

Establishment of Afghanistan's Parliament and the Role of Women Parliamentarians Retrospect and Prospects

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Introduction

Authoritarian leaders traditionally rule single-handedly and their orders are considered to be divine laws to be obeyed without question. The centuries-old institution of tribal council known as *jirgah* exists as an alternative mechanism for resolving and arbitrating familial and socio-political conflicts among tribes and communities. Influential men from among the community who command respect and public trust organize a *jirgah* to discuss the problems and find acceptable solutions. In a male dominated society women have traditionally been excluded from *jirgahs*. Men's experience in dealing with complex socio-political issues helps them to effectively mediate and arbitrate outstanding disputes through exchange of ideas and dialogue with parties concerned – such dialogues and discussions are vital to the lives of the people and maintaining harmony and peace in the community. Their decisions are binding and disputing parties are obligated to accept the decisions reached. Authoritarian leaders and repressive governments are well aware of the role a *jirgah* plays and for this reason they too will convene a *jirgah*, albeit one with an orientation in sharp contradiction to that of a *jirgah* organized by the people. Authoritarian leaders often seek to manipulate the process of election to the *jirgah* so that their own men will dominate it and through persuasion and coercion they force other participants to approve their personal and political agendas. The authoritarian rulers then promote the decisions made by the *jirgah* as their mandate and justification of their policies and continuation of their rule.

Afghanistan has been ruled by authoritarian leaders who controlled the three branches of modern government, the executive, the legislature, and the judiciary and imposed their views and will upon the people, forcing them to abide by their decisions and directives. The notion of a parliamentary sys-

tem of governance remained an alien concept in Afghanistan until the post-independence period. Authoritarian rulers in charge of the repressive state apparatuses exploited the centuries-old *jirgah* system to rally the public in support of a particular agenda. The concept of a parliamentary system of governance gradually gained a foothold in the political landscape of Afghanistan a few years after the country gained its independence from the British colonial government in 1919; however the institution of a people-sponsored *jirgah* remained the de facto institution in resolving disputes among tribal, ethnic and faith-based communities and its role remains valid to the present.

The main thesis of this article is that the institution of parliament as opposed to the *jirgah* is a forum where ideological and political issues are contested, utilized at the same time by various social classes to defend their vested interests. Although King Mohammad Zahir refused to sign the Political Party Law in the 1960s, representatives could still have major impacts on the political or economic development initiated by the government, if they strove to unite on a common political, social and economic agenda. The parliament does not mitigate socio-political conflicts but formulates laws and regulations while the *jirgah* institution works to resolve outstanding disputes among tribes and communities. It also postulates that women in Afghanistan's parliament are new players and since 1965 a few women have entered the parliament. These women are beginning to assert their role in articulating the interests of women of the same social classes but they are still excluded from participation in the traditional tribal *jirgahs* that decides issues that impact both men and women of the community.

Transformation in Afghanistan during the Post-independence Period

Afghanistan did not have a parliamentary system until the 1930s to provide opportunities for people of differing social, ethnic, religious and political backgrounds to freely participate in the political affairs of the country. Decisions on vital issues regarding internal and external matters remained an exclusive domain of the ruling elite in the state apparatus, and there was no inclination or motivation to keep the public informed.

King Amanullah (1919–1929) tried to modernize the country's social, cultural and political institutions on the basis of a European model of development and to this end a new constitution known as Nizamnamah-ye-Asasi-e-Dawlat-e-Aliyah-e-Afghanistan was promulgated in 1923. The constitution assured equality of all citizens before the law, recognized the separation of powers and for the first time the Shura-e-Waziran, Council of

