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IWPR

Divorce Rate Spirals in Herat

By Shapoor Saber in Heart
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Legal aid groups help women escape abusive husbands – but some argue separation not always best course of action

Fatema Ahmadi sits in the shade by the courthouse wall, waiting for her lawyer. The 20-year-old is swathed in a black chador, or veil, with only her face visible. Reluctant to speak to this reporter, she relented when her father insisted.

“I want a divorce,” she said.

A high-school graduate, Fatema has been married for 15 months. She first came to the court one month ago with her father, determined to put an end to the misery her life had become. She left her husband three months ago, and now hopes to go to university to become an engineer.

“My husband beat me for no reason,” she said. “He even tried to kill me once, but the neighbours stopped him. My whole body is black and blue. I will not live under his control for one more day.”

According to numerous legal professionals, the divorce rate has spiked over the past year, with women the majority of those seeking separations.

Golsum Seddiqi, director of the Foundation for Lawyers and Legal Experts in Herat, said her research showed that the number had doubled.

“According to our own investigation, approximately 200 women have sought divorce from their husbands during the current year, compared to 100 last year,” she told IWPR.

Much of the responsibility for this increase falls on the many legal aid organisations working in

Herat, say experts in the field.

Medica Mondiale, as well as the Norwegian Refugee Council, the International Legal Foundation, and others are now assisting women in claiming their legal rights.

Locals joke that the easiest job to find in Herat is that of a lawyer. Armed with a law degree, a motivated young professional can soon land a lucrative job with an international organisation, handling divorce cases and other types of family law.

Abdul Qadir Rahimi, director of the Afghan Independent Human Rights Organisation, AIHRC, for western Afghanistan, is proud of the work that his organisation and others have done in Herat.

“We have cooperated with other NGOs that work in the legal field to promote women's awareness of their rights,” he said. “This has had a very good result.”

As women gain greater access to the legal system, they are more and more inclined to try and remedy some of the problems they face in society. Forced marriages account for the majority of the problems, said Rahimi.

“We had a 16-year-old girl who was forced to marry an 80-year-old man,” he said. “We also saw the reverse – a 20-year-old girl who was forced to marry a two-year-old boy.”

Farida Haqshenas, from Medica Mondiale, told IWPR that the rise in the divorce rate was due to the greater number of organisations working for women's rights.

“Women had similar problems in the past, but there was no one to advocate for them,” she said.

Rana Habibi, who heads the legal department of the AIHRC in Herat, told IWPR that she sees several women per day in her office, all of them seeking divorces.

“First we try to resolve the problems between husband and wife, and encourage them to continue living together,” she explained. “But if they cannot agree, we hire lawyers for them and send them to family court.”

Some legal and social activists are not so sanguine about encouraging women to seek separations.

“Half of these women who seek divorce could resolve their problems through consultation and advice,” said Seddiqi. “But the lawyers do not try and settle [disputes this way].”

Despite numerous requests for interviews, no lawyers agreed to be interviewed for this report.

Divorce places a woman outside the social network, added Seddiqi, and created many problems.

This view is shared by Abdul Karim Haqyar, a lecturer in Herat University and an expert in

social and legal affairs.

“Women who divorce have very little chance of remarrying,” he said. “Only old men or widowers will agree to have them. So they often end up marrying the same kind of people they had been running away from.”

Still, he added, for some women divorce was the only solution.

“The number of divorces has increased because women who know their legal rights are no longer willing to live with the pain any more,” he said. “It is better than self-immolation.”

Herat sees dozens of cases of self-immolation each year, the majority of them girls or women faced with miserable marriages.

Religious scholars, while conceding that divorce is permitted under Sharia law, are disapproving of the practice. “Sharia considers divorce an abomination,” said Mohammad Kabir Salehi.

But Ahmadi will consider no other option. Her husband is refusing to agree, but she is determined to dissolve their marriage in his absence, if necessary.

The young woman is nearly eight months pregnant, but does not want to keep the child.

“As soon as my baby is delivered, I will hand it over to its father,” she said, tears welling up in her eyes. “I do not even want to see its face, because it has that man's blood in its body.”

Other women wait in line at the family court, bent on the same mission as Fatema.

Najiba (not her real name) has been married for 16 years, and has four children, the eldest of whom is 14. She herself is only 27.

“I was 11 years old when my father married me to a 40-year-old man,” she said. “He is a drug addict. He beats me. He cannot feed me or my children, and he forces me to go begging in front of the mosques. I had to take my oldest son out of school so he could work. My life was getting worse and worse every day.”

With the help of her lawyer, the woman will soon be free of her husband.

“I am going to rescue myself and my children,” she said defiantly.