

Women's Rights in Afghanistan 2014

A presentation to Amnesty International by Sally Morrison

Fitzroy, Melbourne: 9 March 2014

Firstly, let me say that I'm honoured and delighted to be asked to give this talk in place of my dear friend, Nouria Salehi. Nouria is travelling at the moment, she will shortly be in Jerusalem with a group of Jewish, Christian and Moslem Canadians promoting religious cooperation through inter-faith understanding. Then she will continue on to Afghanistan where she goes twice a year to supervise the projects run by her group, the Afghan Australian Development Organisation, AADO. Alongside its work in literacy, numeracy and life skills, AADO trains science teachers for the Afghan public education system. It is a very valuable service in a country that never had a strong education system for its general populace. What education was available before 1996, was trashed during the Taliban regime. With that trashing went the public standing of Afghan teachers, the preponderance of whom were women. Female teachers who wanted to continue their efforts had to go underground to do so as did any girl wanting an education for herself. Classes were held in people's homes and school books had to be smuggled from home to school under the ubiquitous burqas of the era. Now AADO has helped to build a whole school on land formerly owned by the Salehi family in rural Qara-Bagh, north of Kabul. The school has just produced its first matriculants, mostly young men, but encouragingly, there are some young women graduates as well. You can have a look at some of AADO's activities in the album while I am talking about women's rights

Before I start, I would like to acknowledge the Wuradjeri-william people of the Kulin Nation, the traditional owners of the land on which we are gathered. Any of you who have come here to Australia in the last few years will have noticed that the Kulin Nation is a shadow nation, paved over by two centuries of Europeanised life, celebrating and congratulating itself on its survival, which has come at the expense of those who once in their traditional fashion, moved over the surface of the land as it befitted them, going where food was plentiful and the weather kind. This part of Australia was kind, however, and there was not a great need to move about, people, rather, came here and when they arrived, they were welcomed with a Tanderrum ceremony. The strangers would come bearing smoking bark, which was supposed to purify the air, while the locals would gather branches of gum trees and create two low daises, one for the menfolk and one for the womenfolk to sit on. When the strangers were seated, the locals offered them clean water to drink – to show that it was clean, they would drink first, through reed straws and hand the water to the visitors. They would also feed the visitors and give them leaf tokens that gave them freedom of the bush for the duration of their visit.

These were tribes people and I start with tribes people because most of the people about whom I'll be talking, live their lives as members of tribal groups who, like the Aborigines, separate their men and women, having different rules and customs for each gender. Most Afghan tribes are settled, but a few, mainly the Kuchi people, are nomads who have to move around to feed the sheep, cattle and camels, upon which Afghanistan has relied until very recently for its meat and dairy products. Nowadays meat and dairy products are increasingly trucked in from neighbouring countries and the Kuchi nomads are being encouraged to settle. While the Kuchis are keen to have their children educated, there is

understandable reluctance from many of them to give up their nomadic way of life and the customs of centuries.

HISTORY

A brief history of the state of affairs for women in Afghanistan necessarily has to leave out social intricacies and deal only with Afghanistan since the Russian invasion which took place over the inter-year period of 1979-80 and lasted just over nine years.

SOVIET INVASION

The Russians invaded in a loop taking all the cities from Herat and Kandahar in the west and from Kunduz to Kabul in the east and Kabul to Kandahar. The effect of their nine year presence was mainly felt on city dwellers. Only 23% of Afghans live in cities; the rest, as I've already pointed out, are rural people. When the Soviets invaded, the only literate people were those who lived in cities. I don't know the real story for women of what happened in the Soviet era, but they certainly fared a lot better under Sovietisation than they did under the succeeding Taliban regime. While there was big resistance to Sovietisation in the countryside, in the cities the participation of women in active social and professional life certainly increased from the pre-Soviet situation where only that very small percentage of people who were well-off had a full education.

The International Communist League claims that 98% of women were illiterate in 1980 and that, during the 1980s, many thousands of women went to university, joined the professions and became workers and activists. They formed childcare centres and won three months paid maternity leave for themselves. By the late 1980s, they say, women made up 40% of the trained doctors in a country where religion demanded that only women could treat the bodies of other women for any medical condition. They also claim that 60% of the instructors at Kabul University

and 65% of the student body were women. Family courts were sometimes presided over by women, a very important phenomenon because an all male judiciary discriminates heavily against women's interests in domestic disputes and divorce.