Ministers, and Shura-e-Dawlat, the Council of States, were established. The legislature was called Majlis-e-Ayan or Dar al-Shura or Council of the State.¹ After Amanullah was overthrown in 1929, nine months of civil strife ripped the country apart until General Mohammad Nadir seized power and ruled the country until 1933. He convened a Loya Jirgah, Grand Assembly of Tribal Elders in September 1930 and the handpicked representatives endorsed his policies. Shura-e-Dawlat was renamed Shura-e-Milli, National Assembly, which was approved by a Loya Jirgah session in Kabul. The National Assembly comprised two chambers, Shura-e-Ayan, Senate, and Shura-e-Milli, lower house of parliament, however Nadir single-handedly ruled the country and this generated great opposition to his rule. Members of the senate were appointed while members of Shura-e-Milli were elected by the people. The first speaker of Shura-e-Milli was Abdul Ahad and Mir Ata Mohammad was speaker of the senate.² Women were neither appointed to nor allowed to compete in the elections for Shura-e-Milli because the ruling elite were unwilling to bring further attention to the campaign to promote women's freedom and their unveiling, which compelled conservative elements to oppose and fight it – a fight that brought down the progressive government of Amanullah, a strong protagonist of women's rights and equality.

Women's involvement in outdoor activities increased in the 1960s, particularly in urban areas. With the establishment of more schools women acquired knowledge and skills that enabled them to seek employment both in the private and public sectors of the economy. However, in rural areas women mainly worked as teachers and only in girls schools, and as doctors and nurses in hospitals in provincial towns. Work in these institutions enabled women to gain experience and socialize with each other, share their experiences and gradually lead them to unite and fight for gender equality. Despite women's involvement in these activities they are not regarded as equal to men. In this patriarchal society the status of women is so low that the word woman has been used by men to insult opponents. Women are regarded as *naqis-e-aql*, lacking wisdom and treated as chattel to be sold and bought by men.³

¹ Mohammad Yasin Nasimi, *Rawabit-e-Parlman ba Hokumatha-e-Afghanistan dar dahan-e-Demokrasi* [Parliament's relations with the governments of Afghanistan during the decade of the constitutional period], Kabul: Markaz-e-Nasharati Saba, 2005, pp. 13-14. Persian and Pushtu are two officially recognized languages of Afghanistan. Parliamentary reports and papers are published in both languages.

² <http://www.nationalassembly.af/>, accessed on 13 August 2007.

³ For detailed information on the status of women see Hafizullah Emadi, *Repression, Resistance and Women in Afghanistan*, Westport, Conn: Praeger, 2002.

The women's movement for equality was initiated from above, not from below by grass roots participation of women, and was implemented by the government. King Amanullah is credited with initiating the unveiling of women and supporting their right to education and equality. However, this policy as well as his general socio-political stance, provoked conservatives who led a rebellion against him, forcing him to abdicate and leave the country for Italy in 1929. Successive governments did not support the cause of women until the government of King Mohammad Zahir (1933–1973) consolidated its power base and felt confident that opposition by conservative elements to women's involvement in the public sector was no longer a threat to the stability of the kingdom. The government supported the unveiling of women and women's freedom to participate in outdoor activities. During the anniversary of the country's independence in 1959 Zahir and his cousin Prime Minister Mohammad Daoud (1953–1963) allowed "the ladies of the royal family and wives of officials to appear without veil sitting next to their husbands in reviewing the military parade in Kabul."⁴ The government policy of leading a movement to allow women to discard the veil was regarded as a step towards modernization of the country by intellectuals of the upper and middle classes. This policy caused conservative tribal and religious leaders to oppose the program, regarding it as anathema to the country's cultural values, local traditions and Islamic principles as they understood and interpreted Islam, and they organized a massive protest rally. The state used the standing army, crushed the resistance and arrested a number of clerics on charges of stirring up disturbances. Thereafter the government strove to further involve women in government offices.

Although a significant number of women worked in various government departments, no woman held a top post in the government or in the parliament. When the seventh parliamentary elections were held in 1949, a large number of liberals, democrats, progressive and radical intellectuals succeeded in securing seats.⁵ This parliament became known as the most liberal parliament in Afghanistan as representatives freely debated political issues and criticized the government for not advancing the cause of the poor and dispossessed. Radical individuals such as Abd al-Rahman Mahmoodi, Mir Ghulam Mohammad Ghubar and others were elected by direct and secret ballots and they used the parliamentary tribune to fight for societal justice, political equality and socio-economic reform. Abdul Hadi Dawi, a pro-

⁴ *The Kabul Times Annual*, Kabul: Government Press, 1967, p. 13.

