

*The following chapter is from Pt IV of “The Afghanistan Conflict and Australia's Role”  
Edited by Prof Amin Saikal (Published by MUP June 2011)*

## **Prospects for Women: Gender and Social Justice**

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*“Women in my country are like shoes – they have no value.”*

*– Mahboba Rawi, founder of Mahboba's Promise*



### **Preamble**

Television journalist Jamila Mujahid will never forget the day she broke the biggest story of her life. And she did it wearing her bedroom slippers!

The city of Kabul had been under heavy fire for days, and the Taliban were weakening. Finally on the 13<sup>th</sup> of November 2001 they succumbed, and before dawn truckloads of Taliban fled the capital.

Later that morning a fierce gun battle with the remaining hardliners ended in a bloodbath, with Taliban bodies splayed on the street. When the shooting stopped Jamila ran out of her home and raced through the streets in her Burqa and slippers. She made it to the studio just in time to become the first woman on-air to announce the fall of the Taliban and “freedom to the people of Afghanistan”. For the women of Afghanistan it was a stunning moment, ripe with promise. Later, the prize winning journalist told writer Sally Armstrong, “I never thought a time would come when I would be reading the news again”.<sup>[i]</sup>

The US flag was raised with much fanfare outside the Embassy in Kabul and George W Bush claimed “Today women are free!” World leaders, including Australia’s then Prime Minister, John Howard, quickly joined the chorus, declaring the liberation of Afghanistan’s women. It was a grand and clever ruse.

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Nearly nine years and several hundred billions of dollars later, the fighting continues, and the women of Afghanistan are not ‘free’. So what has the international community really achieved for Afghan women beyond a plethora of glossy reports that trumpet ‘gender mainstreaming’? Women’s quotas have been agreed, numerous pledges and treaties signed, and the promise of equality enshrined in the constitution. But how fragile are these gains? And why does the gender social justice ledger remain so unbalanced?

Afghan women activists working at the grassroots are straddling conflicting preoccupations – their deep fear of abandonment by the international community, and their need for autonomy and self determination. This paper will examine that conflict by sharing the thoughts, words and fears of some of the brave young women at the forefront of Afghanistan’s emerging women’s movement

## **Gender**

Just as democracy is new to much of Afghanistan’s young population, so too is the concept of ‘gender’. The word itself does not have a direct translation into Dari or Pashto.<sup>[ii]</sup> However the term ‘jensiyat’, or ‘sex’, is increasingly used interchangeably with ‘gender’.<sup>[iii]</sup> As one Afghan women’s activist put it,

“In Afghanistan, no-one asked what gender means. The word, it is different everywhere. For

us it is important to know and to find out for ourselves what gender means in Afghanistan”.

[\[iv\]](#)

Although clearly a favoured buzzword in the post-2001 Kabul lexicon, at both political and civil levels, there is nevertheless considerable confusion about the meaning of ‘gender’, as distinct from ‘women’. [\[v\]](#) The theoretical notion of ‘gender’ in terms of sets of behavior that determine how the different sexes relate to one another in certain social contexts, and how gender behavior can be learned and modified, is not commonly understood.

But that confusion hasn’t stopped what Professor Deniz Kandiyoti aptly calls the “gender chatter”. [\[vi\]](#) The proliferation of reports, analysis and commentary about ‘gender’ emanating from Afghanistan is both excessive and indulgent. With poor co-ordination between agencies - many fuelled by various and competing donor agendas - research output is marked by repetition and overlap. None of which would matter greatly if the result of such energetic focus on ‘gender’ was an improvement in the lives of Afghan women, and their relationships with men. But that hasn’t been the case. Outside Afghanistan our understanding of the lives of Afghan women has been largely reduced to crude stereotypes; with the image of the blue burka ‘victim’ powerfully deployed in the propaganda war waged by the US and its allies.

While ‘gender mainstreaming’ has readily been adopted by the Afghan government as its “principle strategy for promoting gender equality” the concepts of both ‘gender’ and ‘mainstreaming’ are struggling to penetrate. [\[vii\]](#) Why that’s the case - is beyond the scope of this paper, but it’s important to understand that in the context of Afghanistan and the efforts to rebuild a society traumatized by both war and some of the cruelest patriarchal regimes on earth, the term ‘gender’ is used loosely to simply refer to ‘women’. As the head of an Afghan NGO put it - people talk “gender”, but work for “women”. [\[viii\]](#)

With the woman’s movement in Afghanistan in embryonic stage – and a long way off emerging as a fully formed and coordinated social movement – the issue of how to bring men into the ‘gender’ picture has unfortunately been sidelined, for now. But this is hardly surprising. In a nation that has ignored and bartered women’s rights for so long, it is no wonder that the singular needs of women demand the full focus of attention right now.