Further, the International Communist League claims that by 1987, an estimated 245,000 women were working in fields ranging from construction, printing and food processing to radio and TV journalism, and especially teaching, where they made up 70% of the workforce.

Looking at today's statistics, I would have to say that I think these claims are probably quite accurate, as is the claim that the number of women in the workforce increased fifty fold. Still, 245,000 up from 5,900 is only a drop in the ocean when we consider that Afghanistan has a population in the vicinity of 30 million, of whom slightly more than 15 million are female, 8 million of them being of age for the workforce and 4 million of them being of age to vote.

MUJAHADEEN AND TALIBAN

When, having driven out the Soviets, the Northern warlords couldn't sit down and govern the country, they fought a war between themselves that allowed the insurgence and victory of the Taliban. I won't go into it in any detail, but it was a debacle during which the country lost its best chance of safe and secure government.

The Taliban, of course, is a highly conservative jihadist movement in which Deobandi and Wahhabi Islam gained strength during the years of the Soviet occupation. It began in Kandahar under Mullah Omar and gained strength among the Pashtun refugees over the very lax border with Pakistan. Such was the poverty and naïveté of the Pashtun refugees – predominantly rural, uneducated people – that they would sell their sons to the Taliban mullahs in return for protection. They'd lost everything land, food, means to survive and their poor daughters were traded for the

necessities just as the poor rural peasant girls used to be in Dostoyevsky's Russia. The bartered sons went to madrassas where they were fed and clothed and learned to read the Koran in Arabic, not even their native language.

They were taught that Allah wanted things to return to the way they were in the days of the Prophet and that the way to obey Allah was to return to their homeland, armed to the teeth with American and Russian weaponry bought for them with Saudi Arabian money – of which there was an endless supply - and to claim Afghanistan for Deobandi Islam.

TALIBAN ERA

Their insurgency was welcomed in the south, where the practice of Sunni Islam, of which Deobandi is a branch, had always been quite rigid, but by the time they reached Kabul, the ethnic composition favoured the Tajiks as the dominant group with Hazara and Pashtun in equal but significant minority numbers along with other, smaller groups. Life had always been freest and most prosperous in Kabul. The Tajiks and Hazaras tend to be better educated than the Pashtuns even though many live in rural settlements. The Tajiks follow a moderate Sunni religion and the Hazaras are of the Shiite sect.

Resentment of the Taliban was high in the north of Afghanistan in general and the Taliban were very harsh in and around Kabul, dismantling the education system and curbing the freedoms women had enjoyed heretofore. They were publicly brutal in their punishments of women who did not obey their strict dress code of full burqa, or who went out of their homes for reasons other than going to the doctor, or who dared to venture out without a male relative escorting them. Women were beaten on the street, or arrested, flogged and executed if found in serious breach of the rules. They were reduced to being their husbands' property,

occupying a completely subservient position in the home. Education, even in mothercraft, was forbidden and girls could be married off as young as fourteen.

After the attack on the Hazaras of Mazar-e-Sharif in 1998, in which there were 100 survivors of an original 1500 defenders of the Hazara population of that city, the Taliban began a slave trade in women of Hazara, Tajik or Uzbek ethnicity, sending them south to Pakistan and trading them as slaves into households there.

In the south, among the Pashtuns, it was not uncommon even before the Taliban for less well off people to barter their daughters at extremely young ages, sometimes before puberty, to pay off family indebtedness. They'd be married to grown men who were quite capable of using them for sex, ruining them physically and then discarding them. They'd be thrust into a home situation where there was often a mother-in-law who looked down on them for coming from a family that couldn't settle its debts except by selling its daughters into marriage. If these women ran away, they'd be arrested; if they were adjudged to have committed adultery within marriage, they were publicly stoned to death. These poor women were completely on their own without a voice.