⁵ In the past representatives with close ties with the ruling elites in the government were elected to parliament and served as rubber stamps approving government policies of development.

establishment politician was elected speaker of Shura-e-Milli with Gul Pacha Ulfat as his deputy, with two secretaries, Abdul Azim Safi and Mohammad Kabir Ebrat. This parliament remained a thorn in the flesh of the ruling elite as the government remained the subject of criticism by radical parliamentarians.⁶ Fazl Mohammad Mojaddadi served as speaker of the Senate with Abdul Jabbar as his deputy and Hafiz Abdul Ghaffar and Mirza Mohammad as first and second secretaries.

Modern education in the 1950s and 1960s provided women with the confidence to take part in the political affairs of the country and work as judges and parliamentarians. In 1963 the king appointed a committee that drafted a new constitution. A Loya Jirgah was convened in September 1964 in Kabul (with a few women delegates) and it ratified the constitution. Top civil service officers vocally supported women's involvement in outdoor activities because the constitution supported women's right to work and equality but privately they belittled women, regarding them as weak creatures and claiming that their physical weakness interfered with their ability to serve the public. An example was cited of one female delegate to the Loya Jirgah who "had a baby during the Loya Jirgah, so she was unable to participate in all sessions, leading to unofficial comments by several religious leaders on the superiority of men in legislative matters, even while admitting to the biological superiority of women."⁷

During the 1965 parliamentary elections a number of women from upper and middle class families competed in the election. Two women candidates from Kabul, one from Herat and one from Qandahar provinces succeeded in capturing four out of 216 seats in Shura-e-Milli. These women were Anahita Ratebzad, Khadija Ahrari, Roqia Abubakr and Masuma Esmati Wardak. 56 men and two women served as senators in the upper house of parliament, Shura-e-Ayan. The women were Homeira Seljuqi and Aziza Gardizi.⁸ Although the state worked to ensure that men supportive of its policies got elected, a significant number of liberal-minded individuals secured seats in the parliament. These parliamentarians used the parliamentary tribune to criticize the government for its failure to improve the country's economy and the standards of living of the people.

⁶ For more details see, Hafizullah Emadi, Radical Political Movements in Afghanistan and their Politics of People's Empowerment and Liberation, *Central Asian Survey* 20, 4 (2001), p. 430.

⁷ Louis Dupree, Constitutional Development and Cultural Change, Part III: The 1964 Afghan Constitution (Articles 1-56), *American Universities Field Staff (AUFSS) Reports* 9:3 (September 1965), p. 2.

⁸ Mohammad Yasin Nasimi, *op. cit.*, pp. 120-140, 149-150.

During the 1969 parliamentary election women failed to secure seats in the parliament and the incumbent representative Masuma Esmati Wardak from one of the districts of Qandahar was defeated, as was Zuliekha from Badakhshan center. Women's participation in parliamentary affairs was limited mainly to Kabul and a few major urban centers. A limited number of women from upper and middle class families went to the polls to cast their votes for parliamentary candidates of their choice. Like women in other Islamic countries women in Afghanistan were also under the control of their husbands who decided which candidates to vote for – thereby prohibiting women from supporting candidates of their own choice. For example, in the Doshi district of Baghlan province an influential religious leader of the Isma'ili communities in central and northern Afghanistan, Sayed Shah Nasir Naderi was a candidate in the parliamentary elections and he encouraged Isma'ili women to support him and enable him to secure a seat in Shura-e-Milli. Though he was elected to the parliament thanks to women's votes, Naderi did not take any action to promote or support the cause of women.⁹ Since women failed to secure seats in the parliament the ruling elite used the constitutional provision and re-appointed the two incumbent female senators to their seats in the senate.¹⁰

