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Op-ed: Afghan women and girls at risk as US forces draw down

By SHERIZAAN MINWALLA

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Women wait with their children at a government-run maternity clinic in a rural area of Dand district in Afghanistan's Kandahar province in October 2020. Since the drawdown of foreign forces began in Afghanistan and a subsequent escalation of Taliban violence, there have been signs that already limited maternity care could be even further restricted. (Elise Blanchard/Getty-AFP)

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As U.S. and coalition forces withdraw from Afghanistan and the Taliban militia gains more **territory**, women and girls who resisted gender-based violence and fled to protective shelters, or even jails, risk being sent back to their families where they face further abuse including death.

According to the U.S. State Department's 2020 **Human Rights Report**, there were 28 shelters in Afghanistan to protect women and girls at risk of severe forms of gender-based violence. On average, these shelters assisted as many as **2,000** women and girls annually. The U.S. and other international donors working through local organizations established and funded these shelters, yet those that fall under Taliban control will most certainly be **closed**.

For an Afghan girl or woman, going into a shelter exposes her to stigmatization and increased risk of violence if she returns home. The fact that the shelters were opened and funded by Western donors provides a pretext to accuse victims seeking protection of being Westernized and immoral. Those who fled from home have escaped extreme brutality, including child marriage and rape; domestic violence; a practice known as *baad*, in which girls are given to families to settle disputes; and threats of so-called

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Nongovernmental organizations sometimes reconcile residents with their families through legal mechanisms or more likely by negotiating settlements. For difficult cases that cannot be solved, victims remain **trapped** in shelters and jails indefinitely, potentially for the rest of their lives. Their options inside Afghanistan are increasingly abysmal. If not returned home to their perpetrators, they may end up on the streets where they will face abuse and exploitation and likely will be trafficked.

A “refugee” under the 1951 Refugee Convention, codified in U.S. law, is a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or ... unwilling to avail himself of the protection of that country.” Though “gender” was not included as a protected ground, today the United Nations High Commissioner for Refugees (recognizes gender-based persecution claims as legally qualifying for refugee or asylum protection.

Yet for Afghan women and girls in shelters and jails, they cannot travel across an international border because they lack

woman
with
Down
syndrome
\$125
million
after she
was fired
by
Walmart

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proper documentation, and it is too risky. Afghan laws and customs afford male relatives the right to significant control over access to civil documentation and mobility. Even with a passport, traveling through checkpoints for a woman or girl is fraught with risk, as officers might return her to her family. Recently, the special inspector general for Afghanistan reconstruction recommended in his [report](#) that these shelters continue to be funded and secured.

Yet if they cannot be maintained, something else must be done to ensure these individuals are safe.

Clearly there are complex issues involved in promoting women's rights in the context of a war that itself leads to increased violence against women and girls. While this debate is beyond the scope of this op-ed, it is worth pointing out that the George W. Bush administration argued that advancing women's equality was a justification for the war in Afghanistan. U.S. taxpayers have spent billions on programs aimed at achieving gender equity by advancing rights in education, livelihoods and political participation and responding to gender-based violence.

President Joe Biden's administration [plans to evacuate](#) thousands of Afghans who

supported the U.S. mission as translators or in other roles and face the very real threat of being killed by the Taliban due to their U.S. affiliation through the Special Immigrant Visa program. The U.S. affiliation is also a factor that puts women and girls in shelters at risk of retaliation.

Ensuring the continued safety of at-risk women and girls is in line with U.S. humanitarian goals, our commitment to human rights and our [foreign policy](#) interests. Under the Immigration and Nationality Act, the president may determine that group designation under Priority 2 is warranted in the case of an unforeseen refugee situation that is “justified by grave humanitarian concerns or is otherwise in the national interest,” and that cannot be managed under regular refugee processing. The situation facing Afghan women and girls at risk of gender-based violence who are trapped in shelters presents such a situation and warrants Priority 2 designation.

Women and girls bear the scars of conflict in unique ways including heightened incidents of conflict-related sexual violence; their needs must be our priority. If admitted as refugees, these individuals will have the opportunity to achieve safety and to rebuild their lives. America has the ability to

continue to support those women and girls who stood against violence and for freedom and self-determination. The time to act decisively is now.

Sherizaan Minwalla is a lawyer and researcher who attended law school at the Chicago-Kent College of Law and represented immigrant survivors of domestic violence and sexual assault at the National Immigrant Justice Center in Chicago.

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