



Women's Rights, Taliban, and Reconciliation: An Overview

Antonio Giustozzi

During the Taliban government, a French magazine wrote that “[Name removed] has fallen into a cavity”. Yes, it was right. Afghan women were in a cavity. We were just alive, we were not able to do anything. We were like hostages. The only thing we had was security. There was no rocket and gun-firing that much, because they had no opposition. During the previous governments, they had been fighting each other but during the Taliban it was quiet to some extent. Of course, we couldn't go outside and work freely.¹

Since President Ashraf Ghani's election in 2014, discussion of impending reconciliation talks with the armed opposition of the Taliban has been intensifying. Taliban sources confirmed contacts and indicated they were gearing up towards formal talks. From the Taliban's internal debates, however, it was becoming increasingly clear as of early 2015 that power sharing between the coalition government in power and the Taliban was not going to be the main bone of contention, however difficult it might be to arrange. It was instead over the Constitution, very liberal by the standards of the Middle East and Central Asia, that the Taliban and Kabul politicians were disagreeing from the start. Ghani's rhetoric, even after his election, has consistently been that negotiations would take place if the Taliban accepted the Constitution as it was, while the Taliban insisted that agreeing in principle to changes to the Constitution was a preliminary condition for starting formal talks.

Within the Afghan Constitution and the legislation current as of early 2015, the most controversial points are probably those concerning women's rights. Even among the public, who knows nothing of what

Dr. Giustozzi holds a PhD from the LSE (International Relations) and a BA in Contemporary History from the University of Bologna. He worked at the Crisis States Research Centre (LSE) until January 2011. He served with UNAMA (United Nations Assistance Mission to Afghanistan) in 2003-4.

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the Taliban might have indicated during their preliminary contacts with Kabul, the widespread view is that the Taliban will demand a major curtailment of women's rights in exchange for agreeing to a political settlement of the conflict.

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- Three Taliban *Ulema*, members of the Taliban's Councils of *Ulema* (early 2015);
- Three female activists active under the 1990s Taliban Emirate (early 2015);
- Two focus groups with female high school students in Kandahar city (early 2015);
- Two female members of parliament from Kandahar (early 2015);
- APPRO's interviews and focus groups for the five cycles of "Monitoring Women's Security in Transition" (2012-2014);²
- 41 Interviews with village and tribal elders in 2014-15, on the behavior of Taliban fighters and commanders toward women and girls; and
- Material from previous studies of Taliban courts (2011-2014), including interviews with Taliban judges, elders, women and others who were involved in judicial cases.

The report is structured in five sections. The first section reviews the trajectory of the Taliban's view on Afghan women. The second section discusses Taliban rules concerning women. The Taliban perspective is then compared to the views of other conservative groups and individuals in the Afghan context. Section four discusses the views of Afghan women about the Taliban, past and present. Section five analyzes Afghan women's perspectives on the reconciliation process.

1. Taliban Approach to Women

Taliban's Emirate 1996-2001

Though the Taliban Emirate later became notorious for its callous treatment of women, the initial approach adopted by the Taliban government towards women appears to have been more experimental than formalized:

During the first six months, ... we were going to the office with our *hijab* and we were getting our salary. After these six months, they stopped paying our salary. We were ninety Afghan women, and 25% of us were servants. Then, as the director of women journalists, I went to Nizami, who was then the president of the National Television and Radio, and asked him: "How will these ninety women support their families? Why did you stop paying our salaries?" He replied: "We didn't do anything, it was you who stopped paying your salaries. It was your finance and administration. Let me talk to Mullah Omar". After that, we were paid for six more months. After another six months, it was stopped again.³

After some years in power the Taliban ideologically consolidated their policy towards women's education:

The Taliban harassed women, but they were not arresting anyone. I didn't hear about any Taliban arresting or imprisoning a woman. In the beginning they were hitting women if they did something that contravened the Taliban's rule. Later on, women became familiar with the Taliban's attitude. The Taliban couldn't find out about my [education for women] organization. They didn't even come to check it. After some time, I decided to register it. One of my friends assisted me and contacted the Taliban department. That's when they reacted strongly and said: "we don't allow women to carry out educational activities."⁴

If educated and urban women were the ones who suffered the most, rural women sometimes benefited from the Taliban rule, and not only because of the restoration of some kind of order and security. The implementation of *Shari'a* in 1996-2001 led to some well publicized executions of women accused of adultery or illicit sexual intercourse, but also allowed several women to claim the half share of inheritance or land they were entitled to under Islamic Law as spinsters or widows, a right denied to them in *pashtunwali*.⁵ The implementation of *Shari'a* law over *pashtunwali* constituted progress on such issues as marriage and divorce.⁶

Taliban and Women in Post-2001

After 2001, women were specifically and regularly targeted as part of the Taliban's intimidation strategy, most likely in reaction to the great emphasis placed on women's rights by the international forces that had ousted the Taliban. Targets for intimidation in particular were police officers, government officials, health and social workers, NGO and UN workers, teachers, members of parliament and of provincial councils, a number of whom have been killed or injured in attacks.⁷

Night letters have been a common form of intimidation used by the Taliban to scare and threaten women in the work force whose employment is considered inappropriate because of potential interaction with men, association with Western organizations, or collaboration with the government:

[Name removed], you are working with a foreign organization which is the enemy of religion and Islam. You receive a salary from them. You should be fearful of God. Every day, you shake hands with strangers without covering your face. We herewith command you to stop doing so, or we will punish you in a way that a Muslim has not yet done to another Muslim.⁸

Attacks on working women, as well as attacks on girls' schools, occasionally causing casualties among students,⁹ are repeatedly cited by educated and working women as a main reason for disapproving the Taliban:

Our district is not very secure and I am getting more and more worried about someone following me and hurting me, because the Taliban are always proud to kill women like me. They take pride in killing active women.¹⁰

Educated women also point to judicial killings as evidence of the Taliban's hostile behavior toward women. This includes the well-publicized executions of women by Taliban courts, some of which were confirmed by the Taliban, and which were mostly based on *Shari'a* rules about the punishment of adulterers or illicit sexual intercourse.¹¹

All the women interviewed pointed to, and expressed great concern about, the Taliban's widespread and indiscriminate violence against women.¹² The majority of female victims of the Taliban are, however, collateral casualties as part of their military campaign, particularly due to the use of indiscriminate weapons such as pressure-operated landmines and suicide attacks in heavily populated areas.¹³

Taliban and Women's Access to Services

In the last few years the Taliban have allowed women to use education and health services under certain conditions. This new turn has been largely obscured by the fact that some hard-line Taliban continue to directly target girls' schools, while in other cases the Taliban have argued that certain rules they wish to impose on women are not being respected.¹⁴ Similarly, in a context of the escalating war, some of the Taliban's efforts to reduce the number of civilian victims are hardly noticed or acknowledged.¹⁵ Regardless of their intentions, the *ji-had* waged by the Taliban has had a very negative impact on the ability of women to access services such as education and health. Respondents interviewed in the provinces since 2012

have painted a consistent picture of insecurity discouraging women from getting out of their homes, with the problem intensifying in most provinces by 2014 due to the withdrawal of international forces:

Almost 50 percent of our students do not attend classes anymore, because they are afraid of insecurity. With the support of UNESCO we started some new courses in remote areas a couple of weeks ago but we cannot go and inspect the classes and courses because we are afraid of becoming targets of attacks by [insurgents].¹⁶

Or,

In the past four months, women in some districts cannot even leave their homes to get water ... There is no access to some districts from the outside. Inside the city, because of the bombs and explosions everywhere, movements have been severely affected. We leave our homes with a lot of fear.¹⁷

