups, and support local efforts to free women's agency from constraints to allow their active participation in reconstruction.

Women's agency is exercised by the Afghan women who, though denied a public role by the Taliban, organized themselves privately to serve the community both within and outside Afghanistan.¹³ When the Taliban fell, the Afghan women came to the fore and, by so doing, ensured their inclusion in the peace process as well as a quick start for schools, medical facilities, and psychosocial counseling for war crime victims. Afghan women (and the men who support them) have managed to assist Afghan refugees in the communities of Peshawar, Islamabad, Rawalpindi, and Quetta, Pakistan. These populations were not served by the United Nations High Commissioner for Refugees (UNHCR) before the fall of the Taliban.¹⁴

Afghan women's remarkable success offers a dramatic realworld example of the potential of women's agency.

Capacity building for Afghan women, in terms of political and organizational skills has allowed them to take advantage of the post-conflict period, has not occurred in a vacuum. Horrified with the oppression suffered by the Afghan women under the Taliban, international organizations (including The European Women's Lobby, Equality Now, V-Day, The Center for Strategic Initiatives of Women, The Feminist Majority, the Secretary-General's Gender Advisor, and UNIFEM) lobbied for the rights of Afghan women on the international and national scene and provided Afghan women's organizations with financial, logistical and educational assistance. The early involvement of the United Nations and international women's organizations in Afghanistan to support women's capacity building provided the setting and tools to enable Afghan women to take advantage of the narrow window of opportunity that exists in the immediate post-conflict setting to remake the society for all. Provided with resources and training, the Afghan women remain decision makers in the process. The fifty-five Afghan women who gathered for the Afghan Women Leader's Summit in December of 2001 in Brussels, Belgium, were truly representative of Afghan women of all ethnicities. At this summit, they adopted the Brussels Declaration—the Afghan Women's Bill of Rights, which they presented to President Hamid Karzai prior to the lirga joya. This summit demonstrated the ability of Afghan women's organizations, which routinely cross ethnic, religious, and political boundaries that are often impenetrable obstacles for men's organizations, to engage

in cooperative efforts for the good of the people. Afghan women's remarkable success offers a dramatic real-world example of the potential of women's agency.

The efficacy of women's agency to effect improvement in the human condition can be seen in a 1995 Indian study which offered statistical evidence of two factors—literacy and gainful employment—as having the greatest beneficial impact on the Child Mortality Rate (CMR). This study examines interstate differences in fertility rates, CMR, and female disadvantage in child survival and the possible effects of various factors upon these human development indicators. 16

The effect of female literacy alone on child mortality was found to be "extraordinarily large" — far exceeding the influence of any other factor.¹⁷ Employment of the mother was also substantially linked with a decrease in CMR, for both sexes. Conversely, men's literacy or general poverty reduction efforts were shown to be comparatively ineffective in reducing CMR.¹⁸

Free agency is crucial to consolidate and maintain the freedoms necessary for representative government.

Imperative for the free exercise of women's agency, both female literacy and participation in the labor force are factors that elevate the status of women by removing the unfreedoms of illiteracy and lack of control over household income. The social values of education for literacy and numeracy as well as the ability to earn an independent wage have the benefit of raising the status of women, not only in the household hierarchy but in the community as well. In areas where women's agency is allowed space, all human development indicators rise. ¹⁹ In Sen's paradigm of measuring sustainable development, by human development indicators in addition to standard economic indicators, the free exercise of women's agency can be seen to enhance both indicators. This unfettered exercise drives an increase in social well-being that can be seen directly enhancing people's ability to help themselves. Free agency is crucial to consolidate and maintain the freedoms necessary for representative government. If Afghanistan is to develop into a sustainable democracy, the Afghan women must be fully involved because their contribution is essential to the process of reconstruction.

A growing global recognition of this imperative need to empower women's agency to promote sustainable peace and security is seen in the unanimous adoption of Security Council Resolution 1325 which acknowledges —the inextricable link between women's involvement in the peace process and sustainable peace and security:

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution.²⁰

This resolution calls for gender mainstreaming throughout peacekeeping missions and the inclusion of women and women's concerns in these efforts. Yet, obstacles to gender mainstreaming are erected at all levels, by all participants and stakeholders in post-conflict reconstruction. The overwhelming feminization of casualties and war crime victims, lack of appropriate levels and kinds of post-conflict security, gender-based political and legal disenfranchisement, and a lack of gender mainstreaming in international agencies and local organizations present formidable obstacles. These unfreedoms in Sen's paradigm, affect women and girls who seek a share of the economic, political, and social opportunities and resources offered by international post-conflict reconstruction efforts. The most daunting obstacle to Afghan women now remains what UN Secretary-General Kofi Annan terms the "deeply troubling" security situation in Afghanistan, a concern shared by those in key positions.

