

**UK Parliament Defence
Committee Inquiry into
Withdrawal from
Afghanistan 2021**

Submission with respect to women and girls.

UK Parliament Defence Committee

Call for Evidence: Withdrawal from Afghanistan

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SUBMISSION

TABLE OF CONTENTS

1.	INTRODUCTION	2
2.	TERMS OF REFERENCE	3
3.	OUR SUBMISSION	3
1.1	Afghanistan and Background to Conflict.....	4
1.2	Women and Conflict Generally	5
1.3	The Women, Peace and Security Agenda.....	6
1.4	Women at the Negotiating Table	6
1.5	The Role of International Law	7
1.6	Alternative actions	11
1.7	International recognition	12
1.8	Women and Foreign Policy.....	13
4.	CONCLUSION	14
5.	RECOMMENDATIONS	15

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⁵ We acknowledge the assistance in research and compiling this submission from students at the Monash Afghanistan Support Clinic: Giti Alizada, Reza Azimi, Piper Crothers, Sarah Hellyer, Victor Organero and Arman Riazati.

1. INTRODUCTION

We welcome the Defence Committee's inquiry into the 2021 withdrawal of NATO troops from Afghanistan, and appreciate the opportunity to make a submission

We specifically welcome the comment by the Chair of the Defence Committee, Tobias Ellwood MP, that the Committee 'will be asking what can and should be done' with regards to enabling safe passage for those left behind.⁶ This includes many women and girls at particular risk in light of the Taliban's overt gender-based violence, discrimination and segregation'.⁷

We are a concerned group of international human rights lawyers who amongst us have knowledge, expertise, and personal experiences of conflict in Afghanistan since the 1980s. Our practice and research areas include domestic and international criminal law, gender, peace and security issues and international human rights and humanitarian law.

In addition, we have recent unique insight into the effect of the withdrawal from Afghanistan in 2021 through joint events hosted by the Castan Centre for Human Rights Law and the Gender Peace and Security Centre at Monash University, Australia: Two events took place on 24 June 2021 and 12 August 2021. Speakers included experts and high-ranking politicians from within and outside Afghanistan, many of whom have since been directly affected by the NATO withdrawal from Afghanistan. We can make the **video recordings** of these events available to the Committee, provided they are not publicly broadcast. We urge the Committee to watch them. We attach to this submission the **discussion paper** which was published alongside these events. It is supplied solely on the basis that the biographies of the speakers remain confidential. The videos and discussion paper together give the Committee a unique

⁶ Tobias Ellwood MP, 'Defence Committee launch inquiry into withdrawal from Afghanistan: Chair's Comment', *UK Parliament* (Web Page, 9 September 2021) <<https://committees.parliament.uk/work/1482/withdrawal-from-afghanistan/news/157402/defence-committee-launch-inquiry-into-withdrawal-from-afghanistan/>>.

⁷ See for example 'Afghanistan: 'Palpable' fear of 'brutal and systemic repression' of women grows', UN News (online, 21 September 2021); Ravina Shamdasani, Spokesperson to the UN High Commissioner for Human Rights, 'Press briefing notes on Afghanistan' (online, 10 September 2021) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27441&LangID=E>>.

opportunity to hear and read about the perspectives of Afghan women immediately before withdrawal. They palpably demonstrate how women and women's issues were ignored.

We submit that the calls for peace and security by and for women in Afghanistan made in the weeks leading up to the NATO withdrawal need to be understood by the Committee before any meaningful findings can be made.

2. TERMS OF REFERENCE

The submission provides relevant considerations for the Committee's examination of the following questions set out in the Terms of Reference:

- Was the option of remaining without US forces considered?
- What plans were made for the evacuation of Afghan nationals who had worked with or for UK Armed Forces?
- What would have been the consequences of delaying withdrawal?
- How successful was the evacuation? Did it go according to plan?

We note that the Defence Committee appears to have only two women as members and historically has not achieved a gender balance. We hope that our submission will assist in correcting some of that imbalance by providing material that allows for women's roles and positions in Afghanistan, and in the peace and security agenda more widely, to be understood and acted upon.