To that end, this paper is less about ‘gender’, but rather ‘women’ and their struggle for equal

opportunity and social justice.

## Women

Women are the battlefield in Afghanistan: their rights, freedoms, control and ownership over their bodies, and their honour, have all been subject to a brutal tug-of-war throughout much of Afghanistan's modern history. The World Bank Report of 2007 lamented the impossible burden Afghan women are forced to carry as both the symbol of family honour and the embodiment of national honour: 'Gender has thus been one of the most politicized issues in Afghanistan over the past 100 years.'[\[ix\]](#)

But no other conflict has pitched the status of women as pivotal to its success as much as this one. From the outset, the liberation of women has been a rally cry from George W Bush and echoed on cue by world leaders. While some western commentators were alarmed by what appeared to be the Republican President's 'sudden feminist conversion', it was nothing of the sort. Rather, positioning 'brutalized' women as 'victims' in desperate need of liberation was a powerful and vital PR counterpoint to the costly demands of the military operation. And for awhile it worked.

Back in November 2001 Laura Bush, the then First Lady of the United States, made an unprecedented and impassioned national address to tens of millions of Americans with these opening words:

"I'm delivering this week's radio address to kick off a world-wide effort to focus on the brutality against women and children by the al-Qaida terrorist network and the regime it supports in Afghanistan, the Taliban."[\[x\]](#)

She told the audience that "The brutal oppression of women is a central goal of the terrorists", and went on to outline a shocking and bleak Afghanistan where women weren't allowed to work, laugh, or wear high heeled shoes, and had their fingernails pulled off "for wearing nail polish".

Suddenly - despite ignoring the plight of Afghan women for the past decade - the world got very interested. There were even tearful Oprah Winfrey moments, with rapturous applause from the audience as the powerful television star unveiled - 'live on-air' - a burka clad woman from RAWA, the Revolutionary Association of Women. Around that time Laura Bush jetted off to Kabul to chair

the inaugural US-Afghan Women's Council

Initially, this focus on the women of Afghanistan, and their painfully difficult lives, served a two-fold purpose. It gave the US and Coalition forces the appearance of a powerful, media friendly motivation for waging such a costly war. And it helped provide an emotional '*cause célèbre*' to temper the general public's moral anxiety over engaging in war.

There have been numerous media and politically stage-managed examples of how the Western public has sought to absolve its 'moral anxiety' by doing good deeds for the 'helpless' women and children of Afghanistan. One such cringe-worthy example was highlighted in the documentary film *Honeymoon in Kabul*, televised on the ABC in late 2009.<sup>[xi]</sup> In the film an Australian couple naively attempts to extend the hand of friendship and goodwill to the feisty young Afghan MP, Malalai Joya. They deliver a bag of clothing for "needy women", enough for "maybe ten mothers", and want to film Joya gratefully receiving the gift. Understandably Joya is offended and accuses the gift-bearers of simply wanting to "advance their own publicity". The colonialist overtones of their action is completely lost on the couple, and they fail to understand their translators explanation that Joya "is almost right".

Like many women leaders in her country, Joya has seen numerous offers of support and sponsorship for Afghan women amount to nothing. Her war weary rejection of Australian patronizing – and a bag of clothes – is both understandable and instructive.

However, in stark contrast with many other women activists in Afghanistan, Joya sees no value in the presence of foreign troops, and has travelled the world campaigning to get them out. She has strongly argued that democracy, human rights, and most importantly women's rights, can only be fought and won by Afghans alone. In a nation where the veins of pride run deep and the blood thick, it's a sentiment other women activists share. However - for now at least – the vast majority of women connected through the Afghan Women's Network (AWN) are anxious to see the international community maintain a leading presence in Afghanistan, and a direct investment in the country's welfare.<sup>[xii]</sup> Put simply, it's a matter of 'while the troops stay, the world watches'. And there is no doubt that being in the global spotlight has helped Afghan women muster unprecedented support, strength and voice.

## The Activists

In contemporary western circles Orzala Ashraf is what many would call ‘a change agent’. She lives and works in Kabul with the knowledge that she is on a local ‘hit list’. “I’m an activist, so I’m involved in the political process and reform so people here are not happy with what I’m saying”, she says. [\[xiii\]](#)

Ashraf is a board member of the Afghan Women’s Network (AWN), and runs an NGO called Humanitarian Assistance for the Women and Children of Afghanistan (HAWCA). She founded HAWCA ten years ago, when she was just 22 years old and living in a Pakistan refugee camp. The story of how she made numerous risky trips over the border and into various parts of Afghanistan, to set up an underground system of home schooling for women and girls, is heroic by Australian standards. But as Ashraf explains it, women were engaged in all sorts of underground activities during the Taliban regime. She says the females she helped educate were incredibly determined to learn, despite it being forbidden at the time. “Even if I was to lose my life in this area, I didn’t mind, because it was worth it”.