The departing United Nations Envoy to Afghanistan, Lakhdar Brahimi, identified security as the key issue for Afghanistan in remarks he made on January 28, 2004. While praising Afghanistan's newly ratified constitution, he cautioned that "lawlessness" could derail the country's progress toward an independent democratic government. He reports that of the 100,000 Afghan fighters owing allegiance to warlords, only 2,700 have relinquished their weapons while the Afghan army remains well below its goal of 10,000 troops.²¹ Approximately 5,000 peacekeepers provide security in Kabul and its immediate environs, leaving the countryside (where eighty-five percent of Afghan women live)²² to the control of various warlords.²³ United Nations Deputy Secretary-General Louise Fréchette, speaking at the sixth Institute for Defense Studies and Analysis Asian Security Conference on January 27, 2004, compared Afghanistan's woefully inadequate 5,000 troops with the 30,000 peacekeeping troops stationed in tiny Kosovo.²⁴ Peacekeeping mission resources would appear to be unequally distributed between those nations requiring assistance.

Envoy Brahimi candidly stated that the international community had refused to furnish more peacekeepers for Afghanistan.²⁵ On the same day that Envoy Brahimi spoke, the United States general in charge of NATO forces, Marine General James Jones, said that the allies' success in Afghanistan depended on NATO providing enough resources. NATO is increasing its Provincial Reconstruction Teams (PRTs) from four to fifteen and will be deploying them in select cities by mid-February.²⁶ The mission of the PRTs, each team consisting of between forty to sixty military and civilian personnel, is to build relationships with the local populations to foster reconstruction and provide security. The eleven new PRT units are slated to be deployed in southern and eastern Afghanistan²⁷ which is the most densely populated region and currently the most unstable.²⁸

The July 2003 Human Rights Watch (HRW) report on security in southeast Afghanistan, "Killing You is a Very Easy Thing For Us," characterizes this southeastern region as controlled by United States-supported warlords where armed robbery, extortion, and kidnappings occur regularly and are perpetrated by warlord militia, police, and intelligence agents.²⁹ In this region there are regular attacks on media and political actors.³⁰ Afghan women and girls in the provinces are living under the

same repression which existed during Taliban rule and are suffering frequent sexual violence which is rarely reported for fear of reprisal.³¹

The new phenomenon of small teams of civil aid workers being deployed in such unsecured areas as southeastern Afghanistan appears to be increasing, perhaps due to the long-term needs of a people who still live under the rule of the gun. In support of security, the OECD nations are sending far fewer troops while the developing nations are sending more, representing a radical shift in the makeup of peacekeeping forces.³² Coupled with a generalized decline in total troop disbursement to peacekeeping forces, the lack of international efforts to improve support for these efforts, compromises the security of post-conflict states. If the timetable for Afghanistan elections is honored and security is still lacking in the provinces, democratic efforts could become compromised. Time must be allowed for the process to go forward if only on technical grounds. Registration of voters has been delayed and, to date, only 600,000 out of Afghanistan's ten million voters have become registered.³³ Measures still need to be taken to assure security in the provinces for the voting process to be truly representative.

Without security, there can be no progress towards remaking their society.

Adding her voice to those who are calling for increased security in the Afghanistan provinces, Sima Wali, the Director of the Refugee Women in Development (RefWID) organization recently returned from Afghanistan. She cites security as the Afghan women's number one priority for reconstruction.³⁴ Without security, there can be no progress towards remaking their society. Calling security a "precursor to reconstruction," Wali asserts that "women need to feel safe and secure to participate in the political process, [for] young girls to go to school, and [for] the Ministry of Women's Affairs [to effect] building and staffing of the women's centers in the provinces." The ability for Afghan women to contribute to reconstruction centers on security.

NATO has taken over the running of the International Security Assistance Force (ISAF) in Afghanistan in order to provide continuity for security. This organization has no form of gender advisor office or a gender mainstreaming strategy³⁶ and, from reports on the ground, maintains no "consultation with local and international women's groups" ³⁷ as expressly called for in SC Resolution 1325:

Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups.³⁸

The ISAF forces, however, are viewed by the Afghan public as being legitimate and professional in comparison to the interim government's police force, a loose collection of Mujahideen and ex-government soldiers who are alleged to have committed human rights abuses. Despite this efforts by local women to address gender issues by establishing networks with the Ministry of Women and improving

security are progressing.³⁹ The status, security, and support of vulnerable populations under combat and immediate post-combat conditions should inform and guide any international security effort. Therefore, understanding how war is gendered is the first step in providing meaningful security.

The proof of the efficacy of a gender-sensitive approach that promotes women's agency for reconstruction can be seen is its past successes. Mr. Jean-Marie Guehenno, United Nations Under-Secretary General for Peacekeeping Operations, in his statement to the Security Council in October 2003, reports on the progress of gender mainstreaming in the Division for Peace-Keeping Operations (DPKO). Citing progress with gender mainstreaming in the multidimensional peacekeeping operations in Timor-Leste, Afghanistan, Kosovo, the Democratic Republic of the Congo, and Sierra Leone, Mr. Guehenno credits much of the successes in peacekeeping operations to the integration of full-time gender advisors. When organizations have not adopted gender equality as an explicit strategy and as an integral part of planning and management, reconstruction may suffer due to a lack of basic indicators and the absence of data on status and needs, disaggregated by sex, which can lead to inefficient decision making.

