



## Armanshahr Foundation

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## Political system and social justice; where does Afghanistan stand?

The 69th Goftegu public meeting – a bridge between the elite and the citizens – of Armanshahr Foundation was dedicated to the World Day of Social Justice. The debate, held on 24th February 2011, under the title of "Political System and Social Justice", was addressed by Mr. Mir Ahmad Jouyanda (former MP), Mr. Abdol-zohur Razmjou (deputy president of Paywand Melli – National Unity – Party of Afghanistan), Ms. Massouda Karkhi (MP), Mr. Seifuddin Sayhoun (economics professor of Kabul University), and Mr. Oynaj, researcher of the Research and Evaluation Unit of Afghanistan. More than 110 participants, including civil society and human rights activists, students, and writers attended and representatives of the media (Farda, Ayena, Tolou televisions and Kelid Radio) were also present. Highlights of the meeting:

Ajmal Baluchzada (moderator):

Armanshahr Foundation is the first to welcome the World Day of Social Justice in Afghanistan, which the UN has specified on 20th February. Mr. Jouyanda:

Throughout the history, the people of Afghanistan have always asked how far the political systems have responded to their needs, both when there were no... *Continued on page 2*

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This issue of Armanshahr is dedicated to 8th March, International Women's Day

We wish our readers a Happy New Year 1390

## Monitoring Committee for Resolution 1325

Bashir Payman – BBC



The Civil Society and Human Rights Network of Afghanistan has set up a committee to support and monitor the implementation of Resolution 1325 of the UN Security Council. The committee consists of civil society, human rights and women's rights activists. Resolution 1325 was adopted in October 2000 to underline the rights of women in Afghanistan.

Naim Nazari, a senior official of the CSHRN, says: "The responsibilities of this committee include monitoring and evaluating the work of the government, the civil society and the various civil society and human rights institutions in respect of this Resolution."

The programmes of the committee include informative meetings, offering consultations, and education, initially for 300 women in the Ka-

bul, Parwan and Bamian provinces for at least seven months.

The UN Has welcomed the establishment of this committee. Ms. Ann Fuller, UNAMA Human Rights deputy director, said: We really welcome this very important project and except the Network as well other members of the civil society and the government to endeavour to monitor, implement and support the Resolution 1325.

On the other hand, civil society and human rights activists are calling on the government and the international community not to ignore women's role in peace and security plans. The Monitoring Committee has been established when some civil society and human rights activists believe women play little role in important decisions and accuse the government of failing to comply with the Resolution. For instance, Ms. Sima Samar of the Afghanistan Independent Human Rights Commission has pointed out the small number of women in security forces and their negligible role.

The government authorities says they have tried to increase the women's role by giving them shares in the political programmes. They say there are nine women on the High Council of Peace and 30% of the new MPs are women. [http://www.bbc.co.uk/persian/afghanistan/2011/03/110328\\_109\\_women\\_rights\\_commity.shtml?print=1](http://www.bbc.co.uk/persian/afghanistan/2011/03/110328_109_women_rights_commity.shtml?print=1)

**Political system and social...**

political parties, under the dark dictatorships, and after the fall of the Taliban.

Afghanistan has a presidential political system and the president heads all three branches of the state. The lack of a just system has made it possible to pit the president against the legislature. We saw examples of this recently. However, the powers of all three branches are specified.

The government ought to present all its plans to the parliament, but that has not been done in the last five years. The lack of coordination will persist as long as those three branches of the state do not operate in accordance with the law.

The government has a centralised structure and local bodies do not have much authority. We can leave that behind only if the rule of law is established. Social justice will be achieved when the law is implemented. Under the present circumstances, however, social justice has not been properly implemented.

Massouda Karokhi:

We should first see where Afghanistan stands with all the international aid after 10 years. According to Rousseau in his Social Contracts, every individual grants their right of sovereignty to the ruler to take action for the sake of order in the society. That does not mean that humans will lose their individual freedoms. Unfortunately, after the Bonn Conference, the views of the people of Afghanistan were not taken into consideration, but only the views of four groups of Peshawar, Cyprus, Northern Alliance and Rome were paid attention to. Those four groups displayed their power at the conference and each tried to put their views above all. The result was the establishment of a political system through bargaining and bullying. Then the provisional government took shape and they came to Afghanistan. The people and their vote had no place. There was a contract between the international community and those four groups. The people are still hostage to the groups that attended the Bonn Conference and had the first and final words.

There is a strong relationship between the political system and social justice. Without the latter, we can never have a society in peace, calm and security, progress and civilisation. The political system in Afghanistan has not taken shape on the basis of social justice. That is the origin of all the problems and inequalities. Social justice can exist where rule of law prevails equally for all. The Constitution has referred to democracy and individual freedoms, but they are all on paper.

Mr. Razmjou:

Political structure is a collection of individuals, organisations and departments that work to improve the conditions. It will be possible to have a humane life when there is abundance, humans work as much as they need and receive as much as they need.

Mr. Seifuddin Sayhoun :

Afghanistan is situated within the West's democracy-building policy. Western democracy-building has gone through three stages. In the late 1980s and 1990s, they talked of democracy and human rights. In 2001, Western democracy was put on display in Afghanistan and Iraq by military attacks. The third stage has begun in Afghanistan and that is democracy at any price. They are now talking of peace in Afghanistan with the Taliban. Will peace with the Taliban really bring security?

The US and its Western instruments pursue the third approach to democracy-building in the world. They are not after state building, democracy and human rights. In many countries, governments give social rights to people such as the right to work, to study, to have access to health and environment etc. People's participation in the economy, however, is also social justice.

Mr. Oynaj:

Political models cannot be implemented in all countries identically. There are specific conditions in every country. Justice has not been implemented in many countries such as Afghanistan. Where justice is provided, human rights and rights of women as well as other rights will be fulfilled. The existing structures in Afghanistan should be enhanced. Otherwise if we seek new structures, we will confront many challenges and obstacles.

In the course of the past few decades, Afghanistan has not witnessed a centralised system based on international principles and human rights. What distinguishes our present government from previous ones is its endorsement for those concepts, which have even entered the law books. However, the ground for implementation of those concepts has not been prepared.

**Role of Afghan women in struggle for women's liberation**

Manija Bakhtari<sup>1</sup>

Here I shall attempt to discuss the status of educated women of Afghanistan in the struggle for their rights and gender equality. It is difficult to point out a social movement of women in Afghanistan in the past one hundred years. The reasons may be sought in the structural backwardness, stringent traditions and static social transformations.

A definition of the struggles of women and their demands in Afghanistan can only be possible through identification of the native characteristics and realising the local difficulties. What may be a problem for a European woman is perhaps not identifiable for an Afghan woman and vice versa.

The intellectual women in Iran tried to localise feminism through the Islamic feminism thesis and create changes in the social structure. Thus religious and secular women joined the women's movement and pursued the struggle for freedom for a common cause but with different viewpoints. That effort has not been undertaken in Afghanistan on a widespread level. The view that there are contradictions between feminism and Islam on the one hand and the cultural indices of the Afghan society with its destroyed infrastructures on the other as well as the spread of ethnic disputes among the elite women have narrowed the scope for the struggle and demands for equality. The Muslim women in Iran critiqued [the laws on] divorce, custody, judgement and polygamy and have had some achievements. It takes more time for women to ask those questions in Afghanistan.