Since the fall of the Taliban and freeing up of inhumane restrictions on women, Ashraf’s organization has established a number of women’s programs, including health training; a safe-house for women at risk of violence, based in Kabul; and a legal-aid and counseling centre for women in Herat. She says she’s been able to do this as a direct result of financial sponsorship and grants from international NGO’s.

The fact that this young activist knows she’s is a marked women, on a ‘hit-list’, hasn’t stopped her from forging ahead. But that’s not to say Ashraf doesn’t live in fear. She does. Despite a large foreign troop presence in her home town, and the promise of democracy, Ashraf says it has once again become unsafe for women to leave their homes:

“I don’t believe we are in a post-conflict situation. There has been a deep Taliban return. There are criminal activities around the country and a presence of mafia who are not happy with the democratic process. There has been a return to insecurity, and absence of rule of law, just like the Mujahedeen times. I don’t feel safe when I go out of my home, even living in Kabul. Every night, every day, every minute that I am out in the city, I wait for an

explosion to happen next to me.”[\[xiv\]](#)

A couple of days after that interview was recorded, a major explosion did rip through a section of Kabul city, just outside the Indian Embassy. Seventeen people were killed. Fortunately, Orzala wasn't one of them.

A few hours after that bomb blast another young women's activist, Mary Akrami, was sitting alone in her college room at Columbia University in New York. Akrami had just done a whirlwind four day trip to Washington DC, to lobby whoever would listen. On a short study sabbatical in the US, Mary had promised her family and friends in Kabul that she'd get some rest while in the States. Instead, here late at night, she found herself searching the internet for news of the Kabul bombing, which had taken place just near her home. Although there was gruesome footage on YouTube and alerts on Twitter, she couldn't find any news on mainstream media websites. Sounding tired, exasperated and close to tears, she said “A dog or cat dies in this country (the US) and they put it on TV. And yet no-one knows or cares about these people killed today in my country”.[\[xv\]](#)

Compassion fatigue in the West is a hard thing to explain to deeply committed Afghan women activists like Akrami, Orzala Ashraf, Sydney based Mahboa Rawi, Malalai Joya, or to the many others like them who continue to risk their lives, working selflessly and tirelessly to try and make their country a safer, fairer place for women.

Security is the primary pre-occupation in Afghanistan for everyone right now - men and women. But as the prospect of peace moves further out of reach and lawlessness increases, it's not just physical danger that threatens the women of Afghanistan - it's abandonment. As the world gets weary of this fight, and Australia and her allies agitate to withdraw and 'leave it to the locals', it is the women of Afghanistan who have the most to lose.

To suggest that 'gender mainstreaming' has done its job, and that the formal legal and constitutional apparatus is now in place to support women's rights and freedoms in Afghanistan, is not only misleading but also deeply insulting to the intelligence of Afghanistan's women. And it is choosing to ignore one of the reasons why Australia apparently went there in the first place.

## The Data

For a western woman on the outside looking in, Afghanistan is utterly bewildering. The first thing to strike a new visitor is the number of burka clad widows so desperate for a hand-out they will squat, or lay down, on dirty, dangerous roads. Veteran visitors to Afghanistan tell me this is a relatively new phenomenon, and that women began begging like this only in recent years. But of course, with the imposition of a western style democracy, things have changed in Afghanistan. Now women can freely exercise their democratic right to beg.

Just about every piece of social data coming out of Afghanistan – that hasn't been wilted and watered down to avoid scaring off the donors – is bleak, and getting bleaker. The recent UN data, the *2009 Human Development Index*, is a composite measure of wellbeing looking at health, education, income, and living standards. It ranks Afghanistan 181 out of 182 countries [\[xvi\]](#).

Similarly, the UN's *2009 Gender Development Index* ranks Afghanistan as the second worst place in the world in which to be a woman [\[xvii\]](#). It's a shocking assessment, but one with which the Afghan Ministry of Women's Affairs appears to agree. The opening words of its much heralded *National Action Plan* state, "The Women of Afghanistan are among the worst off in the world, both in comparison to Afghan men and with women of most countries" [\[xviii\]](#). That document was published in late 2008, some seven years after NATO and the US led coalition – involving over 40 nations – sent troops and aid agencies into Afghanistan.

So what happened to George W Bush's 2001 claim 'Today the women are free'? How can the women be free, and yet Afghanistan remain one of the most wretched places in the world in which to be a woman?

It is almost nine years since this conflict began and yet the latest statistics out of Afghanistan give no reason to believe the basic tenets of social justice – equality and human rights – have made any penetration into women's lives at all.

- Over one million women in Afghanistan are widows, with no regular income support. [\[xix\]](#) With an average age of 35, Afghanistan has one of the highest rates of widowhood in the world. Around 94 percent of widows can't read or write.