3. OUR SUBMISSION

It can be properly inferred from our submission that the NATO withdrawal was not planned with the effect on women and girls in mind. It should have been delayed pending a meaningful peace process in which women were involved and human rights for women and girls were taken as core requirements for peace and security.

We submit that the second question of the Committee's inquiry as listed above reveals the failure to consider women and girls in Afghanistan. It should read: 'What plans were made

for the evacuation of Afghan nationals who had worked with or for UK Armed Forces *and other Afghan nationals at risk, particularly women in positions of power and responsibility*'?'

The option of remaining without US forces was plainly not considered with women's issues or positions in mind. Such plans as were made for the evacuation of Afghan nationals at risk do not seem to have prioritised women such as judges and human rights defenders, nor the knock-on effect that the removal of women in power would have on women and girls more generally in Afghanistan.

Delaying withdrawal would have allowed the peace process, to continue and to include women in that process and take the opportunity to engage on women's issues.

It is obvious that the withdrawal and chaotic evacuation have been an utter failure for the women and girls of Afghanistan. If it went according to plan, the result is shameful: It is abundantly clear that the evacuation of United States, NATO and allied nations resulted in disaster for the people of Afghanistan. The US-Taliban Agreement was the impetus for the withdrawal, despite a general condition that the level of violence be reduced, it was devoid of protections for the people of Afghanistan, notably the safety and freedoms of the women and girls of Afghanistan. The people of Afghanistan have been left defenceless and completely vulnerable to the Taliban forces who have begun to implement rules and policies like those imposed when they were last in power in the 1990s.

1.1 Afghanistan and Background to Conflict

To understand the strength of this submission, there is a need for the Committee to have a basic understanding of the background from the perspective of women in leadership and at grassroots level in Afghanistan.

Afghanistan has been in conflict for the past four decades, which has included a period of civil war and invasion by the Soviet Union. The Taliban first took power in 1996 and imposed a harsh regime that was particularly severe on women and girls. The protection of

women's rights and freedoms was one of the justifications used by the US administration for the 2001 Afghanistan intervention.

At the point of NATO withdrawal, human rights for women and girls had seen two decades of improvement including women and girls' access to education and more women in positions of influence in society and government. However, overall, women and girls continued to experience widespread violence and discrimination. Women were vulnerable to all forms of violence and experienced high levels of domestic and sexual and gender-based violence. Women's access to health care was fragile, and the maternal mortality rate, while improving, was exceptionally high. International donor funding for essential services had declined over the past few years, with clear implications for access to and the quality of healthcare.

The peace negotiation between the Government of Afghanistan and the Taliban began in September 2020 in Doha, Qatar. The United Nations was an independent observer. There was no third-party mediator or facilitator. The Doha Agreement outlined the withdrawal of all foreign forces from Afghanistan. In exchange, the Taliban made guarantees on counterterrorism and committed to participate in talks with the Government. There is nothing to suggest those negotiations were complete, no commitment to women's issues. The effect of early withdrawal on women and girls in Afghanistan does not appear to have been considered, despite obvious significant danger to women and girls from withdrawal, given rising Taliban attacks on girls' education programs and schools, women human rights defenders, activists, journalists and other civil society leaders.

1.2 Women and Conflict Generally

Conflict frequently reinforces unequal gendered structures. Similarly, conflict transitions often take men's rather than women's security as the baseline for measuring implementation and success. Past and contemporary processes assume that the achievement of peace is gender neutral. Thus, they disregard the importance of including women in the negotiating process and gender provisions in the agreement. These processes also fail to acknowledge and tackle the widespread and systematic levels of sexual and gender-based violence in conflict-affected societies. Women are also often victims of targeted assassinations.

It is not at all clear that these issues were given due consideration when the decision to withdraw was made in advance of a completed and trustworthy peace process. These issues should have been at the forefront of the NATO decision making given the 2019 Afghanistan Independent Human Rights Commission (AIHRC) 's National Inquiry on Women Peace and Security where 61 per cent of those interviewed said they had not experienced peace in their lifetime. Moreover, 72 per cent of those polled believed that the extent of women's participation in the peace process was not sufficient and 85 per cent thought that there could be no peace in Afghanistan without the participation of women in the peace process.