Gender discrimination is not posed as a problem in Afghanistan, but discriminations and oppression combined with consequences of the war and the characteristics of post-war societies have created a really difficult situation for women and gender balance.

In traditional societies, women are children, sisters, mothers and wives of men. For example, in most areas of Afghanistan, there is no mention of women when it comes to allocate inheritance and estate. Only male characters decide about the estate. Even women have learned to forego their right to inheritance in favour of men and be described as 'extraordinary women' in exchange.

One of the indices of change in the life of Afghan women has been pressure from above. Rights of women have been achieved through government policies.

Male politicians have occasionally brought women out of homes into the society and occasionally sent them back. Women have not examined the decision to be at home or in the society and have not had a share in decision making.

A glance at contemporary history and women's rights

There was no legislation under Emir Abdur Rahman Khan and he tried to downplay some of the traditional attitudes to women, which he regarded to be contrary to Islam, by issuing decrees. Examples are the decrees allowing widows to get married, inheritance rights of girls, stipulating the marriage of children on the condition of acceptance at the age of maturity. We do not know how effective those decrees were, but they did not spread out of the domain of the royal court and courtiers. On the other hand, he issued a decree empowering husbands to oversee their wives. As a result, the previous decrees did not bring any change in women's lives, and the new... *Continued on page 8*



1- <http://shaharnosh.blogfa.com/post-142.aspx>, 8th March 2011. We have presented highlights of the original article here.

## Joint conference of Civil Society and government Peace and reintegration

A joint conference was held in Kabul on 9th and 10th March with more than 250 participants and passed a resolution that was handed over to the government of Afghanistan.

Mr. Aziz Rafi'ee, head of the Civil Society Forum, opened the conference. Messrs Rabbani, head of the High Council of Peace, Maleksetiz, member of the International Studies and Human Rights Centre in Denmark, and Massum Stanekzai, a member of the High Council of Peace, had been invited to offer their views and proposals on peace.

Mr. Rabbani said: There were worries and questions about the peace process since it began. It was feared that the achievements of the people in the past 10 years would be lost and the question was: Will peace really help stop war in the country?

He then emphasised the role of the international community and added: The culture of peace does not exist in the country yet and we are trying to convince the conflicting sides to stop fighting and return to a peaceful life. In a country that has been at war for 30 years, we cannot achieve peace in a couple of months. It takes years. The process has been initiated by the government and foreigners are not involved in it. They have supported it and believe that war is not a solution to the present crisis. The Taliban are not trying to build an Islamic emirate. Their mentality has changed; they are tired of fighting and wish to return to a peaceful life.

The next speaker, Mr. Maleksetiz said: There is a negative peace and a positive peace. Afghanistan has experienced the first and it has failed. The civil society stands for a positive peace, which seeks to find the roots of war and a solution to the conflicts. The war has domestic and regional roots. He then proposed issues to the High Council of Peace that should be considered in the peace process: respect for human rights, rule of law in practice, special tribunal to supervise the peace process, and enhancing the police as guarantor of peace.

Mr. Stanekzai outlined the Council's strategy: To leave the present situation, people should be able to live next to each other. People's participation is essential. We are trying to increase the security capacity, but we are concerned about the unauthorised weapons. The people should come to believe that the peace process will benefit them. The international community has also reached the conclusion that war should be stopped in Afghanistan as soon as possible.

He then said the Council had formed the committees for contact with the opposition, public awareness, international relations, local problems, and political prisoners.

Following discussions in working groups, the participants approved a resolution with majority vote, which contained the following:

1. People should be asked about the peace process;
2. Peace cannot be achieved at the cost of losing religious, national, and civil values, human rights and in particular women's rights;
3. Peace process should be based on transparency and accountability under the supervision of the people and the civil society;
4. The mechanisms employed by the government or the international community should not contradict the national values and the international obligations;
5. Women must be present at all stages of the peace process;
6. The culture of impunity must be ended; rule of law be enhanced and transitional justice be fulfilled;
7. The Amnesty Law must be abolished and laws violating human rights should not be passed;
8. The war in Afghanistan has internal and external roots which must be identified;
9. Parties to reconciliation should be identified and the truth about their crimes be disclosed;
10. Experience of other countries in similar conditions should be used;
11. Presence of foreign forces should be based on law; they must comply with the Geneva Conventions and be accountable for civilian casualties;
12. The government must decommission and disarm the illegal armed groups and militias, and enhance the armed forces of Afghanistan.



## Three days in Herat's women's prison

Vida Samai

Arriving in Herat from the Eslam-Qala road, five tall minarets in Herat attract your attention. They are as old as the city itself. The city, however, has other well known buildings: Tomb of Khajeh Abdollah Ansari, Herat Erg, the Grand Mosque, and the Women's Prison.

In my second week of stay in Herat, I obtained a permission to live in Women's Prison for three days. It had been rebuilt six months before and can house 120 prisoners, but there were 106 female prisoners in clean cells equipped with acceptable facilities. An Italian group based in Herat had reconstructed the prison at a cost of one million Euros. The prison has carpet-weaving workshops, literacy, knitting, and sewing classes and a nursery for children. There are 85 children under the age of 6 who live with their mothers waiting to leave for the free world, which the mothers are reluctant to see again.

Shafiq, 38, with his 7-year-old son, accepted to answer my questions. She has been in prison for 7.5 years on charge of complicity in her husband's murder and her son was born in prison. However, she will not be permitted to keep her son as of next year. He will either be sent to an orphanage or be given to the custody of his uncle, who has prevented Shafiq's other four children from visiting her in the past 7.5 years.

She said: "It was early morning. Somebody knocked the door. My husband went to the door, but didn't return. I got worried and went after him. He was soaked in blood. I pulled him inside and he died there. I called the police, but they arrested me and I was sentenced to 18 years for complicity in murder. After three years, they appointed a lawyer for me, but I got 18 years again. Now I am weaving carpets and sewing. It is like my home here. I am not inclined to leave."

There are many others like Shafiq, who have been sentenced without having lawyers or in absentia, in a matter of one or two hours. There are a large number of women who have been sentenced for murdering their husbands. Other offences on the list are selling drugs, prostitution, fleeing their homes, drinking alcohol and robbery. While stoning and execution of women have been abolished since the fall of the Taliban, fleeing the home is an offence that can bring long imprisonment. Nevertheless, illegal and unofficial punishments are on the rise. UN figures indicate that violence against women has increased. Rape is an

atrocities they are grappling with. After every rape, the woman has to be sacrificed to wash the stain from her family's name.

Sharifa Shahab, senior deputy commissioner of the Afghanistan Independent Human Rights Commission, believes traditions have targeted women more than anybody else. She says: "The society is a traditional one. In the 30-year wars, women were the first and foremost target of violence. Despite the ban on stoning and execution, violence against women has not decreased. In the Afghan mentality, a woman who has a non-sharia relationship with a man deserves to be stoned and to die. The society will not change those laws in reality so long as the cultural and traditional infrastructure has not changed."