Taliban and Violence Against Women

Despite the numerous casualties caused by the Taliban among women and the fear caused by widespread violence, virtually all the elders consulted confirmed that the Taliban fighters did not harass women and were respectful toward them. A female member of parliament interviewed concurs:

The Taliban respect women and never dishonor them. There is no case of the Taliban dishonoring a woman. Maybe the Taliban force women to pray and sometimes beat people and women to pray, but they respect women. When there is a woman in a car, the Taliban don't stop the car to search it.¹⁸

Reports by villagers of inappropriate behavior by Taliban fighters are dealt with swiftly by the Taliban's command structure:

The problem was with my neighbor's son, who was working for the Taliban in Zharai district and who was my daughter's fiancé. After he had spent around 3 months with my daughter, and though most nights they were together, the man, named SG, came to my house and argued with me. He told me that my daughter had another boyfriend in the district. I asked him if he had seen my daughter with someone else and if he had any proof. He said "Someone from the Taliban has seen her with a man in his garden. This is why I repudiate her." Because SG had connections with the Taliban and had power in the village, I thought he would have the Taliban's support. [...] Then, after one week, I complained to a Taliban in our village and told him the entire story. He told me to ask help from the Taliban judges; he called the judges and made an appointment. The Taliban came and organized a trial. They interrogated me and SG. After asking questions of SG and hearing the witnesses that I had brought from our village, the Taliban judges found that SG had misused the power deriving from his work with the Taliban and that he wanted to leave his fiancée after spending lots of time with her, destroying the girl's reputation. The Taliban announced as a result that SG was lying and that he had misused the Taliban's name, for which he should get 50 lashes and then marry my daughter.¹⁹

By contrast, in areas where illegal armed groups and semi-official militias are common, such as northeastern Afghanistan, fighters are reported to behave badly towards women, with frequent occurrences of kidnappings.²⁰

While non-state armed groups are notorious for committing serial rapes and even enslaving women for 'comfort', the Taliban have been very restrained in this regard. The collateral casualties caused by Taliban attacks mostly derive from primitive technology used in attacks, such as pressure mines or rigged vehicles detonated in crowded areas against ideological targets such as government offices and national and international security personnel and facilities.

2. Taliban's Views On Women

General policy

Taliban commanders' attitude towards women in society is based on one of many *Layhas*,²¹ which describe allowances and prohibitions for women:

1. Women's work outside the home is completely banned, except for female doctors, nurses and teachers. Even in these cases women must be accompanied by a *mahram*²² when travelling between home and work.
2. More generally, women need a *mahram* every time they leave their home, even for shopping.
3. Women must not buy from or sell to men. The *mahram* does this on their behalf.
4. Women must only rely on female doctors and nurses for treatment.
5. Women and girls can attend schools and universities and religious seminaries but their teachers and classmates must be female only. They should go there dressed in *hijab*.²³
6. When women leave home they should always be dressed in *hijab*.
7. If a woman does not accept Taliban rules, she shall be beaten by her husband, father or brothers, in presence of the Taliban.
8. When a girl or woman is accused of having had sexual intercourse outside marriage, there must be three eyewitnesses. Otherwise she shall not be punished.
9. Women and girls must not talk to or shake hands with non-*mahram* males. If they do, their hands will be cut off.
10. Women and girls must not ride in a taxi without a *mahram*.
11. Women must not do any sports and must not go to any sport center or club.
12. Women must not wash clothes by rivers or in public spaces.
13. Women must not work in the Afghan Government or in military structures.²⁴

While these are the operational Taliban rules about women (*Shari'a* applies where there are no relevant Taliban rules), there are debates among the Taliban about these rules and the degrees of flexibility. The most authoritative rules come from the Taliban *Ulema*, organized in three *Ulema shuras* linked to the Taliban's political *shuras* of Quetta, Peshawar and Miran Shah.²⁵

The three councils were asked by their political leadership to state their position with regard to political negotiations with the Government of Afghanistan as well as on women's rights in the current Afghan legislation and in *Shari'a*. Their positions can thus be taken as the closest approximation of the Taliban's position during peace negotiations.²⁶ Of the three *Ulema shuras*, the most hard-line is the Miran Shah-based *shura*. The views on women of the three *shuras*, however, do not differ much. All three believe that *Shari'a* must be applied integrally, but that some changes should be brought to the way it was implemented under the Taliban Emirate.

The three *shuras* held that women should have access to education, but some Islamic precepts must be respected. These include going to school in *hijab*, not mixing with males while attending lessons, and receiving teachings on Islam throughout the education system.²⁷ The preferred fields of study for girls are education and medicine.²⁸

Education Policy

The *Ulema shuras* had made declarations on the issue of female education in the past, legitimizing a 2006 decision by the Taliban leadership to 'stop' (in fact downgrade) an aggressive and violent campaign against girls' schools and allow schools to open, but under strict rules.

By 2012 the Taliban's policy towards women's education had shaped into the following policy:

- Books, teachers' work and lessons shall be provided under Taliban observation. Lessons shall be delivered as dictated by the Taliban;
- The Taliban shall not allow the teaching of subjects which are against the *Jihad*, women's place in society as defined by the Taliban, and Muslims;
- Male teachers shall not be allowed to teach female students, and female teachers shall not be allowed to teach male students;
- In education, the focus must be on Islamic subjects such as the Holy Quran, *Fiqh'h*,²⁹ *Aqaid*,³⁰ *Hadiths* and the Arabic language. This shall be so from grade one to the end of the education cycle;
- Clothes of teachers and students must be Islamic;
- Each school administrator shall give a monthly report to the academic administrator responsible for his area to demonstrate how the teachers are not leading students against Islam and Jihad;
- A teacher who works against Islam and *Jihad* shall be punished and dismissed from his position;
- Schools which are against the Taliban and the *Jihad* shall be closed;
- Girls who are going to school and studying with boys shall be warned two times; if they do not stop going to such classes, they shall be killed;
- Teachers who develop programs and courses for girls and incite them to fight for equal rights with men shall be warned; if they do not stop these activities they shall be killed;³¹
- Girls should not be taught English;³²
- In the case where a school does not comply with the rules set by the Taliban, the Taliban may order the school closed. If the order is not executed, the Taliban shall attack the school's educational staff.³³

***Shari'a* Principles**

The Taliban favor a strict implementation of *Shari'a*. In the Afghan context, this implies two things: first, a rejection of secular laws of the Afghan State and disapproval of non-Taliban judges who sometimes rely on secular laws and, second, the application of *Shari'a* in cases where it conflicts with customary practices such as *pashtunwali*. Other rules include:

- The testimony of two women is equal to the testimony of one man;³⁴
- A woman is allowed to inherit from her father, the inheritance of two sisters being equal to that of one brother;³⁵
- *Zina*³⁶ is punishable by stoning if the culprits are married, and with 100 whip lashes if they are not. If they are still alive after the punishment, they shall be engaged to one another "as no one will marry such a girl anymore";³⁷
- A man can repudiate his wife if she has been unfaithful, and a woman can divorce from her husband if he cannot provide for her needs and protect her rights.³⁸ A woman cannot divorce from her husband herself, but she may hand her dowry back and come to an agreement with her husband to get divorced.³⁹
- The *pashtunwali*-sanctioned practice of *baad*⁴⁰ is not allowed in the *Shari'a*.
- In rural areas, the commonly held view is that women should marry as soon as they reach puberty, "lest they might be tempted by sin".⁴¹