1.3 The Women, Peace and Security Agenda

It is notable that on 31 October 2000, the UN Security Council adopted Resolution 1325 (UNSCR) on Women, Peace and Security (WPS). The resolution's recognition that women experience conflict differently was ground-breaking for the Security Council. UNSCR 1325 urged member states to increase the representation of women in conflict, prevention, management and resolution of conflict mechanisms and adopt a gender perspective when negotiating and implementing peace agreements. Since then, the Security Council has adopted a further nine resolutions to make up the Women, Peace and Security agenda. The WPS agenda in subsequent resolutions also recognises the prevalence of sexual and gender-based violence in conflict and urges member states to address the levels of such violence.

Whilst the WPS agenda had not transformed the way that peace is conceptualised or negotiated. Withdrawal has undone what progress had been achieved. The Committee needs to understand what progress there was: The WPS agenda had been implemented domestically in National Action Plans in over 80 countries. Afghanistan adopted its first National Action Plan in 2015. However, the implementation of the NAP was delayed for two years from its adoption. Since then, there had been some progress towards the implementation of the NAP. However, the full implementation of the NAP was constrained by the absence of a financial mechanism and limited funding.

1.4 Women at the Negotiating Table

Withdrawal took place during peace negotiations. It was highly premature and lost the opportunity to include women in the negotiating process. Empirical research shows that women's participation in peace processes as witnesses, signatories, mediators or negotiators makes a peace agreement more likely to be concluded and sustained and for gender equality and women's rights provision more likely to be adopted within peace agreements. Women's participation may also have a significant - albeit often undocumented or unseen - influence on preventing political violence and sustaining peace. As one speaker at the Monash Events observed:

The question of representation on the table is essential, not only physically, but also in terms of their tasks, in terms of their views and the entire delegation, the team of negotiation should be, must be oriented towards protecting the rights of women and making sure there is equal representation of their views and demands.⁸

For women's inclusion at the negotiating table to be impactful, they must hold positions of influence and substantively contribute to the negotiations. Too often, however, women are not able to influence agenda-setting processes or outcomes. One example of this is the failure to consult with women in positions of power and women at grass roots level in Afghanistan before taking the decision to withdraw. Women leaders involved in peace processes are likely to have a contextual understanding of national politics and the root causes and consequences of conflict. Moreover, women's experience of violence is distinct from men's experiences, so that women's participation can expose the different impacts of war on women and girls. As Dr Sima Samar noted in a 2019 scholarly contribution:

It is quite natural that men do not understand the needs and the pain that women feel. Men do not feel them - they might not ignore the women's needs and requirements intentionally, but because they simply do not understand them...⁹

⁸ Speaker's identity is withheld for their security.

⁹ Sima Samar, 'Keynote address On women, peace and security' in Susan Harris Rimmer and Kate Ogg (eds) *Research Handbook on Feminist Engagement with International Law* (Edward Elgar, 2019) 17-18.

Despite this and the centrality of women's rights to the conflict and peace process, there were only four women delegates on the twenty- one-person negotiation team for the Afghan Government and no women delegates on the Taliban's negotiation team. The Afghanistan Mechanism for Inclusive Peace (AMIP), a consortium of Afghan civil society representatives, proposed creating a Specialised Gender Advisory Board comprising 20 women members to channel women's voices to the peace negotiations. These opportunities were lost in a hasty withdrawal.

1.5 The Role of International Law

1.5.1 International obligations

The UK and its NATO allies have obligations under international law to ensure the safety of Afghan women: Article 1 of the Charter of the United Nations states that one of the purposes of the United Nations is to 'bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.'

International law and the principles of justice apply equally to all States. Respect for the rule of law is meant to create an environment for achieving the purposes of the Charter.

The Charter provides a structure for the conduct of international relations. It creates reciprocity between States as sovereign equals, accords predictability and legitimacy to their actions within an agreed multilateral system and provides a means to resolve disputes. Principles of territorial integrity are important including non-use of threat or force in any manner inconsistent with the Charter and the commitment to implementation of international legal obligations.