The great agency that women exercise in their post-conflict nations to rebuild a society belies the few resources they legally own.

Under the pervasive threat of gender violence and assassination, women still miraculously step forward to serve their people and country. On September 20, 2003, Akila al-Hashimi, a member of Iraq's newly established Governing Council, was assassinated by religious extremists who objected to women in public life. Accompanied by two security guards and her brother, she was shot dead in her car. 41 Malalai Joya, one of 100 women delegates to the 500-member Loya Jirga in Afghanistan, denounced the inclusion of the warlord jihads in the assembly, noting that they should be tried for crimes against the Afghan people. Surrounded by death threats shouted in the assembly, delegate Joya was taken to an undisclosed location for safekeeping by the United Nations. 42 Sima Wali, the outspoken director of RefWID, states that she was "singled out" by extremists and placed on "hit lists" because of her advocacy for women's human rights issues and the inclusion of women in the reconstruction of Afghanistan.⁴³ The recognition of the greater risk run by women who enter public life in dangerously conservative states, such as Afghanistan, needs to be reflected in concrete security measures for these brave individuals and their families. The great risk of assassination for Afghan President Hamid Karzai is acknowledged and great care is taken for his security. A similar acknowledgement and provision of, security needs for women who are politically active in post conflict situations needs to be made an integral part of any multidimensional peacekeeping operation.

The great agency that women exercise in their post-conflict nations to rebuild a society belies the few resources they legally own. Widows and women whose husbands disappear without a trace are especially hampered by legal obstacles which result in a loss of resources for rebuilding. Women whose husbands have disappeared may have to wait years before becoming eligible for remarriage. Land inheritance laws may forbid women or children to inherit land in patriarchal societies, but at the same time allow land to pass into the hands of the husband's relatives. In a society such as Afghanistan under Taliban rule, women may find themselves as the head of the household and dispossessed just at the time they most need shelter, which under Article 17 of the Universal Declaration of Human Rights is considered a violation of human rights.⁴⁴

By ratifying CEDAW, the United States would demonstrate to the world its international commitment to women's rights.

Women's and children's human rights are protected by international law through the Geneva Conventions of 1949 and the Additional Protocols of 1977, the Refugee Convention of 1951 and the Protocol of 1967, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 and the Optional Protocol of 1999, and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols of May 25, 2000, and the Rome Statute of the International Criminal Court. The purpose of CEDAW is to abolish discrimination by gender bias in political, economic, and social arenas and is one of the most universally signed and ratified conventions in the over fifty-year history of the United Nations. Afghanistan signed the CEDAW on August 14, 1980 and acceded to it on March 5, 2003. 45 The United States is one of less than 10 percent of nations (and the only OECD country) which has failed to ratify CEDAW in the twenty years that have passed since signing it in 1980.46 The United States position is important to Afghan women because of the lead role the United States plays in post-conflict reconstruction in Afghanistan. In the words of April Palmerlee, Senior Coordinator for International Women's Issues for the Bush administration, "the United States and President Bush are seriously committed to ensuring that respect for women and human rights for women are secured around the world."47 This strong commitment to the universal value of gender equity could be most advantageously advanced by the timely ratification of this important human rights document. By ratifying CEDAW, the United States would demonstrate to the world its international commitment to women's rights. In a letter to the United States State Department, Dr. Sima Samar, President of the Afghan Human Rights Commission and the former Afghanistan Minister of Women's Affairs, addresses the importance Afghan women attach to this international display of confidence in women's equality and agency:

I cannot overstate to you how important it will be for me and other Afghan women if you do take this step. We will then be able to tell our countrymen that the United States, where women already have full legal rights, has just seen the need to ratify this treaty. This treaty will then truly be the international measure of the rights that any country should guarantee to its women.⁴⁸

The international community needs to keep promises made to the Afghan women to support their status in society, their role in peacemaking and reconstruction, and to provide the security necessary for the process of developing a representative government. The reluctance on the part of the international community to provide the peacekeeping forces and resources essential to Afghanistan's reconstruction, combined with the failure of organizations active in this process to seek a genderand human rights-based perspective, will restrict the exercise of Afghan women's agency for democratic change in Afghanistan. Ultimately, the success and lasting maintenance of any development effort lies in the motivation of the local people. In Afghanistan, the women are highly motivated to make life better for all Afghan people, making their contribution invaluable.

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- ³⁰ Human Rights Watch, Killing You is a Very Easy Thing For Us: Human Rights Abuses in Southeast Afghanistan, Vol. 15, No. 05 (C) July 2003, Afghan editor, Kabul, March 29, 2003, pg. 3. An unnamed Kabul editor was quoted as saying that he had been threatened by armed gunmen at his home and office for a political cartoon he published. He said the armed men told him "Look, killing you is a very easy thing for us. Look: we have thirty bullets in our clips. I can shoot all of these thirty bullets into your chest right now, and there is no one who can stop us."
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