The Taliban courts object to the marriage of girls under 14 and, unlike many elders, do not advocate marriage as soon as puberty is reached:

According to the *Shari'a*, age per se is not a consideration. It is according to a woman's life and the development of her body [that marriage is considered]. If a woman leads a good life and is in good health, she will become an adult very soon and she can be ready for marriage.⁴²

The main difference between independent judges (*qazis*) and the Taliban is that the latter are more willing and able to enforce *Shari'a*. For instance, the Taliban are inclined to proactively look for a *mahram* if one is not readily available:

If a woman comes to our court, there must be *mahram* with her and she must come wearing a *hijab*.⁴³ We tell everyone that when a woman comes to us, there must be a senior person with her, but if there is no senior person with her, then we call two senior persons from the village to be present at the time of judgment, in our presence and that of the woman.⁴⁴

In inheritance cases a *qazi* would most probably have to yield to elders. The Taliban, however, usually apply inheritance rules for women in accordance with *Shari'a* and forcibly take back shares which women have been deprived of and distributing them to their rightful female owners.⁴⁵

Similarly, in case of *zina*, depending on the context the Taliban may advocate for the marriage of the culprits if they are unmarried and the repudiation of the woman if she is adulterous, rather than murder, commonly practiced in *pashtunwali*:

Before Eid-ul Azha, a girl fled with a resident of Laghman. The father of the girl was determined to kill them both. I made them appear before the court where the girl said that she would marry only the man from Laghman and no one else. I solemnized their marriage and told all that the father of the girl would be responsible if the couple was harmed. I also solemnized the marriage of the sister of the man from Laghman with the brother of girl. So the issue was resolved. And I take pride in that case as I believe I saved the couple from being killed in the hands of the girl's annoyed father in the name of an honor killing.⁴⁶

Baad represents another major point of friction between the *Shari'a*-bound Taliban courts and customary justice such as *pashtunwali*, as it is in clear contradiction with the *Shari'a*. The Taliban tend to resist *baad*:

For example, there was one case where one person killed someone and the jirga gave his daughter in *baad*. We went there and resisted giving the girl in *baad* [to the victim's family]. We found the killer and brought him to the brother of the victim and told the latter that if he wanted to forgive him or kill him, it was his responsibility, but that it was not her brother who killed his brother, and that wanting to marry this girl [as punishment] was wrong. ... If the girl is not happy and she comes to us, we find her brother, the killer, and give guns to the victim's family to kill him. Islam does not allow for one person to be traded in punishment for another person's crime.⁴⁷

The Taliban claim that they try to convince the parties to adopt alternative solutions to practicing *baad*, such as payment in cash or land transfers.⁴⁸ Taliban judges report receiving many *baad* cases but do not elaborate on how they deal with them. A village elder interviewed, however, admitted *baad* as being one of the most common forms of blood payments. In cases where both families and the concerned woman agree there are indications that the Taliban do not interfere.

Taliban judges show no mercy toward women whom they believe have acted against *Shari'a* rules:

[In cases of running away from home] we ask from the girl why she has run away from her family, her husband, or her mother in law, to find out if any of them has been cruel to her. We conduct an investigation. If we find her husband has been mistreating her, we force him to divorce her. If her husband is very old and cannot accomplish his duties towards his wife, such as in cases where he is too weak to have sexual relationships, we also require him to divorce

her. In these cases, we do not punish her. But if we find out she was not mistreated by her husband or his family, and she got married with him with her own agreement, we give a gun to her husband to kill her.⁴⁹

3. Non-Taliban Conservative Views on Women

Education and Work Outside the Home

The Taliban are not systematically responsible for barriers to girls' education. Early marriage is often a key factor in taking girls out of school, as is harassment by males, keeping girls at home for domestic chores and, in more conservative communities, the refusal by parents to allow their daughters to attend mixed classes or be exposed to biology lessons discussing different parts of the body.⁵⁰ In addition, female teachers are not always supported by their community:

I received a lot of threats. I got night letters at my house. And the community where I was living did not want me to work, and said that I should not go out and should not teach. So finally I left my job.⁵¹

Intimidation by insurgents can play a role in strengthening conservative positions on education.⁵² In provinces least affected by insurgency, the presence of criminal gangs and bandits limits women's mobility including for attending school.⁵³ Sometimes, gangs of former militiamen actively target working women in campaigns of intimidation.⁵⁴

Views similar to those stated by the Taliban as of early 2015 are often prevalent among mullahs.⁵⁵ In Jalalabad, for instance, mullahs and *ulema* support female employment outside the home but only in the health and education sectors while, more broadly, working for governmental organizations and NGOs is discouraged.⁵⁶ In rural areas of Nangarhar religious leaders are largely opposed to women's employment and girls' education beyond primary school.⁵⁷ In the provincial capital of Meherlam, Laghman province, mullahs have been reported as being bitterly opposed to women working outside the home, and urging this view on the men and boys who attend mosques on a regular basis.⁵⁸ Rural mullahs, cut off from government patronage, are reportedly completely opposed to women's education and employment.⁵⁹ As foreign troops started leaving Helmand, mullahs became more aggressively opposed to female education and employment.⁶⁰

In the north the attitude is slightly less conservative and in some areas women are allowed to work in jobs outside of health and education, so long as it is established their husbands are not able to provide for the family.⁶¹ That being said, this distinction between north and south should not be overstated. In the north, the views of the mullahs are often as hostile to women working outside the home, especially in rural areas:

We have two kinds of imam. The type trained within the environment of Afghanistan has no problems with women working outside the home. Others trained in more conservative countries like Pakistan are against women working. In the central regions [of Balkh province], the ones trained in Afghanistan make up the majority. But, in rural areas those trained abroad make up the majority of the imams.⁶²

In the predominantly Shi'a Bamyan some mullahs are also hostile to women working outside their homes.⁶³

Former women's rights activists, who broke the Taliban ban on female education in the 1990s, maintain that mullahs' views on women, especially in villages, are aligned with the Taliban's position:

If we look at the situation in the villages, then we realize how similar the ideology of the Taliban and that of mullahs are, because they are both against girls' education. They don't like to

see girls go to school. Most villagers follow them because they think that what mullahs are doing is in accordance to Islam, but this is completely untrue.⁶⁴

Conservative attitudes are not expressed only in rural areas or by mullahs:

In 2008 a parliamentary committee drafted a bill that would introduce Taliban-style prohibitions, such as bans on women and men talking in the street and against shops selling revealing clothing.⁶⁵

A female official working for the government further reported an incident where

...male parliamentarians hurled insults at a woman parliamentarian who was defending the [Elimination of Violence Against Women] law. Some MPs said she was un-Islamic and called her a prostitute. She retorted by asking them whether they would call their mothers or sisters prostitutes, to which one of the MPs replied, 'They don't work outside the home because they are not prostitutes.'⁶⁶

Women's Access to Formal Justice

Although the sentences by Taliban courts as are often cited as the ultimate example of barbarism, women's rights activists maintain that neither government courts nor customary justice are shining examples of enforcing women's rights. Access to state courts, in particular, is very difficult for women. Traditional conservatism, particularly in rural areas, prevents women from seeking justice through government courts mainly because women fear retaliation as a consequence of seeking formal justice.⁶⁷ Elders interviewed in Logar were very critical of women being allowed to stand alone before governmental courts:

In our opinion it is not good that a woman stands in front of the governmental court, it is better for her brother to accompany her and solve the problems through the *shura*. It is really shameful for us [men] that a woman might be standing in front of the court. [Besides,] government courts cannot solve the problems of men, how it is possible for them to solve women's problems? So the women come to our court or go to the Taliban court.⁶⁸