The laws for divorce and adultery were farcical. For a woman's case to succeed, she had to have three male witnesses to put her case. Since women were sent out of their families to the families into which they married, the justice of this arrangement was hopelessly skewed.

US AND NATO

After 9/11 in 2001, the US routed the Taliban in retaliation. Why, you might ask, since of the 19 hijackers, 15 were from Saudi Arabia, 2 from

the UAR and one each from Egypt and Lebanon? Well, I dare say you don't attack the source of your oil, but you attack the next likely place, which is the spawning ground of terrorists. That happens to lie between Afghanistan and Pakistan, but if you attack Pakistan, you'll start a nuclear war, so you go into benighted Afghanistan for whom you might have shown humanitarian and moral concern before its credible leadership blew itself irredeemably into history.

Anyway, the NATO troops arrive; there's a short transitional government under President Rabbani and then the Loya Jirga, which is the Council of Elders who have veto over the parliament, elected Hamid Karzai to serve for two years before the elections that he won in 2004 with just over half of the 8 million votes cast.

THE CONSTITUTION

The current Afghan constitution was approved by consensus in 2004 after being drafted by the Loya Jirga in 2003. Women were included in the drafting process and as it stands on paper, women's rights seem well enshrined. 25% of seats in the Wolesi Jirga (lower house) were set aside specifically for women to ensure that women's voices are always heard. The women had to learn, of course, to negotiate with the bullying tactics of the men. In 2006, after two years of service as an MP, the young, idealistic and outspoken Malalai Joya was suspended for criticising the inclusion of former warlords in both houses of parliament. She has never been readmitted but has gone on lecture tours around the world putting her side of the story of belittlement and subjugation. Fawzia Koofi, a champion of incarcerated women, is vice president of the National Assembly and has survived several attempts on her life. Women MPs are under constant threat if they speak out. In Afghanistan, Nouria and I met with the feisty MP Shinkai Karokhail who has fronted the committee

looking into corruption allegations against President Karzai's brother and moves among refugees and the people of her own Pashtun tribal group, speaking plainly with men and putting the cases of both women and men for better conditions in the fringe camps of Kabul, which are gradually turning into suburbs. She recently featured in a France 24 documentary at the end of which she'd supported a woman in a divorce claim against a violent husband and won a separation for the woman before a woman judge. The husband was waiting outside the hearing and threatened to kill both himself and his children – 'Why?' asked Karokil 'Because you can't look after them on your own?'

KUCHI

In the Wolesi Jirga, there are also 50 seats set aside for the Kuchi nomads in an effort to get them to abandon their nomadic way of life, give them Afghan citizenship and extend universal suffrage and education to them and their children.

SHARIA LAW

The form of Sharia law followed in Afghanistan is called Hanafi. It is based on Sunni religious precepts and is also practiced in Pakistan and countries north of Afghanistan, while Iran, to the west, follows the Jafari system, devised for Shiites.

For the Shias of Afghanistan, who are mostly the Hazaras, exceptions are made to the general Hanafi system. Despite Hazaras being by far the predominant group of Shiite Afghans, Shia interests are represented in the Supreme governing council by a Tajik who was born and raised in Pashtun homeland, Ayatollah Mohseni. This Ayatollah, born in 1936 married a fourteen year old in the 1990s. He is vocal about Shia-Sunni unity while at the same time influencing Hamid Karzai to rush through a Personal Status Law for Shias that sanctioned a man's right to demand sex within marriage whenever he wants it. This Personal Status Law

states that women should at all times wear make-up and keep themselves attractive to their husbands and should not leave their houses without their husbands' permission. If a Shiite woman withholds sexual relationships, her husband has the right to withhold food from her. While Sunni Islam, as practiced in Afghanistan, restricts a man to one wife at a time, Shia Islam does not and a man may have as many as four wives.

MOHSENI

Ayatollah Mohseni is a very powerful man, very wealthy, founder of a university in Kabul, owner of a TV station and writer of several religious books. He is crafty and has support both within Afghanistan and from Iran. He held Karzai to ransom over the Personal Status Law and is likely to continue to push his influence after Karzai has gone. The promulgation of the Personal Status Law in 2009 caused outcry amongst progressive feminists of both branches of Islam, but it also brought out of the woodwork plenty of women who stood by the decision, demonstrating that there is considerable resistance to progressive thought even among educated women.

