



**In the Aftermath of Karzai:
Any Improvement for Women and their
Rights in Afghanistan ?**

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Abstract

Today, one must state that most women in Afghanistan find themselves in a similar repressive situation as during the Taliban regime. Besides some initial positive developments in the fields of education, political participation, health care and employment thanks to the armed intervention of the international community, not many aspects have improved in a substantial manner for most Afghan women and girls. According to several observers and human rights organisations, women in Afghanistan continue to be among the worst off within and beyond South Asia. Despite relevant commitments of the former Karzai government, women are facing all kinds of social atrocities, political limitations and sufferings from traditional practices, which are neither in line with the Afghan constitution, nor with national and international laws. The situation further deteriorated after the withdrawal of the bulk of international troops, which paved the path for the comeback of the Taliban and other Islamic fundamentalist groups, as well as the growing influence of religious clerics within the Afghan state and society. Having this in mind, the article attempts to shed some light on the most significant trajectories contributing to the worsening of the status of Afghan women.

Introduction

Unlike the promises of the two Bonn conferences held in 2001 and 2011, contemporary Afghanistan is a far cry from the stable country with a strengthened civil society that it was envisaged to be (cf. FFO, 2011; Wolf, 2012). Looking at Afghanistan's political developments and the state of its economy, one will quickly arrive at a rather bleak conclusion: progress is not only 'moving at a slow pace' (BTI, 2012) but in some respects it even seems to have taken a turn for the worse (cf. BTI, 2014). The political standoff in the aftermath of the 2014 presidential elections seriously challenges the fragile political system and poses a threat to the country's territorial integrity (cf. RFE, 7.8.2014; cf. Crilly, 2014a, 2014b).

Afghanistan's security and stability are put even more into question as international troops are planning to withdraw by the end of this year. In this context, former President Karzai's refusal to sign (despite the approval of a vast majority of the Loya Jirga) the final draft of the new US-Afghan Bilateral Security Agreement (BSA) casts a dark shadow over the envisioned positive prospects pictured for Afghanistan by the Bonn I and II agreements (cf. Katzman,

2014). Consequently, the BSA has remained in such a ‘precarious status’ (cf. Panda, 2014) that it is strengthening the segments of the US security circles, which favour a complete withdrawal. Taken into account the still relatively weak state of Afghanistan National Security Forces (ANSF), the ‘zero option’ would most likely lead to a return of the Taliban. In consequence, the country could once again turn into a safe haven for Islamic fundamentalist organisations (cf. Panda, 2014). There is a general agreement among observers, that only the so-called ‘Resolute Support Mission (RSM)’ will avoid a dramatic deterioration of the security situation (cf. Katzman, 2014). Such a RSM would take place beyond 2014 in order to continue mentoring and training the ANSF, to carry out limited combat operations (cf. Katzman, 2014), and to protect the government in Kabul, as well as other significant facilities nationwide.

However, even assuming the BSA will be signed – which is most likely the case as it is supported by Kabul’s leading political community (cf. Panda, 2014) – and the RSM is in place beyond 2014, there is still potential for a significant deterioration of the level of the country’s security (cf. Katzman, 2014). Despite all US/NATO optimism about the performance of the ANSF, severe threats remain over the fact that the next government will not be able to control the divergent ethnic and factional interests, which could prompt the re-emergence and strengthening of regional power centres.

Furthermore, without the international military presence, it will be much easier for the Taliban and other oppositional forces (especially local militias) to re-group and increase the pressure on the ANSF. Substantial losses among Afghan armed forces would function as a catalyst for defection and disintegration through confrontation between different units (‘green on green attacks’), which is an already known phenomenon within the country’s security sector (cf. Leigh, 2010). Consequently, not only the few socio-economic and political gains, which were achieved since the fall of the Taliban, would be nullified but also the deconstructive forces of the past would return in full swing (cf. Wolf 2013a, 2013b, 2013c).