For me, who keep hearing reports about stoning and execution of women in Iran every day, abolition of those punishments is a great step forward in a country which is still the captive of Taliban mentality.

Traditions make it more difficult for former female inmates to live outside of prison. Escaping the home is recurrent and it is punished by 5-7 years in prison. That is the offence of the largest group of prisoners. Afghan women are forced to escape to avoid violence in the family, death, forced marriage and even husband's pressure to force them into prostitution. Sharifa Shahab, however, says there is not such an offence in the law and that punishment is imposed on women by judges.

Najla, 21, has already spent three years in prison and has to serve four more. She says: "I cannot go back home. I have dishonoured my family in the community and the town and cannot go back." When she was born, she had been named for her cousin, but she had to escape to marry another man she loved. Her loved one is serving four years in the men's prison, a few metres away, for illicit relations with Zinat.

Najla says: "I love him. He is a good man. I have one choice only and I am thinking about it day and night. I am determined to kill myself if the government hands me over to my father. If they do that, I will either be killed or forced to marry somebody else. Both mean death for me."

The inmates receive a share of the revenues of what they produce in the workshops, e.g. 500 Afghani (nearly 10 dollars) for a carpet that takes three months to weave. After prison, women who have nowhere to... *Continued on page 4*



**Joint Statement of Women's Political Participation Committee & Afghanistan Women's 50% Campaign on 8th March**

**"It is time to create a women's movement in Afghanistan"**

**3rd March 2011**

... In the past one hundred years, a large number of women of Afghanistan have been fighting against discriminatory life conditions, but they are still living in difficult discriminatory social, economic, political and cultural conditions... and regarded as the second sex.

Ten years after the establishment of the provisional administration... the women's status has not yet been recognised. They are still deprived of the most

basic human rights. Even though the international community has allocated millions of dollars to improve the women's conditions, there have not been any noteworthy results. Some of the inadequacies are as follows.

Women have lost their security and immunity as a result of war and the government of Afghanistan has risked their rights by presenting inefficient approaches for talks and reconciliation with the opposition. Women of southern Afghanistan are the main victims and losers of the endless war... Nevertheless, women are given only symbolic roles in the Peace Jirga and the High Council of Peace in order to advance the views of the government.

Women are threatened by stoning, amputation, honour killings, forced marriage, giving girls to marriage in exchange to compensate for murder, insult and humiliation... Lack of access to justice and official courts, lack of social support, family violence, lower rate of literacy, deprivation of education, closure of schools, throwing acid, harassment of female students, increasing number of addicted women and children, endless problems of widowed women who head families, death of mothers, absence of women from government positions, negligible and non-influential presence of women in political parties, poor functioning of the three branches of the state are some of the problems...

Afghanistan is sinking in war on the pretext of fighting terrorism... and the threat will be even greater when permanent American military bases are established in this land. That is clearly in contradiction with the claim of reformism of the government and will provoke the neighbouring countries...

How should those problems and challenges be tackled? ... The first step is to recognise women as main actors and bring them out of the four walls of the houses to have political, economic and cultural presence in the society... We have to think how we can involve women in macro decisions. How can we ensure their political participation...? How can we solve their employment problem? How can we raise their legal knowledge? How can we prevent early deaths of mothers? How can we ensure their role in the judiciary? How can we ensure them primary and higher education? To provide answers, we propose concrete solutions for which we feel obliged to fight.

1. Endeavouring to achieve a lasting and just peace through peaceful means and ending belligerent approaches and non-transparent talks with perpetrators of wars and suppression.

The government must make accountability to the victims a pre-requisite for any kind of peace.

2. Ensuring social security for women (at work, marriage, access to a fair judiciary)...



**Statement of Transitional Justice Coordination Group  
National and international obligations guarantee peace**

9th March 2011

Excerpts: The Transitional Justice Coordination Group of Afghanistan, as an institution supporting a lasting peace, the prerequisite for which is justice, considers its duty to comment on the macro national issues currently at stake.

The whole infrastructure of our country has been shattered. Any wrong step under the present conditions can set back Afghanistan for many years. Our people do not wish to lose another opportunity or allow certain decisions to bring back the dark past of this country, hence sacrificing justice and freedom in favour of fanaticism and backwardness of a group of dark-minded people. The Taliban and their supporters have always used the pretext of international forces to stir unrest and kill innocent people...

The parliament of Afghanistan, which should be the house of the oppressed people of this land, passed the Amnesty Law that violated the rights of defenceless humans... Now the High Council of Peace is apparently planning to award the rights of the people, without asking them, to others. Pardoning the groups and persons who had a role in destruction of the country and the people and prevented the education and freedom of women can only mean injustice and neglect for implementation of law... How can we ignore the demands of the suffering people and the victims? Freedom, social equality, women's rights and democracy have been trumpeted for many years. They cannot be achieved without passing through the tunnel of justice.

The civil society of Afghanistan... has not been able to guarantee its identity for vari-

ous reasons... We are at the most sensitive juncture of our life and the slightest mistake can push the civil society institutions over the precipice and that is the wish of enemies of this land. The civil society institutions can play a major role in the process of peace with consideration for justice and implementation of transitional justice, without which a lasting peace and overall security will be a dream.

While the government is not the sole source of power in Afghanistan and the international community has a share in decision making, they must stand by their promise to the people of Afghanistan: fulfilment of justice and establishment of rule of law. It is the responsibility of the international community to take a clear position on general amnesty for violators of human rights and to press the government of Afghanistan to take action to fulfil its obligations under the international conventions. The international community has not taken action to implement transitional justice in Afghanistan and its pertaining disregard has enabled the government to act in contravention of its national and international obligations. The international community may be faced with questions that it cannot answer in the future if it fails to consider the issues in Afghanistan with a deeper insight and to view them from the angle of justice and human rights.

The Transitional Justice Coordination Group of Afghanistan has repeatedly asked the government of Afghanistan and the international community to stand by international human rights values and to disavow the interests of groups accused of violating human rights.

his mother and raise his other children. Sorayya says: "Rahmatollah has a right to remarry. I am here and cannot serve him. The children need warm food at home." My three days are up. General Sadeqi, the prison governor, is a kind man who arranged my stay. The inmates told me that he attends to them like a father. I have asked some of the inmates if the male guards ask them for sexual relations, because I have heard that city governors in some towns use the women inmates. The answer is: "No, we are fine here. We do not fear rape here as we would outside. The General takes care of us."



**Three days in Herat's...**

go are sent to houses earmarked for them. Those houses are under strict control and women are not free to leave at will. The behaviour of some Afghan men, however, is unexpected for me. Sorayya, a young woman and the second wife of Rahmatollah, has been sentenced to 16 years for unintentional murder of her daughter. She is serving her term with her two young daughters. Rahmatollah, who has come to visit her, says: "When I went home, I was told that my 10-year-old daughter had died while sleeping by a coal-fuelled heater. I told the police. They asked me who had been in the house and I said: My wife. She was sentenced to 16 years." He says he loves his wife and she can go back home when she is freed: "You cannot wash blood with blood. She is a good woman. My daughter's death was surely an accident." Nevertheless, he adds that he has to remarry to run his household, take care of

his mother and raise his other children. Sorayya says: "Rahmatollah has a right to remarry. I am here and cannot serve him. The children need warm food at home." My three days are up. General Sadeqi, the prison governor, is a kind man who arranged my stay. The inmates told me that he attends to them like a father. I have asked some of the inmates if the male guards ask them for sexual relations, because I have heard that city governors in some towns use the women inmates. The answer is: "No, we are fine here. We do not fear rape here as we would outside. The General takes care of us."

