

108TH CONGRESS
2D SESSION

S. 2032

To provide assistance and security for women and children in Afghanistan,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2004

Mrs. BOXER introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

A BILL

To provide assistance and security for women and children
in Afghanistan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Afghan Women Secu-
5 rity and Freedom Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Taliban regime denied women in Af-
9 ghanistan the most basic human rights, including

1 the rights to work, to an education, to health care,
2 and to move freely.

3 (2) The Taliban regime subjected any women
4 who attempted to exercise her human rights to beat-
5 ings and imprisonment and women in Afghanistan
6 who lived under the Taliban regime suffer from
7 long-term consequences of such oppression.

8 (3) According to the Afghan Ministry of Wom-
9 en's Affairs, as a result of 23 years of war and the
10 restrictions imposed by the Taliban after the war
11 ended, most women in Afghanistan do not have ade-
12 quate food, access to health care, or opportunities
13 for education, employment, or economic livelihood,
14 and such women have experienced violence to them-
15 selves or their families.

16 (4) Women in Afghanistan have one of the
17 highest mortality rates in the world, with an esti-
18 mated 16,000 maternal deaths annually.

19 (5) The strengthening of institutions and non-
20 governmental organizations that are led by women in
21 Afghanistan is essential to building civil society and
22 holding the Government of Afghanistan accountable
23 for protecting women's rights and human rights.

24 (6) It is necessary for significant numbers of
25 women to hold positions within the Government of

1 Afghanistan, including in the cabinet, the Loya
2 Jirga, government commissions, and other key posts,
3 and to hold official positions within United Nations
4 agencies working in Afghanistan to foster democracy
5 and protect the rights of women in Afghanistan.

6 (7) Despite the collapse of the Taliban regime
7 in Afghanistan in 2001, warlords and the Taliban
8 are reorganizing and reemerging in Afghanistan, im-
9 periling the stability of the central government, the
10 security of the people, and the exercise of human
11 rights by women.

12 (8) The United Nations Secretary-General's
13 Special Representative to Afghanistan said that the
14 deteriorating security situation in Afghanistan may
15 force a delay in elections in Afghanistan and that
16 expansion of international peacekeeping forces is
17 necessary to make fair, democratic voter registration
18 and elections possible.

19 (9) In January 2004, the Government of Af-
20 ghanistan adopted a new constitution that includes
21 basic rights for women, but enforcement of the pro-
22 visions of the constitution will be difficult unless se-
23 curity in Afghanistan is dramatically improved.

24 (10) Despite the fact that violations of human
25 rights and women's rights continue with impunity in

1 Afghanistan, Provincial Reconstruction Teams com-
2 posed of United States military forces, Department
3 of Defense civil affairs officers, representatives of
4 United States agencies and allied personnel do not
5 have the authority needed to intervene to stop such
6 violations.

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the protection of the rights of women, the
10 reestablishment of democracy, and the elimination of
11 terrorism are essential to the reconstruction of a sta-
12 ble Afghanistan and to achieve such a reconstruction
13 the international community should commit substan-
14 tial resources, including the expansion of inter-
15 national peacekeeping forces inside and outside of
16 the city of Kabul;

17 (2) the United States should provide strong
18 support for the Afghan Ministry of Women’s Affairs
19 and the Afghan Independent Human Rights Com-
20 mission, both of which were created by the Bonn
21 Agreement to remedy past violations of women’s
22 rights and human rights and to establish institutions
23 and programs to advance such rights;

24 (3) the mandate of international peacekeeping
25 forces and Provincial Reconstruction Teams com-

1 posed of United States military forces, Department
2 of Defense civil affairs officers, representatives of
3 United States agencies and allied personnel should
4 be authorized to intervene to stop violations of
5 human rights and women's rights;

6 (4) United States foreign policy should ensure
7 that the rights of women and girls are restored in
8 Afghanistan, assist in the recovery of women and
9 girls from the repression of the Taliban and 23
10 years of war, and strengthen Afghan institutions
11 that are led by women; and

12 (5) grants and assistance provided to Afghani-
13 stan should be conditioned upon the Government of
14 Afghanistan adhering to international standards for
15 women's rights and human rights.