There is no doubt that such an unfortunate trajectory will happen at the expense of the country’s civil society in general, and at the cost of women’s rights in particular (cf. Freedom House, 2014). The controversies around the parliamentary ratification of the law on the Elimination of Violence against Women (EVAW) can be seen as an indication for the strong

determination of reactionary, anti-modern, and anti-Western forces to undermine any improvement of women's rights (cf. Wimpelmann, 2013).

Looking at political analysts' and officials' assertions of the governments (NATO member states) that are involved in Afghanistan, one will increasingly encounter statements about how conservative the Afghan society is, which view all forms of modernity with deep suspicion. Subsequently, this highlights the rationale behind the argument that in Afghanistan, cultural and social traditions, norms and practices, as well as the interpretation of Islam, are not overly influenced by the Taliban or other religious extremist groups (cf. Ruttig, 2014). Therefore, the failures in developing the country are also very much an indigenous problem that can be traced back to a prevalent high degree of conservatism that hampers progress and modernity (cf. Laugh et. al, 2012; cf. HRRAC, 2010, FCO, 2014). Following this logic, external actors should not be regarded as the sole scapegoat for this failure.

This line of argument seems quite debatable and it represents, at best, one facet of a complex, multi-layered scenario. However, it does not reflect the real purpose standing behind this case. It seems rather that, besides the US/NATO inability to defeat the Taliban and other religious extremist forces, it also symbolises another Afghan drama, that is the broken promise of the international community to grant women in Afghanistan their legitimate rights in order to improve the social and economic situation, as well as their political role in the country. This has been gaining momentum since the 'liberation of women' from the 'gender apartheid' and the anti-female policy of the oppressive Taliban regime and the defence of women's rights was – officially – one of the primary reasons to take action in Afghanistan (cf. FCO 2014; cf. Hasrat-Nazimi, 2014; cf. AI, 2011).

In addition, the legitimisation for the military intervention in Afghanistan by many governments, especially by the US, was partially based on the promise to improve the life of Afghani women. Having in mind the heralding of the end of systematic exclusion of Afghan women during the first Bonn conference in 2001, apart from a brief hiatus of hope and enthusiasm for more gender equality after the ousting of the Taliban, the outlook and perspectives for women empowerment still looks ephemeral (cf. Jalal, 2013). Subsequently, the second Bonn conference in 2011 preferred to talk about strengthening civil society, trying to avoid 'inconvenient questions' regarding the current situation of women in Afghanistan (cf. Wolf, 2012).

Unfortunately –or conveniently – the term civil society was kept quite vague, and it was not explained substantially, which role women should play within the process of developing Afghanistan’s ‘civil society’. Additionally there was no debate with non-partisan and legitimate Afghani women representatives like Dr. Massouda Jalal (former Minister of Women Affairs 2004-2006 and the only female candidate in the 2004 presidential elections) on other pressing issues like the national reconciliation and peace negotiation with the Taliban and other militant fundamentalist groups following a strict anti-female approach (cf. Vieira Da Cruz/Wolf, 2012). However, for a critical observer this was not astonishing, having the ‘Bonn II spirit’ in mind, ‘shirking and not shifting’ responsibilities towards the Afghan authorities after one decade of miserable performance by the international assistance community in establishing a stable and secure country (cf. Wolf, 2012). One cannot help but feel that focusing on ending the ISAF mission as soon as possible under enormous pressure limited the political clout to substantially improve the difficult and unbearable conditions the women in Afghanistan have to face on a daily basis.