Corruption in the formal justice system also prevents many women from seeking justice through government courts since women are often less able than men to afford to pay the bribes required by corrupt officials. They also have to contend with the prejudice of judges towards women.⁶⁹ The view of state courts as corrupt and unfair toward women in practice, especially in the rural areas, is widely shared across the country.⁷⁰ As a consequence, *Shari'a* justice is seen by some as preferable to both customary and formal justice.⁷¹

In practice, except in Taliban courts, the option of a *Shari'a* is rarely available, however. A woman interviewed in Logar pointed out that even approaching local mullahs as opposed to elders would be strongly resisted by villagers:

I did not go to the local *mullah*. If I go to the *mullah*, the people will accuse me of being in a relationship with him. [...] There is not enough freedom for women to do such a thing. [...] I went to see the elders. I went to them to get my rights. Nothing happened. They did not reach any conclusion, even spent three months over my case, and I spent 30000 Afghanis.⁷²

Women and *Pashtunwali*

The Pashtun tribal code, *pashtunwali*, is seen as the main problem regarding the rights of women:

I don't know much about *pashtunwali*. But of course I have heard about it. ...We cannot compare *Shari'a* with *pashtunwali*. *Shari'a* has given a great position to women's rights while *pashtunwali* disregards them. Some tribes, claiming to abide by *pashtunwali*, marry their

young girls to old men for money. Sometimes, when they borrow money and cannot pay it back, they give their daughter instead. It demeans women in the community.⁷³

Others argue that it is not only *pashtunwali*, but other forms of customary rules and practice that enslaves women and young girls:

Let me tell you one thing about our tradition that includes forced marriage, underage marriage and other things. These do not only exist only amongst the Pashtun. This is a huge problem in Sar-i Pul and Kapisa provinces. I don't know about Pashtuns, but I work in five provinces and we are dealing with this problem right now. Men get married to underage girls. They marry girls forcibly. This happens all over Afghanistan, not only amongst Pashtuns. *Shari'a* rejects this practice. *Nikah* requires the consent of both the boy and the girl. *Shari'a* lets us decide in our marriage. [...] I should say that in the villages, Afghan women have no rights. They cannot be part of decision-making. The decisions are made by men. In many villages, more than 50% of villages in our country, there are no laws or jurisdiction, only tribal councils. [...] I have investigated many rape cases in Sar-i Pul province. Many rapes occurred but 60% of these cases have been solved by their customary courts where the punishment for the offender is to pay something like one hundred-thousand Afghanis to the girl, then they decide to marry her or leave.⁷⁴

The reason for the preference given by several interviewees to *Shari'a* over *pashtunwali* justice derives from the relatively high recognition the former gives to women in comparison to the latter. Women's testimony is rarely recognized in *pashtunwali*, and in the overwhelming majority of cases, they cannot directly access justice forums such as *jirgas* to defend their cases themselves.⁷⁵

In *Shari'a* women are entitled to at least half the inheritance share of their brother. In *pashtunwali* women's rights to inheritance and property are not recognized.

On *zina*, elders state that if the two culprits are single, they will be required to marry and the boy to pay dowry. In case they are married and adulterous, they shall be sentenced to death and sent to the Taliban. But elders admit husbands normally seek revenge by killing the adulterers without seeking justice in court.⁷⁶ One of the village elders was adamant that *zina* cases never reached elders:

In such cases the husband kills his wife by himself, not informing the *shura* nor other people, not even neighbors. He kills his wife and tells people lies, such as that she was killed by a snake or something of the sort.⁷⁷

The same applies to divorce, for which there are no provisions in *pashtunwali*. Under no circumstances would a man divorce his wife, and if a wife tries to divorce her husband, she often gets killed by the husband.⁷⁸

The elders' view concerning runaway wives is the dowry paid by the groom's family at the time of marriage has to be returned to the concerned husband. In cases where the wife's family cannot pay, another girl from her family is to be given in exchange, and the runaway wife is to be killed if she is found.⁷⁹ This clearly diverges from *Sharia*, which commands repudiation but not death in cases of runaway wives.⁸⁰ In practice, however, these cases are not referred to *shuras* or *jirgas* because of the shame involved. A husband would instead hunt down his wife to kill her.

Unlike the Taliban who dismiss *baad* as un-Islamic, traditional elders are more willing to enforce it:

If [a runaway girl who was given in *baad*] is arrested, the only right she has is to decide if she shall be killed by her husband or her brother's family. Her death is licit from an Islamic point of view.⁸¹

In some specific forced marriage cases, *pashtunwali* gives women very limited rights, such as that to decide which of the brothers of a dead husband or fiancé she shall marry.⁸² That being said, as for other cases involving women, the vast majority of forced marriage cases are not brought to the attention of elders, who also mentioned being reluctant to address them in fear of retaliation by a powerful husband.⁸³

As such, to the extent that the Taliban are able to part with their reputation of violence, their aim to bring *Shari'a* to the remotest corners of Afghanistan could find a favorable constituency among women, particularly in Pashtun areas. The extent to which the Taliban would want to challenge elders over the application of *Shari'a*, however, remains to be seen, but from the perspective of the Taliban's program, they are not necessarily the most conservative force in Afghan society as far as women's rights are concerned. The problem of the Taliban is their uncompromising approach: while rural conservatives will not challenge the legitimacy of state courts, opting instead to stay away from them and to leave them to deal with some of the more complicated, women-related cases, the Taliban would want to impose *Shari'a* throughout the country as the only legitimate set of laws and rules.

4. Afghan Women's Views

Taliban Compared to Mujahidin

The Mujahidin, a mix of Muslim Brotherhood-type groups and conservative Islamic groups, which emerged as major power players during the conflicts of the 1980s and 1990s, did not fire female government employees. They kept paying their salaries but they demoted senior female officials linked to the defeated PDPA/Watan party and replaced them with males.⁸⁴

Afghan women who were working in high positions under Dr. Najib's government were demoted once Mujaddidi and Rabbani came to power. Under Najib's government, Afghan women held high positions. However, under Mujaddidi, who ruled for a short time, and Rabbani, who governed for four years, most jobs were given to men, not women.⁸⁵

A new dress code was enforced under the Mujahidin. Women in the streets and in offices had to wear *hijab*, and men and women had to work in separate environments. Also, women were not allowed to walk around alone without a *mahram* and were harassed by militiamen if they did not respect this rule.⁸⁶

In practice, the Mujaddidi and Rabbani governments were trying to marginalize women in the workplace, though they did not forbid them to work altogether because of the economic impact this would have had on families. Women interviewed, however, mentioned being relegated to lower positions and exposed to constant harassment in the workplace.⁸⁷

The appointment of Gulbuddin Hekmatyar as Prime Minister in May 1996 was seen at that time as a harbinger of a worse future to come, even if Hekmatyar and Rabbani denied that any change would take place:

When Hekmatyar was appointed as Chancellor, we were really afraid of him. We were afraid he would take away more of our rights. We thought he would bring more changes against us, such as not letting us go outside, work, or stop us from going to school and so on. However, he didn't even find an opportunity to think about Afghan women. He worked as a chancellor for a short time. I think it was like two or three months. He didn't get a chance to decide about women's fate.⁸⁸

The Taliban Emirate (1996-2001) is viewed as being much more restrictive than the Mujahidin:

