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Proposed law to protect Afghan women faces backlash

By Pamela Constable

May 25, 2013

A proposed law to protect Afghan women and girls from abuses such as child marriage, bride barter and spousal abuse has created a furor in the past week, exposing a generational and religious struggle that persists in this traditional Muslim society despite a decade of Western-backed democracy and a constitution that enshrines women's rights.

The drama erupted when a female legislator brought the bill before parliament May 16 and a group of conservative male lawmakers vehemently objected, saying it was contrary to Islam and Afghan culture. The backlash grew this past week, with protests at Kabul University by students of Islamic law, and some women activists now say it was a fatal mistake to bring the sensitive issue to parliament's attention.

Since the overthrow of the Taliban in 2001, Afghan women have made substantial gains in access to jobs, education and public life. But the position of girls and women in family life has remained weak and subservient, and they are vulnerable to abuse. Now, with NATO forces preparing to withdraw in 2014 and Taliban influence on the rise, there are growing concerns that the gains could be reversed.

The central figure in the controversy is Fawzia Koofi, 38, a firebrand legislator and women's rights advocate with presidential ambitions. She says she believes that now more than ever, Afghan women need a permanent law spelling out their rights and banning practices that harm them. Currently, that guarantee exists only as a presidential decree that could be dropped after next year's national elections.

“This is a fight between extremism and moderate Islam,” Koofi said in an interview. “It is easy to say that something is against Islam and get people upset, but there is no article in this law against Islam, and those who say so either have not read it or are just making propaganda.”

A widowed mother of two with a master’s degree in political science, Koofi has emerged in recent years as the face of female emancipation in a tribal, male-dominated society where wives and daughters are traditionally treated as property. She posts regularly on Facebook and Twitter and speaks perfect English. In February, she appeared on “The Daily Show” during a U.S. tour to promote her autobiography, a story of her climb from rural poverty to political prominence.

Leading the charge against her is an array of powerful men who come from another generation and espouse a different worldview. Many sport flowing beards and turbans, fought in the anti-Soviet jihad of the 1980s and see themselves as guardians of the nation’s religious and family values against a Western assault. Some are religious clerics who command wide public respect and influence.

These men object to key provisions in the proposed law that would give women and girls more rights and protection from family customs and practices considered abusive in other parts of the world. In particular, they oppose raising the minimum marriage age for girls from 9 to 16, sending men to jail for beating their wives, and allowing women and girls to seek sanctuary from abusive family situations in government and private shelters.

“We are not against the law, but we oppose some points which are in contradiction with sharia and the constitution,” said Abdul Sattar Khawasi, a lawmaker from Parwan province.

A former militia commander with a thick black beard, Khawasi said he fears Western critics “want to promote atheism and anarchy in our country. We will not allow our system to be changed to a secular one.”

Khawasi defended the practice that allows elders to draw up marriage contracts for young girls, saying they “know what is best” and do not send the girls to consummate the union until they reach puberty. He criticized women’s shelters, which many Afghans view as little more than brothels, saying that they “promote obscene acts” and that if a girl flees her home, “it disrupts the family and social structures.”

Rising violence

According to Afghan and international rights groups, violence against women has steadily increased in recent years, and so has the prosecution of girls and women for “moral crimes,” broadly defined as any form of sex outside marriage. Even in the case of rape, women are often charged with adultery. One contributing factor is the revived influence of the Taliban, with its harsh religious code and punishments for moral offenses.

In the past several years, a number of shocking cases drew attention to the persistence of domestic cruelty and honor crimes in Afghanistan despite years of international efforts to promote women’s rights and the 2009 decree by President Hamid Karzai. It banned and

criminalized various forms of violence against women, leading to prosecutions against some abusers.

In the most notorious incident, teenage bride Sahar Gul was locked in a basement, tortured and starved for months by in-laws who tried to force her into prostitution; they were eventually tried and sentenced to prison. Last November, a 14-year-old girl was seized and beheaded by two men after she refused a marriage proposal. In 2010, a couple accused of having an affair was stoned to death in public by the Taliban at their families' request.

Human Rights Watch reported last week that the jailing of Afghan women and girls for moral crimes has soared, with 600 now behind bars. Heather Barr, the group's Afghanistan researcher, wrote in an online essay that the plight of Afghan women is now viewed as a "lost cause" by many international groups and that they face a "darker future" after Western troops and aid projects pull out.

Future in jeopardy

Shukria Khaliqi, who runs two private shelters in Kabul, said her organization, Women for Afghan Women, has since 2007 helped more than 3,000 women and girls who suffered abuses ranging from forced marriages to rape by male relatives. She said it is crucial that such cases be prosecuted under a permanent law, noting that "if the government doesn't punish the culprit, he will feel more free to punish his wife at home."

Koofi said her goal in proposing the law was to make sure Karzai's decree, the Elimination of Violence Against Women Act, doesn't fade into oblivion after he steps down from office in 2014 amid an uncertain political and security situation. The proposed law is virtually identical to his 2009 decree.

But several other Afghan female activists and lawmakers expressed anger and concern over her high-profile action. Shinkai Karokhel, a legislator from Kabul province who was deeply involved in efforts to secure the decree and persuade the justice ministry to enforce it, said the growing backlash to Koofi's attempt could jeopardize all their gains.

As it stands, the law has been blocked in parliament and seems likely to face even stiffer resistance if reintroduced.

"That decree was a huge achievement that took three years of work. What Miss Koofi has done was very unfortunate," said Karokhel. "Now everyone is saying the law is against Islam, and my own constituents ask how I can support it. I don't know if she did this for personal fame, but it could put women in danger instead of helping them."

On the other hand, Koofi has found staunch allies among some liberal male members of parliament, including lawyers and religious scholars who argue that the real obstacle to women's emancipation in Afghanistan is not Islam but male-dominated tribal traditions. One supporter is Ghulam Hussain Nasiri, a legislator from Wardak with several degrees in theology.

“As a man, an Afghan and a member of parliament, I say we must stand together and fight against traditional customs that do not conform with Islam,” Nasiri said. “When the Taliban banned women from education, work and other rights, they were vilifying Islam. If we want to progress as a Muslim society, we need to make sure women are free to play their full role in it.”