Consequently, today one must state that most of the women in Afghanistan find themselves more or less in the same repressive situation as before the engagement of the international community in their country. Besides some initial positive developments, at least on paper, in the sectors of education, political participation, health care and employment (cf. Hasrat-Nazimi, 2014; cf. AI, 2014, 2011), not many aspects for most of the Afghan women and girls have improved. There is no doubt that the statistical success stories of governments and non-governmental organisation in order to justify their own aid programmes in Afghanistan are being put under increasing scrutiny and are being challenged by the realities on the ground. For example the emphasis on the high enrolment of girls in schools or the guaranteed percentage of women representatives in the Parliament as indicators for an improvement of the situation of woman sounds like referring to a chameleon, which ‘only changes its colour but never changes its skin’. This is because enrolment figures do not mention the number of girls that were forced out of education programmes or that were confronted with an anti-female working environment leading to frustration, disillusion, and unwillingness to engage in public life (cf. Freedom House, 2014; cf. AI, 2014, 2011). As a result, all the promising statistics are misleading, giving the false impression that the life of women in Afghanistan is actually improving.

According to several observers and human rights organisations, women in Afghanistan continue to be among the worst off within and beyond South Asia, facing all kinds of atrocities and limitations. There is still an endemic violence against women in the public and the domestic spheres, comprising physical, sexual or psychological atrocities including rape, kidnapping, public abuse, assaults, forced and underage (child) marriage, forced prostitution, ‘honour killings’, restrictions on movement and freedom of expression (cf. HRW, 2012; 2010; 2009; cf. AI, 2014, 2011). Additionally women have to suffer from traditional practices like “baad” and “baadal” which are not in line with the new Afghan constitution, national and international laws as well as the respective commitments of the Karzai government.

Despite the fact that it is forbidden by the Afghan penal code, the “baad” traditional practice for solving conflicts between two parties is not only one of the most abusive (cf. HRW, 2012; 2009), but also one of the most common and flourishing. It is usually carried out by a local Jirga (tribal assembly, a gathering of elders), and it is supposed to settle disputes by trading a girl as a compensation for a crime in order to avoid punishment of an older relative of her family as well as for resolving larger or longer-lasting clashes between the conflicting communities. Many times, this practice ends with the death of the traded woman/girl or with her being forced into slavery and/or marriage. A similar abusive practice is “baadal” which consists of the exchange of daughters between two families for marriage purposes (cf. HRW, 2012; 2009). Because it is based on a mutual arrangement and commitment, if one in-law is badly treated, her exchanged counterpart will be as well. Besides the fact that it helps poorer families to arrange marriages for daughters by offering a chance to avoid dowry payments (“mahr” or “mahriya”), the practise of “baadal” heavily promotes violence against women and as such, it violates the Afghan law.

Furthermore, women liberties are limited by several other strict rules of conduct. In this context, the notion of “mahram”, meaning that a woman cannot leave the house without a chaperone, which is commonly understood to be an approved male relative (cf. HRW, 2012), gives us more food for thought. This not only prevents women from taking part in social interactions outside the domestic sphere, engaging in social life, but it also enforces the treatment of women as objects and personal possession of male family members. It hampers women in contributing to the build-up of a functional and effective Afghan civil society and it excludes them from political participation and economic resources like employment opportunities (cf. AI, 2011). Consequently, to survive socio-economically, the lifeline for

many women is still formed by an absolute dependence on the support of their male dominated families and communities, which avoids any empowerment of their female members. Keeping this in mind, it is short sighted just to state that these unfortunate conditions are due to the traditional, long-established cultural context of the Afghan society, which deeply determines all spheres of communal and individual life. In consequence, the state has only a little space to manoeuvre to change the mind-set of the people in order to abolish anti-female practices. This is not only a reactionary argument, but it also simply ignores the major problems of formulating and implementing progressive policies for women in Afghanistan.

The mentioned examples point above all to an extraordinary ambiguity of former President Karzai's approach towards the improvement of the situation of women and of their rights. This ambiguity finds its expression in the following factors.

