



International

Afghan Women Face Inequity, Abuse, Jail

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As Afghanistan holds its first democratic elections this weekend since the fall of the Taliban, the situation for women in the country remains dire. For many women, refusing to accept inequities like arranged marriages can mean jail time.

KANDAHAR, Afghanistan (WOMENSENEWS)--Musliba leans forward, holding her white scarf so that only her dark eyes are visible, and makes an open-handed gesture. She wants to explain to the foreign visitor why she's been in jail for the last two months, but at age 12, she doesn't quite understand herself.



A woman in the Kabul
Women's Prison.

Courtesy of Rosemary Stasek.

The prison director, Haji Niamat, cuts her off, impatient and cheerful at once. "I'll tell you why. Immorality, of course. She defied her father by refusing to marry the man he chose. And then, she had relations with an 18-year-old shopkeeper."

Musliba, who like many Afghans goes by her first name only, blushes and finally covers even her eyes. She waits to speak until the director walks out of earshot.

"My father gave me away one night when he was in a restaurant with friends," she whispers, sitting cross-legged on the concrete sidewalk outside the room that is her cell. She wrinkles her nose in distaste. "The man he wants me to marry is old, my father's age." And the shopkeeper? Musliba smiles. "He's handsome. He has a job. That's all."

That is enough to land a girl in jail in this conservative, dusty city in the south founded by Alexander the Great in 300 B.C. and, until just three years ago, the Taliban stronghold. Musliba has been in jail for two months, waiting her turn before the judge.

Afghanistan is in the midst of reconstructing its society after nearly a quarter-century of war, with the first Western-style elections scheduled for later this week, girls permitted to attend school again and women--though still the minority--tentatively shedding the burqa. But Musliba's case, along with those of many others in Kandahar and Kabul prisons, illustrates the post-Taliban obstacles facing women in a country where tradition ignores their voices and the law is stacked against them.

More than 40 percent of Afghanistan's 10.5 million registered voters are women, but a recent report by the U.S.-based Human Rights Watch says very few have

registered in areas like Kandahar where Taliban supporters are still active, and it expects many registered women will not actually turn out to cast ballots on polling day. The report says campaign workers have received death threats for even raising women's issues. Another survey by the nonprofit Asia Foundation said 87 percent of all Afghans interviewed believed women need their husband's permission to vote and 72 percent said men should direct women on their voting choices.

The campaign has focused, understandably, on stability and economics; women's rights have not been an issue. The female presidential candidate, Masooda Jalal, has been a remarkable presence in many conservative communities, but she's been threatened and denied speaking rights on occasion, and is not expected to capture any sizeable portion of the vote.

Burqa Has Little to Do with Freedom

"In the West, an Afghan woman without a burqa is considered free. In reality, the burqa has little to do with it. The Afghan woman won't be free until society changes in very basic ways," an American official dealing with gender issues in Afghanistan said privately.

Kandahar's chief judge argues that sharia, or Islamic law, protects girls like Musliba. "Our laws make family unity a priority," said Judge Abdul Basir Mahbooky, fingering his prayer beads. "That is important for women because, I'm sorry to say, women don't have the mental or physical capacity to live alone in this society. We must make sure they are cared for."

Mahbooky, who puts his age at between 57 and 60 and has a full gray beard that reaches to his stomach, has been a judge for forty years, trained first in a religious school and later obtaining his masters degree in Islamic law. He says putting Musliba in jail may have saved her life, since family members often kill girls who defy their fathers or are suspected of having illicit relationships.

Musliba's mother was shot to death eight years ago during Taliban rule while coming home late one evening. Musliba isn't clear about the circumstances of that killing; she knows only that it left her father as her sole guardian. Then one night in a restaurant about five years ago, her father promised her to one of his friends. Such arrangements are not uncommon throughout the country. What is unusual is that Musliba was brave enough to tell him she wouldn't marry the man.

