



SEXUAL VIOLENCE
IN WAR AND POST WAR
AFGHANISTAN



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SEXUAL VIOLENCE IN WAR AND POST WAR

AFGHANISTAN

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DEDICATION

To my Mother and all Women of Afghanistan

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EPIGRAPH

“It has probably become more dangerous to be a woman than a soldier in modern conflict.”

Major-General Patrick Cammaert (2008)

**Former commander of UN peacekeeping forces in the Eastern Democratic Republic of
the Congo**

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FORWARD

I was born and grew up in a war; probably many children in the world have had a smooth beginning for school and education, but I, like countless other children in the world was never able to start school at the time it was supposed to start. Still, I remember my mother's eyes when I would leave the house for school; at that time with my childish mind I could not understand it, but now I realize the meaning of that look. My mother, like thousands of other mothers in Afghanistan, wanted to receive me back at home, safe and secure. This is the only wish of a mother, who every moment her eyes and ears are seeing and hearing the news of killing, kidnapping, and the raping of girls when they are outside of the home.

I went to Pakistan in the time of civil war, and like millions of my compatriots, lived in the refugee camp far away from my country, relatives, and even my parents. Being a refugee is not easy, but at the same time I learned many things, I learned how to be a woman and fight while living under two strong forms of oppression: gender oppression and the oppression faced as a foreigner. This history inspired and motivated me to study Sociology as an undergraduate, to understand the structure of society, the social constructs that are contained within a society, and how they can be changed or reconstructed. Finally, I chose to do my master's degree in peace and conflict resolution studies in order to analyze how this change and transformation could be done in a nonviolent way. In this thesis I would like to expose a painful reality that Afghan women face during war, and contribute towards transforming and/or eradicating the problem.

ABSTRACT

This thesis explores sexual violence against women during war and postwar in Afghanistan. It investigates it in relation to the “non-legitimate” (rape, gang rape and forced prostitution) and “legitimate” (forced marriage, child marriage and *baad*¹) forms of sexual violence.

This thesis establishes a theoretical framework to the war and postwar time sexual violence in Afghanistan. Sexual violence as a part of gender-based violence recognizes direct violence against Afghan women and girls. The social construction of women being the honor of men in Afghan tradition has put women and girls at the risk of sexual violence in civil war and postwar eras in the country. In addition, the unfair discrimination against women for centuries in Afghan society has shaped women’s identity as a second-class citizen. This condition translated into rampant violence against women in wartime, including sexual violence.

Sexual violence during civil war and postwar in Afghanistan appears in different forms and contexts; however this study focuses on the most common types which are rape, gang rape, forced prostitution, forced marriage, child marriage and *baad*. Combatants from all parts of conflicts such as Afghan security forces, commanders, powerful figures and civilians (including family members), are responsible for these acts. Women and girls from all age, ethnicity, class and social status are at the risk of sexual violence in Afghanistan.

A great part of the data for this thesis was obtained through field research, which was carried out in Kabul city. This information, including the reports of local and international organizations illustrate that during war and in the postwar Afghanistan rape, gang rape and forced prostitution against Afghan women occurred systematically. Furthermore, tradition and

¹ It is a traditional type of marriage conducted in order to settle disputes and strife between two tribes, clans, and even two families, in which a girl from the aggressor family is given to the damaged family.

poverty harm Afghan women, prompting continued victimization in the form of forced marriage, child marriage and *baad*.

This thesis challenges gunmen, law and tradition and introduces them as direct, structural and cultural entities of violence. In the meanwhile the effort and struggle of Afghan people and women's rights activists continue to work for change.

LIST OF ABBREVIATIONS AND ACRONYMS

AIHRC	Afghanistan Independent Human Rights Commission
ANDS	Afghanistan National Development Strategy writes
AJP	Afghanistan Justice Project
DEVW	Declaration on the Elimination of Violence against Women
EVAW	Law on the Elimination of Violence Against Women
GDP	Gross Domestic Product
HAWCA	Humanitarian Assistance for the Women and Children of Afghanistan
HDI	Human Development Index
HSR	Human Security Report
HRW	Human Rights Watch
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ISI	Inter-Services Intelligence
KHAD	Khadamat-e Aetla'at-e Dawlati (State Intelligence Agency)
MOWA	Ministry of Women's Affairs
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
PDPA	People's Democratic Party of Afghanistan
RAWA	Revolutionary Association of the Women of Afghanistan