The Taliban government ... brought significant changes. During that time, everything went wrong. We witnessed exactly what we had been afraid of. The Taliban made women stay at home. They didn't allow us to go outside without a male relative. They forced us to wear *chadori*.⁸⁹ They hit women if one finger was visible. The Taliban's government was much worse than Rabbani or Mujaddidi's governments. During Rabbani's government, we could at least get our salary and go to school, but the Taliban closed down girls' schools. The equality of life and the rights of women were completely ruined. ... Afghan women were in serious trouble.⁹⁰

Also,

The Taliban were hitting us, they closed girls' schools. They believed education was not for women. Women should only stay home and work for their husbands, like servants. They believed we had no right to work and study.⁹¹

A female member of parliament explained the differences in approaches to women among the various groups as follows:

In general all Islamic fundamentalist groups, Sunni or Shi'a, Wahhabi or Jihadi, are against women and don't like girls going to school but there are differences between their doctrines. For instance, the Hizb-i Islami is more fundamentalist than others but because most of its members were educated, they weren't so fanatic towards education in comparison to Mawlawi Mohammad Nabi's party, which was less fundamentalist but much more strict towards women than Hekmatyar, and the Shi'a have had no problem with girls' education. And the Taliban were all together different.⁹²

Some believe that since the Mujahidin gained positions of power again after 2001 with support from international community, they have had to accept all international laws including those protecting the rights of women. There is now a large difference between today's Mujahidin and the Taliban or the old Mujahidin regarding women in society.⁹³

Afghanistan's new generation of women, however, make little distinction between the Taliban and the Mujahidin. Female students in a high school in central Kandahar stated that education for girls was difficult under both the Mujahidin and the Taliban. The key difference is, however, that during the Mujahidin rule parents did not allow their daughters to go to school as a means to protect them and ensure their safety. During the Taliban rule, neither parents nor the Taliban wanted to the girls to go to school.⁹⁴

Views of the Taliban Today

Perhaps not surprisingly, urban, educated women see the prospect of a return of the Taliban to power as a major concern:

If [a new Taliban] government is like the past one, it would be intolerable. I would not want to stay here anymore, but we have no other place to go. Both neighboring countries, Iran and Pakistan, are our enemy. ... Maybe the people of Tajikistan don't hate us.⁹⁵

The students at a school in central Kandahar were pessimistic about the prospects for any contributions from the Taliban, pointing to the delays caused by their attacks on development and reconstruction programs in the districts, the many civilian casualties, and concerns about security undermining access to basic services such as education.⁹⁶

Some of the women interviewed acknowledged, however, that the Taliban drew supporters by capitalizing on the general dissatisfaction with the government and in particular its incapacity to provide jobs for youth.⁹⁷ There were claims that some female high school students in southern and eastern Afghanistan sympathize with the Taliban.⁹⁸ More generally, the support for the Taliban is based on the belief that their *Shari'a*-based rules eliminate crimi-

nal activity and increase security for ordinary citizens, provide food and shelter for those in need, encourage respect for the elders, and act as the defenders of Islam.⁹⁹

Taliban Justice

In rural districts domestic and other conflict cases are resolved by community elders or the Taliban.¹⁰⁰ There are claims, however, that the Taliban justice rules do not always correspond with *Shari'a* principles and are more akin to *pashtunwali* dictates.¹⁰¹ Claims that the Taliban do not implement *Shari'a* but *pashtunwali* derive at least in part from the fact that Taliban courts invite villagers to submit cases to the village and tribal elders first and take over only after these attempts have failed to resolve cases.¹⁰² Some Taliban judges also admit that they consider *pashtunwali* principles in their judgments.¹⁰³ A member of parliament stated that the reliance on Taliban courts is due to a lack of alternatives:

The only positive role of the Taliban in Afghanistan is that in the areas where they are present, insecurity caused by petty crimes such as robberies decreases because people are afraid of them, and quarrels between people decrease because of the presence of the Taliban. [...] In cities if people have access to the formal justice system, they do not go to the Taliban. ...Even people who are close to the Taliban are afraid of them [because] the Taliban are cruel and angry. They use bad language and never have compassion. But in the districts, because people don't have access to formal justice, they bring their cases to the Taliban. Also because of the corruption within the [formal justice system], people choose to go to the Taliban. ... Some people even willingly give taxes to the Taliban.¹⁰⁴

This view would seem to be supported by the findings of a 2010 survey, reporting higher rates of acceptance for Taliban courts in “bad security areas” than in areas with good security.¹⁰⁵ There are also claims that in some rural districts some women prefer the Taliban courts to the [corrupt] justice system.¹⁰⁶ According to a news report,

The Taliban even run a shadow judiciary in parts of Kunar. Like increasing numbers of Afghans in rural areas looking for speedy justice, Bibi Gul turned to a Taliban court when her son was murdered after a spat with a neighbor. When government officials failed to act, she took her grievance to the Taliban: ‘I crossed the river and traveled several hours... I met the Taliban-appointed governor. He promised me justice,’ she said, showing me a letter from the latter, where it could be read: ‘Tell us if there is a tribal solution to the woman's complaint. If not, we will resolve the dispute our way.’¹⁰⁷

5. Afghan Women's Views on Reconciliation

Women in Peace Negotiation

There appears to be a lack of clarity concerning women's role in the peace and reconciliation processes, corroborated by doubts on the extent to which women will be allowed to effectively participate in such processes. More generally, the public seems generally ill informed about the role women are playing in instances such as the High Peace Council at the provincial and national levels.¹⁰⁸ In cases where they are more familiar with the processes, the interviewees tend to be dismissive of women's role as merely symbolic or limited at best:

...The provincial Peace Council in Kandahar does not have any time for women and does not allow women to participate in peace talks....The Provincial Peace Council has not done anything to engage women [...]. Though some women are present at the Peace Council, they do not have any authority or their words are not taken seriously.¹⁰⁹

There is also skepticism about the armed opposition groups' willingness to negotiate with women in a formal peace process. Some see an important role for women in engaging with wives and daughters of armed opposition group members or by influencing their husbands, brothers and fathers to stop fighting:

Women, as mothers and sisters, seek and strive for peace and unity inside the family. They can extend this role toward the society and encourage peace within the society. We can never achieve peace in the political arena if there is no peace in the society.¹¹⁰

And,

... For example, when there is a conflict between two tribes and it has the potential to get dangerous, women could put on their headscarves and talk to the armed parties and encourage them to negotiate peace. People here have a lot of respect for women and listen to them in these kinds of situations ...¹¹¹

In this sense, interviewees viewed the peace process as having to be an essentially bottom up reintegration process and not a political one.¹¹²

General Perceptions of Reconciliation

The three main types of reactions expressed by interviewees on the reconciliation process were outright rejection, demand that women's rights be wholly safeguarded in the negotiations, and making some concessions on women's rights in return for peace.