To begin with, each policy that is guided by gender equality is under stress, due to two basic phenomena. Firstly, male dominated political and administrative circles, deciding on state policy towards women, are interested in maintaining the patriarchal structures of Afghan society. The facts that the bill aimed at preventing violence against women was pushed out of Parliament and sent to a committee for further scrutiny. The quota of seats for women on provincial councils was cut down from 25 to 20 per cent; a proposal by the Ministry of Justice to reintroduce stoning as a punishment for adultery – typically used against women (cf. Graham-Harrison, 2014; cf. AI, 2014) – must be seen as attempts to ensure male dominance in Afghan politics. Secondly, each political move made by the government to bring out reforms in order to establish gender equality was enforced by the international community and not based on significant female lobbying activities or on a large scale social movement arising within the country.

Subsequently, the government did not invest a lot to enhance women participation in the political decision-making process. In contrast, several reports state that women being engaged in political-administrative authorities in general, and in the national Parliament, provincial councils and district assemblies in particular are systematically threatened to keep a low profile (cf. AI, 2011). Instead of offering female politicians protection and room to manoeuvre in politics, the current government tries to appease conservative and religious extremist forces in the country in order to form alliances to maintain power. In other words,

despite the existence of constitutional directives, national laws, and several international commitments, the current power oligarchy in Afghanistan does not mind to sacrifice legitimate rights of women for political and strategic purposes. It also seems more and more obvious that the process of reconciliation with the Taliban as well as the negotiations of power arrangement with warlords, including local militias, will not ameliorate the situation.

Another indicator of these circumstances can be seen in the fact that women are vastly outnumbered (currently only 9 out of 70 members are women) and outranked in the High Peace Council/HPC, a governmental authority set up to negotiate peace with the Taliban (cf. Arghandiwal, 2012). Therefore, one must state that the Karzai government was following a policy aimed at downgrading the influence of women during the peace process. For example, the National Action Plan for Women of Afghanistan (2008-2013) contained strong recommendations on advancing gender equality in government institutions, but most of them have not been fulfilled by his administration (cf. AI, 2014). This is a dramatic setback for any achievements in the last decade. While observing the atrocities in currently Taliban controlled areas in Afghanistan, any reconciliation with these religious fanatics and their allies will be a return to the patterns of discrimination and misogyny, which will continue the trend in depriving and exploiting Afghan women.

Another significant factor, which does not allow women to emerge and operate, is the lack of access to the country's judicial institutions. In other words, on paper women rights are granted but the female citizenry has no chance to enforce the respective laws. Women suffer from a dysfunctional criminal justice system due to prejudicial attitudes, marked sexism, anti-female mind-sets of judges combined with an extraordinary lack of professionalism of the police and prosecutors. At the same time, the Karzai government did not show any political will to carry out necessary reforms within the judiciary to make fair treatment of women and gender equality possible (cf. Graham-Harrison, 2014). Instead, governmental officials have been allowing radical Islamic influence to grow within Afghanistan's judiciary (and other institutions too) in order to gain -electoral - support from the fundamentalists. Consequently, instead of helping to abolish or reduce the oppressive conditions and practices, the judiciary and the respective law enforcing agencies are worsening the situation. For example in November 2013, the Ministry of Justice and the Ministerial Committee of Sharia and Traditional Penalty and Investigating Crimes proposed more than 25 amendments to the

country's penal code. The changes, if they had been approved, would have reinstated punishments, which were enforced under Taliban rule (cf. AI, 2014).

To sum up, there is no doubt that the legal and social status as well as the role in political processes of Afghan women have undergone tremendous changes during the different regimes in 'modern' Afghanistan. Nevertheless, various successful reform attempts in the past proved that an Afghan government with sufficient political will is capable of working towards improving the situation of its female citizenry. However, besides some half-hearted measures to please the donors but at the same time not overstepping boundaries set by conservatives and fundamentalists, the political elite either lacks the volition or has no interest to implement gender equality. Moreover, it is important to mention that this phenomenon is either backed or ignored by the international community. As a result, instead of having a democracy understood as 'government of the people, by the people, for the people' (Abraham Lincoln), former President Karzai established a dysfunctional political system 'of the men, by the men, for the men', once again turning Afghanistan into one of the 'most dangerous places' in the world for women.

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