Article 33 of the Charter is critical for the prevention of conflict and peaceful settlement of disputes. There are a range of mechanisms available, and which have been used. It is not a 'one size fits all' approach.

The rule of law in this context requires dignity, respect for and protection of human rights, with legitimate processes for the resolution of grievances and disincentives for crimes and violence. States have a responsibility to comply with their obligations to protect their populations from genocide, crimes against humanity, war crimes and ethnic cleansing. Member States must adhere to the relevant international treaties and establish functioning institutions necessary stability for peacebuilding.

Of particular importance in this context is UNSCR1325 noted above which emphasises the importance of women's full participation in the rebuilding of their countries and highlights the unique contribution that women can make to peacebuilding and reconstruction efforts. This includes political participation, maintaining a secure environment, women's inclusion in governance structures and mechanisms to address women's rights and prevent human rights violations and to ensure international treaties are enforced particularly in the context of discrimination, education, health, development programmes child rights and justice.

It is not known but it can be assumed that the Taliban will not respect international human rights or humanitarian law obligations.

Withdrawal took place at a time when Afghanistan is a party to several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). Human rights are also guaranteed in the 2004 Afghan Constitution. Article 22 of the Constitution holds that 'citizens of Afghanistan, man and woman, have equal rights and duties before the law'. The Constitution also upholds the duty of the state to provide education for women (art 22) and the rights of all citizens to work (art 48) and to vote and be elected (art 33).

Afghanistan is also a party to the Geneva Conventions of 1949. In 2009, Afghanistan acceded to 1977 Additional Protocols I and II. Afghanistan is also party to the 1948 Genocide Convention. Under these conventions, Afghanistan has an obligation to protect and prosecute the perpetrators of war crimes and genocide. In 2018, a new criminal code for Afghanistan

came into force that includes provisions on war crimes, crimes against humanity, genocide and the crime of aggression.

Rather than strengthen the support for Afghanistan's commitment to these treaties, withdrawal took place against a background where in 2020, the International Criminal Court Appeals Chamber approved the prosecutor's application to investigate possible war crimes and crimes against humanity committed in Afghanistan since 1 May 2003 by national or international military forces or the Taliban.

On 17 August 2021, NATO Secretary General Jens Stoltenberg stated that the decision to withdraw NATO troops was made because the US was withdrawing.¹⁰ The concern was renewed attacks and open-ended combat, not the effect on the people of Afghanistan. The tragedy is that, after 20 years of development and at a time when peace was on the agenda, withdrawal saw the collapse of Afghan leadership, politically and militarily, that led to the advances of the Taliban.¹¹

The focus for NATO was to ensure the safe departure of personnel from Allied and partner countries, and of the Afghans who have helped them, not the effects of withdrawal on Afghan women.¹²

The withdrawal has allowed the Taliban to take full control of Afghanistan. Women face particular risk of systematic violations of fundamental rights including lack of access to education and adequate healthcare.¹³ The United Nations Refugee Agency has reported about 80% of those who have fled since the end of May are women and children.¹⁴ Officially, Taliban leaders have said they want to grant women's rights "according to Islam" but this has been met with great scepticism, including by women leaders in Afghanistan.¹⁵ Indeed, the

¹⁰ Jens Stoltenberg, 'Press Briefing on Afghanistan', *NATO* (online, 17 August 2021) <https://www.nato.int/cps/en/natohq/opinions_186040.htm>.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ 'Photos: Taliban takes control of Afghan presidential palace', *Al Jazeera* (online, 15 August 2021) <<https://www.aljazeera.com/gallery/2021/8/15/in-pictures-taliban-fighters-enter-afghan-presidential-palace>>.

¹⁴ 'UNHCR warns Afghanistan's conflict taking the heaviest toll on displaced women and children', *UNHCR* (online, 16 August 2021).