[\[xx\]](#)

- Close to 25 percent of the population has no access to health services, the majority of them women. In the southwest that figures climbs to a staggering 93 percent of women. [\[xxi\]](#)
- There is just one doctor for every 100,000 people, and one hospital or clinic bed for every 300 people in need. [\[xxii\]](#)
- A massive 70 percent of tuberculosis victims are women. [\[xxiii\]](#)
- By the time you finish reading this paper one *more* woman will have died from childbirth or pregnancy complications: one dies every 29 minutes. That's 48 women a day dying from reproductive problems. [\[xxiv\]](#) That's 17,376 deaths this year. According to the Afghanistan Independent Human Rights Commission, 80 percent of those deaths were preventable. This is a human rights scandal.
- Between 70 to 80 percent of females submit to forced marriages, and over half the female population still marry before the legal age of 16. [\[xxv\]](#) In anecdotal evidence, women rights activists speak of young girls being sold in marriage as soon as they begin menstruating: which can be as young as nine years old. One Afghan activist told me of a family she knew who promised their 3 year old daughter in marriage, in exchange for a dowry of food.
- Domestic violence is endemic in Afghanistan. According to the Afghanistan International Human Rights Commission (AIHRC), family violence affects the majority of women in rural and urban areas, with Commission data suggesting 50 percent of the female population experience beatings. [\[xxvi\]](#) One UK NGO report suggests the number of women affected by domestic violence is as high as 80 percent. [\[xxvii\]](#)
- With a worsening security situation, a growing culture of criminal impunity, and weak law enforcement, the violent death of women, self-immolation and suicide is on the rise, particularly in the western and southeast parts of Afghanistan. [\[xxviii\]](#)
- Around 85 percent of all women and girls are illiterate. [\[xxix\]](#)
- Schools for boys still massively outnumber schools for girls. In the last few years several hundred schools have been bombed or burned, and teachers killed. Very few are being rebuilt. And according to a UNAMA report from mid 2009, schools for girls are under increasing attack. [\[xxx\]](#)
- The United States Military is currently spending \$36 Billion dollars a year in Afghanistan, or \$100 million dollars a day. International donors are spending \$7

million dollars a day in aid, which is considered “woefully inadequate”. Nevertheless, a staggering amount of money is being poured into the country, and yet the majority of women still do not have access to clean, running water, fresh food, and basic sanitation facilities such as a clean toilet. Poverty remains endemic. [\[xxxix\]](#)

- Thanks to the 2004 Constitution and gender quotas, around 27 percent of seats in the Loya Jirga are held by women, which, interestingly, puts Afghanistan in the world’s top 20 nations for female parliamentary representation. But according to the AWN, only 10 to 15 of the 68 women in the lower house actually speak out on women’s issues, and only 5 are committed activists for women’s progress. Each of those women live under the cloud of death threats.
- Despite parliamentary gender quotas and efforts to increase women’s political participation, millions of women didn’t vote in the August 2009 elections. Millions of them simply couldn’t.
- UNIFEM’s last survey on social attitudes showed 87 percent of Afghans’ believed women needed a male relative’s authorization to vote. Over a third of women said they’d never get that permission. [\[xxxix\]](#)
- With the IEC struggling to recruit enough female staff to manage polling booths during the 2009 Presidential and provincial elections, a total of 3,504 booths for women were managed by men. [\[xl\]](#) (AIHRC-UNAMA).
- A total of 430 women’s polling booths didn’t even open. [\[xli\]](#)
- Insecurity was a major factor in the very poor female voter turnout in 2009, as the female vote was far higher in 2004 and 2005. [\[xlii\]](#) This is yet another sign that things are worse – not better – for the women of Afghanistan.

## Security

Despite the deployment of over 100,000 troops from around 40 nations, the women of Afghanistan know they are not safe. Orzala Ashraf certainly isn’t the only one who knows she’s on a ‘hit list’. Every Afghan woman who gains a position of public profile, be it through her work as a journalist, broadcaster, teacher, police chief, politician, provincial governor or activist – continues to live in fear for her life. Women in each of those fields have been assassinated in recent years. Malalai Joys says she’s escaped four assassination attempts, and she knows there will be more.