The rejectionist approach is justified by reference to the previous record of the Taliban on women and the belief that there is still international support for the post-2001 status quo for women in Afghanistan. For example,

I don't think talks are possible because of our past experience. During the Taliban regime, women could not go out, they could not go work, and they had no schools. The Taliban would rather see a woman die in the streets than go to a restaurant to get food if men were there.¹¹³

Or,

The Taliban have high expectations and it is impossible for the Afghan Government to agree on these. [...] The Taliban want the government to make the international troops leave Afghanistan but there is no guarantee that the Taliban will make any concessions on their demands.¹¹⁴

Educated and working women, in particular, fear a backlash against the rights they have gained since 2001. When the issue of reconciliation is raised, women tend to consider the Taliban as opponents of women's rights and committers of violence against civilians. Political reconciliation is therefore perceived as a source of danger to women's freedoms and rights. This fear causes many educated and working women to oppose any substantive compromise with the Taliban:

Women do fear the consequences of a potential peace with the Taliban... if the Constitution of this country is not accepted as legitimate, then peace will be of no use for women.¹¹⁵

Some women are afraid that the government's negotiations behind closed doors with the Taliban runs a high risk of a compromise on women's rights, forcing women to go back to staying at home.¹¹⁶

The position on negotiating without making concessions on women's rights is driven by the argument that the Afghan government would have to accept in principle to negotiate with the Taliban because it has no other choice, and that the correlation of forces between the Afghan government and the Taliban would allow for the government to defend the Constitution as it is. For example,

We have two options; first, our government should give them some positions in the government if they agree to change their thoughts because our people will not accept the Taliban with their old ideology. Secondly, if they don't accept the conditions, then Afghan Government should take some actions, like some military operations against them and remove them from Afghanistan.¹¹⁷

And,

I am also in favor of making peace with the Taliban, because we are tired of war, and they will continue their terrorist attacks unless we make peace with them. ... As a first step, our government should go ahead with negotiation, and talk with them peacefully, if this didn't work, then our government should attack them.¹¹⁸

And,

If our rights are disregarded, then we will protest, launch demonstrations. We will strike, we will sit and sleep on the streets. We will not let anyone disregard our right. We have no problem if Taliban get the power or the Afghan government, as you know, we still have Taliban in our government, unfortunately, our education minister kissed the hand of Pakistani leader (Taliban leader), but we don't want him to close the girl's schools. It doesn't matter for us. We want our rights and that's it.¹¹⁹

In areas of Afghanistan seriously affected by the insurgency, educated and employed women see themselves in a Catch-22 situation, between a bad peace which would jeopardize their rights and recent gains, and a war where "it is the women who see their sons and husbands get killed."¹²⁰

Safeguarding security by giving in to some Taliban demands in legislative changes and political participation, while being vigilant not to undermine basic rights gained, was also seen as a plausible compromise by some respondents:

There must be communication with the Taliban, we should negotiate with them and ask them what their demands are. Maybe they want to bring some changes in legislation, and it must be accepted. If the security of Afghanistan depends on some changes in the legislation, so long as they are not in contradiction with democracy and human rights, these must be accepted. Maybe they will ask for some seats in the parliament, and this must be accepted. Or maybe they say they want Kandahar, ...If the government wants to bring peace, it must agree with all their conditions so long as they are not in contradiction with the [basic human rights]. ...When we want to make peace, we have to give in order to get. There is no other alternative.¹²¹

Similarly,

... it doesn't matter if we come to an agreement with the Taliban, if [the Taliban] get some positions [in the government], we have no problem with this. The current [Talibs in the government] are even worse than the Taliban. They don't work for the people so far, but their pockets. [...] Peace will happen through negotiation, not war. I also want our government to give women their right to join the negotiations. Afghan women will convince the Taliban not to burn down schools again nor disregard women's rights. They should consider women as human beings. I think they realize it now.¹²²

Conclusion

The Taliban leadership and the *Ulema* associated with it believe that they have gone as far as possible in nuancing their positions on women's rights and education without completely alienating their ranks and file, whose views about women and education are typically much more restrictive than the more progressive elements in the leadership. However, the Taliban

have not been very effective or proactive in communicating their more moderate positions, probably because they are waiting for negotiations to take off before they go public with them.

The Taliban policies concerning women have been revised in recent years toward less restriction on women, in terms of access to education and employment. In the first half of 2015, Taliban ‘diplomats’ also highlighted that the Taliban might agree to women’s political rights, with some exceptions. Reports about the Doha meeting organised by Pugwash in May 2015 between some representatives of the Taliban and of pro-Afghan government figures suggested not only that diplomatic and political cadres of the Taliban have been showing a more positive attitude towards female interlocutors, but also that some senior cadres at least are now openly talking about women’s political rights, including being elected to the parliament (although not to the presidency).¹²³

Interestingly however there has been no systematic effort by the Taliban to communicate these changes – as highlighted in the report, few observers external to the Taliban have even heard about these new policies. Dissent by hardliners within Taliban ranks meant that these new policies were not subscribed to coherently within the Taliban and the public remained convinced that there had been no changes in Taliban policies and behavior. The Taliban also avoided using their media outreach to communicate their intent to moderate certain policies, probably because these media are mostly used for fund-raising purposes among jihadist sympathizers, and the Taliban might fear that more enlightened Taliban policies would put them off.

It is therefore not surprising that educated, urban women largely continue to view the Taliban as completely irreconcilable with the rights they have acquired after 2001. However, even when informed of the Taliban claims of moderation, female professionals remain unimpressed. The Taliban concession for allowing female doctors, nurses and teachers is not enough for the class of professional women that has emerged since 2001. Outside Kabul, however, there is more willingness for making some concessions to the Taliban, such as a stricter Islamic dress code for women in public spaces.

The picture is entirely different for the masses of rural women without an education or aspirations for personal freedoms and living in constant uncertainty of food and personal security. The vast majority of poor rural women will be unconcerned if the gains made for individual freedoms since 2001 were to be rolled back. As long as the conflict remains and basic tenets of living are threatened, rural populations of all descriptions will have a strong desire and motivation to consider the re-establishment of peace as a priority over anything else, and particularly over reforms from which they cannot draw any immediate benefit.

One of the main risks during peace negotiations is the loss of provisions for basic rights of women in the Constitution. These rights are currently insisted upon by a small minority of educated, professional, and urban women and men. Outside Kabul and a few other major cities, women who work outside the health and education sectors are already targets of disapproval from a hostile public. Given these conditions, the main risk in the peace negotiations for women’s rights defenders is not having sufficient support from the public at large for women’s rights as enshrined in the Constitution, giving the Taliban the advantage of being perceived as the reasonable party representing the wishes of the public.

The advent of the so-called Islamic State (ISIS), and signs of it finding sympathy among some armed opposition groups within Afghanistan, are likely to change the parameters of the peace negotiations and much of the discussion about the place of women’s rights in the peace negotiations between the Taliban and the government of Afghanistan. One possible outcome due to the emergence of ISIS in Afghanistan is that the Taliban would revert to a much hard-

er line as a deterrent to losing rank and file members to ISIS. Indeed, the recently intensified attacks in Kabul in the summer of 2015 are a testament to this.

Another possibility is that the emergence of ISIS in Afghanistan would polarize the Taliban into hard-line and conciliatory camps, with the conciliatory camp intensifying its attempts at a negotiated peace with the government of Afghanistan while the hard-line sustains terrorist activity where it can.

In any event, little is known about the evolution of the positions of the Taliban on women's rights. Even less is known about how the changed dynamics of the conflict will affect the Taliban approach to women. Informed opinion on the peace negotiations will need to be based on more knowledge about the Taliban's policy-making dynamics, the reactions and sentiments of the Taliban rank and file to leadership policy changes, the changes which came to light in the aftermath the official passing of Mullah Omar, and the advent of ISIS and its interactions with the Taliban in Afghanistan.

¹ NS, former teacher and activist in the 1990s.

² APPRO (2012-2015) "Afghanistan: Monitoring Women's Security in Transition", Cycles 1-5, Kabul. All cycles available on: <http://appro.org.af/category/publications/>

³ NS, former teacher and activist in the 1990s. See also RASHID A. (2000), *Taliban*, London: Tauris, pp. 105ff.

⁴ NS, former teacher and activist in the 1990s.

⁵ *Pashtunwali* ("the way of the Pashtuns") refers to an unwritten body of codes of ethics and practices used among Pashtun tribes. *Pashtunwali* is still widely used as an informal system of governance in Pashtun-dominant rural areas of Afghanistan, albeit with variations between tribes.