SAAJS	Social Association of Afghan Justice Seekers
TJG	Transitional Justices Group
UNDP	United Nation Development Program
UN	United Nations
UNAMA	United Nations Assistance Mission for Afghanistan
UNHCR	United Nations High Commission for Refugee
UNFPA	United Nations Population Fund
UNESCO	United Nation Educational, Scientific and Cultural Organization
USSR	Union of Soviet Socialist Republics
USA/US	United States of America
WHO	World Health Organization
WCLRF	Women and Children Legal Research Foundation
WILPF	Women’s International League for Peace and Freedom

GENERAL INTRODUCTION

Introduction

Wartime sexual violence occurs in civil, interstate, and international conflicts; it also occurs during times of religious and ethnic tensions, in situations of genocide, and during political incidents. Sexual violence is performed on military sites, in prisons, homes, workplaces, and in camps for refugees and displaced people. Women² face this danger in almost every facet of their lives. There is even a threat while they are working in the fields, carrying water, and collecting wood for their homes.

Perpetrators of sexual violence in war and postwar time include combatants, security forces, paramilitaries, humanitarian aid workers, peacekeeping forces and civilians. In many cases, perpetrators are strangers, but family members, intimate partners, relatives and villagers also subject many women to sexual abuse. Sexual assault may happen systematically or occur individually in war-torn, post-war and democratic societies.

Wartime sexual violence occurs in different forms and contexts, it may include rape, mass rape, rape with objects or attempted rape, sexual harassment such as forced stripping and virginity tests, forced prostitution, forced pregnancy, the keeping of women at military sites for sexual slavery, trafficking for the purpose of sexual exploitation and sexual mutilation (Bastick, Grimm and Kunz, 2007: 19). Furthermore some forms of sexual violence are apparently legitimate within the context of marriage, for example forced marriage, child marriage, exchange

² Evidence and reports from conflict-affected countries and regions display that, although women and girls are the primary victims of conflict related sexual violence, men, and particularly teenage boys, are also sexually targeted during war. During war in Afghanistan *Bach Bazi* (playing boy or pederasty) dramatically increased; military commanders kept one or more teenage boys who were forced to do sexual dances and entertain and then they were sexually abused by militants. For sure this act could not count as sexual violence against women because the victims are boys. However boys are sexually targeted when they perform for men, dress like women, put makeup on and wear fake breasts. In this context, appearing in the disguise of a female boy puts the subject in danger of rape.

marriage and rape within marriage (marital rape). These “customary forms of sexual violence” (WHO, 2002: 156) increase when society is experiencing conflict.

The impact of sexual violence on the survivor and their family is burdensome; for they hurt physically, psychologically and suffer a strong loss of dignity. The perpetrators of sexual violence during wartime try to inflict a permanent scar on the body of the victim so the victim will always remember the abuse. Reports and evidence from some war zones show that after being raped or sexually abused, many women and girls commit suicide or are killed by their family members in an attempt to clear the stigma of the attack; the so-called “honor killing”. Elisabeth Wood in her essay *Variation in Sexual Violence during War* (2006), explains that after the occupation of Berlin in 1945 by Soviet soldiers, thousands of women were raped in front of their family and community, and many of them committed suicide (Wood, 2010: 309). The writers of *Sexual Violence in Armed Conflict* (2007) while mentioning the sexual violence issue in Afghanistan, state that victims of rape in Afghanistan attempt suicide by setting fire to themselves, or are murdered by a family member (Bastick, Grimm and Kunz, 2007: 89). Human Rights Watch, Amnesty International and some local women’s groups like Revolutionary Association of the Women of Afghanistan (RAWA) report confirmation of this claim (RAWA, 2012). In many cases, the victim and her family are forced to leave their village, relatives and lands because of the shame inflicted upon them. Another consequence of sexual violence is the infection from sexually transmitted diseases such as HIV/AIDS. Pregnancy is another result of rape during war; in this scenario the unwanted baby also becomes another victim. In many cases, if the mother would not like to kill the child herself, her relatives may seek this result.

On the other hand, sexual violence during wartime is not a new phenomenon; it is as old as warfare itself. During ancient warfare, victorious soldiers celebrated their victory by raping

women and young girls of the conquered land; this act was considered to be a legitimate booty and the ultimate weapon for the subjugation of the opponent (Sharratt, 2011). For example, the city of Rome was founded with the rape of Sabine women; women were raped by the victors during the sack of Troy; and in 1453, when Constantinople fell, many women were raped by Ottoman troops (Smith, 1974).