Palwasha Hassan is another savvy young Afghan activist in her late 30's who is well aware of the dangers of her work. As a director of the organization 'Rights and Democracy' in Afghanistan, she has been instrumental in pushing for family law reform. She's has been particularly vocal over the controversial Shia Personal Status Law. As for her own personal safety, Hassan, like many of the women interviewed for this paper, seems resigned to her fate. But she views the increasing attacks on women in public positions as far from random:

“A woman in Afghanistan must pass several hurdles to reach a certain place. When you kill one of those women, there are bigger hurdles for the next woman to take her place. Her family will be telling her, no, don't go there, because this is what will happen to you.”[\[xxxvi\]](#)

Hassan says the targeting of women in this way shows “very strategic thinking”. So much so that she's not sure it is the Taliban who is responsible for the attacks on women. “It is very sophisticated for them to think like that, so I think this could be beyond the Taliban.” The popular Tolo TV presenter Shaima Rezayee made a similar point before she was gunned down in 2005, at just 24 years old. “Things are not getting better”, she is reported to have told a journalist, “we have made some gains, but there are a lot of people who want to take it all back. They are not even Taliban. They are here in Kabul”.[\[xxxvii\]](#) Whoever it is responsible, their message is getting through loud and clear – women have no place in public life.

Wazhma Frogh is the recipient of the US State Department's 2009 International Women of Courage Award. She is 29 years old and well aware that there's a price on her head. A prominent social activist and the Afghanistan Director of 'Global Rights', Frogh's voice has been widely heard. She has met with Hilary Clinton and Michelle Obama. In 2008 she took on George Bush, “I literally fought with President Bush when I met him”, she says. “We had a fierce discussion on Afghanistan”. But far from blaming him for his apparent ignorance, Frogh says “It was really hard for him to understand, because the people he's been talking to are not the ones who really know what is happening at the grass roots”.[\[xxxviii\]](#) It's not George W Bush she's worried about, it's the Taliban. Like many Afghan women's activists, Frogh is deeply concerned that an international withdrawal will result in a Taliban return.

“Imagine how they would treat someone like me who has been so much against them. Someone who has really been trying to connect Afghan women with the rest of the world.

Of course they would not leave me alive for a minute. And similarly the other women. They are crazily desperate to harm the world. And of course women will be the first ones who would be the victims of the chaos that will happen in Afghanistan if the world leaves us”[\[xxxix\]](#)

Interestingly, despite the dangers and their fears of deteriorating security, none of these young women intend to flee Afghanistan. When Mary Akrami was asked why she doesn’t just pack up and leave, she struggled to explain what she felt was so obvious. “I love my country too much”, she said, “It is just like a mother to me, like a family. It is my dignity. Every human needs that dignity.”[\[xl\]](#)

There is no shortage of passionate and committed Afghan women like Mary Akrami, Wazhma Frogh, Palwasha Hassan, Orzala Ashraf , Mahboba Rawi and Malalai Joya. Despite decades of bloody conflict and the incomprehensible brutality of the Taliban, women have toiled on for years working underground, in refugee camps or from the distance of other nations like Australia – in their tireless efforts to make Afghanistan a better, safer place for women and girls.

### **The ‘Gender’ Promise**

Following the withdrawal of the Soviets from Afghanistan in 1989, the status of women was stripped bare. Political chaos, civil war, continuous warlord terrorism, mujahedeen rule and ultimately Taliban takeover, saw women reduced to little more than domestic chattels and breeding fodder. By the time the world turned its attention back to the battered nation, and international agencies and human rights organizations began setting up base in Kabul, there were few formal or legal frameworks in place that supported social justice for women.

With the establishment of the Afghan Transitional Administration, and under considerable pressure from donor countries, the issue of women’s rights and gender equality quickly become central to nation building efforts - in theory at least. Consequently a mountain of paperwork was produced. Below is a brief outline of the key instruments put in place to advance the status of women in the ‘new ‘Afghanistan:

- **The Bonn Agreement** (5 Dec 2001) pledged to address the “*structural impediments to women’s rights*”. Parliamentary quotas were set; a Ministry of Women’s Affairs

established (MoWA); and amendments to the draft constitution were negotiated.

➤ The **Constitution** (Jan 2004) included an explicit reference to the equality of men and women before the law: “*The citizens of Afghanistan – whether woman or man – have equal rights and duties before the law.*”(Article 22). And Afghanistan pledged to abide by the various conventions and treaties it has signed, including the UN Convention Against all Forms of Discrimination Against Women (CEDAW) (5 Mar 2003).

Interestingly, this takes Afghanistan further than the US, which has signed CEDAW but not yet ratified it. However, ratifying governments are required to submit reports on the progress they have made towards the elimination of discrimination. Afghanistan’s first report was due in 2004. Six years down the track, nothing has emerged. As writer Ann Jones points out, this failure to submit is another “clue to the Karzai government’s real attitude toward women”.<sup>[xli]</sup> It is also worth noting that Afghanistan signed CEDAW *without* reservation; unlike most other states that incorporate *sharia* law, who have insisted on multiple reservations before agreeing to sign.<sup>[xlii]</sup>

➤ **London Conference** (2006). With a commitment to gender mainstreaming – agreement was given to “*recognize in all policies and programmes that men and women have equal rights and responsibilities*”.<sup>[xliii]</sup>

➤ From this emerged the **Afghanistan Compact** and a commitment to fully implement by the end of 2010 – **NAPWA**, National Action Plan for Women in Afghanistan; which includes Afghanistan’s commitment to the MDG – Millennium Development Goals (signed in 2004), incorporating a pledge “*To achieve universal primary education; to promote gender equality and to empower women; to reduce child mortality; to improve maternal health*”. NAPWA is a ten year plan, 2008-2018.

