

THE AFGHAN MISSION: SHOWDOWN IN KABUL: 'WE ARE NOT THE PROPERTY OF MEN'

## Male mob hurls stones and scorn at Afghan women protesting rape law

**Facing intimidation and attack, women gather in Kabul to express outrage over law that would restrict their rights**

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KANDAHAR, AFGHANISTAN -- Swarms of angry men shouting epithets and hurling stones confronted hundreds of Afghan women who staged a rare public protest yesterday against a law that allows husbands to demand sex from their wives.

Although many were prevented from attending the Kabul protest - some by their husbands and others by public transportation workers who refused them access to buses - about 300 women managed to gather in front of the hard-line Khatam Al Nabi mosque for two hours yesterday morning.

"It was a risky protest," said Sabrina Saqib, a 28-year-old member of the lower house of Afghanistan's National Assembly and one of the protest organizers. "We had to show that there is solidarity among women ... in Afghanistan. We are asking for justice."

The aim of the protest, Ms. Saqib said, was to show that Afghan women are just as outraged at the new Personal Status Law as the international community. Passed quietly last month, the legislation - it applies only to the minority Shia Muslims, which make up 10 to 20 per cent of Afghanistan's 30 million people - requires, among other things, that women submit to sex with their husbands every four days with few exemptions. It also regulates when and why women can leave their homes.

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Ms. Saqib said parliament passed the law unusually quickly and without debate because it was part of a package of laws; the controversial articles were buried.

News of its passage, however, caused international outrage. Last week, President Hamid Karzai responded by ordering a Justice Department review of what has been dubbed the "rape law." The review is expected to take between two and three months. However, many Afghans worry that the review will be overshadowed by the August presidential election and that the issues it creates surrounding women's rights will go unaddressed.

That, the protesters said, will not be satisfactory.

"In this law, it shows women are the property of men," said protester Fatima Hussaini. "We are not the property of men. We are equal," she said.

The unusual protest prompted a widespread backlash in the Afghan capital. At the mosque, which is home to Mohammad Asif Mohseni, the influential Shia cleric who has been an outspoken supporter of the law, a large group made up mostly of men gathered to counter the women.

Some of the policemen assigned to keep the two groups apart joined the protest, shouting threats at the women.

"They were swearing, telling the women to go back home," Ms. Hussaini said.

In a western neighbourhood of the city populated mainly by Shiites, a girls' school was attacked and vandalized after several teachers attempted to leave and attend the protest, Ms. Saqib said.

More women would have attended, she said, but many feared suffering similar repercussions.

The same fear has kept other members of parliament from publicly expressing their opposition to the law, even though it has been widely rejected by Shiites of both sexes.

Their silence has created a vacuum into which advocates of the legislation have stepped, denouncing the international community for imposing its values on Afghanistan and stirring what they claim is false opposition.

Ms. Saqib said the opposition has nothing to do with international influence.

"The reality is that in Afghanistan, it is the man who has the power," she said, adding: "This is not something that we have to put into law. This is a relationship between two people. They can, themselves, manage how to deal with it."

Ms. Saqib and several other women have asked Mr. Karzai for a meeting on Saturday to discuss amendments to the law and restoring accountability to the parliamentary process.

"We want the parliament of Afghanistan to concentrate on justice and the human rights of women in any law-making decisions," she said.

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#### AFGHAN WOMEN THE MOST VULNERABLE IN THE WORLD

The overthrow of the Taliban in 2001 raised hopes that women in Afghanistan would rapidly regain their human rights. Ongoing threats to women's security make their participation in public life almost impossible, and Afghan women are still among the most vulnerable in the world. These are some of the laws and customs that make it so:

##### Family

Afghan women have relatively low level of protection within the family context. Marriage is a community affair and forced early marriage is quite common. Human Rights Watch estimates that 57 per cent of Afghan girls are married before the age of 16.