During the era of World War II, sexual violence was a widespread issue; the “rape of Nanjing” was an episode of massive sexual violence during that period. Japanese troops in Nanjing, a city of China, raped 20,000-80,000 (Wood, 2010: 311) women and girls; many of the victims were executed after being raped. Thousands of German women were raped in early 1945 when the Soviet army captured Western parts of Germany; Berlin was reduced to an assault on the dignity of innumerable women and girls who were abused in front of their families or neighbors. The same act was carried out by U.S. troops in Vietnam; the My Lai massacre alone, in South Vietnam at the beginning of 1968, saw approximately twenty women and girls raped (Wood, 2010).

For the first time, sexual violence during war was internationally recognized as the result of war, calling rape “conflict-related” when Pakistani soldiers raped thousands of Muslim Bengali women in 1971 during the Bangladesh war for independence (Chun and Skjelsbaek, 2010). The 1980s were marked by several armed and political conflicts in Africa and South America, where sexual violence and sexual torture occurred extensively in different territories of these continents.

Indeed, after the end of the Second World War and the decolonization of colonial regions in Africa, a number of armed conflicts broke out in different parts of the continent; most of them were characterized as ethnic conflict. Women and girls in more than twenty countries in Africa

had been sexually abused during armed conflict in these regions: “The massive extent and extreme brutality of sexual violence that has occurred, and is ongoing in Darfur and DRC, is harrowing” (Bastick, Grimm and Kunz, 2007: 27). Human Rights Watch (2005) estimates that “during five years of conflict in the DRC, tens of thousands of women and girls in the Eastern part of the country have suffered crimes of sexual violence” (HRW, 2005: 34). The Rwandan genocide memorial notes that 500,000 women were raped during the 100 days of conflict (UN, 2008). According to some researchers, approximately 50,000 to 64,000 internally displaced women in Sierra Leone were sexually assaulted during the conflict in the country. A United Nations Population Fund (UNPFA) survey in 2004 shows that 19 percent of 1,575 Burundian women had been raped during the conflict between Hutu rebels and the Tutsi controlled army. The clan-based warfare in Somalia severely affected women in terms of sexual abuse. Somali women were at risk of rape and gang rape everywhere, whether they worked on the land or during raids by clan militants (Bastick, Grimm and Kunz, 2007: 57, 33, 59).

During the Cold War era and its aftermath, many parts of the world became the flashpoint of superpower tension and resulted in human rights violations and violence against women in several regions. During the August 1990 invasion of Kuwait it is estimated that “at least 5,000 Kuwaiti women were raped by Iraqi soldiers” (Chinkin, 1994: 327). Gender-based violence, including sexual violence, was widespread after the collapse of the Soviet Union in some parts of Eastern European countries. The break-up of Yugoslavia was accompanied by rape and other forms of sexual abuse of thousands of women in Bosnia-Herzegovina, Croatia and Serbia (Kosovo): “According to a European Union investigation, approximately 20,000 girls and women suffered rape in 1992 in Bosnia-Herzegovina alone, many of them while held in detention facilities of various types” (Wood, 2010: 311).

In other parts of the world, such as South Asia and South America, armed conflicts and political tensions were usually worsened by sexual violence and sexual torture. For example, displaced Tamil women and girls were subjected to sexual assault including gang rape and rape with foreign objects, perpetrated by Sri Lankan police and soldiers at check points. The innocents were accused as members of, or related to, the Tamil insurgency (Wood, 2010). Sexual violence has also been reported in the Colombian conflict; Amnesty International has documented that Colombian government security forces and paramilitary forces have used counter-insurgency tactics involving sexual violence to punish communities in rebel-controlled territory for allegedly supporting rebels (Amnesty International, 2004: 17). These evidences are samples of a horrific reality; women and girls of all continents and countries during wartime are consistently subjected to these atrocities.

Background of the Study

Thirty-five years of war and unrest has made Afghanistan one of the most dangerous countries in the world. Due to the strategic position of Afghanistan, which is located between the Middle East, Central Asia and the Indian subcontinent, the country became a key Cold War battleground. The conflict started in Afghanistan when the Soviet Union puppet party, the People's Democratic Party of Afghanistan (PDPA), took power through a coup in April 1978. It further escalated on December 24th 1979 when the Soviet Union military invaded Afghanistan (Barfield, 2010: 171).