When the monarchy was overthrown by former Prime Minister Mohammad Daoud in July 1973 the parliamentary system was suspended because Daoud was more concerned with the consolidation of his social and political support base. Daoud declared that soon he would promulgate a new constitution but did not do so until a year after when he formed a new political party, Hizb-e-Enqilab-e-Milli, the National Revolution Party in 1975. Daoud and his team worked to enlist public support for the party and persuaded civil service personnel to join it. He appointed a committee of forty-one persons including two women, Alia Hafeez and Fatima Kayfi, to draft a new constitution that endorsed women's rights and equality.¹¹

Daoud renamed the traditional Loya Jirgah or Grand Assembly to Milli Jirgah, National Jirgah, in an attempt to stress the national character of the assembly – a move reflected Daoud's nationalistic views. Elections to the Milli Jirgah were conducted under the watchful eyes of the state and the 219 desirable representatives were elected including four women: Kubra Noorzai, director of the Women's Institute from Kabul City, Aziza Amani, Principal of a high school from Qunduz, Najiba Siir, Principal of Mahasty High School

⁹ Author's personal observation of the parliamentary elections in Afghanistan.

¹⁰ Mohammad Yasin Nasimi, *op. cit.*, p. 399.

¹¹ Mir Mohammad Siddiq Farhang. *Afghanistan dar Panj Qarn-e-Akhir* [Afghanistan in the last five centuries], Vol. 3, Peshawar: Ehsanullah Mayar, 1994, p. 40.

from Khulm, Samangan and Najiba, Principal of the Malika Jalali High School from Herat. These women won more votes than their male counterparts in the election as they well articulated their views to the public. Daoud used his authority and appointed another eight women to the Milli Jirgah as he intended to present himself as a protagonist of the women's cause. These women were: Humaira Hamidi, Khalida Ghaus, Khadija, Zainab Amin, Mahbooba, Aziza Ehsan Omar, Suraya Khadim and Zakia,¹² young college graduates, under thirty-five years of age. In February 1977 the Milli Jirgah was convened in Kabul, debated the draft of the Constitution and eventually endorsed it. Members of the *jirgah* unanimously elected Daoud president of the country.

After the pro-Soviet's Peoples Democratic Party of Afghanistan (PDPA) toppled Daoud's government in April 1978, the new regime headed by Noor Mohammad Taraki, First Secretary of the Khalq faction of the PDPA, abrogated the constitution and drafted a new one that stressed the role of the ruling party in managing the daily affairs of the country. Taraki established the Revolutionary Council with the task of approving the constitution, issuing decrees and also approving state plans for economic and social development. After Babrak Karmal, head of the Parcham faction of the PDPA, was vested with power when the Soviets invaded the country in December 1979, the ruling party drafted the Interim Constitution on 20 April 1980 that recognized the institution of Loya Jirgah as the highest organ of state power besides the Revolutionary Council of the Democratic Republic. Karmal was removed from leadership in November 1986 and his successor Najibullah introduced a new constitution in July 1987 that revived the parliamentary system.¹³ There were a few women parliamentarians from Kabul and the provinces. Parliamentary elections under the Soviet occupation were supervised by the pro-Soviet ruling party and individuals with close ties to the party secured seats in both houses of parliament.¹⁴ Mahmood Habibi was speaker of Shura-e-Milli and Khalil Abawi speaker of the Senate. Parliamentarians during this period served merely as rubber stamps, approving policies of the Soviet-installed government that did not reflect the genuine needs and decisions of the people. The state intervened in the process of elections to ensure that men supportive of the system were elected. The party supported women's organizations with the proviso that they rally

¹² Fahima Rahimi, *Women in Afghanistan*, Liestal: Stiftung Bibliotheca Afghanica, 1986, pp. 96-98.

¹³ *The Constitutions of Afghanistan: 1923-1996*, Kabul: Shah M. Book Co., n. d., pp. 139-145.