EVAW

IN 2009, a very special law came into being, designed to protect women and entrench their rights. It was the Law of Elimination of Violence Against Women (EVAW). Child marriage, rape and daughter selling were amongst the outlawed practices.

- Both parties had to agree to marriage before a marriage could take place.
- Before marriage, there has to be signed consent and legal proof of age... this last stipulation makes me laugh a bit. When I was in Afghanistan with Nouria last year, her staff told me that the government was requiring everyone to register their age. For people who didn't know when they were born, such as the

When you think that 70-80% of all marriages in Afghanistan are what we would call forced, you can see that it's fine to say things on paper, but quite another to change the practices of many lifetimes in a community. Along with trading daughters, it is common in Afghanistan to require a widow to marry a relative of her dead husband.

57% of girls are married off while still under the legal age of 16 and midwives report attending mothers as young as twelve. Death is five times more likely in girls under 15 as it is in girls over that age. The children are often born sick and have a 60% greater chance of dying in their first year than babies born to older mothers.

Obviously very young mothers have limited access to education as they are laden with housework, giving birth and caring for children.

- The EVAW Law criminalises prohibiting a girl's access to education
- Education is a universal right under the constitution, but implementing the law has proved very difficult where tribal customs decree that women will devote all their time to being stay at home wives and mothers.

Only about 18% of women confess to knowing of another woman who has suffered domestic violence, but the number of women who run away or are physically abused to the point where they need treatment, or are killed, reveals that victims are maltreated in private and suffer in silence.

Factors that increase a woman's risk of experiencing domestic violence are

- polygamous marriage,
- living in rural communities or communities under Taliban control and
- living where there are strict perceptions of gender roles.

Factors that decrease domestic violence include

- the employment of both spouses,
- consensual marriage,
- literacy of both men and women,
- living in urban communities,
- enjoying economic stability and
- perceptions of equal gender dignity.

Afghan women can separate from their husbands if their husbands harm them during intercourse, making continuation of intercourse between them impossible. If the couple do not get along well, the court has the right to issue a separation order. While I was in Afghanistan, I met a cousin of Nouria's, a woman who is a Family Court judge. I asked her what kind of cases she heard and she said, everything from a trivial complaint over a husband giving a wife a bracelet she didn't like to domestic brutality. I can't imagine any woman in the west complaining about a bad bracelet as grounds for a divorce, but an injured child might use the excuse as a cover for something much more dire. On the other hand, a selfish, undereducated spoilt girl might do it, too, because she was unhappily married and wanted out.

For all the provisions of the EVAW Law, reported violent crime against women reached record levels last year. They were up 28%. Maybe it was due to increased reporting, but the chair of the Afghan Independent Human Rights Commission, Dr Sima Simar pointed out that it was happening during the withdrawal of US and NATO troops and with them went the reconstruction teams and NGOs whose presence had formerly shielded women from harm. Sima Simar, reported that the violence of the attacks greatly intensified in 2012 during the lead-up to withdrawal.

- Women had had their noses, lips and ears cut off and there had been public rape.
- The Elimination of Violence Against Women Act had only been invoked in 17% of reported cases,
- that is to say of 650 reported cases, the law was applied in only 109.

WOMEN'S SHELTERS

BY March 2011, there were 14 independently run women's shelters in Afghanistan providing sanctuary, education and legal assistance for women and girls fleeing sexual and physical violence and forced marriage, but a woman who runs one of these shelters in Herat, cited recent cases of women being publicly stoned as Afghan troops looked on. The regional warlords are obviously reasserting their dominance and the women have had to fight very hard to hang on to the independence of the shelters, especially after an attempted government takeover in 2011.

BURNS

Also in Herat, the burns unit in the Herat hospital reported a record number of admissions of women who had tried to self-immolate. Relatives of these women tried to gag the head of the burns ward from

speaking out. Several women have died grotesque and horrible deaths either through suicide or at the hands of their relatives.

