In harm's way

For women in Afghanistan, life has never been easy. But with the withdrawal of Nato's troops, it could be about to get a great deal worse. **Lynne O'Donnell** looks at the plight of these 'secondary' citizens in the first of a two-part series on the war-torn nation. Pictures by **Farzana Wahidy**.

Gulnaz was imprisoned after reporting a rape that led to her being accused of "moral crimes".

What Gulnaz remembers most about the day she was raped is the foul stench of her attacker. The memory of his filthy clothes and the rancid smell of old sweat still turns her stomach, three years later.

When he turned up at her home and learned her mother was out, he barged in and started slamming shut all the windows and doors. Gulnaz's blood turned to ice and when he lunged at her, she started to scream.

"He shut me up by putting his hands on my mouth," she told a television interviewer.

When the attack was over, the 19-year-old virgin had not just been violated by a man she knew and trusted – her cousin's husband – she was pregnant.

Four months after the 2009 attack, Gulnaz's swelling belly and morning sickness betrayed her secret, and her parents forced her to go to the police. Frightened and traumatised, Gulnaz told them of her ordeal. Incredibly, she was imprisoned, a victim of Afghanistan's Kafka-esque justice system, which turns the female victims of crime into criminals. She was charged with adultery because her rapist was married. Gulnaz, now 22, was sentenced to two years in prison. When she appealed, knowing she had done no wrong, the court slapped another 10 years on her sentence. Her daughter was born on the floor of her cell in Kabul's Badam Bagh women's prison.

As horrific as Gulnaz's story is, it is commonplace among women imprisoned for what the Afghan legal system calls *zina*, or moral crimes. Of about 700 women and girls in prison, 400 are there for running away from home or for *zina*.

Premarital sex and adultery are *zina* crimes. Being raped, being forced into prostitution, even being suspected of having sex outside marriage are often treated as crimes, even though a 2009 law is supposed to protect women from abuse.

Sentences are harsh, up to 15 years. Some prisoners are as young as 12 years old. Yet, in a heartbreaking indictment of a profoundly troubled society, many of these girls and women feel safer in prison than they would at home, with their families. In a country where females are generally treated little better – in some cases, much worse – than animals, prison is an oasis, a place where they feel cared for and calm.

"I am happy in here. Here I am not afraid, because I know no one is coming in the night to kill me," a 40-year-old woman identified as Jawana S. told Human Rights Watch (HRW), the New York-based monitoring group, which recently surveyed women incarcerated for *zina* crimes. Jawana is serving three years for running away after her father-in-law raped her and had her brother killed.

Afghanistan is a land where girls are sold by their fathers to pay financial or blood debts, or in exchange for opium, sheep or dogs. Young women pour diesel over themselves and set it alight rather than endure beatings and torture. Even after decades of war, when the population should be skewed in favour of women, there are more men in the country because girls hardly old enough to menstruate are forced into ››

Clockwise from right: a Kabul girl weeps after being beaten by her uncle, allegedly for not paying him enough respect; cases of Afghan women attempting suicide by self-immolation are numerous; an Afghan prostitute fixes her headscarf to cover her face as she is photographed in her madam's house in Kabul.

marriage and routinely die in childbirth. "Honour" killings, so-called because they are intended to expunge a family's shame with the murder of a morally wayward daughter, are an accepted tradition.

The treatment of women in Afghanistan is seen as a gauge of the country's social development. It was also one of the reasons cited by the United States Secretary of State Hillary Clinton, and others, for the invasion of Afghanistan in late 2001, which removed the Taliban from power after September 11. The Taliban had hosted Osama bin Laden as al-Qaeda planned the attacks.

Once the Taliban leadership fled east into Pakistan, Western aid poured into Afghanistan, to build roads, schools, hospitals and telecommunications networks; to support elections, the growth of democratic institutions and civil society; to develop agriculture, trade, media and private enterprise; and to train security forces.

Having started from such a low base, in a country where some villages are still accessible only by donkey, progress has been impressive. But Afghanistan is poor, pious and conservative, with a largely uneducated people who have been living with conflict for more than 30 years. This means that developments aimed at changing attitudes and grafting concepts such as rule of law and human rights onto traditional and religious practices are limited, fragile and vulnerable. Now that a deadline has been set for the withdrawal of international combat troops – confirmed by US President Barack Obama and leaders of Nato member countries at a summit in Chicago last month – there are growing concerns that the Western nations supporting Afghanistan are so eager to end a war that is increasingly unpopular with voters at home, they will compromise the gains in order to do a deal with the Taliban.