[http://www.8am.af/index.php?option=com\\_content&view=article&id=8247:1388-09-25-19-00-26&catid=58:2008-10-31-09-35-33&Itemid=482](http://www.8am.af/index.php?option=com_content&view=article&id=8247:1388-09-25-19-00-26&catid=58:2008-10-31-09-35-33&Itemid=482) and [http://www.8am.af/index.php?option=com\\_content&view=article&id=8273:1388-09-27-17-08-20&catid=58:2008-10-31-09-35-33&Itemid=482](http://www.8am.af/index.php?option=com_content&view=article&id=8273:1388-09-27-17-08-20&catid=58:2008-10-31-09-35-33&Itemid=482)

1- According to figures of the Ministry of Education, only 12% of women are literate in Afghanistan  
2- According to the UN, Afghanistan has the second highest rate of mortality of mothers at delivery, next to Nigeria. Most such deaths occur before the age of 18.

*Continued on page 5*

## The blue burqa; Karzai government's present for Women's Day

**Khadija Abbasi (women's rights activist)**  
8th March 2011

The women's movement in Afghanistan started several decades ago, similar to the neighbouring countries. The efforts of the young reformer king, Amanullah and his Queen Sorayya in 1919-1029 may be deemed as the first steps to improve women's conditions since the independence of Afghanistan.



The first school for girls and the first women's magazine appeared in 1920. At the same time, polygamy and marriage of immature girls were banned. Unfortunately, the hasty efforts and actions of Amanullah after his foreign trips to modernise Afghanistan and to end the use of hejab led to strong opposition from the clerics and finally to his downfall.

One of the first and most important women's organisations in Afghanistan was the Democratic Organisation of Women of Afghanistan. It was established in 1965 by Anahita Ratabzad and operated alongside the People's Democratic Party of Afghanistan. Apparently, the same organisation celebrated 8th March for the first time. The organisation's activities were restricted with the dissolution of the People's Democratic Party.

Afghanistan Women's Revolutionary Association (RAWA) is another movement that was established by Mina Keshwar Kamal in 1977. RAWA seeks to fulfil women's rights through secular democracy and carries out most of its activities secretly. There are different guesses about its real nature. It seems that this ambiguity, combined with its hard-line politics and its opposition to all groups in Afghanistan in particular to new movements of women, is one of the reasons for its popularity in the west rather than at home.

Women's movements in advanced countries either complain of the wide gap between the salaries of men and women or try to overcome the obstacles that prevent them from occupying higher positions...

In comparison, the women's movement in Afghanistan pursues more basic goals. As a first step, they seek a lasting and just peace, as well as fulfilment of transitional justice, transparency in talks with the opposition and the Taliban, changing the patriarchal domination, societal security, promotion of literacy, abolition of discriminatory laws, creation of economic and political opportunities, easier access to health and medical facilities. The US attack on Afghanistan in 2001 on the pretext of suppressing the Al-Qaida and the Taliban and liberation of women from the Taliban and the civil wars of the past 30 years, opened up the door for international aid and arrival of international and local NGOs and women's rights groups. The current operations of women's rights activists and local organisations of women are mostly directed by the donor countries and organisations. Thus most projects...

*Continued on page 6*

### Joint Statement of Women's...

3. Declaring a general mobilisation for literacy of women and allocating the required financial and human resources.

4. Endeavouring to end the discriminatory laws against women and inserting unconditional gender equality in all the laws

5. Endeavouring to create equal political, social and economic opportunities for men and women.

As provided for by the Convention for Elimination of All Kinds of Discrimination against Women that the government has signed, women must be able to vote and be elected in all elections. The government must give shares to women in the national administration, all government departments and organisations without discrimination and in equal conditions with men

6. Endeavouring to create employment opportunities for women heads of family, invalids and the handicapped.

7. Endeavouring to improve access of all women to health and medical facilities. Many women lose their lives owing to lack of access to basic medical facilities at the time of pregnancy or delivery.

Women's Political Participation Committee and Afghanistan Women's 50% Campaign call on all women of Afghanistan to unite to create a strong women's movement and fight for a country free of inequality.

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### Book Reviews

## Judiciary, Crimes against humanity & ICC

### • History of justice in Afghanistan

Author: Hazrat Gol Hessami

Volume 1

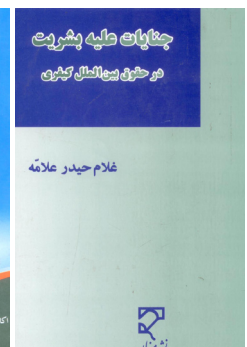
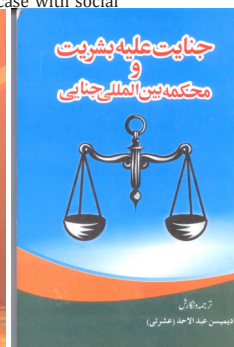
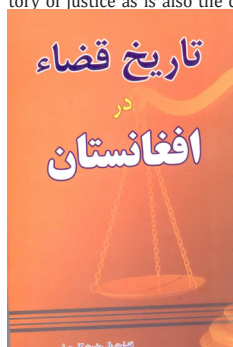
Publisher: Sa'eed,

Edition: First, 2009

In Afghanistan, legal and judicial issues are studied in the framework of political history. Indeed, the people are not familiar with history of justice as is also the case with social

Human rights issues and the Humanitarian Law in particular are unknown issues in the academic circles of Afghanistan. The Ministry of Justice has recently published some of the international laws and conventions as appendices to national laws.

The writer has examined some of the crimes against humanity in Afghanistan in his pref-



history.

This may be the first book to deal with the history of evolution of courts and justice in this country. It begins with a series of judicial-historical topics in ancient times, in particular in our area of civilisation.

The writer has a fleeting look at the issues up to the beginning of the twentieth century. He then undertakes a deeper study after the Constitutional Movement and the rule of Amanollah Khan to the coup of Sardar Mohammad Davood. In this section, he reviews the establishment of information centres, publication of books and magazines, legal-judicial seminars within the Ministry of Justice and later in the Supreme Court, the taking shape of various courts (first instance, higher and appeal) etc.

He is of the opinion that laws and sets of rules were gradually passed since the second decade of the 20th century. Even the laws passed under Zahir Shah and his cousin Davood are rooted in the rules that were shaped through endeavours of the constitutionalists and Amanollah Khan. Although those laws and rules stirred great controversy, in particular on the part of the clerics and conservatives, there was no opposition to them in the decade of democracy (1960s) and under Davood Khan.

Quoting Mahmood Tarzi, he writes:

'In our country, "law" has been regarded as a disgusting word for a long time. The only reason for it was that "law" was considered to be in opposition to the shariah and specific to the Christians. They did not call them laws when they legislated, but "directive" or "set of rules".'

The writer has not dealt with the content of the laws, their background, impact, deficiencies etc and has mainly engaged in reporting the issues.