The UN has made numerous recommendations to strengthen the protection of Afghan women, but, in the fading days of Karzai, the political will is lacking. According to the UN 87.2% of women have suffered ongoing violence of one sort or another, be it physical, sexual, psychological economic or social.

THREATS TO EVAW

The EVAW law, although passed by Karzai, was never ratified by parliament, where several members claimed it was un-Islamic. The Loya Jirga then drafted a law barring a woman's relatives from testifying in any criminal case involving violence. Karzai insisted that the draft be altered before being passed into law, and so it was – now, with the exception of the spouse, relatives can give voluntary testimony. In a country where traditional practice can demand the killing of traitors within a family, this will make it very difficult in most cases to bring about an action on grounds of abuse.

POLICE FORCE

Only 1% of the police force is made up of women. In 2008, Afghanistan's most senior policewoman, Malalai Kakar was gunned down by assassins. Last year Police Lieutenant Negar was the victim of a motorbike slaying. Another Afghan policewoman was assassinated in a drive-by shooting in Pakistan earlier this year. The UN keeps urging Afghanistan to strengthen its female police force, but nothing has happened so far.

PROMINENT WOMEN ASSASSINATED

In recent months, Hanifa Safi from the Ministry of Women's Affairs was shot dead, and her successor, Najia Siddiqi was assassinated in a car bomb explosion.

BACKWARD STEPS

Women continue to be killed by their partners, relatives, security personnel, armed groups and the Taliban.

The government has just reduced the quota of elected seats in the parliament reserved for women from 25% to 20%.

Less than 2% of women own land in Afghanistan, which is another measure of their lack of power.

With the elections for a new president due next month on April 14th, things are going backwards.

KARZAI AND THE FUTURE

Karzai is clearly afraid to act and his authority is being called into question. He has refused to sign off on the security agreement with the United States that would guarantee the safety of the peace keepers and reconstruction teams who were supposed to stay behind to protect the country after the withdrawal of the US troops. He says there will have to be a peace process with the Taliban put in place first. There are only a couple of weeks to go and without a signature, the US is threatening to remove all its personnel. This would leave women very exposed, but it seems unlikely that Karzai will sign. He will leave it to his successor.

We have to hope that his successor is not assassinated. At the moment, it appears that the successor will be either Abdullah Abdullah, who is 53 and a former close advisor to Ahmad Shah Massood, or Asraf Ghani

Ahmadzai, aged 64, with an extensive Western education behind him. Ahmadzai has had cancer and his health is compromised and Abdullah Abdullah is likely to beat him at the polls.

ABDULLAH ABDULLA

He is an ophthalmologist, having had all his education in Afghanistan. He left the country when the communists took over and worked amongst Afghan refugees in Peshawar, Pakistan. He was Massood's foreign minister and minister for defence during the brief tenure of Kabul by the Northern Alliance. The Northern Alliance offered the Taliban partial recognition and tried to manoeuvre them into negotiations. Abdullah stuck with Massood in the northern province of Panjshir during the Taliban regime. Nowadays he sees the Taliban as people who will not negotiate but sees 'lots of possibilities and opportunities that with the help of people in different parts of the country, we can attract them to the peace process; provided we create a favourable environment on this side of the line.' Whatever that means.

Experts on Afghanistan think that the Taliban is not militarily sophisticated enough to take the north of the country, where they are heartily disliked. At most, they could dominate the south. It seems quite likely that they will dominate the south and so the next leader will have refractory tribes people to deal with there.

Over all, the situation is very dicey for women, not to say the whole country, right now.

One thing seems certain, the Taliban are not going to come with smoking bark to ask favours of the next government, although the government

might be prepared to reassure them by drinking from the cup of peace before they offer it to these heretofore intractable people.

We can only hope that some lessons have been learnt by the Taliban in their years of intransigent attempts to dominate Afghanistan. Illiterate, unsophisticated people cannot hope to run a country – the upper echelons of the Taliban must know that by now. The people won't give in to them. The people's power lies in their better grasp of world affairs, in their education and desire for peace.

Thank you for listening.

- Sally Morrison

Refs

Much of this data comes from the Internet, but it is backed up by personal experience and from what I experienced when visiting the country.

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