As soon as the PDPA took power, the Afghan people, including men and women, resisted its rule. Consequently, the pro-Soviet government responded to the resistance in the most severe manner. The Soviet Union and its puppet regime began bombing villages, carrying out massacres, arresting political and ideological opponents and oppressing peaceful students'

demonstrations. The prisons and detention centers were characterized by the inhumane torture inflicted upon Afghan men and women.

On the other hand, the United States and its Western allies supported the opposition groups that were mostly composed of conservatives, fundamentalists and misogynistic men. These *Mujahideen*³ groups consisted of different Islamic parties, each belonging to different religious sects and ethnic groups. They received large amounts of aid and weapons mainly from the US and the West, but also Saudi Arabia, Pakistan and Iran supported them by providing a safe haven in their territories, military training and cash (Meher, 2004: 81).

During the fourteen years of war (1978-1992), the Afghan people were the victims of both sides' violations; the urban population faced domination by the PDPA whereas the residents of the remote rural areas were harmed by both of these groups, the Soviet puppet regime and the Islamic parties. Like all modern warfare, civilians have consistently made up the majority of victims, whereas women and children have been the most vulnerable of this group. More than one million people lost their lives, and another five million, which had made up 20 percent of all the population, became refugees in Pakistan, Iran and Western countries (Maley, 2002).

After the collapse of the Soviet Union in the beginning of the 1990s, the regime in Afghanistan could no longer resist the opposition and was overthrown at the end of April 1992. The Islamic *Mujahideen* party took power and a civil war broke out that lasted for more than four years until the Taliban seized power. Every Islamic party wanted principal control of the government; therefore, the war was mainly focused within the capital Kabul, though violence did not only happen there; many other cities were also affected by civil war.

In that period, the war was characterized by ethnic clashes, massacres, looting, the plundering of civilian houses and public centers, as well as by the targeting and killing of

³ Arabic-Persian word referring to the people who believe they struggle for Islam and in the path of God.

civilians, the arresting and torturing of many people, the raping of women and girls, and in some cases of boys. Hundreds of reports and witnesses attest to the fact that there were massive amounts of rape, gang rape, forced marriages, and many brothel businesses that were using arrested and kidnapped women within their establishments. The Taliban militants took over Kabul and other cities, as they were beginning to impose grim and Middle Age laws and provisions on women. The double-sided war between the Taliban and Northern Alliance⁴ on the one hand, and poverty and oppression on the other, coerced thousands of people to leave their country and/or hometowns to become refugees and displaced from the life they had known. Although Afghan women and girls were at risk at home, they found themselves at a higher risk of sexual violence in refugee and displacement camps. Pakistan is where most of the refugee camps existed, mostly dominated by Islamic fundamentalists from the very beginning. This is because of the strong relation and friendship between Afghan *Mujahideen*, to be used as firewood of war against the USSR, and the Pakistan government, especially its Inter-Services Intelligence (ISI). Adding to the exposure to risk was the aid for the refugees being distributed through these fundamentalists as a means of management. Because of this flawed management system, where the control of aid was in the hands of many who misused this power, women were put at an even higher risk of sexual violence and exploitation.

The attacks of September 11, 2001, and the dire situation of women under the Taliban regime were used as reasons to legitimize the US-led military intervention in Afghanistan. The US and Afghan governments have claimed that there have been many positive changes in the lives of Afghan women, but this is far from the actual reality. Even with this last decade of international military intervention, and the so-called “democratic” and “pro-women’s rights”

⁴ After Taliban seized 95 percent of Afghanistan, *Mujahideen* groups who were fighting each other in Kabul for four years (1992-1996) made a coalition and called it Northern Alliance.

government that is now in place, women face the same risks of sexual violence as they had before this new era. Perhaps things have changed for Afghan women on paper, but there still is a war going on in Afghanistan and women continue to be the frontline victims of this war.

Problem Statement

Sexual violence against Afghan women has been a problematic issue during the decades of war in Afghanistan. Women in Afghanistan have been raped and sexually targeted during the war and also during the postwar years. Reports from national and international human rights and women's rights organizations illustrate that Afghan women in all periods of conflict have been sexually abused by all parties involved in the conflicts. They were raped in their houses or kidnapped from streets and homes and then raped on military sites. Reports show that women and girls from every age, ethnic group, and class have experienced sexual violence.