### • Crimes against humanity and the ICC

Author & translator: Academician Abdolahad Eshrati

Publisher: Khawar Publishing House

Year: 2007

Pages: 303

ace, e.g. Martyrs of Dasht-e Chintala, the Dasht-e Leili issue, which the Physicians for Human Rights have visited in 2000 and 2002. Quoting certain sources, he says between 2,000 and 5,000 people were killed in containers or afterwards in that area.

Other topics in the book concern: international treaties, war, international humanitarian law, the International Committee of the Red Cross, international humanitarian law from the perspective of Islam, genocide, military laws in some countries, the International Criminal Court and its jurisdiction, the ICC Statute, provisions of the Afghanistan Constitution etc.

The four Geneva Conventions and their additional protocols constitute the central theme of the book, which form the foundations of human rights in the writer's opinion.

### • Crimes against humanity in international criminal law

Author: Dr. Gholam-Haydar Allameh

Publisher: Mizan

Edition: First, autumn 2006

Print-run: 1,000

Pages: 192

This book is the dissertation thesis of Dr. Gholam-Haydar Allameh for his Master's degree. He writes in his preface: "There are not any works in Persian legal literature as of yet to have examined crimes against humanity in full and the similarities and differences between the ICC Statute and other international instruments. However, all three Persian speaking countries, i.e. Iran, Afghanistan, and Tajikistan are confronted with the ICC somehow."

The writer argues that crimes against humanity may be discussed at three levels: 1) Domestic; 2) Regional, e.g. European Convention on Human Rights and Basic Freedoms; 3) International. This book has concentrated on the third level.

Chapter 1 discusses the issue in international instruments (1899 - 1996). Chapter 2 discusses those crimes in the ICC Statute.

This book has been published in Iran and publishers in Afghanistan should consider publishing it.



## New books of Armanshahr: Justice for victims

### • 'Confronting oblivion' reaches 2nd Edition

Armanshahr Foundation has reprinted "Confronting oblivion" in second edition. The book is a study on truth commissions and justice by Ms. Monireh Baradaran (sociologist). Its first edition as an Armanshahr book appeared in winter 2007 and was soon out of print.

The book discusses two main topics: 'truth' and 'justice.' Baradaran wrote in her preface: "Is dealing with the past intended to revive the sufferings or are there other goals? How should that be done? What lessons can be learned from the past? How can we prevent the past from recurring?"

Indeed, truth commissions after the disintegration of tyrannies in the last three decades of the twentieth century form the central theme of the book. The writer explains how the people raised their voice, the experience of the truth commissions in Latin American and other countries, e.g. Argentina, Chile, South Africa, El Salvador, Guatemala, Peru, Haiti, Uganda, Chad, Sierra Leone, Sri Lanka, and Morocco. What were the obstacles, what were the results and the outcome for the perpetrators?

The second issue pursued in the book concerns justice, where 'truth commissions and national trials', 'truth commissions and international justice' are discussed and the functioning of three international courts in Nuremberg, Belgium and the ICC are explained.

Date of publication: Winter 2011

Pages: 182

Print-run: 1,000



### • 'Afghanistan in search of truth and justice'

'Afghanistan in search of truth and justice (national and international mechanisms for victims)' is a new book published by Armanshahr Foundation. There are 13 articles in the book by various domestic and international scholars on the International Criminal Court, Women and Justice, Transitional Justice in Afghanistan, and Truth Commissions. There are introductions to the International Federation for Human Rights and Armanshahr Foundation and 'Peace, Reconciliation and Justice in Afghanistan; Action Plan of the Government of the Islamic Republic of Afghanistan' has been added as an appendix.

Date of publication: Autumn 2010

Pages: 147

Print-run: 1,000



## The blue burqa; Karzai...

geared to improvement of the conditions of women centre around these organisations... Those social movements are vulnerable, short-lived and fully dependent on international institutions. Furthermore most of those activities are limited and dependent on the security conditions in various regions. The rural and remote areas as well as the regions out of the government control have a lesser chance of benefiting from those activities and organisations.

The Ministry of Women's Affairs may be considered as an involuntary achievement for the women of Afghanistan, enforced on the women by the international community. The ministry does not have executive powers and its activities are limited to offering proposals to other ministries and cooperating with international women's rights organisations.

The women's rights activists face many restrictions. The civil society has not been able to play an effective role in civil development and human rights activities. The absence of an independent and solid civil society is one of the reasons for the dispersion of the women's movement...

The government needs to coordinate between the political and economic sectors and the civil society in order to advance the conditions of women and the women's movement. The present actions of the government, however, have not brought anything but despair and defeat for women. For instance, the haste and negligence of Mr. Karzai to sign the Personal Status Law, which ignored the most basic rights of a woman, is a clear sign of the government's indifference to women's rights. The law was in contravention of the Constitution as well as the Universal Declaration of Human Rights and other international human rights treaties and it was amended after protests.

On the other hand, Karzai's insistence on non-transparent talks and so-called reconciliation with the 'Talib brothers' have caused serious concern. The sexual apartheid that prevailed in Afghanistan under the Taliban is well known to all. The efforts of the present government to talk to the Taliban will not bring anything but the return of the sexual segregation laws...

I went on a working trip to one of the districts in the Konduz province some time ago. This coincided with the International Women's Day. The governor appointed by the government of Mr. Karzai had invited the female employees and gave them a present each. This was nothing but a blue burqa to each woman including me! Indeed, if Mr. Karzai believed in the equality and freedom of women, he would not hide the first lady.

[http://www.bbc.co.uk/persian/afghanistan/2011/03/110306\\_i25\\_abasi\\_women\\_day\\_iwd2011.shtml](http://www.bbc.co.uk/persian/afghanistan/2011/03/110306_i25_abasi_women_day_iwd2011.shtml)

## Best way of praising Women's Day: Struggle for women's liberation<sup>1</sup>

Golali Habib

I wish a happy 8th March for all women of the world and hail the combating women who have fought and are fighting for liberation and social justice. There are different views among women about the Women's Day. Some regard it a day for praising the status of women; some others see it as a symbol of humiliating concession to women and believe that naming a day for women means acceptance and endorsement of deprivation of women.

What does 8th March signify in Afghanistan? In a land where women have been the first victims in all events... where they have suffered the worst pains in the name of religion, shariah and occasionally tradition. Nine-year-old girls have become brides of 74-year-old men and have occasionally been used to settle disputes. Widows have been unknowingly married to brother-in-laws; they have been forced to comply with forced burqa by means of lashing. Women have been killed by forces attacking the cities. Women have been killed by brothers and fathers to prevent their forced marriage to local commanders or their collective rape by soldiers. Women have jumped off buildings to avoid dishonour by local commanders. Women have been used as means of revenge for religious, ethnic and regional disputes. Women have been forced into prostitution to feed fatherless children at the cost of their honour. Women have spent days and nights hungry and thirsty in the scorching camps of Peshawar. They have been sold to Arabs and Punjabis... Zarmineh was executed in public and her seven fatherless children were crying: 'Do not kill our mother.'

Women were thrown from factories into homes when they were banned from working. They were lashed if they went out without close male relatives, or if their faces were not covered, or had white boots on or wore clothes that the lashing Taliban kids from Pakistani schools did not like...