¹⁴ Discussions with Sayed Qiyamuddin Qiyam, former liaison member for parliamentary affairs from the late 1980s to the downfall of the Soviet-installed regime in 1992. Kabul, 15 August 2007.

women in support of the ruling party's political agenda. The state and the ruling party regarded women's organizations such as the Revolutionary Association of Women of Afghanistan (RAWA) and others that opposed Soviet occupation of the country as enemies and treated them as such. Although the parliament existed during the Soviet occupation, there is no official acknowledgement of the institution and the current Shura-e-Milli and Shura-e-Ayan literature and web site do not include it in the country's parliamentary history.¹⁵ Women's participation in politics continued until the pro-Soviet regime collapsed in April 1992 and Islamic parties formed a new government lead by Sebghatullah Mojaddadi, head of Jabha-e-Milli-e-Nijat, National Liberation Front and Afghanistan was declared to be an Islamic Republic. The new regime adopted a constitution in 1992 and stipulated the establishment of Shura-e-Jihadi, Jihadi Council with the task of approving or abrogating agreements between states and government and supervising government policies as done by parliament in the past.¹⁶ Its policy of Islamicization of an already Muslim nation banned women's participation in outdoor activities, a policy that continued until the Taliban militias seized control of Kabul in 1996 and ruled much of the country until they were overthrown by the US-led coalition forces in late 2001.

Establishment of a Parliamentary System in the Post-Taliban Period

To rebuild the political system the US invited a number of the Northern Alliance figures, supporters of the ex-king in exile in Rome, Italy and other *jihadi* commanders to a meeting in Bonn, Germany in December 2001 to discuss a post-Taliban system of governance. Although each group defended its vested interests, the Bonn Agreement under the aegis of the US laid down the road map for peace that called for the establishment of a broad-based government through national elections. Hamid Karzai, son of Abdul Ahad Karzai who served as the first deputy speaker of Shura-e-Milli in 1969–1973, was installed as head of the Interim Administration to rule the country for six months until the formation of an Emergency Loya Jirgah (ELJ) in June 2002.¹⁷ With 1,500 elected delegates (180 women) the ELJ confirmed

¹⁵ <http://www.nationalassembly.af/index.php?id=648>. Accessed on 15 August 2007.

¹⁶ *The Constitutions of Afghanistan: 1923-1996, op. cit.*, p. 197.

¹⁷ Abdul Ahad Karzai was an influential tribal chief in Qandahar. He criticized and opposed the Taliban's brutal system of governance and the Taliban assassinated him in exile in Quetta, Pakistan. This caused his son Hamid Karzai to oppose the Taliban and support the

Karzai as head of state who appointed a number of women to top posts in his administration. A Constitutional Loya Jirgah (CLJ) was held 13 December 2003 – 4 January 2004 that endorsed the draft of the constitution, paving the way for presidential and parliamentary elections in 2004 and 2005 respectively.¹⁸ Under pressure from the international community Karzai worked to support participation of women in the government, creating the Ministry for Women's Affairs in 2002.¹⁹

The 2004 Constitution declared the country to be an Islamic Republic with a president and two vice presidents and a parliament. The parliament consists of two chambers, the lower house, Shura-e-Milli and the upper house, Shura-e-Ayan (the two chambers are called Wulusi Jirgah and Mish-rano Jirgah in the Pushtu language respectively) as well as provincial, district and village councils and municipal councils and mayors. Contrary to the constitution no mayoral elections have been held in the country. The president is elected by a majority of votes and if no candidate obtains more than 50% of the votes cast, a run-off election is held between the top two candidates. During the 2004 presidential election Karzai got 55.4% of the votes cast.

Members of Shura-e-Ayan (Senate) are elected by a mixture of appointment and indirect election by members of the provincial councils as each provincial council elects one of its members as a senator from the province for four years while the district councils elect one person as senator for three years (there were previously 32 provinces and in 2004 two new provinces, Daikundi and Panjshir were created). The Electoral Law states that the number of senators must be thrice the number of provinces (total number of senators are 102 persons), one third is elected by provincial councils, one third by the district councils, and one third, half of whom are women, is

efforts of the US government to oust them from power. Since then the US looked upon Karzai as a man to be trusted and invested with power after the overthrow of the Taliban.