⁶ DORRONSORO, G. (2005) *Revolution unending*, London: Hurst, pp. 291ff

⁷ ASHRAF O. and AJMAL SAMADI N. (2012), "Forgotten Heroes: Afghan Women Leaders Killed in Impunity Ignored in Justice", Kabul: Afghanistan Rights Monitor; TOOSI N. (2013), "Kidnapped by the Taliban, Afghan woman still defiant", *Associated Press*, September 21, 2013; and Human Rights Watch (2010), "The 'Ten-Dollar Talib' and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation", New York: Human Rights Watch.

⁸ Taliban night letter, quoted in Human Rights Watch (2010), "The 'Ten-Dollar Talib' and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation", New York: Human Rights Watch, p. 10.

⁹ See GIUSTOZZI A, and FRANCO C. (2013), "The Ongoing Battle for Education. Uprisings, Negotiations and Taleban Tactics", Berlin: Afghanistan Analysts Network; and GIUSTOZZI A, and FRANCO C. (2011), "The battle for the schools: The Taleban and state education", Kabul/Berlin: Afghan Analyst Network.

¹⁰ Individual interview, prominent woman (1), Balkh, December 2012, p. 38.

¹¹ See GIUSTOZZI A. and BACZKO A. (2014), "The Politics of the Taliban's Shadow Judiciary, 2003-2013", *Central Asian Affairs*, 1 - 2014.

¹² Different views about Taliban courts are discussed in detail below

¹³ On the civilian casualties caused by the Taliban, see the half-yearly UNAMA reports of the series 'Protection of civilians in armed conflict'.

¹⁴ APPRO Women in Transition interview KI-F-PW-Jal-2, the event and the numbers were confirmed by the Department of Education in the province during an additional interview on the subject, Jalalabad, November 2014; 'Afghanistan: Monitoring Women's Security in Transition', Cycle 2, Kabul: APPRO, October 2013, Lashkargah, p. 45.

¹⁵ According to sources in the Quetta and Miran Shah *Shura*, contacted between the end of 2014 and early 2015, such efforts include tighter rules of engagement in the use of mines and in targeted assassinations.

¹⁶ APPRO Women in Transition interview FGD-Daw-LIT, confirmed by one key informant, Dawlatabad Aug 2014.

¹⁷ APPRO Women in Transition interview KI-F-PW-Jal-1, confirmed by four key informants confirmed, Jalalabad Nov 2014.

¹⁸ Interview with female Kandahar Member of Parliament, 2 January 2015.

¹⁹ Farmer from Zharai district, interviewed in summer 2011.

²⁰ APPRO Women in Transition interviews FGD-Bad-WW, Fayzabad Oct 2014; KI-F-NGO-1, Herat, January 2014; KI-F-WW-2, Kunduz, December 2013.

²¹ Codes of conduct

²² *Mahram* (pl. *maharem*) refers to a relative of the opposite sex who is unmarried or with whom sexual intercourse would be considered incestuous. This includes blood kins, in-laws, and milk brothers, sisters or mothers. Theoretically, a woman's *maharem* form her allowable escort when she travels, and the men in front of which she is allowed to unveil.

²³ In this context, *hijab* refers to the complete covering of the body except the hands, face and feet in long, loose and non see-through garments women.

²⁴ The Layha was provided by a source in Peshawar in early 2015.

²⁵ *Ulema* are Muslim scholars specialized in Islamic Law and theology. *Shura* refers to governance councils in which decisions are taken by mutual consultation between members.

²⁶ This discussion of the views of the three *Ulema shuras* of the Taliban is based on three interviews conducted with members of these *shuras* in February 2015.

²⁷ Interview with a Mawlawi of the Miran Shah *Ulema Shura*, February 2015. Also, interview with a Mawlawi of the *Ulema* council of Peshawar *shura*, February 2015. Similar views were expressed by a Mawlawi of the Taliban *Ulema* Council of Kandahar province, February 2015

²⁸ Interview with a Mawlawi of the *Ulema* council of Peshawar *shura*, February 2015. Similar views were expressed in an interview with a Mawlawi of the Taliban *Ulema* Council of Kandahar province, February 2015.

²⁹ Islamic jurisprudence

³⁰ Islamic creed

³¹ Interview with a Taliban Shadow District Governor in Ghazni, October 2012.

³² Interviews with two Taliban cadres in Wardak, December 2012.

³³ Interviews with two district Taliban military commissioners, December 2012.

³⁴ Interviews with Qazi Habibullah Stanikzai, independent qazi in Logar, November 2013; Taliban Judge in Kharwar district, Logar, November 2013; Taliban judge in Logar, November, 2013.

³⁵ Interview with Taliban provincial judge, Logar, November 2013.

³⁶ In *Shari'a Zina* refers to sexual intercourse, consensual or not, between persons who are not married through *nikah* (marriage covenant).

³⁷ Interviews with Qazi Habibullah Stanikzai, independent qazi in Logar, November 2013; Taliban provincial judge, Logar, November 2013.

³⁸ Interview with Taliban district judge, Logar, November 2013.

³⁹ Interview with Taliban provincial judge, Logar, November 2013.

⁴⁰ *Baad* refers to the offering of a woman for marriage as 'compensation' for a crime committed by a member of her family.

⁴¹ Interview with elder in Mohammad Agha District, November 2013; Qazi Habibullah Stanikzai, independent judge in Logar, November 2013.

⁴² Interview with Taliban provincial judge, Logar, November 2013.

⁴³ Interview with Taliban district judge, Kharwar (Logar), November 2013.

⁴⁴ Interview with Taliban district judge, Logar, November 2013.

⁴⁵ Interviews with Taliban district judge, Kharwar (Logar), November 2013; Taliban provincial judge, Logar, November 2013.

⁴⁶ Taliban judge in Alisheng district, interviewed in autumn 2011.

⁴⁷ Interview with Taliban district judge, Logar, November 2013.

⁴⁸ Interview with Taliban provincial judge, Logar, November 2013.

⁴⁹ Interview with Taliban provincial judge, Logar, November 2013; also Taliban provincial judge, Logar, November 2013.

⁵⁰ APPRO Women in Transition interviews KI-F-PW-1, Dawlatabad, August 2014; KI-F-PW-1, Paghman, August 2014; KI-F-BW-1, Kandahar, August 2014; KI-F-GHS-3, FGD-WW, KI-F-GHS-2, FGD-CE, FGD-LIT, KI-F-GHS-2, Parwan, August 2014; FGD-CE, Parwan, March 2014, confirmed by a female Member of Parliament from Kandahar in an interview on 3 January 2015.

⁵¹ Madiha M., working as a teacher in an eastern province, quoted in Human Rights Watch (2010), "The 'Ten-Dollar Talib' and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation", New York: Human Rights Watch, p. 27.

⁵² APPRO Women in Transition interview KI-F-NGO-KDH-1, confirmed by two key informants, Kandahar December 2014.

⁵³ APPRO Women in Transition interview KI-F-Gov-1, KI-F-BW-2, Bamyan, March 2014.

⁵⁴ APPRO Women in Transition interview KI-F-GHS-1, Parwan, March 2014.