➤ Also approved at London was the **Interim Afghan National Development Strategy ANDS-I**. This included a total of eighteen statements of commitment addressing gender equality. In particular it notes that “*an important precondition for the success of Afghanistan’s development goals is the reversal of women’s historical disadvantage in Afghan society*”

➤ The **ANDS** also includes a Gender Equity Cross-Cutting Strategy (**AGE-CCS**). Apparently this is an over-reaching framework “*to ensure that the overall outcomes of ANDS will significantly improve the status of women and avoid inadvertent negative impacts on their lives*”.<sup>[xliv]</sup>

This is by no means an exhaustive list. In eagerness to prove his government’s ‘gender’ credentials,

it would seem Hamid Karzai has not been shy of paper commitments. He's certainly made plenty of them. But what good is the structural apparatus, the gender roadmaps and frameworks, without the 'will' to institute change? As with any major process of social transformation, the will to bring about substantive change must come from the very top echelons of leadership. Without such will, these glossy reports and paper agreements are destined to become dead words.

Yet, while the Karzai government remains embroiled in a quagmire of bloody power-plays, bitter internal corruption, and lethal warlord patronage, it is unlikely the issue of social justice for women will get any official oxygen. Mary Akrami is blunt about this: "It's clear my dear. No-one listens to women. Believe me!"

### **The Resistance**

Wazhma Frogh believes the concerted push for women's rights to be enshrined in law, and formally acknowledged across all government departments, is being met with strong resistance not just from the patriarchal leadership, but also from young men. She says they are confused and threatened by changes which they perceive to be imposed by the West. Here's how she expressed it:

"There is a lot of resistance within the youth because they believe this is very much foreign led. What they have seen of women is from the Taliban times, when women were not on the streets and not in public or political life. So they think this is a foreign thing. They also think that we are taking their space. We are taking their rights. For example when we talk about affirmative action within the civil service they think it's because we are taking over.

This is seen as a western thing most often because we are new to democracy. Democracy is new to us. The idea of women within the government, women in the political arena, these are very new for us."[\[xlv\]](#)

The UN Research Institute for Social Development suggests the cross-currents of traditional culture, Islam and women's rights – as expressed and understood in the west – are like square pegs for round holes, when it comes to finding the right words for drafting government policy.[\[xlvi\]](#) For example, in the wording of Afghanistan's National Development Framework, the final copy says:

"All programs must pay special attention to gender, and not include it as an afterthought. We

have to engage in a societal dialogue to enhance the opportunities of women and improve co-operation between men and women on the basis of our culture, the experience of other Islamic countries, and the global norms of human rights.”[\[xlvii\]](#)

The three major qualifications here “our culture”, “other Islamic countries” and “global norms”, are open to all sorts of incompatible interpretations: which leaves the commitment to women so broad and vague that it has been rendered quite meaningless.

Perhaps one of the strongest examples of how commitments to gender equality can be contorted - or indeed ignored – in the face of cultural and Islamic practices, is to be found in the vexed Shia Personal Status Law. News of this law grabbed international media headlines in early 2009, when it became known as the “Rape within Marriage” law.

However, a large and strong collective of over fifty women’s groups within Afghanistan worked very hard at reviewing a draft copy of this law well before the rest of the world heard about it. Strategic in their process, the women did a thorough comparative analysis of the law with other Islamic countries. They sent their views to the Religious Commission of the parliament. But according to Wazhma Frogh, who was at the forefront of this collective, they weren’t taken seriously.

Refusing to be rebuffed, the consortium then produced a set of amendments and lobbied right to the top. Frogh led a women’s delegation that met with President Karzai, on three occasions within one week, to discuss their concerns and suggested amendments. He listened to them, thanked them, and then went ahead and signed the law anyway.

It was only after considerable international pressure that Karzi agreed to a ‘review’. Then, as the world later learned, he ignored much of the review and had the law secretly gazetted in late July, before the Presidential election and in time to appease the powerful Shia Clerics, who command a swath of votes.

Four key issues that the woman had lobbied against remain in the final document and have become law. These include:

- Sexual obedience: a husband has the right to withdraw basic maintenance

from a wife if she refuses his sexual demands.

- Guardianship of children goes to fathers and grandfathers.
- A woman requires permission from her husband to work.
- A rapist will avoid prosecution if he pays ‘blood money’ to the family of a girl injured in rape.