Rights advocates fear that the Islamist Taliban will demand reversals in rights, especially for women, as the price of peace.

This raises serious questions about the legacy Afghanistan will reap after what will be, by the withdrawal, 13 years of war. Already more than 3,000 international soldiers have been killed and many thousands injured, often horrifically. Tens of thousands of Afghan civilians have died – most of them, the United Nations says, in Taliban attacks. About US$60 billion has been spent on aid, though eye-popping corruption means much of it has never reached earmarked projects. Amid consternation that the withdrawal of foreign troops will lead to civil war, as warlords and tribal and ethnic rivals re-arm, many Afghans are preparing their own departure, signalling a brain drain that will denude the country of the very people it so desperately needs.

"Western standards no longer apply to Afghanistan," says Nader Nadery, the former head of the Afghan Independent Human Rights Commission (AIHRC). Nadery was recently sacked by President Hamid Karzai in what was seen as a politically expedient move timed to head off the release of an AIHRC war crimes report that had been expected to name some senior figures, including parliamentarians, and call for them to stand trial.

"Many in the international community are trying to lower the bar on values such as human rights, women's rights and democracy to justify early troop withdrawal," Nadery says. "The setbacks on these gains will be a betrayal of the many lives of military men and women who fought, and lost their lives, in Afghanistan."

"I've heard people talk about the new, liberal Taliban, but not a single one of them has been an Afghan woman"

Opinion polls show that most people in the US, Britain and other countries with troops in Afghanistan want out, tired of their sons dying in the cause of a corrupt government, a president who persistently criticises his Western backers, farmers who grow poppies that produce 90 per cent of the world's heroin, and a people who lock their women indoors and sell their daughters.

While preparing for the withdrawal of combat troops, the US has been "in direct discussion with the Taliban", Obama said during a quick trip to a US base near Kabul last month, when he signed a Strategic Partnership Agreement with Karzai.

"We made it clear they can be a part of the future if they break with al-Qaeda and abide by Afghan laws. Many members have indicated an interest in reconciliation. The path to peace is now set before them," Obama said, in a speech at Bagram Air Base, kicking off his campaign for re-election later this year.

This portrayal of the Taliban as vital to an Afghan peace, and likely to have a role in a post-war government, is symptomatic of a "rush to the exits" by the US-led alliance, says Heather Barr, HRW's representative in Kabul.

"Some people are trying to argue that the Taliban have changed into some sort of liberal, open-minded, reconstructed movement. I'm not convinced," she says, noting US Vice-President Joe Biden's remark last year that "the Taliban are not our enemy per se".

"I don't see anything different for women," Barr says. "I've heard plenty of people talk about the new, more liberal Taliban, but not a single one of them has been an Afghan woman."

UNDER TALIBAN CONTROL from 1996 to 2001, the country's girls were banned from school and women banned from work. Women had to wear all-covering burqas and could only leave home accompanied by male relatives. "Vice and virtue police" whipped women for such transgressions as wearing white shoes, because white is the colour of the Taliban flag.

When the black-turbaned Taliban were chased through the valleys of the Hindu Kush into Pakistan, Afghan women believed their nightmare was over. Change was indeed immediate – the new government set up a Ministry of Women's Affairs. Laws were made, women were given the vote, aid flowed in.

British charity Oxfam says 2.7 million girls are now enrolled in school, up from 5,000 in 2001, although that is still only 35 per cent of the total. Afghanistan's health ministry says women's life expectancy is 64 years of age, up from 50 in 2009. Maternal mortality has fallen to 500 per 100,000 births, from 1,800 in 2005. One woman still dies every two hours from pregnancy-related causes, one of the highest rates in the world, yet that marks a significant improvement from 2007, when it was one death every 30 minutes.

Most Afghan women do believe their lives have improved since 2001. But a survey last year by ActionAid also found that most worry about a return to a Taliban-style government once the foreign troops leave.

These fears are far from unreasonable. In recent years, the Taliban has spread its influence

across most of the country. Through control of heroin production and supply routes, as well as protection "taxes" on trucks shipping supplies and fuel to military bases, the Taliban raises money to fund its insurgency. In many areas, the Taliban has a parallel administrative set-up that metes out "rough justice" – such as amputating the hands of thieves – and is often praised for eradicating crime, which a corrupt police force appears incapable, or unwilling, to do.