¹⁵ Homa Hoodfar and Mona Tajali, 'Taliban 'has not changed,' say women facing subjugation in areas of Afghanistan under its extremist rule', *The Conversation* (online, 27 July 2021)

Taliban has given every indication they will reimpose their repressive regime. In July 2021, the United Nations reported the number of women and girls killed and injured in the first six months of the year nearly doubled compared to the same period the year before.¹⁶

In the areas again under Taliban control, girls have been banned from school and their freedom of movement restricted.¹⁷ There have also been reports of forced marriages.¹⁸ Women are putting burqas back on and speak of destroying evidence of their education and life outside the home to protect themselves from the Taliban.¹⁹ Women have stayed at home in fear of being beaten for not covering up, or for going out without a male guardian. In several parts of Afghanistan reports of forced marriage to Taliban fighters have followed militant takeovers in recent weeks.²⁰

1.6 Alternative actions

In considering whether to withdraw, assessment should have been made as to the likelihood of three outcomes: (a) whether the Taliban would topple the Government and end the peace process; (b) how this would affect women in positions of power and responsibility and women and girls generally; and (c) whether alternatives such as sanctions were likely to be put in place or indeed whether sanctions would be effective.

The current status of the Taliban suggests that no attention was placed on such issues: Firstly, the sanction status of the Taliban under the UN regime is not clear. The Taliban is not listed specifically on any of the UN sanctions lists, although there are some sanctions

<<https://theconversation.com/taliban-has-not-changed-say-women-facing-subjugation-in-areas-of-afghanistan-under-its-extremist-rule-164760>>.

¹⁶ UNAMA, 'Afghanistan Protection of Civilians in Armed Conflict Midyear Update: 1 January to 30 June 2021' (Report, 26 July 2021) <https://unama.unmissions.org/sites/default/files/unama_poc_midyear_report_2021_26_july.pdf>.

¹⁷ Zainab Pirzad, Atefa Alizada and Rubaba Rezai, 'I worry my daughters will never know peace': women flee the Taliban – again', *The Guardian* (online, 12 August 2021) <<https://www.theguardian.com/global-development/2021/aug/12/i-worry-my-daughters-will-never-know-peace-women-flee-the-taliban-again-afghanistan>>.

¹⁸ Saeed Shah, 'Afghans Tell of Executions, Forced 'Marriages' in Taliban-Held Areas', *The Wall Street Journal* (online, 12 August 2021) <<https://www.wsj.com/articles/afghans-tell-of-executions-forced-marriages-in-taliban-held-areas-11628780820>>.

¹⁹ 'An Afghan woman in Kabul: 'Now I have to burn everything I achieved'', *The Guardian* (online, 16 August 2021) <<https://www.theguardian.com/world/2021/aug/15/an-afghan-woman-in-kabul-now-i-have-to-burn-everything-i-achieved>>.

²⁰ *Ibid.*

imposed on Taliban members since the first Taliban regime, which are still in place.²¹ Prior to withdrawal there was an opportunity to ensure that the U.N. address this lack of clarity and to negotiate a range of measures that provide peace and security for women at all levels in Afghanistan.

The implementation of broader sanctions which go beyond freezing individual Taliban members' assets should have been carefully considered,²² particularly given the questionable effectiveness against the Taliban regime as well as potential for adverse impact on the broader population of Afghanistan.

In addition, attention should have been paid to the ways in which the Taliban might wish to conduct international trade and what role trade would play in the Taliban's ability to retain power in Afghanistan. For example, if the Taliban does not heavily rely on international market and cross-border transactions as its sources of revenue, sanctions that restrict its access to the international market and transactions are likely to be ineffective.²³ The global governance that comes with corporate responsibility for human rights abuses was seemingly ignored in the decision to withdraw. It must have been known that the Taliban obtains revenue from domestic sources and illegal activities such as profitable opium and heroin production²⁴ and transport taxation.²⁵ It follows those alternatives to respect the rights of women and girls through state and corporate responsibility cannot have been considered when or if the option of remaining without US forces was assessed.

Any meaningful planning would have revealed that imposing sanctions on the Taliban is not a complete answer to all problems created by the Taliban inside and outside of Afghanistan.²⁶

²¹ SC Res 1267, UNSCOR, UN Doc S/RES/1267 (15 October 1999); SC Res 1988, UNSCOR, UN Doc S/RES/1988 (17 June 2011).