Human Rights Watch echoed many international organizations when it called the Shia Personal Status Law “barbaric” and “an unthinkable deal to sell Afghan women out”.<sup>[xlvi]</sup> Former US President Jimmy Carter weighed in, publishing a statement that declared “The justification of discrimination against women and girls on the grounds of religion or tradition, as if it were prescribed by a Higher Authority, is unacceptable”.<sup>[xlvii]</sup>

Some Karzai defenders have tried to excuse the President’s ratification of the Personal Status law by arguing that it only affects 10-20 percent of the population. Of course that is not the point. Why enshrine women’s equality in the Constitution if the President and Government choose to ignore it? And what is the point of signing and ratifying a number of international treaties and conventions – when there is no official process for monitoring adherence to those obligations, and no punishment for failure to comply?

Tragically, one of the official obligations most ignored is the *Protocol on the Elimination of Forced and Child Marriage*, which was signed on the 24<sup>th</sup> of November, 2005. This includes a pledge by the government of Afghanistan to ‘aim’ to eliminate child and forced marriage by 2008.<sup>[i]</sup> The legal age of marriage is 16. But according to UNIFEM research, conducted in collaboration with MoWA, it’s believed 57 percent of girls are married *before* they reach 16.<sup>[ii]</sup> And 70-80 percent of marriages are forced.

There is a desperate need for an overhaul of family law in Afghanistan, and many women’s groups are working on this. But the clash between cultural practice and a lack of clarity in current law makes progress painfully slow. Wazhma Frogh believes law governing the legal age of marriage has deliberately been left open in order to accommodate harmful, traditional practices. It allows for ‘extraordinary circumstances’ where the age of marriage is left up to a male guardian to decide. She says:

“Then of course everyone can make every marriage an ‘extraordinary circumstance’ so that the guardian can marry off a minor. I have seen a child of 3 years old given in marriage. I am hesitant to call it ‘cultural’, it is more economical. Marrying off a young girl can be a means of earning food for the family”.[\[lii\]](#)

The AIHRC insists forced marriage is still considered one of the main violations of women’s rights across the country.”[\[liii\]](#) The practice of ‘badal’ – where girls or woman are exchanged to settle feuds or a debt – is still in practice. But even more common is the economic imperative and the attraction of a large dowry of money or provisions.

The law governing female runaways is also unclear according to Orzala Ashraf. Her organization, HAWCA (Humanitarian Assistance for the Women and Children of Afghanistan), opened its first shelter for women in Kabul in 2004. It’s been full ever since, and is one of only seven women’s shelters across all of Afghanistan. Currently, if a woman attempts to escape family violence and abuse, it’s most likely she’ll end up in prison. Which is hardly a place for a battered woman. Orzala says:

“The law is not very clear about this. So we went to the government and we said ‘where in our laws does it say that a woman who is running away from violence must be put into prison? These women have no mechanism to protect themselves.’ But you know what? Most of them are in prison simply because there is nowhere else for them to go.”[\[liv\]](#)

### **The Seeds of Change**

While laws still fail women in Afghanistan, and the political will to implement gender pledges remains appalling weak, social justice and equality will remain the stuff of pipe dreams. However, the seeds of change for women have been planted around the country, and they are beginning to germinate - despite the incredibly tough odds.

The greatest change in Afghanistan post 2001 has been the mobilization of women. Palwasha Hassan, who in addition to her role with Rights and Democracy is also founder of the Afghan Women’s Education Centre (AWEC), puts it like this:

“While conflict brought devastation to human life, and breakdown of the social and

traditional systems of support, many women believe that it also brought new skills, knowledge and raised awareness through experiencing hardships. And this exposure has led to women seeking an alternative.”[\[iv\]](#)

During 2009 there were three remarkable examples of women not only seeking an ‘alternative’, but taking collective action to bring it about.

The first was the mobilization around the Shia Personal Status Law, as discussed earlier. This saw a number of women’s groups working together strategically to lobby for amendments to that law. Their preparation was meticulous, and their methodology well refined.

The second example of women’s collective strength drew scant media attention. And yet it was evidence of a growing desire by Afghan women to participate as political players. With just six days to go before candidate nominations closed for the provincial council elections, the Independent Electoral Commission (IEC) Deputy Chief Electoral Officer, Zakria Barakzai, noticed that only 30 women had been nominated. This was way short of the 124 reserved seats for women. He put the word out to women’s groups and networks to encourage women to come forward. There was a massive push, right through every province, supported by the IEC and various stakeholders. With surprising speed women heeded the call. By the end of that six day period there were 328 female provincial council candidates vying for those 124 seats.