16 **SEC. 4. AUTHORIZATION FOR ASSISTANCE.**

17 (a) **AUTHORITY.**—The President is authorized to pro-
18 vide assistance for women and children in Afghanistan.

19 (b) **PROVISION OF ASSISTANCE.**—Assistance under
20 this section may be provided directly to the Afghan Min-
21 istry of Women's Affairs, other Afghan Government min-
22 istries, the Afghan Independent Human Rights Commis-
23 sion, local and international nonprofit organizations, and
24 United Nations agencies.

1 (c) CATEGORIES OF ASSISTANCE.—The assistance
2 under this section may be provide as grants, technical as-
3 sistance, training, or in any other form that the President
4 determines is appropriate.

5 (d) PURPOSES.—Assistance under this section may
6 be used for the following purposes:

7 (1) POLITICAL AND HUMAN RIGHTS.—Assist-
8 ance under this section is authorized to be used to
9 promote women’s rights and human rights in Af-
10 ghanistan, including women’s political participation
11 and legal rights, including for the following pur-
12 poses:

13 (A) To provide assistance to the Afghan
14 Ministry of Women’s Affairs, other ministries of
15 the Government of Afghanistan, and the Af-
16 ghan Independent Human Rights Commission
17 for programs to advance the status of women.

18 (B) To disseminate information through-
19 out Afghanistan on the rights of women and on
20 international standards for human rights.

21 (C) To provide information and assistance
22 to enable women to exercise property, inherit-
23 ance, and voting rights, and to participate in
24 relief programs.

1 (D) To provide, monitor, and investigate
2 violations of women’s rights and to provide
3 legal assistance to women who have suffered
4 violations of their rights.

5 (E) To provide training related to women’s
6 rights and human rights to military, police, and
7 legal personnel.

8 (F) To build the infrastructure of the Af-
9 ghan Independent Human Rights Commission
10 through the construction of provincial and dis-
11 trict offices.

12 (G) To enforce the provisions of the Af-
13 ghan constitution that ensure equal rights for
14 women.

15 (H) To operate programs to encourage and
16 facilitate the registration of women voters.

17 (2) HEALTH CARE.—Assistance under this sec-
18 tion is authorized to be used to provide health care
19 for the people of Afghanistan, including for the fol-
20 lowing purposes:

21 (A) To provide equipment, medical sup-
22 plies, and other assistance to health care facili-
23 ties for the purpose of reducing maternal and
24 infant mortality and morbidity.

1 (B) To train nurses, midwives, and tradi-
2 tional birth attendants for the purposes of im-
3 proving staffing at clinics and hospitals, and ex-
4 panding networks of community health edu-
5 cators.

6 (C) To promote awareness about the
7 health and nutrition of women, and programs
8 related to hygiene, sanitation, and immuniza-
9 tion.

10 (D) To develop, establish, and expand pro-
11 grams to provide services to women and girls
12 suffering from post-traumatic stress, depres-
13 sion, and mental illness.

14 (E) To provide mobile health units that in-
15 clude reproductive health programs and that
16 are accessible to women and girls who have
17 been disabled due to landmines or war-related
18 injuries, including such women and girls who
19 are in wheelchairs.

20 (3) EDUCATION AND TRAINING.—Assistance
21 under this section is authorized to be used to provide
22 education and training to the people of Afghanistan,
23 including for the following purposes:

24 (A) To establish, maintain, and expand
25 primary and secondary schools for girls that in-

1 clude mathematics, science, and languages in
2 their primary curriculum.

3 (B) To develop and expand technical and
4 vocational training programs for women to en-
5 able women who participate in such programs
6 to provide support for themselves and their
7 families.

8 (C) To develop, maintain, and expand lit-
9 eracy programs, including economic literacy
10 programs that promote the well-being of women
11 and their families.

12 (D) To provide special educational oppor-
13 tunities for girls whose schooling was ended by
14 the Taliban and who now face obstacles to par-
15 ticipating in the normal education system, such
16 as girls who are now married and girls who are
17 older than the normal age for their classes.

18 (4) SECURITY, PROTECTION, AND SHELTER.—
19 Assistance under this section is authorized to be
20 used to provide security, protection, and shelter for
21 the people of Afghanistan, including for the fol-
22 lowing purposes:

23 (A) To develop and implement programs to
24 protect women and girls against sexual and
25 physical abuse, abduction, trafficking, exploi-

1 tation, and sex discrimination in the delivery of
2 humanitarian supplies and services.