¹⁸ Hafizullah Emadi, Complexities of Nation-building: Struggle for Making a Functional Democracy in Afghanistan, *Afghanistan*, Vol. 1-3, No. 4 (2006), pp. 12-26.

¹⁹ Sima Samar, former member of RAWA and later a member of Hizb-e-Wahdat was appointed Minister for Women's Affairs and when conservatives opposed her Karzai appointed her head of the Afghanistan Independent Human Rights Commission. He also signed the Convention for the Elimination of All Forms of Discrimination Against Women, CEDAW, in 2003. To gain international recognition Karzai portrayed himself as champion of the women's cause and to this end he appointed Sidiqa Balkhi, daughter of an influential Sayyed cleric, as Minister for Disabled, Martyrs and Social Affairs and Habiba Sarabi, a Hazara woman, as governor of Bamiyan who served as Minister of Women's Affairs in Transitional Administration.

appointed by the president. Former president Sebghatullah Mojaddadi is the current speaker of the senate with two deputy speakers.

The 249 members of the Shura-e-Milli are elected by direct and secret ballots. Electoral Law adopted in April 2005 allocates ten seats for Kochis (nomads) three of which are exclusively reserved for Kochi women. Article 83 of the law also states that at least 68 (27%) of the 249 seats must be allocated for women, which means two seats for women in each province while the remaining seats in the parliament are open to members of both sexes with sufficient numbers of votes cast in their favor. Members of the Shura-e-Milli are elected for five years.²⁰

During the parliamentary elections held on 18 September 2005 the turnout was low only half of the registered voters of 12 million cast their votes. The reason was primarily disenchantment with the Electoral Law that permitted candidates who had committed crimes against the people to participate in the elections. Individuals of *jihadi* background, Khalq (masses) and Parcham (banner) factions of the defunct pro-Soviet PDPA (later renamed Hizb-e-Watan, Homeland Party), renegade members of the Taliban and Hizb-e-Islami of Gulbuddin Hikmatyar participated in the election. Using a combination of coercive intimidation tactics, disbursing cash money to voters and throwing lavish parties they managed to secure their election. Mohammad Younus Qanooni, head of Hizb-e-Afghanistan-e-Nawin who was an affiliate of Jamiat-e-Islami headed by former president Burhanuddin Rabbani, was elected as speaker of Shura-e-Milli, Mohammad Arif Norzai first deputy speaker and a female representative from Badakhshan Fawzia Kofi as second deputy speaker. Kofi failed to gain the minimum number of votes during the second year and was not re-elected.

A significant number of these elected parliamentarians are semi-literate, could not contribute much to issues debated in parliament and they often had little or no interest in the topics under discussion. A few parliamentarians were recorded by a private television station, taking a nap while parliament was in session. Most parliamentarians are severely criticized by the people who labor day and night to eke out a living while the parliamentarians do not concern themselves with how to improve the economy, eradicate rampant poverty and provide homes to refugees returning from years of exile in Iran and Pakistan, yet they demand perks and privileges and pay rises for themselves.

²⁰ *Farman-e-Rayis-e-Dawlati Entiqali Islami-e-Afghanistan dar bara-e-Enfazi Qanoon-e-Entikhabat* [Decree by President of the Transitional Islamic State of Afghanistan on the Electoral Laws], No. 28, dated 7-3-1383/2004.