Sexual violence in Afghanistan appeared at the start of war in 1978, when the Soviet Union occupied Afghanistan in the name of friendship and internationalism, but it increased dramatically during factional war or civil war amongst Islamic Parties to take over the control of the capital, Kabul. Under the Soviet puppet regime many male and female prisoners were humiliated and demoralized by sexual torture; there were also some rape cases involving Soviet soldiers and women in villages. The issue intensified during the civil war with the rise to power of the *Mujahideen*.

In the time of the Taliban, women and girls also were sexually assaulted; during the war in Shamali⁵, the Taliban committed a massacre by killing all the men within the area and raping the women or forcing them to marry their combatants. In the city of Mazar-e-Sharif, the Taliban

⁵ Shamali Plain includes the Northern districts of Kabul and Northern provinces of Parwan and Kapisa. Most of the population in these areas are ethnically Tajik.

committed the same act with women that belonged to the Tajik⁶ and Hazara ethnic groups. During that era, prostitution increased dramatically; the Taliban sexually abused women in return for money or food to feed their families.

After the Taliban regime collapsed, rape and other types of sexual violence against Afghan women and girls was still a problematic issue. Currently, women and girls are still at risk of rape, gang rape and forced prostitution. They are still forced to marry against their will, or their family arranges marriage for them when they are still children and give them as *Baad*. Military commanders, powerful figures in the regions, gunmen⁷, government officials, local communities or families, all have been perpetrators of these acts.

Conceptual Framework

In order to offer a conceptual framework for this thesis and establish a theoretical debate on the topic of sexual violence during war and the postwar era, it is necessary to define key words. I will try to define and discuss the concept of violence, gender and gender-based violence and sexual violence, based on the discourses from Peace Studies and Gender Studies.

Violence

Johan Galtung, one of the founders of Peace studies in modern times, proposed the theory of peace and violence. For Galtung violence means “harming and/or hurting” (Galtung, 1996: 2). The violence typology of Galtung covers three basic types of violence: direct violence, structural violence and cultural violence. Galtung describes direct violence: “avoidable impairment of fundamental human needs or life which makes it impossible or difficult for people to meet their

⁶ One of the ethnic groups of Afghanistan that speak Dari.

⁷ During the decades of war in Afghanistan many people have received weapons and funds from various fundamentalists or non-fundamentalist parties and now they have their guns. They have their own power and refuse the law and power of a central Afghan government. Gunmen in Afghanistan comprise all the people who have guns; they belong to the Afghan Notional Army, Afghan Police, and paramilitaries, or they are commanders and powerful figures like warlords or drug lords that have formed their own private militias, or they belong to a Taliban faction and other insurgent militant groups.

needs or achieve their full potential. Threat to use force is also recognized as violence” (Galtung, 1996: 54). Direct violence according to Galtung typology covers all kinds of violence that involves the use of physical force such as killing or torturing, rape and sexual assault, and beating. Verbal violence such as humiliation and undervaluation are also direct violence.

Galtung says that if we assumed violence from the perspective of receiver, when there is a sender or actor, we are talking about direct violence. Catia Confortini called it “Personal Violence” (Confortini, 2006: 339). However, violence does not only come from a sender or actor. Many times the social structure is shaped in a way that most of the goods, resources, and opportunities are dominated by some groups, genders, classes and nationalities that creates inequality in society and thus is a form of violence. In this case we are facing indirect violence or structural violence. As Galtung says: “indirect violence comes from the social structure itself” (Galtung, 1996: 2). Structural violence occurs between humans (within a society), groups of humans (within societies), sets of societies (alliances, regions) in the world (Galtung, 1996).

The third type of violence in Galtung theory is cultural violence. Cultural violence, according to Galtung, is a type of violence that legitimates direct and structural violence or, in other words, cultural violence makes right and normalizes the other two types of violence, direct and structural. As Galtung defines cultural violence:

By ‘cultural violence’ we mean those aspects of culture, the symbolic sphere of our existence –exemplified by religion and ideology. Language and art, empirical science and formal science (logic, mathematics)- that can be used to justify or legitimize direct or structural violence (Galtung, 1990: 291).

Direct violence harms and hurts people from direct intention of some individual or people, structural violence harms and hurts people through sociopolitical structure and cultural violence justifies both direct and indirect violence. Direct violence is physical or verbal and is

visible behavior, while structural and cultural violence are invisible. Each type of violence takes over a corner of the violence triangle.