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- ⁵⁵ APPRO (2012-2015) “Afghanistan: Monitoring Women’s Security in Transition”, Cycles 1-5, Kabul. All cycles available on: <http://appro.org.af/category/publications/>
- ⁵⁶ APPRO Women in Transition interview KI-F-GHS-Jal-1, confirmed by four key informants, Jalalabad Nov 2014.
- ⁵⁷ APPRO Women in Transition interviews KI-F-PW-2, KI-F-GOV-2, KI-F-BW-1, KI-F-NGO-4, KI-F-GHS-2, FGD-HW, KI-F-NGO-4, KI-F-VTC-1, KI-F-GHS-1, KI-F-GOV-3, Jalalabad, June 2014.
- ⁵⁸ Teacher in Mehtarlam, Laghman, quoted in Afghanistan: Monitoring Women’s Security in Transition’, Cycle 2, Kabul: APPRO, October 2013.
- ⁵⁹ Female civil servant in Lashkargah, Helmand, quoted in “Afghanistan: Monitoring Women’s Security in Transition”, Cycle 2, Kabul: APPRO, October 2013.
- ⁶⁰ APPRO (2013) “Afghanistan: Monitoring Women’s Security in Transition, Baseline report”, Kabul: March 2013.
- ⁶¹ APPRO Women in Transition interviews KI-F-PW-Kun-1, KI-F-NGO-Kun-1.
- ⁶² APPRO Women in Transition interview FGD-Daw-LIT, Dawlatabad Aug 2014.
- ⁶³ APPRO Women in Transition interview KI-F-GOV 1, Bamyán, July 2014.
- ⁶⁴ NW, former teacher and activist in the 1990s.
- ⁶⁵ Human Rights watch (2010), “The “Ten-Dollar Talib” and Women’s Rights: Afghan Women and the Risks of Reintegration and Reconciliation”, New York: Human Rights Watch, 2010, p. 22.
- ⁶⁶ Nuhaa N., quoted in Human Rights Watch (2010), “The “Ten-Dollar Talib” and Women’s Rights: Afghan Women and the Risks of Reintegration and Reconciliation”, New York: Human Rights Watch, p. 34.
- ⁶⁷ APPRO Women in Transition interviews
- ⁶⁸ Elder in Mohammad Agha District, November 2013.
- ⁶⁹ SH, former activist in the 1990s. Also NW, former teacher and activist in the 1990s.
- ⁷⁰ APPRO Women in Transition interviews
- ⁷¹ NS, former teacher and activist in the 1990s.
- ⁷² Female user of Taliban court, Logar, May 2013.
- ⁷³ NS, former teacher and activist in the 1990s.
- ⁷⁴ SH, former activist in the 1990s.
- ⁷⁵ As one elder in Mohammad Agha District, interviewed in November 2013, put it: “The testimony of a man is better and we do not accept the testimony of women.” Similar views were expressed by elders in Baraki Barak (Logar) in interviews during November 2013.
- ⁷⁶ Elder in Mohammad Agha District, October 2013; provincial Taliban judge, Logar, November 2013.
- ⁷⁷ Elder in Mohammad Agha District, October 2013.
- ⁷⁸ Elder in Mohammad Agha District, October 2013.
- ⁷⁹ Elder in Baraki Barak District, November 2013; elder in Mohammad Agha District, November 2013.
- ⁸⁰ Interview with tribal *shura* member in Mohammad Agha District, July 2013.
- ⁸¹ Elder of Mohammad Agha District, November 2013.
- ⁸² Interview with tribal *shura* member in Mohammad Agha District, July 2013.
- ⁸³ Elder in Mohammad Agha District, October 2013.
- ⁸⁴ SH, former activist in the 1990s.
- ⁸⁵ NS, former teacher and activist in the 1990s.
- ⁸⁶ SH, former activist in the 1990s.
- ⁸⁷ NS, former teacher and activist in the 1990s.
- ⁸⁸ NS, former teacher and activist in the 1990s.
- ⁸⁹ A cloth which covers everything and makes the face invisible
- ⁹⁰ NS, former teacher and activist in the 1990s.
- ⁹¹ NW, former teacher and activist in the 1990s.
- ⁹² Interview with female Kandahar Member of Parliament, 2 January 2015.
- ⁹³ Female Member of parliament from Kandahar, interviewed on 2 February 2015.
- ⁹⁴ Focus group with students in Kandahar city centre high school, February 2015. Similar views were expressed during a focus group discussion with students in a Kandahar periphery high school, February 2015.
- ⁹⁵ SH, former activist in the 1990s.
- ⁹⁶ Focus group with students in Kandahar city centre high school, February 2015.
- ⁹⁷ Interview with female Kandahar Member of Parliament, 2 January 2015.
- ⁹⁸ Communication with Peshawar *Shura* cadre, April 2014.
- ⁹⁹ Focus group with students in Kandahar periphery high school, February 2015.

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- ¹⁰⁰ APPRO Women in Transition interviews FGD-Jal-CE, FGD-WW and KI-F-PW-Jal-3, Jalalabad Nov 2014, confirmed during focus group discussions with students in Kandahar city center high school, February 2015.
- ¹⁰¹ NW, former teacher and activist in the 1990s.
- ¹⁰² Elder in Baraki Barak, November 2013; Elder in Mohammad Agha District, November 2013.
- ¹⁰³ Taliban judge in Alisheng, interviewed in autumn 2011.
- ¹⁰⁴ Interview with female Kandahar Member of Parliament, 2 January 2015.
- ¹⁰⁵ Hornbeck, S. (2010), "Afghan Women's Perspective on Negotiating with the Taliban", McLean: D3 Systems.
- ¹⁰⁶ Interview with female user of Taliban court, Mohammad Agha District, July 2013.
- ¹⁰⁷ Sarwary, B. (2011), "What happened when US forces left Afghan hotspot?", *BBC News*, 3 December 2011.
- ¹⁰⁸ APPRO Women in Transition interviews KI-M-ANP-Sor, Sorkhrod Nov 2014; FGD-WW, KI-F-BW-1, FGD-HW, Herat, September 2014; KI-F-VTC-2, FGD-LIT, KI-F-GHS-3, Parwan, August 2014.
- ¹⁰⁹ APPRO Women in Transition interviews, KI-F-PW-1, Kandahar, August 2014 and KI-F-NGO-2, Parwan, August 2014.
- ¹¹⁰ APPRO Women in Transition interview KI-F-PW-Bad-2, Fayzabad, October 2014.
- ¹¹¹ APPRO Women in Transition interview FGD-Lag-LIT, Mehterlam, November 2014.
- ¹¹² Focus group with students in Kandahar city centre high school, February 2015.
- ¹¹³ Female parliamentarian (anonymous), quoted in 'The "Ten-Dollar Talib" and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation', New York: Human Rights Watch, 2010, p. 35.
- ¹¹⁴ Focus group with students in Kandahar city centre high school, February 2015
- ¹¹⁵ Interview with female Kandahar Member of Parliament, 3 January 2015. Similar sentiments were expressed in APPRO Women in Transition reports, particularly toward the end of 2014.
- ¹¹⁶ Individual interview, prominent woman, Herat, quoted in Afghanistan: Monitoring Women's Security in Transition', Baseline report, Kabul: APPRO, March 2013, Herat.
- ¹¹⁷ NW, female activist in the 1990s, February 2015
- ¹¹⁸ NS, female activist in the 1990s, February 2015.
- ¹¹⁹ SH, female activist in the 1990s, February 2015.
- ¹²⁰ APPRO Women in Transition interview, August 2014.
- ¹²¹ Interview with female Kandahar Member of Parliament, 2 January 2015.
- ¹²² NS, female activist in the 1990s, February 2015. This view was also echoed in a focus group discussion with students in Kandahar city centre high school, February 2015, and a focus group discussion in a Kandahar periphery high school, February 2015
- ¹²³ Personal communication with foreign diplomats in Kabul, May 2015.