The Taliban leadership, from its base in Quetta, likes to say: "The Americans have the watches but we have the time." Emboldened, they characterise the looming withdrawal as a loser's retreat. Recent attacks in Kabul display the tenacity and ingenuity of the insurgents, the possible collusion of government forces and the failings of both Afghan and Nato intelligence. Outside the fortified capital, suicide attacks and improvised bombs continue to kill, maim and terrorise the exhausted populace.

Taliban operatives attack girls' schools and murder women who have their own businesses, run for public office or work for foreign organisations. There can be little wonder that in some regions, women are reverting to wearing the burqa. This in turn entrenches conservative views on women, not only killing hope for continued progress but threatening to reverse changes already made.

As the drawdown of international troops gathers pace, security is deteriorating and some aid donors are planning to reduce their operations, fearing for the safety of their staff. There is little faith that Afghan security forces, being trained at a cost of about US$10 billion a year, will be up to the job. ››

PHOTO OPPORTUNITY Lynne O'Donnell

Focus group

Farzana Wahidy's work as a photojournalist opens up the hidden half of Afghanistan's mostly poor, illiterate and war-weary population. As a woman, she has access to women and girls whose stories would not otherwise be told, because most are not able to meet, talk or even mix with men who are not relatives, a constraint imposed by their conservative Islamic culture.

Wahidy, 28, studied photography at Aina Photo, a non-profit organisation set up in Kabul by National Geographic photographer Reza and his brother Manoocher Deghati; she was one of 20 students chosen from more than 500 applicants when the school opened, in 2002.

After finishing the two-year course, Wahidy worked as a news photographer, covering the war and its impact on her country for five years, before deciding to develop her talent in a different direction.

"I want to document and share the changes experienced by women and especially the young female generation that has grown up with an open mentality in the last 10 years in Afghanistan. I want to show how brave they are and how hard they work, what challenges they face and what changes they brought to their lives and their hope for a better future," she says.

Her work has been the subject of exhibitions in Canada, where she has residency status, the United States and Europe, most recently last month at the Nordic Light International Festival of Photography, in the Norwegian city of Kristiansund.

Right: Gulnaz with her daughter. Many women give birth while in prison for *zina* crimes.

"The achievements might not be sustainable if the partners to the Afghan government and people leave us on our own without finishing the job they came to Afghanistan to do," says Sima Samar, who was Afghanistan's first post-Taliban minister of women's affairs and was nominated for the Nobel Peace Prize in 2010 for her work promoting women's health and education. Women in Afghanistan suffer, she says, "due to the mentality of this male-dominated society and the mentality of the law enforcement institutions. We need to reform the judiciary system. In this regard, not much has been done by our government and by our partners in the international community."

The inadequacies of the Afghan judicial system provide one of the most shocking revelations of a short film that brought Gulnaz's story to international attention, and outrage, last year. Called *In-Justice* and financed by the European Union, the 50-minute documentary shows the thought processes behind decisions to jail women who had complained of being raped, kidnapped, beaten or sold. In one scene, a prosecutor analyses the statement of a teenage girl who said she had been driven to a secluded spot and gang-raped. She was in custody after a truck driver happened upon the car, heard her screams and rescued her.

The prosecutor tells the filmmakers that reading between the lines of the girl's statement, it was clear she had wanted to go along with the boys and had volunteered to get in the car. So the fault was hers.

The final version of the film, due for release this year, is not likely to include this girl's story because she is under age. But it will tell the story of Gulnaz, who was pardoned by Karzai after an international uproar over the EU's decision not to release the film because the women's identities were not protected, making them vulnerable to family revenge. That decision was reversed when the two adult women featured gave their permission, and the EU gave copyright to the filmmakers.

Gulnaz was released into the protection of a women's shelter, where she now lives with her daughter and 20 other women and children. Because of the publicity her case received, and the involvement of an American human rights lawyer, Gulnaz is luckier than most Afghan women in that she has options. She could stay in the shelter, still effectively a prisoner but safe from family vengeance; she could seek asylum abroad; or she could marry her rapist, so her daughter does not grow up an illegitimate outcast. Her rapist was also charged with *zina* and is to be released from prison in five years.

At first, she says, marrying her rapist seemed like the best option but when she told her family of her decision, they stopped visiting her. Then she changed her mind, fearing that his family might "treat me like a slave".