Prison director Niamat predicted that when the judge gets to Musliba's case, he will order Musliba married immediately, either to her father's choice, or if he won't have her now that she's been "disgraced," to the shopkeeper. "Don't worry," he said. "We'll take care of her."

Acts of Courage

As Musliba's imprisonment shows, what might be considered an act of courage in the West can result in a jail sentence here. Sima Alamiar, locked up in Kabul, is another example. For 19 years, she says her husband had beaten her bloody, once breaking her nose, another time hurling a glass that cut her forehead and left a deep scar. But the evening he struck her in front of relatives, this 38-year-old woman finally found the will to run away.

Only days after fleeing, however, she wound up in jail, charged with the crime of "escaping from the house." Now, two months later, she has decided to tell the judge she will return home.

When asked what she will do if her husband beats her again, Sima shrugged. The years of beatings have given her a toughness that is visible on her face. "I pray to Allah that he won't," she said, "but I have to risk it. It's better than spending five years in this jail."

Introduced to the concept of a shelter for battered women, she listened, wide-eyed, almost unbelieving.

Although Islamic law permits a man to divorce his wife simply by saying "I divorce you" three times in front of witnesses, the requirements for a woman are far stricter. "She must show the court that he is unable to provide her with housing, food, clothing or intimacy," Jawad Nikzaid, a University of Kabul law student, explained over a cup of sweetened chai. "Failing that, she can offer her husband money and perhaps he will agree to a divorce."

Nikzaid is a hopeful sign: a member of the younger generation who finds the current laws unfair to women. He has a wall of tradition to fight, however--tradition often backed by women themselves such as Rana Samad Said, director of the prison where Sima is being held.

"So she was beaten," said Said, who holds a master degree in criminology from Kabul University. "The man must work outside the home long hours to bring money for his family. When he returns home, his wife should have good behavior and respect him. If she doesn't, such problems occur."

Sima shares a large room with nine other women inmates and two children. Worn carpets cover the floor and blankets are piled high in a corner. The women get a piece of bread for breakfast, rice for lunch and potatoes at night, without exception. They are also allowed to walk in the "courtyard," a square patch of rocky dirt with a water hose in the middle that leaves much of the area muddy. They have no electricity for light and no books. But the prison does offer the women a chance to sew and take classes in literacy or the Koran.

Keeping with Tradition

Noria, 25, one of Sima's fellow inmates, became a widow when her husband was killed in the American bombing that followed 9/11. Her father-in-law ordered her to marry her husband's brother, in keeping with convention, and after she repeatedly refused, he had her jailed.

"I loved my husband very much. I don't want to marry his brother," Noria said, who has been imprisoned for five months awaiting trial. "I have four children. The oldest is only 7. And during this time, I don't know whether they are eating or not. I don't know if they are getting clean, or how they are living."

Hosnia, 18 years old, says she was jailed for love. She and a neighbor fell in love, and he asked her father for permission to marry. Her father refused because of ethnic differences: She is Hazari; he Tajik. After a few months, the boy asked again, and then again. The father refused each time, so the couple decided to run away together. They were caught before they could marry.

"If the government won't agree, we'll run away to Iran or Pakistan," she said.

Her plight drew rare giggles from her cellmates, who say they cry far more than laugh.

"No one sleeps well at night here," Noria said. "We are thinking and weeping all night long. I know I didn't commit any crime. I shouldn't be here. I want to kill myself."

The threat may sound melodramatic, but it is not idle. One woman sharing the room with Sima had tried to kill herself by immolation twice within 24 hours. The story of her imprisonment was long and complicated, involving a husband in prison in Pakistan and conflicting accusations of murder. She related the details mechanically, her eyes glassy. It was her fellow cellmates who revealed her

attempted suicides.

"I cannot stand it here, and I see no way out," she said, the determination in her expression chilling. "My mind is made up."

Masha Hamilton is a journalist and novelist whose next book comes out next month.

For more information:

Women for Afghan Women:

<http://www.womenforafghanwomen.org/>

HelpAfghanWomen.com:

<http://www.helpafghanwomen.com/>

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