Direct violence takes place in the top of the triangle while structural and cultural violence is at the root. These three corners are interrelated; direct violence reinforces structural and cultural forms of violence while structural and cultural violence increases the potential for direct violence or creates war and direct violence. Confortini argues for the Galtung violence triangle and she thinks it graphically illustrates violence insomuch as “all types of violence breed each other in many ways and that violence reproduces itself across all dimensions” (Confortini, 2006: 339). For instance, cultural violence as an aspect of culture such as religion, law, ideology, etc. that can play a legitimate role in the justification of direct and structural violence while it motivates actors to take actions and commit direct violence.

Peace

If violence is the reality of our world, peace is also a reality of human beings. Galtung in his book *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (1996), derived the idea of human capability for peace from the Buddhist tradition. He states: “life is capable of suffering (*dukkha*) violence done to the body and to the mind... But life is also capable of experiencing bliss (*sukha*), the pleasure that comes to the body and the mind” (Galtung, 1996: 2). In other words humans are able to harm each other physically or mentally, while humans are also capable of making peace with each other. Vicent Martinez Guzman,

director of the UNESCO Chair of Philosophy for Peace in Castellón-Spain also argues that human beings have the “competencies” and “capacities” to organize their relationships by using war, structural and cultural or “symbolic” violence, and by harming other people or “degradation of the natural environment” (Guzman, 2005: 8). Guzman at the same time emphasizes that “it is also certain that we have the competencies and capacities to organize our human relationships in peaceful ways...” (Guzman, 2005: 8).

Charles Weble believes that elements of peace such as happiness, freedom, harmony, love and justice are difficult to define, however when these things are absent we can recognize this (Weble, 2007: 6). Thus, Galtung proposes a negative peace, meaning the absence of direct violence, and positive peace means the absence of indirect violence. Negative peace simply is the absence of war and other violent conflict while positive peace “denotes the simultaneous presence of many desirable states of mind and society, such as harmony, justice, equity, etc” (Weble, 2007: 6). Thereinafter, Galtung introduces the cultural peace to reduce the cultural violence; Galtung states that cultural peace is some “aspects of a culture that serve to justify and legitimize direct peace and structural peace” (Galtung, 1990: 291). Thus the main purpose of Peace Studies is to promote cultural peace and reduce cultural violence which “can be contained in all areas of social life” (Confortini, 2006: 339), and through the promotion of cultural peace it is possible to prevent violence in all areas of social life.

Gender and Gender-Based Violence

The term “gender” is used to make the distinction between sex as biological and gender as socially and culturally constructed. This differentiation is in the core of gender studies and it makes clear that gender is a social construction and it is only marginally related to biological sex. Confortini (2006) argues that masculinity and femininity have been formed during a socializing

process: “socially learned behavior and expectations that distinguish between masculinity and femininity” (Confortini, 2006: 341).

The socially and culturally constructed understanding of gender changes the idea of “biology is destiny” (Esplen and Jolly, 2006: 2). Joan Scott (1986) argues that the recent definition of gender terms “insist on the fundamentally social inequality of distinctions based on sex” (Scott, 1986: 1054). Thus, in the contemporary perspective, gender, like class and race, is introduced as a “category of analysis” (Scott, 1986: Confortini, 2006). This means that through gendered analysis we can understand oppression, the nature and origin of oppression, and the unequal distribution of power and opportunities throughout society. Scott (1986) states that gender is used to designate social relations between the sexes (Scott, 1986: 1056), it rejects biological explanations and questions the common denominator idea which claims that women’s subordination is because they give birth and men are physically stronger than them.

However, there are different approaches to analyzing gender, particularly the unequal relationship between genders that creates violence, the so-called gender-based violence. Some theorists argue that patriarchy is the main reason that women are forced into subordination. Patriarchy rationalizes oppression from a biological point of view and states the male needs and desires to dominate females; this dominance relation is a principle of generational continuity “process of reproduction” (Scott, 1986: 1058). On the other hand, Marxist theorists such Cliff (1984) has a different approach to gender inequality; he argues that gender inequality, or women’s oppressed state, has a direct connection to class exploitation (Cliff, 1984: 23). Marxist feminists see both patriarchy and capitalism as the reasons for women’s oppression. Marxists believe that the modes of production are developed and it is an explanation for the origin and

changes in the gender system (Scott, 1986: 1059). Marxists believe that socioeconomic climate determines the gender relationship, rather the sexual nature.