²² Such broader sanctions were imposed by the UN during the first Taliban regime through Resolution 1267 (1999): SC Res 1267, UNSCOR, UN Doc S/RES/1267 (15 October 1999).

²³ Ibid.

²⁴ Gretchen Peters, 'How Opium Profits the Taliban', *United States Institute of Peace*, (Report, August 2009) <https://www.usip.org/sites/default/files/resources/taliban_opium_1.pdf>.

²⁵ Vanda Felbab-Brown, 'Afghanistan: Money can be the milk of the Taliban moderation', *Chatham House*, (online, 2021) <<https://www.chathamhouse.org/publications/the-world-today/2021-08/afghanistan-money-can-be-milk-taliban-moderation>>.

²⁶ Brian O'Toole, 'Sanctions alone won't tame the Taliban', *The Atlantic Council* (online, 9 September 2021) <<https://www.atlanticcouncil.org/blogs/new-atlanticist/sanctions-alone-wont-tame-the-taliban/>>.

Having withdrawn there is an urgent need for a ‘multilateral’ approach with women’s rights and issues front and centre.²⁷ In addition to humanitarian assistance, there must be sanctions but with exceptions to the imposition of sanctions to avoid adverse effects on the people of Afghanistan.²⁸

1.7 International recognition

In planning withdrawal, it appears that little or no attention was given to whether the Taliban would seek to be recognised by the international community as the legitimate government of Afghanistan. Recognition of a state or government under international law is not straightforward. Article 1 of the Montevideo Convention sets out the requirements for recognition of a state as follows: ‘The state as a person of international law should possess the following qualifications: a permanent population; a defined territory; government; and capacity to enter into relations with the other states.’

These requirements have evolved to include additional elements such as whether the new state is formed through legitimate means, is seen as the legitimate representative of the people it purports to govern and has the capacity and willingness to honour its international obligations.²⁹

While states have the sovereign right to decide whether to recognise a government or not, in cases when the new government has come to power through force or other extra-legal means this recognition is often not automatic. The risks from such recognition should have been the subject of due diligence before withdrawal and evacuation was even contemplated. When it must have been known that the Taliban would take control of Afghanistan through force and, where it was known that over the last 20 years, it has taken direct responsibility for deadly attacks on civilians, committing war crimes and crimes against humanity.³⁰

²⁷ Ibid.

²⁸ Felbab-Brown (n 25).

²⁹ Tess Bridgeman, ‘A Dangerous Bet on Recognition in Venezuela’, Just Security (online, 25 January 2019) <<https://www.justsecurity.org/62357/dangerous-bet-recognition-venezuela/>>.

³⁰ Saeed Shah, ‘Afghans Tell of Executions, Forced ‘Marriages’ in Taliban-Held Areas’, The Wall Street Journal (online, 12 August 2021) <<https://www.wsj.com/articles/afghans-tell-of-executions-forced-marriages-in-taliban-held-areas-11628780820>>.

Insofar as planning withdrawal occurred, it must have been contemplated that the Taliban would gain de facto control of Afghanistan's territory, and would fail to uphold its international obligations,³¹ such as the responsibility to protect and respect the human rights of Afghan citizens, particularly women and girls and is unlikely to do so.

1.8 Women and Foreign Policy

Attention to gender equality and concern for the specific needs of women and girls appears in many foreign policy agendas. We suggest that the Defence Committee explores the extent to which these concerns were given weight in the decision of withdrawal and how such plans are recalibrated to support women and girls under Taliban rule.