The Afghan Constitution and Islamic *sharia* law both support polygamy, allowing men to take up to four wives. Certain conditions apply to polygamous marriages, such as the equal treatment of all wives, but these are not always observed. A report by the Max Planck Institute reveals that the social prestige of divorced women is so low in Afghanistan that many divorcees will agree to be a second or third wife rather than remain single - even if they are treated unfairly by the husband.

Under Islamic law, provisions on parental authority hold that fathers are the natural guardians of their children. In the case of divorce, mothers are usually granted physical - but not legal - custody of children until they reach the age of custodial transfer. At that time, children are returned to the physical custody of the father or the father's family.

Women's right to inheritance in Afghanistan may vary, depending on whether they are determined by Islamic and customary law. Under Islamic law, women may inherit from their parents, husbands or children, and, under certain conditions, from other family members. However, their share is always smaller than that to which men are entitled. This is commonly justified by the argument that women have no financial responsibility toward their husbands and children. Under customary law, women do not inherit from their fathers or husbands, but are taken into the care of the husband's family. If a widow is young, she is often encouraged to marry one of her brothers-in-law as a means of being able to take care of her children.

##### Security

Violence against women is widely practised and tolerated. Abusers are rarely prosecuted and the authorities seldom investigate complaints of violent attacks, rape, murder or suicide of women. Women who report rape face being locked up and accused of having committed crimes of *zina* (that is, laws that criminalize sexual relations outside marriage). Nonetheless, the recognized need to combat violence against women is gaining ground.

The incidence of missing women is particularly severe in Afghanistan. The country has the world's highest percentage of missing women relative to its total female population. Census data from a study by The Woodrow Wilson International Center for Scholars showed 1.1 million fewer women than expected in 2001. This is primarily the result of son preference, which leads to female sex-selective abortions, relative neglect of young girls (compared with boys) in early childhood, and the abandonment of young girls. Female genital mutilation, however, is not practised in Afghanistan.

#### Ownership rights

Legislation in Afghanistan provides only weak support for the financial independence of women. Many women work in the agriculture sector, but their access to land is very limited and very few own land of their own. While Islamic law protects a woman's access to property other than land, customary law traditionally deprives women of economic assets, leaving them dependant on their husbands, fathers or brothers (if unmarried) throughout their lives.

#### Civil liberties

Afghan women have a very low degree of civil liberty. Prior to the fall of the Taliban in 2001, women's freedom of movement was severely restricted by the Taliban's policies. Conditions have since improved, but true change has been limited due to ongoing security threats.

#### Dress

Unlike the Taliban, the current government imposes no legal restrictions on women's freedom of dress. Nevertheless, following deeply rooted traditions of *purdah* (the segregation of women from men) most Afghan women still cover themselves from head to toe, wearing the typical *burka*. Women who choose to go unveiled in public run the risk of being verbally or physically harassed.

Source: *Social Institutions*

& *Gender Index, OECD*

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#### VOICES FROM SCENE

Shouts and taunts went back and forth yesterday during demonstrations against an Afghan law that restricts women's freedoms. Here are some of the scenes and comments:

Young women stepped off the bus and were moving toward the protest march when they were spotted by a mob of men.

"Get out of here, you whores!" the men shouted. "Get out!"

The women scattered as the men moved in.

"We want our rights!" one of the women shouted, turning to face them. "We want equality!"

The women ran to the bus and dove inside as it rumbled away, with the men smashing the tail-lights and banging on the sides.

"Whores!"

"You are a dog! You are not a Shiite woman!" one man shouted to a young woman in a head scarf.

The woman replied quietly: "This is my land and my people."

"The holy book doesn't say to keep women in the house like a jail!" 18-year-old Farooq Yosouf shouted.

Sources: *New York Times, AP*

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#### *The worst offenders*

*The Social Institutions and Gender Index ranked the 10 worst countries for gender inequality.*

1 - Sudan

2 - **Afghanistan**

3 - Sierra Leone

4 - Mali

5 - Yemen

6 - Chad

7 - India

8 - Iran

9 - Pakistan

10 - Iraq

THE GLOBE AND MAIL

SOURCE: OECD DEVELOPMENT CENTRE

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