Women also participated in the presidential and parliamentary elections. Masouda Jalal, a pediatrician by profession, ran for the presidency of the ELJ and also contested the presidential elections but only obtained 1.1% of the votes cast. Although she knew that she would have no chance to win the election because she is relatively unknown, she contested it with the intention of gaining name recognition that would help her secure some type of senior position in the government in the future. After the election Karzai appointed her as Minister for Women's Affairs. During the parliamentary elections female candidates were harassed by warlords and because of this they had to campaign in some areas using male relatives as surrogates. Death threats from warlords obsessed with the dominant cultural values that negate the role of women caused 140 women candidates to withdraw from the race. Although a woman election worker and a female candidate were killed, and Islamic fundamentalists continually harassed and threatened women candidates with death, such threats did not deter some courageous women from participation in the parliamentary elections and they succeeded in winning seats on the basis of their own merit and effective campaigning in their respective provinces. Throughout the country 68 female candidates, some independent and others supported and backed by interest groups and provincial governments, managed to secure enough votes to become members of the parliament constituting 27% of the 249 member of the Shura-e-Milli. Since the collapse of Taliban rule women have become active in the social, cultural, economic and political arenas. During the ELJ and CLJ it was the women who had the courage to speak against injustices and tyranny of warlords, demanding that they be tried in a court of law for perpetrating crimes against humanity.

These female parliamentarians are relatively better educated than their male counterparts and can represent their constituencies, defend their rights, promote the cause of women's equality and fight against gender bias and discrimination against women. Unfortunately, the women are divided politically as a number of them are affiliated with political groups and support the political agenda of the respective parties, while others have their own ideas or are swing voters who can be influenced by interest groups. In addition they are a minority in parliament and the decision by male members is final and binding, thereby often rendering collective decisions by female parliamentarians insignificant and invalid. This factor demonstrates the powerlessness of women parliamentarians vis-a-vis the majority of their male counterparts who are also heads or members of various *jihadi* organizations.

Differences of view among women parliamentarians hindered their collective unity and caused them to weaken each other's stances on various social and political issues discussed by parliamentary commissions (there

are 18 commissions) and the plenary session of the assembly. For example, Malalay Joya is a radical representative from Farah province who champions the cause of the poor and dispossessed. During the CLJ she criticized warlords and commanders for violating human rights when they were in power. She was threatened by other representatives and individuals outside the parliament and this caused the US and the government to provide her with special security staff. When on 7 May 2006 Joya declared a number of parliamentarians to be murderers and condemned them for violating human rights in the 1990s this caused an uproar in parliament.²¹ A number of parliamentarians threw plastic water bottles at her, causing a scuffle between her supporters and detractors, and they also physically assaulted a cameraman from the privately owned Tolo Television station who was recording the session. She was opposed by representatives in the Shura-e-Milli and received anonymous calls threatening her with death. In 2007, during a plenary session of the parliament Joya compared the *jihadi* dominated-parliament to a stable and this provoked members of parliament to suspend her from attending the forthcoming parliamentary session.²² This incident caused a large number of people in Farah, Jalalabad and other provinces to stage a demonstration in support of reinstatement of Joya to the parliament. Despite international support the parliament refused to reinstate her.

Perception of Women Parliamentarians

Although male parliamentarians claim they support their female counterparts, they are dismayed by the fact that the Constitution reserves a number of seats for women. Hard-line male parliamentarians view such a clause as a violation of men's rights in both the parliamentary and provincial council elections. Female parliamentarians are sometimes the subject of jokes by conservative male parliamentarians who believe that women are there simply because of the quota system sanctioned by the constitution.

Female parliamentarians are not united due to their political leanings. As women they support the concerns of women in the Shura-e-Milli and by representing their constituencies they provide women with a voice – a voice that calls attention to improving the plight of women and safeguarding their vested interests. The efforts by female parliamentarians also help in the struggle to eliminate gender biases and will motivate other women to fight

²¹ Author's personal observation of parliamentary session, Kabul, May 2006.

²² Author's personal observation of parliamentary session, Kabul, May 2007.

for their rights and participate in the country's politics. Female parliamentarians are particularly concerned with the practical and immediate needs of women, including provision of services in the areas of education and health care and employment opportunities for women, especially for those who lost their husbands during the war and are now the sole bread winner of the family. Two million women were widowed during the war and there are an estimated 50,000 such women in Kabul alone.

