

Afghanistan

“Silence makes you the Accomplice of Violence”

Strengthening Non-violent Conflict Resolution and the Rule of Law

A person was killed in Balkh province. Following the decision of a local council of elders (*shura*) the sister of the murderer got married into the family of the victim in order to finish the hostility between the families.

© Daniela B. Link



Theatre performance on the International Day for the Elimination of Violence against Women in Mazar-e Sharif, Balkh.



© Daniela B. Link

Such Afghan traditions by which one girl is given to the family of the victim (*bad*) or where two girls should be exchanged (*badal*) in order to settle disputes are still common in Afghanistan and widely believed to be Islamic. However, such marriage exchanges without the informed consent of the groom and the bride violate inalienable rights as provided by international human rights standards, Afghan national law as well as the *Sharia*. Those, and especially women, who do not accept customary law and behaviour in accordance with the traditions are at great risk to be condemned by their families and have no real choice to refuse the application of customary law. “Very often the practices of forced marriage result in domestic violence against the woman such as beatings, sexual abuses, threats and intimidations, house imprisonments and sometimes murder. A very tragic consequence of domestic violence and the silent suffering of women in Afghanistan are the rise of self-immolations and self-burnings of women, perceived as the only way out”, states the Women’s Rights Officer of the *Afghanistan Independent Human Rights Commission* (AIHRC), Regional Office Mazar-e Sharif.

The AIHRC is supported by the German Development Service (DED) within the framework of the Civil Peace Service (ZFD) through the deployment of two Peacebuilding and Human Rights Advisors – one in the Regional Office in Kabul and one in the Regional Office Mazar-e Sharif. Through their provision of consultation services, trainings and support in the implementation of awareness raising projects, DED makes a contribution to the strengthening of local conflict resolution mechanisms in accordance with international human rights standards and the promotion of the rule of law in Afghanistan.

There are three existing systems of conflict resolution in Afghanistan (official courts, the traditional *shuras* and Islamic scholarship), which are often at odds with each other. The country’s constitution, as the primary legal source of official courts, does acknowledge the importance of international human rights standards, while *shuras* and religious leaders largely ignore them. Although local councils refer to Islamic law for the basis of their judgments, in particular with regards to women, the councils predominantly speak in favour of traditional practices. While the decisions of the *shuras* often violate women’s rights as provided under Islam and rather derive from pre-Islamic patriarchal ideologies, the regular consultation of religious leaders in the decision-making process makes people believe that the *shura*’s decision complies with Islamic law.

Raising awareness about women's rights

Given the Afghan population's general unawareness about every human being's inalienable rights, the high level of violations of women's human rights – amongst others in the course of intended conflict resolution – and the unsustainability of settled conflicts, a theatre project was initiated within the framework of the Civil Peace Service. The theatre project was developed by the German Development Service in cooperation with its local partner organisation, Afghanistan Independent Human Rights Commission, and the Afghan Ministry of Women's Affairs in order to raise awareness about women's rights under Islamic and secular laws and to inform about non-violent means of conflict resolution. A main theme throughout the play was the emancipation of individuals and families from the pressures of society to adhere to violent traditions. Even rather liberal families who are basically in favour of refraining from violent traditional practices usually do not have the courage and self-confidence to release themselves from social constraints.

During the events, the audience was encouraged to reflect upon a number of traditional practices such as forced marriages (*bad, badal*, child marriages); the prohibition of women from entering the public sphere, including going to work, enjoying education, and participating in political and social (decision-making) processes and to consider the sometimes fatal consequences on a women's life. The audience's awareness has been raised to note that such practices constitute violence against women, and are contrary to Afghan national and *Sharia* law. Further, a debate has been engendered regarding how violence perpetuates violence and has negative consequences on the peace-building and developmental processes on the community level.



© Daniela B. Link

Speech by a Mullah prior to the theatre performance in Aybek, Samangan Province.

Standing up for the rights

Under the slogan "Silence makes you the accomplice of violence" the audience was asked to stand up for the rights of every human being and to report cases of violence and human rights violations to official authorities and/or the AIHRC for follow up. The play further encouraged official authorities to perform their duties in accordance with human rights standards as officially recognized by the Afghan state.

Performed in the Northern Afghan provinces of Balkh, Samangan and Jowzjan the play directly reached an estimated number of 1.300 people, of which about 30 percent were women. Among the beneficiaries were key stakeholders and multipliers such as Government officials and provincial authorities, district leaders and elders, members of the judiciary and local *shuras*, religious leaders, police, teachers, students and journalists. Importantly, also illiterates and the common population were targeted. Given the extraordinary status orientation of Afghan society and the special roles that religious leaders play for disseminating messages, relevant authorities such as local Governors and Mullahs were involved as supporters of the play.

The play attained high media coverage so that messages were disseminated via TV, radio and newspaper in all over the country. The feedback from the audience was very positive and at the same time constructive discussions have been engendered: "The main messages I got from the play were especially conveyed by the acting mullah and the judge who made it very clear to me that both, the *Sharia* and the government laws support women's rights and harmonious relationships within the family", a member of the audience stated after the play.



© Daniela B. Link

Speech by Women's Affairs Director prior to the theatre performance in Aybek, Samangan Province.

Daniela B. Link

Daniela B. Link, Peacebuilding and Human Rights Advisor to the Afghanistan Independent Human Rights Commission (AIHRC), Regional Office Mazar-e Sharif, working for the Civil Peace Service (ZFD) of the DED since 2007 in Afghanistan.