Those atrocities were the result of long years of war in Afghanistan. What are the present conditions of women? Are they free of various oppressions?

After September 11 and the fall of the Taliban's rule of fear and horror, many women worldwide thought the women of Afghanistan had achieved freedom and welfare. Ten years have passed, but those in power share the same ideas of the Taliban and the Afghan women believe that patriotic and democratic movements are impossible without patriots and democrats.

Doubly oppressed women burn themselves in Herat. Nadia Anjoman is killed for her poetry and her thundering voice. Zakiya Zaki Sangra is killed for her work for radio and television. The first victims of the conflict between NATO and the Taliban are women and children. We know that women and children have jumped into the rivers to escape harassment and rape by warlords, commanders and NATO military forces. We cannot forget the bloody incidents and bombardments at the hands of the NATO at Shindand of Herat, Helmand, Kandahar, Haskeh Mineh, Konar, Khost, the Yakawlang incidents, Dasht-e Leili, the destruction of the great Buddha in 1992-2001. The blood money for killing one Afghan is only 100,000 Afghanis in the military strategy of the US, the World Bank and the US-commanded government...

Opium production and poppy cultivation benefit the international drug mafia. Most of it is produced in Helmand and Kandahar where the British and American forces are present in countless numbers... In southern and some other provinces, women give birth to deformed children as a result of bombs used there...

After the killing of Ajmal Naqshbandi, the killing of another reporter by a foreigner, the mysterious killing of Samad Ronani Monadi and scores of other reporters, what guarantee is there for reporters to work for domestic and international media? All those issues are leaked by the Americans and the British as a result of their internal contradictions. The promises for abolition of terrorism and Al-Qaida, combating drugs, implementation of a marshal plan, and establishment of democracy and freedom of expression in political, economic and social areas have not been fulfilled. Similarly, we emphasise, the reconstruction of Afghanistan will not be fulfilled under the shadow of warlords, domestic and foreign gun-wielders, war economy and women's rights and human rights mafia is a mirage.

We must admit that we have not been able to create a real social and political movement to achieve our well-deserved human rights. Activities of some of the women's institutions in Afghanistan have led to the survival and perpetuation of the government and the ruling system.

We know that the NGOs and NGO-playing, under the pretext of women's rights, have prevented the spontaneous as well as informed national movements of women from taking shape and prevented their unity and solidarity. A number of women in the parliament and the government have been used as instruments to consolidate and maintain the power of men. The US and British embassies have converted the movement of women to NGO projects. There are a number of power- and money-hungry women, who decorate the parties and are toys in the hands of the power lords and mafia capital and they have not done anything for the national interests. Large and small projects have been put forward by various embassies and charities and they have spent large funds concerning women, all of which has been speculated and served the interests of the countries concerned. Most of the money supplied by the international community has been spent on security companies, conferences and jirgas and they are still spending large sums and using extensive organisations such as the Peace Council, Women's Council, Clerics [Ulema] Council, and the talks with the Taliban to bargain women's rights in political deals.

Tell the sun, the blood of dawn is still rippling in our veins...

I, as a woman, know that there will be a dawn to this night... I do not want the women of my country to be sacrificed again for contradictions and interests of power hungry countries. Our dedication to 8th March means that we shall keep fighting to the last drop of our blood like the women of the green movement in Iran, free women of Egypt, Libya, Tunisia, Iraq, Palestine, Pakistan, Europe and the US...

1- Donyay-e Zan periodical, special issue for 8th March 2011, published on 7th March, volume 5, Kabul

## Fourth Geneva Convention & additional protocols

Jawad Darwaziyan

Note: The following is a summary of the actual article in Dari. Here we have left out the discussions of various articles, which the English-speaking reader can readily access elsewhere.

The Fourth Geneva Convention is the most fundamental instrument for protection of unarmed persons and civilians. It was adopted on 12 August 1949 in 159 articles and two annexes. Prevention of "war crimes" and "crimes against humanity", protection of civilians, women and children, hindering violation of rights of humans during war or armed conflicts constitute the most important issues in the Convention.

Additional protocols

In 1997, two additional protocols were adopted to guarantee the implementation of the Conventions. Protocol 1 concerns the protection of victims of international armed conflicts. Protocol 2 protects the rights of victims of non-international (i.e. domestic) armed conflicts. As of October 2010, 170 countries had ratified Protocol 1 and 165 countries had ratified Protocol 2. The Geneva Conventions have been universally ratified.

In 2007, the third protocol was adopted to allow various parties to use a new logo ('Red Crystal') if they did not wish to use either of the 'Red Cross' or the 'Red Crescent' logos. As of October 2010, 53 countries had adopted the new logo.

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## Fayz Mohammad Atefi

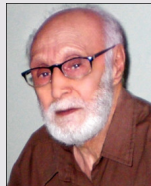
### Poet of 'Mirror of Environment' dies

Rooholamin Amini

Fayz Mohammad Atefi Herawi, poet and writer of Afghanistan, died on 6th March 2011 at the age of 83. He was the managing editor of the Army Magazine during the rule of Zahir Khan for a while and served also in charge of publications of the Ministry of Defence.

Although a military man, he was one of the poets and writers who explicitly wrote about freedom and social justice and was exceptional in his critique of the government.

His anthology of poems 'Mirror of Environment' reached the third edition. It is a full picture of a specific period in contemporary history, where he voices criticism in verse language. There are few writings as critical as his about Zahir Shah's era.



## Other articles in Dari version

- An interview with Mr. Sakhi Monir, head of the National Archive (Interviewer: Jawad Darwaziyan)
- Also translations of the following English of French articles and reports appeared in Armanshahr (Dari) No. 15:
- Abstract of "THE CHALLENGE OF RECONSTRUCTING 'FAILED' STATES: What lessons can be learned from the mistakes made by the international aid community in Afghanistan?" by Serge Michailof (Source: <http://factsreports.revues.org/index696.html>)
  - "The Egyptian Revolution engenders values and a new social decade," by Nawal El Saadawi (<http://www.siawi.org/article2356.html>)
  - Media bias in the global south, Gender and media misrepresentation in the global south by Kathambi Kinoti (<http://mediamisses.wordpress.com/2010/07/23/media-bias-in-the-global-south/>)
  - Mais que fait donc l'Allemagne en Afghanistan? [What is Germany doing in Afghanistan?], by Philippe Leymarie (<http://www.monde-diplomatique.fr/2011/02/LEYMARIE/20152>),
  - En Europe, «l'opinion ne croit pas à cette guerre» [In Europe "public opinion does not believe in war"], by Philippe Leymarie (<http://www.monde-diplomatique.fr/2011/02/LEYMARIE/20153>)

## 'Revisiting our collective memory'

'Reconsidering our collective memory' is a new title that the Armanshahr Foundation has published. The pamphlet is the outcome of the 65th Goftegu public debate, which Armanshahr Foundation organised at the French Institute of Afghanistan to commemorate the Victims Week and to introduce 'Simorgh's Feather', an anthology of Simorgh Peace Festival poems.

The speakers were Kazem Yazdani (historian), Assad Booda (professor of sociology) and Shiva Shargh (journalist) and the moderator Rooholamin Amini (from Arman-shahr).