When a female parliamentarian, Fawzia Kofi was elected as second deputy speaker during the first year of parliament her prominent role caused great dismay among the arch conservatives and those affiliated with radical Islamic parties. However her colleagues and friends supported her as a qualified deputy. As *jihadi* groups dominate the parliament it makes it difficult for female parliamentarians to influence their male counterparts to vote against bills that they do not agree with or wish to modify. The minority status of female parliamentarians in the male dominated parliament reduces their influence and they end up as little more than reluctant 'rubber stamps' to agendas proposed by the majority of male parliamentarians for endorsement.

Growing instability and harassment by conservatives and fundamentalists make it difficult for female parliamentarians to regularly visit their constituencies and exchange views on critical issues that hinder women's active participation in outdoor activities. Through exchange of views and discussion of problems that people face they would be able to develop proper strategies to deal with them and find ways to transform the status quo. Although parliamentarians argue that they represent the entire population, their main concern lies within their districts and the towns they belong to as opposed to the interest of the province from which they were elected.²³

Conclusion

The two decades of war not only inflicted tremendous misery on the people throughout the country but also led to systematic suppression of women. Repressive policies adopted by the *jihadis* and the Taliban did not allow women to venture outside their homes and the brutality against them was so severe that it caused many women to commit suicide as the only way to end their suffering. Since the fall of the Taliban regime opportunities are pro-

²³ Discussions with a number of parliamentarians, Kabul, May 2007.

vided for women to work side by side with men. At present women are represented in the government and parliament and there are women who run small-scale business enterprises throughout the country. Hundreds of thousands women work as teachers while a small number works in civil service departments and a few others for NGOs. Despite their small successes women continue to experience growing domestic violence, illiteracy, malnutrition and forced marriages. The following incident is typical:

The relations towards women do not differ much in various levels of society. Even women in high positions often suffer from family violence. We met the Minister for Women's Affairs in the Afghan cabinet, Habiba Sarabi. When she arrived at her office, the minister had a black eye. I visited her with a reporter that was doing a story. We entered her office, and I was supposed to photograph her. She has a bruise on her eye. The journalist asked her how she got the bruise, and I considered that to be a very brave question, I was surprised. She said that her baby hit her with a bottle. She would not admit anything else, but the reporter and I were convinced that her husband beat her. Violence happens on even higher levels. What is seen in the office is totally different from what happens at home. There is a huge amount of pressure to lie about it, to hide it, not to tell anyone, to endure it.²⁴

Although women occupy 27% of the seats in parliament, female parliamentarians and those active in defending the rights of women outside the parliament continually risk being harassed and threatened with death. Women who fight for their rights and gender equality are not protected by the state and a number of activists were killed. This situation will not change until immediate action is taken by government authorities. The international community must also fulfill the promises it made to support and protect women after the collapse of the Taliban regime. It must also facilitate creation of an environment in which women can freely express their views and a space for them to contribute to the development of the country. If fundamental rights of women are not granted and women are not protected, then written laws regarding women's rights and equality will remain ineffective.

The legal system remains weak because its rulings concerning the removal of corrupt officials and other issues are not implemented by the officials responsible, which makes it unable to effectively address the legitimate grievances of the people and difficult for women to take legal action against spousal abuse. The condition of women will not improve simply by having legislation, or placing women from affluent families in top govern-

²⁴ Tatjana Ljubic and Joseph Stedul, *Afghanistan's Women: Beating your Wife Means Loving Her*, cited in the Revolutionary Association of Women of Afghanistan (RAWA), <http://www.rawa.org/index.php>.

ment posts. It requires establishment of a people oriented system of governance that supports societal justice for all, protects and defends women's rights, particularly of the oppressed women who lack a social safety net and remain easy prey to be abused and harassed by powerful men and woman alike. Furthermore women should stand together and take matters into their own hands and continue to fight for their rights and gender equality. They must also participate in the tribal *jirgah* and defend the rights of women who are not yet represented in the *jirgah*, where men decide whether the woman in question is guilty or innocent without her even being present. It will be a difficult undertaking but it is a necessary step if women are to overcome the hurdles to attaining equal justice and assert their role in the process of rebuilding the social, political and legal system of the country.