For example, Australia, one of the NATO members, recently released a second National Action Plan on Women, Peace and Security 2021-2030. In this Action Plan, the Australian Government has committed to employing its political capital and diplomatic leadership to advocate for women's participation in peace processes. Australia, like the US and the UK, withdrew its military troops from Afghanistan and closed its Embassy in Kabul. This is despite the Australian Department of Foreign Affairs and Trade spending a significant amount on aid and development in Afghanistan, consistent with Australia's foreign policy gender equality strategy, some money is specially earmarked for women and girls. Prior to the withdrawal, Afghan women voiced concerns about the policy responses by the international community:

While in statements and press releases and their tweets they [the international community] talk about women's rights, they think that women's rights is a priority for them, that women are half of the society in Afghanistan; in reality they have not done much in terms of protection of especially women human rights defenders in Afghanistan.³²

³¹ Nicola Careem and Ashitha Nagesh, 'Afghanistan: The people fleeing the north for safety in Kabul', BBC News (online, 11 August 2021) <<https://www.bbc.com/news/world-asia-58170433>>.

³² Speaker's identity is withheld for their security.

The NATO withdrawal lacks attention to the dignity and respect that women deserve as leaders and citizens of Afghanistan and to the global commitment to the UN Sustainable Development Goals, particularly for women and girls.³³ Reflections on how foreign policy may be designed to ensure such attention toward future decisions with regards to Afghanistan and other countries is therefore crucial.

4. CONCLUSION

Overall, we submit that the NATO withdrawal from Afghanistan was a failure for the women and girls of Afghanistan. It is our contention that the UK and NATO armed forces should have delayed their withdrawal from Afghanistan. If withdrawal was delayed, the peace process could have been supported to move towards inclusion of women and women's issues. Alternatively, if there was no alternative to withdrawal and evacuation (which seems to be an unlikely conclusion), it should have been planned carefully so that not only Afghans who worked with the armed forces would be safely evacuated, but any woman at risk and those dependent on her who seek protection from the Taliban should have been considered for evacuation and had arrangements in place for settled migration.

Whilst we accept it may not be possible to predict with certainty the direct effects of a delay, a delay would have extended the window of opportunity during which women and other Afghan nationals at heightened risk could have been considered for evacuation and safely evacuated with migration arrangements settled.

The UK has a continued responsibility to ensure the safety of Afghan women and their dependents who are at a heightened risk under the Taliban regime which openly practices gender-based violence and segregation.

³³ 'The 17 Goals', *United Nations* (Web Page) <<https://sdgs.un.org/goals>> and United Nations, *World Economic Situation and Prospects* (Report, 2020) <https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/WESP_2020_FullReport.pdf>.

5. RECOMMENDATIONS

The purpose of this submission is to ensure that the UK honours its obligations under international law to guarantee the safety and security of Afghan women in the context of the withdrawal of UK Armed Forces and Afghans who have worked with them. In doing so, we make the following recommendations to the Defence Committee:

- a. The withdrawal decision should be reviewed widely to uncover to what extent the UK Government considered implications specifically for women and girls as we have set out above.
- b. This inquiry should be deepened by seeking input from Select Committees with relevant expertise, such as the Joint Committee on Human Rights and the Women and Equalities Committee.
- c. In considering what should have been assessed prior to withdrawal, this Inquiry should also examine the following:
 - a. How greater international recognition of the urgent challenge facing women in Afghanistan, especially given the UK's longstanding role in the conflict and in peacebuilding in Afghanistan can be achieved.
 - b. How the UK Government can ensure the safe and secure evacuation of women at risk and their dependants who are being or likely to be targeted by the Taliban.
 - c. How the UK Government can ensure the Taliban forms an inclusive government, including women and minority groups in important government positions.
 - d. How the UK Government can ensure the Taliban allow Afghan women and girls' education and work and access to health care.
 - e. How the UK Government can continue its support for the close monitoring of the Taliban's treatment of women and minorities by UN bodies and experts.

- f. How the UK Government can prevent international recognition of the Taliban and also support the careful implementation of sanctions which do not impact upon humanitarian aid.
- g. Why the UK Government has not adopted a formal feminist foreign policy.

We respectfully urge our above recommendations on the Committee and welcome further consultation on these matters at your convenience.

A handwritten signature in black ink, appearing to read 'Felicity Gerry QC', with a long, sweeping underline that extends to the left.

Felicity Gerry QC *

14 October 2021

* Corresponding author. Liability limited by a scheme approved under Professional Standards legislation.