"My brother told me that when I got out of prison, if I gave up my daughter, I could return home to live, but if I kept her, I couldn't come home. I said I was not going to give up my daughter," Gulnaz says, speaking in the shelter.

Effectively on her own, she still hasn't made up her mind about her future: "I am hoping that I can find a way to go and live outside Afghanistan, if I can get some help to do so." In the meantime, she spends her time studying the Koran and learning to read and write.

The fate of the other woman in the film, Fareeda – who does not have the luxury of international legal representation – is less certain. She is serving a six-year sentence for *zina* because she ran away from an abusive husband. Prosecutors assumed that she had had adulterous sex, or at least intended to, with the man who rescued her. He is also in prison.

Many Afghan women "are the victims of dysfunctional family relationships, violence, abuse, poverty, addiction and oppression," says Esmael Darman, the clinical psychologist who set up Afghanistan's first website devoted to mental-health issues, Rawan Online.

"It is the dysfunctional system that has produced almost dysfunctional individuals. Deep-rooted traditional beliefs, combined with poor commitment to the cause [of human rights] and attempts to reach out to the Taliban once again have brought Afghan women to the brink of another challenging situation."

"My brother told me that when I got out of prison, if I gave up my daughter, I could return home"

More than a decade of Western intervention has "failed to help the Afghan government create a strong army and police; the counter-narcotics leadership has faced a deadlock following a marked increase in drug production and trafficking; and, more importantly, the international community has clearly failed to make its policy clear towards neighbouring countries, particularly Pakistan, to target safe terrorist havens on the other side of the Afghan border," says Darman.

"It appears that the legacy that will be left behind is unable to protect the achievements and keep the country on the path of progress."

LAST YEAR, THE UN published a report – called "A Long Way to Go" – on the Afghan government's failure to implement its own 2009 law on the Elimination of Violence Against Women, which outlawed "child marriage, forced marriage, selling and buying women for the purpose or under the pretext of marriage, *baad* [giving away a woman or girl to settle a dispute], forced self-immolation and 17 other acts of violence against women, including rape and beating".

Soon after, Afghan media reported the case of 15-year-old Sahar Gul, who had been locked in a basement toilet and tortured by her husband's family for refusing to work as a prostitute. For six months, the girl's in-laws used pliers to rip out her fingernails and tear chunks of flesh from her body. They beat and starved her, and burnt her with pokers. Last month, members of the family were each sentenced to 10 years in jail. Sahar now lives with the fear that they will take revenge when they are released.

As with Gulnaz's presidential pardon, it's likely that the Afghan courts treated Sahar's case seriously because of the publicity rather than their commitment to enforcing the law.

"We've seen a few cases, including those of Gulnaz and Sahar Gul, where there has been widespread publicity, and that publicity has produced some justice," says Barr. "But the abuses Gulnaz and Sahar Gul suffered are, sadly, far from unusual and the vast majority of girls and women who suffer such abuse do so outside the glare of the media spotlight."

In compiling the HRW report on *zina*, Barr interviewed 58 women and girls in Afghan prisons. Many were betrothed at birth, or forced to marry aged as young as 10. Some were married off to pay debts. Some were kidnapped, had run away to escape arranged marriages, to be with boys they loved, or to escape abuse. Most had suffered appalling physical and sexual violence, and many feared their families would kill them.

Many had gone to the police to seek help, but their complaints were taken as confessions and were often the sole evidence used against them when their cases came up in court. Some courts used "virginity tests" – painful, invasive, discriminatory and useless in determining sexual activity – as proof of *zina*. Some women in the HRW report gave birth to their rapists' children in prison. In many cases, the men who had raped, kidnapped, beaten or sold them were not charged with a crime.

Afghanistan's highest religious body, the Ulema Council, recently declared women "secondary" to men, that they should be segregated from men they are not related to at school, work and in public places, and that husbands may beat their wives for "Sharia-compliant" reasons.

Karzai's apparent endorsement of the declaration horrified women already fearful that he is prepared to sacrifice them to the Taliban for a peace deal.

"In the past 30 years we have seen and heard about a lot of agreements aimed at bringing peace, but we still do not have peace," says Samar. "Accountability, human rights and justice should be at the centre of any agreement, and the process must be transparent and inclusive. Women and victims [of war crimes] should be part of any decision-making process.

"I can't see it working this time any better than before," she says. "The Taliban are not a united group, and each faction relies on their bosses, none of whom are in Afghanistan." ■