The speakers were unanimous that our history is a faked one that has been written by force at the order of the powerful and kings and it is full of fabricated personalities and ancient culture. For instance, Mr. Yazdani said: "...all ethnic groups of Afghanistan were present at the Battle of Maiwand (1880), but all the glory is assigned to Miss Malalai, who is known as a national heroine now. Her name, however, gained reputation under the regime of House of Yahya and there has been no mention of her in historical reference works before."

Mr. Booda referred to such topics as atrocity, mourning and forgiveness. MR. Shargh mainly concentrated on commitment of the intellectuals, past and present, to history. Questions and answers of the participants and the observer questioner of the meeting (Jawad Darwaziyan) have been collected in the second part of the pamphlet.

One of the most important speeches of Paul Ricoeur, the French philosopher, entitled 'Memory, History, Forgetting' is provided as an appendix to the pamphlet. Ricoeur starts by saying: "I belong to a generation that witnessed the most atrocious crimes in the history of humanity; crimes that occurred in Europe from 1932 - 1945. That generation is now withering away and the important point for its last survivors is the relationship between memory and history."



## Politis asia Issues 1-2 & 3 reach 2nd Edition

Politis asia is a theoretical book published by Armanshahr Foundation and it contains articles, interviews and theoretical analysis on various issues. Already 7 issues of Politis asia have appeared in four titles. Double Issue No. 1-2 and Issue No. 3 were recently reprinted.

"Violations of Human Rights and US Policy" was the title of Issue No. 1-2, which appeared in autumn 2009. It contained the following articles and reports: Violation of Human Rights in Bagram & Pol-i Charkhi Prisons by Pardis Kebriaei; Bagram Prison, Worse than Guantanamo by Pendar Forum; The Place of Human Rights and the Role of NATO in the Context of the "War on Terror" by Dick Marti & Gavin Simpson; CIA, "Extraordinary Rendition" Flights, Torture & Accountability by Manfred Novak, Wolfghang Kaleck & Margaret Sathertwaite; CIA Shock Team and 50 years of Cowardly Strikes by Hernando Calvo Osbina; What is Terrorism? Borradori, Habermas, Derrida; A Step by Step Approach to the use of Universal (Criminal) Jurisdiction in Western European States by Jürgen Schurr.

"Nato, Exceptions to Democracy and Decline of Empires" was the title of Issue No. 3 with the following articles: A web of secrets? NATO and the diffusion of secrecy rules by Alasdair Roberts; NATO in Afghanistan: Problems of command and control, by Otfried Nassauer; Is the US a possible threat to Europe? By Pierre Conesa; Securing our future through exceptions to the rule of law and democracy, by Kamil Majchrzak; Bush-Bashing and the Empire's onward march, by Arno. J.MAYER; A l'aube d'un siècle postaméricain, by Alain Gresh; Du déclin des Empires by Eric Hobsbawm.





## Role of Afghan women in...

decree made them property of men. It has been reported that Ms. Halima (a.k.a. Bubujan), wife of Emir Abdur Rahman Khan, was a strong woman who went among men and engaged in discussions. However, she was mainly a symbol of the Emir's power rather than a role model for all women.

Under Emir Habibullah Khan, new views circulated within the court circles with direct intervention of the Tarzi family. Mahmud Tarzi wrote a series of articles in Seraj ul-Akhbar about women and their role in the society, despite protests from some of the readers.

The first signs of change in traditional life should be sought in the early stages of King Amanullah Khan's rule. The first efforts came through the symbolic action of Queen Soraya by shedding her hejab, opening of the first girls' school in 1921, publication of Ershad ul-Neswan newspaper in 1922, despatching the first group of girls to study abroad, mandatory schooling from the age of six to 11, drafting a Constitution and establishing a central law system. The King discussed the age of marriage and restricting the number of wives at a meeting with representatives of the people in Paghman in 1927, but the representatives strongly repudiated him.

Those innovations confronted the traditional mentality and King Amanullah paid a high price, ultimately abdicating and going into exile. One of the very serious issues in the past 100 years has concerned women's clothing. Hejab and Islamic clothing, rather than being a religious decree, have turned into a political tool of the politicians, male power and sense of property.

Under Emir Habibullah Kalakani, all the reforms were rolled back and the small number of urban and court women who had benefited from the changes were forced to adopt the so-called Islamic clothing again. There are no achievements worthy of note for women under Mohammad Nadir Shah and Mohammad Zahir Shah. Nevertheless, the Women's Charity Institute was established in that era in 1946. There were freedoms for women from the royal and rich urban families.

This went on until the premiership of Sardar Mohammed Daoud Khan in 1953. Since then, paying attention to education and progress of women became a part of the government strategy. Official schools were established for girls. Women from higher classes and affluent families started working in some departments. The voice of Mirman Parwin, the first female singer, was broadcast on the radio. In 1959, Daoud Khan asked the girls of royal family and high ranking government officials to take part in Independence Day celebrations without chador. Daoud Khan engaged in talks with the conservatives. In 1964, with the passage of the Constitution, women achieved political rights and the right to vote. In 1964, two women took part in the Constitution drafting committee for the first time. In 1965, several female MPs were elected and two others were appointed as senators.

The first women's civil institution that was independent of the government was the Women's Democratic Organisation, a branch of the People's Democratic Party that was established in 1965 and partially defended women from an ideological and class perspective. One of the civil actions that was reportedly organised by the WDO was the demonstration of women in protest to a decree banning girls from studying abroad and gaining a guarantee to take part in parliament in 1968.

Unlike his term of premiership, after his coup and start of presidency, Sardar Mohammad Daoud had a conservative approach to women's rights in the face of the pressures from the traditional religious groups and mainly concentrated on foiling the conspiracies. There was no social pressure to change the role of women. Nevertheless, a group of urban women carried on with their social-economic life and the conservatives tolerated them.

During the 15-year rule of the People's Democratic Party of Afghanistan, the statesmen had an ideological haste to copy the Soviets and paid attention to the superstructure of women's life. The widespread anti-illiteracy and land distribution programmes, which were carried out by pressures and force, met with opposition from the majority of the people in non-urban areas.

The incorrect party strategies led to retreat in women's movements and there were some spontaneous actions of some women in response to the People's Democratic Party's programmes. Those actions were reflected mainly the anti-government sentiments rather than opposition to equality of women. They subsided quite quickly. The biggest and most important demonstration of women was held in 1982 in Kabul on the eve of the second anniversary of the May Revolution. The number of prisoners is not known in that era, but there is evidence that some women went to prison and died under torture. Nevertheless, a women's movement in the conventional sense did not take shape.

When the mujahedin took over in the early 90s, they transformed the role and clothing of urban literate women who were active in the social and economic domains, without any resistance from the women. When the Taliban took power, they changed women's clothing and social and political status by decree and fatwa. Women did not respond tangibly. There are reports about demonstrations of women against the chador and staying at home in Herat, Mazar Sharif and Kandahar. However, the number of demonstrators did not exceed 200.

