

# The Status of Women in Karzai's Afghanistan

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The mass media in Canada, including the CBC, rarely provide any coverage to political, economic and social developments in Afghanistan. They have chosen to focus almost exclusively on the state of the military conflict with the insurgency and in particular the experience of the Canadian Forces.

Thus many were surprised in early April when the Canadian media gave some coverage to the new law passed in Afghanistan concerning the status of women in Shia Muslim communities. This story was broken by the British media, right at the time of the top level meetings in Europe of the G-20, the conference on the state of aid to Afghanistan, and the special meeting of NATO. The Canadian media had no option but to pick it up.

Some political leaders expressed shock to learn that the new legislation limited guardianship of children to fathers and paternal grandfathers, that a wife could not leave her house without the permission of her husband, that women could only inherit moveable property, and that the wife is "bound to preen for her husband, as and when he desires." A wife is allowed to work outside the house "unless her work affects the interest of the family in a negative way."

President Hamid Karzai said that he did not see anything wrong with the new law and that the concerns expressed by the international community were based on poor translation or "misinterpretation." The law was passed by the Afghan legislature, which is dominated by members of the opposition United National Front which is contesting the presidential election scheduled for August 2009.

But there was no mention in any of the Canadian media that this new Shia law reflects the general state of women across all of Afghanistan. Indeed, in many Sunni Muslim communities the situation for women is much worse.

All we hear from our political leaders, and read in the Canadian media, is that the lot of women has greatly improved since the days of the Taliban government. But how does life today compare to pre-Taliban periods? Ann Jones, who spent a number of years in Afghanistan working with women's organizations, writes that "Afghan women of the Kabul elite haven't yet caught up to where they were thirty-five years ago." While the politicians and the media boast that five million children are now going to school, they do not mention that this is less than half of school aged children and that less than one-third of all girls are in school.

## Recent surveys

In February 2008 the British group Womankind Worldwide released their latest report on the

status of women in Afghanistan. The most serious problem they identified is the failure of the Karzai government and its international supporters to establish a legal system that actually functions. While the constitution and Afghan law guarantee women rights, they are not enforced.

Today 85% of administered justice takes place outside the official legal system, using Sharia, customary and tribal traditions. For example, Womankind points out that “the vast majority of women in prison are there for zina,” which is for supposedly having sexual relations outside marriage (which includes being raped), for running away from home, or for eloping with a partner to escape forced marriage.

They note that “a culture of impunity reigns around honour crimes... There is a general acceptance in society (and sympathy among judges) of men’s right to murder or harm women to ‘preserve honour.’”

The Afghanistan Independent Human Rights Commission reached similar conclusions in its December 2008 report on Economic and Social Rights. Under the Constitution, girls are not to be married until they reach the age of 16. But 57% of all marriages involve female children under the age of 16. The AIHRC points out that “not one sentence has been issued under this article of the law.”

### **Women as the property of men**

The root of the problem, noted by AIHRC, is that in Afghanistan women are treated as commodities, the property of men. The survey by Womankind found that 60% of marriages are still arranged and enforced by the families involved.

Some practices are hardly different from slavery. It is common for a father to sell his daughter for a fixed amount of goods or cash to settle a debt, a practice which is known as badal. There is also bad dadan, where girls and women are given to settle a dispute between families, often a blood dispute.

Violence against women is widespread. A 2008 survey by the United Nations Development Fund for Women (UNIFEM) found that 80% of this violence occurs within the family. Womankind found that 87% of the women they surveyed had experienced physical and/or psychological abuse. They concluded that “violence against women is an epidemic.”

In March the UN High Commissioner for Human Rights issued her annual report on Afghanistan. It focused on the “deteriorating human rights situation,” made worse by the escalating civil war. But Ms. Navi Pillay also stressed that “Violence is tolerated or condoned within the family and community, within traditional and religious leadership circles as well as the formal and informal justice system – in this regard the Afghan government has failed to adequately protect the rights of women despite constitutional guarantees.” The report cites the “dramatic increase in threats and intimidation against women in public life or who work outside the home.” The rape of women and children remains widespread. A climate of impunity exists because of the refusal of the Karzai government to prosecute perpetrators of past crimes. Indeed, in August 2008 President Karzai pardoned three men who had been found guilty of gang raping a woman in the province of Samangan.

Life expectancy for a woman in Afghanistan is 42. Childbirth remains the main cause of death for women of childbearing age. Afghanistan is the only country in the world where the suicide rate for women is higher than for men.

In the streets in Afghanistan today, the majority of women still wear the burqa. As one woman wrote in Kabul Press: "The Taliban are gone, but the burqa still rules women. This is not just an isolated or a traditional aspect of life in Afghanistan. The burqa is related to the position of women in Afghan society. There is no crucial difference between the Taliban burqa and the burqa that women wear in Karzai's Afghanistan."

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