The third and perhaps most stunning example of women’s mobilization took place in Kabul, just weeks before the elections. The AWN, with the support of The International Foundation for Electoral Systems (IFES), called on women from all over the country to come and join the *5 Million Women Campaign (5MWC)*. The idea, conceived by the AWN, was a grand push for political engagement with women on the periphery. The audacious figure of five million represents 80 percent of the female voting population. An extensive word-of-mouth campaign spread through the provinces, calling on women to come to Kabul on the 4<sup>th</sup> of August 2009, to the Loyga Jirga tent, to share their stories and help unite women ahead of the elections.

On the night before the big event organizers were horrified by a series of rocket attacks in Kabul. They feared this timely reminder of the danger and volatility of the capital would keep most women away. As they were setting up early the next morning, they didn’t know if they should put out 20 chairs, or 200. Wazhma Frogh was one of the chief organizers. This is how she describes it:

“We were so worried. We thought the rockets in Kabul would stop them. But then we saw them coming, and they just kept coming. We couldn’t believe it. Some had come from the very far north and travelled on the road all night. It was huge. We had more than 1500 women in that tent. Oh, we cried so much. We had only three women parliamentarians. And when we had the first speech I could see that some of the women were not understanding what we were talking about. So when I spoke I made it very simple, because I understood these were household women. Some of them came to the stage and talked about their experiences. It was amazing”.[\[lvi\]](#)

After that historic inauguration of the 5MWC, women from 16 of the provinces represented held further rallies back in their home towns.

The women behind the 5MWC are all in their 20s and 30s. They are the ‘war generation’, born during a time of seemingly endless bloody conflict and warlord brutality. As young girls they learnt from an early age to keep their heads down, and their mouths shut. Prior to 2001, a women’s rally like this was simply unthinkable. Frogh could barely contain her emotion as she told me, “We have never had this kind of public space before”.

### **Abandonment**

There is no doubt the landscape is shifting in Afghanistan, and advances towards social justice for women have been put in motion. But these gains are extremely vulnerable in the absence of security. And this is what worries women most. Without a peaceful, secure environment, and without a government that can enforce the rule of law – which the current Karzai government clearly can’t - the myriad words about women’s equality remain hollow. All the new ‘equity’ platitudes enshrined in the constitution, and the numerous gender targets and ‘action plans’ agreed to by government will amount to nothing, if the international community packs up and leaves before peace is secured.

With the exception of Malalai Joya, each of the Afghan women interviewed for this paper has spoken of her deep fear of abandonment. “In eight years we have been standing on someone else’s feet”, says Wazhma Frogh, “Of course if those feet pull out from under us now, we will fall over”. Frogh says it pains her to learn that public opinion is turning against the war in Afghanistan. She

questions the integrity of people in the US, UK and Australia who are calling on their governments to pull troops out of Afghanistan. “Wasn’t this war about ‘the principle’? Don’t they care about human rights anymore?” she says.

Like many of her female activist colleagues, Mary Akrami believes women will be the first victims of the chaos and civil war that will ensue if troops withdraw too soon. And she is in no doubt as to who will fill the power vacuum. “Look at all the international troops in Afghanistan now, and yet still the Taliban is getting stronger ever day”, she says, ”Why do they not see that? Why do they not understand?”

In addition to her work with Rights and Democracy in Afghanistan, Palwasha Hassan also runs the Afghan Women’s Education Centre, which has educated more than 10,000 women and girls since 2001. She says it’s become increasingly evident, through the work of her agency, that even small changes for women in Afghanistan are having a positive effect on female confidence and sense of self-worth. But these are fragile gains, easily dissolved if support structures are dismantled prematurely.

“If you leave us at this time, we will fall back. Afghanistan is a proud nation, we always wanted to be on our own. This was the first time in history that we asked the international community to be there to support us.”[\[lvii\]](#)

The fear of abandonment is pressing and complex. While each of the women activists interviewed for this paper work within organizations that have received various levels of international donor support, their desire for Afghanistan’s autonomy and self determination remains without question. Orzala Ashraf sums it up like this:

“In my opinion, a withdrawal of troops now will return us to civil war. And of course, [being] the most vulnerable group, women and children will be the first victims. But it’s ironic. Afghan’s cannot be saved by outsiders, but rather only by Afghans themselves. And Afghan women cannot be liberated by any outside force. The true liberation can only come when we as an Afghan nation agree on women and men’s equality throughout law, politics, education, everything. Thank God we now have guarantees of equality in our laws. But we can only implement these things with the support of a strong government who is serious and uncompromising when it comes to the rule of law. My greatest fear now is a possible

compromise with the Taliban and a return to civil war.”

Ashraf concluded the above interview by saying “This is my first conversation with an Australian”. Then she added a question of her own “Do Australians care about Afghanistan? Do they care about this war?”

It is a question some of the 15 million women and girls in Afghanistan have a right to ask. And they have an urgent and real reason to want to know the answer.

*Virginia Haussegger 2010*

## ENDNOTES:

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