Michel Foucault believes that the concept of “power” has a key role; that power is a tool and a regulatory system for social control in which all individuals and social institutions participate (Foucault, 1980: 97-98). Confortini base on the Foucault idea, analyses the relationship between genders with the concept of power. As Confortini argues: “gender, intended as the socially constructed dichotomy built upon biological sex differences, is a relation of power...” (Confortini, 2006: 342). María José Gámez strongly suggests the gender relations of power and formation of violence: “Violence is constituted by and constitutive of gender relations of power, independently of these taking place in domestic, international, or military contexts” (Gamez, 2013: 402).

Despite the diversity of methods with which to analyze gender and relationships between women and men in society, all these theories agree that some groups of people, because of their gender, have unequal access and opportunities within the power system and resources and this condition encourages violence defined as gender-based violence.

Gender-based violence was officially identified in the first article of the UN Declaration on the Elimination of Violence against Women (DEVW), which was adopted on 20th December 1993 in the UN General Assembly.

Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (UN).

Still, this article has defined violence against women, and so it mentions and focuses only on gender-based violence against women, not men. Beth Vann in her book: *Gender-Based*

Violence: Emerging Issues in Programs Serving Displaced Populations (2002), comprehensively defines the term of gender-based violence.

GBV encompasses a range of acts of violence committed against females because they are females and against males because they are males, based on how a particular society assigns and views roles and expectations for these people. It includes sexual violence, intimate partner or spouse abuse (domestic violence), emotional and psychological abuse, sex trafficking, forced prostitution, sexual exploitation, sexual harassment, harmful traditional practices (e.g. female genital mutilation (FGM), forced marriage, infanticide of girl children) and discriminatory practices based on gender (Vann, 2002: 8).

Gender-based violence includes violence against women and men, however in this thesis I focus on the violence against women and girls in Afghanistan. I believe that unfair resource distribution and the domination of the patriarchal system creates unequal relationships, and this is the origin of women's oppression. The patriarchal system and unequal socioeconomic structures provide unequal power and opportunities to women and men. Men, through power, control the social structure and particularly the public space where there is a space for claim and demand. They oppress women and limit their actions in the private space of the home. I reiterate: whoever appears in the public space makes the law and regulations, consequently those who do not have power do not control social structure or public space. In the discourse of gender-based violence the concept of power and the distinguishing between public and private is important; women are more vulnerable to violence because their gendered roles and responsibility eliminates them from public space and makes them powerless. The normative gendered role and responsibility that is created by patriarchal heterosexual society makes women feminine and men masculine. This argument steers us to the Judith Butler perspective, claiming that normative and heterosexual forms (female and male) segmentation of the genders, thus creating violence.

Butler, in her books *Gender Trouble: Feminism and the Subversion of Identity* (1990) and *Undoing Gender* (2004), talks about the violence of gender. Butler believes that normative

structures and understanding of sex and gender, sex as a “biological intractability” characteristic and gender as a social and cultural construction, is a “compulsory order” (Butler, 1990: 6). Sex never appears without gender so the concept of sex such as gender is “prediscursive” and cultural. “Indeed, sex, by definition, will be shown to have been gender all along” (Butler, 1990: 6). So, by the creation of “normative structures” within the human context according to their sex and gender (female-male and women-men), the rights of certain groups of people that are not female and are not male have been ignored by law and definition. On the one hand this ignorance makes them more vulnerable to violence, while on the other hand it legitimizes violence against them. The same narrative emerges regarding women as “others” and secondary “objects”.

Butler believes that to understand how gender is regulated we need to go beyond the norms that govern those regulations that are embodied in society. Butler states “for gender to be regulated is not simply for gender to come under the exterior force of a regulation” (Butler, 2004: 40). To understanding how gender is regulated, Butler poses basic questions such as “is there a gender that preexists its regulation? ... Is subjection not the process by which regulations produce gender?” (Butler, 2004: 41). She answers these questions with the two caveats on subjection and regulation. First, “regulatory power not only acts upon a preexisting subject but also shapes and forms that subject; moreover, every juridical form of power has its productive effect” (Butler, 2004: 41). It should be understood that patriarchal structure as “regulatory power” not only acts upon gender, it furthermore shapes and forms the rules and responsibilities for each gender. Second, “to become subject to a regulation is also to become subjugated by it...” (Butler, 2004: 41). For Butler, being subjective means being regulated, and vice versa when something is regulated then it becomes subjugated.