The other important point concerns the change in the attitude of warriors

to women during the civil wars of 1992-1998. Previously, the prevailing attitude was that of owner toward his property; women were kept in safe places even during wars and conflicts to prevent harm to them. During the said era, however, thousands of women were subjected to rape and sexual violence based on political and sexual perspective of the conflicting groups. Such behaviour had existed before, but not so extensively. For example, the Hazara women were enslaved under Emir Abdur Rahman Khan or some northern women were taken captive and subjected to sexual abuse as bondswomen and temporary wives under Nadir Khan.

The greater problem in all those eras, in my opinion, is the neutral and passive role of intellectual and educated women. Elite women like Queen Soraya, Asma Tarzi, Roghaya Abubakr, Kobra Nourzai, Zaynab Saraj, Shafigha Saraj, Saleha Farugh Etemadi, Nafisa Shayegh Mobarez, Massuma Wardak and Benazir Hutaki were great role models for women but none of them founded a pervasive movement in Afghanistan.

It is unfortunate that during the history of the past 100 years, women have not moved for equality, justice and women's rights as much as they should have, until eight years ago. Even though the developments of the past 10 years and efforts to change women's conditions have been born out of interventions and pressures from above, the opening has led to emergence of feminine discourse and various individual and collective actions. Creation of the Ministry of Women's Affairs and Afghanistan Independent Human Rights Commission in 2001, appointing women ministers, their participation in parliament and provincial councils, National Working Plan for Women of Afghanistan, National Development Strategy, the protocol on eradication of forced marriage and marriage of children (24 November 2005), establishment of the commission for elimination of violence against women (9 July 2003), ratification of the Convention for Elimination of all Types of Discrimination Against Women (5 March 2003) <sup>2</sup> are still actions from above.

We cannot call those actions a women's movement. Most women's associations of the past few years as well as some non-governmental institutions are the products of the post-war society and neo-colonialism in Afghanistan. Independent of any goal-oriented social action, those institutions are implementing short-term programmes for women, which are not compatible with the National Development Strategy of Afghanistan and even harm the national sovereignty and government authority; they do not help the creation of a social movement of women either.

It will be unwise to deny the working of the women's rights and non-governmental institutions in the past 10 years or deny the impact of government's core work. I only wish to say that the social role and collective ideas of women have played little role toward creating an extensive women's movement. Some manifestations of collective movements in the past 10 years can be seen in the protests and demonstrations against the Law for "Personal Status of the Shiite", demonstrations in support of transitional justice and in defence of rights of war victims, passage and enactment of the Law for Ban on Violence against Women, the launch of the Women's 50% Campaign in 2009, the launch of the Political Participation Committee of Women and Afghan Women's Network, Afghan Women's Education Centre, establishment of safe houses, meetings of the civil society concerning the rights of women and implementation of the provisions of the UN Resolution 1325, reports of the civil institutions and the AIHRC and the media in support of women's rights, meetings of women's representatives with the president, open letters of women's organisations to the president and the like.

The joint actions of the government and the civil institutions can also serve as basic foundations of the women's movement. The best example of this was the Law for Ban on Violence against Women in 2010. The law is a combination of government and participatory policy to prohibit violence as an international crime that was formulated through participation of the government and intervention of the civil society and non-governmental institutions. Similarly, the Family Law and the Law for Derelict Children are in the process of legislation.<sup>3</sup>

Equal rights do not mean equal opportunities. The Constitution of 2003 guarantees the compliance with the Universal Declaration of Human Rights and other international conventions (Article 7) as well as equal rights for all citizens before the law (Article 22). It contains a scheme to establish balance and development in education of women (Article 44), support derelict women (Article 53), and children and mothers (Article 54). It even entails positive discrimination in relation to women's presence in the parliament (Article 83).

Nevertheless, there is still a wide gap between the law and people's life. There is no rule of law in most parts of Afghanistan and people refer to customary contracts. In a country where the legal problems of women have not been resolved yet and women have not been able to achieve their lawful rights yet, gender equality might sound exaggerated. Gender equality will not be achieved by law alone... *Continued on page 8*

2- It is to be noted that Afghanistan signed the Convention in 1980 and ratified it without any reservations in 2003.

3- The Family Law Drafting Committee, consisting of the Ministry of Women's Affairs, Ministry of Justice, the Supreme Court, Afghanistan Women's Network, AIHRC, Law and Democracy Institute and the Bar Association, has proposed the draft law to the Ministry of Justice. The draft law is a reformed and amended version of the family chapter of the Civil Code. A number of jurists have argued that with the Civil Code in place, there is no need for a Family Law.



### Role of Afghan women in...

In customary law, which is enforced mostly by jirgas, ethnic councils and traditional religious layers, women are not regarded as equal parties. Any respect for women in those councils arises from mother's role of women not their social role<sup>4</sup>

Most actions of women have remained in a limited domain and lacked the necessary support and scope; thus they have suffered an unbelievable fragility and suppression with every change in government policies. The passage of the Law for Personal Status of the Shiite (2009) was an example of the failure of female MPs to approach the issue from the general feminine perspective. The experience displayed that women have not felt the solidarity needed for interests of women and they are caught in political, ethnic, language and internal conflicts of parliament. With the exception of a few women MPs, others preferred ethnic and language interests over the social interests of women. By passing the law, the religious fanatics returned to the topic of similarity and equality in Islam and ignored a part of women's rights. On the other hand, the demand for justice and equal rights by women's movements in Islamic countries is based on an interpretation of justice and rights totally different from some of the Afghan Islamic jurists.

Changing and amending the Civil Code is a working priority of the civil associations and women's movement. If a strong women's movement had taken shape in Afghanistan, it would have surely prevented the implementation of the customary law and its recognition in certain parts of Afghanistan.

I believe that government policies cannot bring about change under conditions of lack of political stability, security and rule of law, if the women's

4- In the past few years, discussions about recognition of customary law have heated up and even countries like the US are trying to establish customary law in Afghanistan.

movement does not take shape in Afghanistan and women themselves do not demand fundamental change.

The topic of gender equality must become a social discourse and leave the small feminine circles. Men have surely accompanied women in gender struggles. It is difficult to achieve a reasonable strategy without men, but it should not be forgotten that they have advantages resulting from patriarchal structures. Even if they support gender equality, they will have more benefits and it will be difficult for them to understand the discrimination against women.

Empowerment of women and equality is not possible without political stability, security, employment, access to higher education, guarantees for the operation of institutions such as the Ministry of Women's Affairs and the AIHRC, increase in knowledge of women, and taking into consideration the women's role in the peace process in accordance with the UN Resolution 1325.<sup>5</sup>

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- One century of struggle of Afghan women for achieving equality, <http://arc2000.blogfa.com/post-10.aspx>

5- By accepting the Resolution, Afghanistan has an obligation to involve women and respect their decisions for settling conflicts and crises arising from war. One of the topics of concern for women's associations is the little share of women in the High Council of Peace. There are only six women on the Council, which is unfair in comparison with the total number of members, including 70 men.

### Armanshahr Publications

- Caravan of Poetry for Peace and Democracy in Afghanistan (An anthology of poems); Spring 2003
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- NATO, Exceptions to Democracy and Decline of Empires, Winter 2010, (Politis asia 3)
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- Simorgh's Feather (Selected poems of Simorgh Peace Prize); Autumn 2010, Let's break the silence series
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