3 (B) To direct humanitarian assistance to
4 the large population of widows and their chil-
5 dren who are in need in war-torn Afghanistan.

6 (C) To provide emergency shelters, food,
7 sanitation, health care, and other relief services
8 to internally displaced women and their fami-
9 lies.

10 (D) To support the return of refugees and
11 internally displaced persons, the majority of
12 whom are women and children, to their home
13 areas.

14 (E) To provide security measures, such as
15 building improvements and staffing, for the
16 purpose of preventing violent attacks to schools
17 that educate girls and to repair or replace
18 equipment and facilities of a school that is sub-
19 ject to such an attack.

20 (F) To improve security for women in the
21 Loya Jirga and for women who exercise their
22 right to register to vote and to participate in
23 elections.

24 (G) To provide security for women's cen-
25 ters for the purpose of enabling women to par-

1 participate in meetings, discussions, and programs
2 regarding the constitution, elections, and wom-
3 en’s rights.

4 **SEC. 5. SENSE OF CONGRESS ON THE PROVISIONS OF AS-**
5 **SISTANCE.**

6 It is the sense of Congress that, in providing assist-
7 ance under this Act, the President should—

8 (1) condition the provision such assistance on
9 the recipient adhering to international standards for
10 women’s rights and human rights;

11 (2) place a high priority on the provision of
12 such assistance to the Afghan Ministry of Women’s
13 Affairs, the Afghan Independent Human Rights
14 Commission, and other agencies of the Government
15 of Afghanistan that are able to implement programs
16 to improve the lives and advance the rights of
17 women;

18 (3) place a high priority on the provision of
19 such assistance that will be used to provide to train-
20 ing and capacity-building programs in Afghanistan;

21 (4) ensure that such assistance is distributed
22 throughout different regions of Afghanistan on the
23 basis of need;

24 (5) place a high priority on the provision of
25 such assistance to non-governmental organizations

1 in Afghanistan that have demonstrated experience in
2 delivering services to Afghan women and children
3 and that are—

4 (A) led by women; or

5 (B) located in Afghanistan; and

6 (6) ensure that of the assistance made available
7 under this Act in each fiscal year not less than 25
8 percent of such assistance is provided to non-govern-
9 mental organizations that are—

10 (A) led by women; and

11 (B) located in Afghanistan.

12 **SEC. 6. REPORTING REQUIREMENT.**

13 (a) REQUIREMENT FOR REPORT.—Not less than once
14 every 6 months, the Secretary of State and the Adminis-
15 trator of the United States Agency for International De-
16 velopment shall submit a report to the appropriate con-
17 gressional committees on the activities carried out under
18 this Act. Such report shall include the amount of assist-
19 ance provided under this Act to—

20 (1) the Afghan Ministry of Women’s Affairs;

21 (2) other ministries of the Government of Af-
22 ghanistan;

23 (3) the Afghan Independent Human Rights
24 Commission;

25 (4) Afghan nonprofit organizations;

1 (5) international nonprofit organizations; and
2 (6) United Nations agencies.

3 (b) INITIAL REPORT.—The initial report required
4 under subsection (a) shall be submitted not later than 60
5 days after the date of enactment of this Act.

6 (c) TERMINATION OF REQUIREMENT.—Subsection
7 (a) shall be effective during the 3 year period beginning
8 on the date of enactment of this Act.

9 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
10 In this section the term “appropriate congressional com-
11 mittees” means the Committee on Appropriations and the
12 Committee on Foreign Relations of the Senate and the
13 Committee on Appropriations and the Committee on
14 International Relations of the House of Representatives.

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AUTHORIZATION.—There is authorized to be ap-
17 propriated to the President \$300,000,000 for each of the
18 fiscal years 2005, 2006, and 2007 to carry out the provi-
19 sions of this Act, of which—

20 (1) \$20,000,000 is authorized to be available to
21 the Afghan Ministry of Women’s Affairs for each
22 such fiscal year; and

23 (2) \$10,000,000 is authorized to be available to
24 the Afghan Independent Human Rights Commission
25 for each such fiscal year.

1 (b) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to paragraph (1) are authorized to re-
3 main available until expended.

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