Butler disclaims the normative segmentation of gender and sex, and agrees with the perspective that reduces gender to sexuality. Gender is not reducible to “hierarchical heterosexuality” (Butler, 2004: 54), gender takes multiple forms. Butler believes that sexism and sexual harassment are not simply actions done by men to women; if we treat it like this, we ignore the underlying ideology that creates sexism and makes it so powerful, which is the subordination of women by men as a social practice. She argues that this subordination becomes normalized by social practice and creates “gendered bodies –feminine women and masculine men” (Butler, 2004: 55). Introducing the woman’s body as femininity and man’s as masculinity is the core of gender-based violence.

Sexual Violence

According to the UN definition, gender-based violence includes sexual and domestic violence. In this thesis I am focusing on sexual violence and I want to study this violence in the time of war and postwar in Afghanistan. Domestic violence occurs in the private space of home while sexual violence relates to sexual organs and can happen in private and public spaces. Scholars and institutions that are working on gender-based violence define the concept of sexual violence in different terms. In its World Report on Violence and Health released in 2002, the World Health Organization defines sexual violence as:

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape and other forms of assault involving a sexual organ (WHO, 2002: 140).

According to the United Nations:

Sexual violence includes (but it is not limited to) rape, sexual mutilation, sexual humiliation, forced prostitution, and forced pregnancy. Victims can be female or male of any age.... An environment of sexual threat may trigger nonsexual violence to contain that threat, for example as fathers kill their daughters rather than risk those daughters’ capture and sexual violence (Heineman, 2011: 2).

My argument is that sexual violence is a direct or personal violence related to the sexual organs of victims that a perpetrator commits against a victim. Some elements of structural violence such as law, poverty and injustice contribute to it, while a number of cultural aspects - for instance tradition and religion- legitimize some types of sexual violence. Thus, considering the specific case of Afghanistan in this thesis I am going to focus on the types of sexual violence that are “non-legitimate” and the ones that are “legitimate”. By “non-legitimate” types of sexual violence I mean those forms of sexual violence against women that are objurgated by traditional culture, customs and religions. I can give the example of rape, gang rape, forced prostitution, etc. By “legitimate” types of sexual violence I mean those forms of sexual violence against women that are legitimate, within tradition and religion in the context of marriage. The examples are forced marriage, child marriage, *baad*, *baedal* (exchange marriage) and rape within the marriage. All types of sexual violence appear in all societies, however when the society faces conflict and unrest such as war and postwar eras, it becomes widespread.

Literature Review

In the last ten years some sporadic research, dissertations and reports regarding human rights violations and women’s rights abuse in Afghanistan have been undertaken. A very few of these documents describe their methodology and data collection method, and I should say these are the result of academic work and have been collected by the scientific method. The reports have been created by local authorities and international institutions and organizations such as the Afghanistan Justice Project (AJP), Human Rights Watch (HRW), United Nation Assistance Mission for Afghanistan (UNAMA), Ministry of Women’s Affairs (MOWA), and the Afghanistan Independent Human Rights Commission (AIHRC). Some research centers like

Women and Children Legal Research Foundation and National Center for Policy Research carry out reports while collaborating with the above institutions.

Among all available documents there is no absolute and specific research or reports regarding sexual violence. In some research a subtitle is devoted to the topic, while in many other studies there is only a hint of information alongside the main topic which includes torture of prisoners, massacres, disappearances, summary executions, pillage and looting, forced and child marriage.

The Afghanistan Justice Project (AJP) released a report entitled *Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001 -Documentation and analysis of major patterns of abuse in the war in Afghanistan- in 2005*. In this report, alongside other violations during conflict in Afghanistan, sexual violence is discussed. The AJP work is firsthand and was achieved with scientific methods. However, in the section regarding sexual violence, the information presented is limited to a single event and only presents very limited data with regards to the topic. The report focuses on sexual violence that occurred during the civil war in 1993, and only concentrates on two specific areas of Kabul, Afshar⁸ and Kart-e-Nau⁹. The information provided in the report solely focuses on rape and attempted rape, excluding other forms of sexual violence.

Human Rights Watch (HRW) has been involved in Afghanistan since 1984 and has released dozens of reports regarding various war crimes. Only the last report of HRW *“I Had to Run Away” the Imprisonment of Women and Girls for “Moral Crimes” in Afghanistan* (2012), addresses sexual violence directly. In this report HRW interviewed 58 women and girls in the prisons and juvenile rehabilitation centers; all of these women are victims of different types of

⁸ A district in the southwest of Kabul.

⁹ A district in the southeast of Kabul.

sexual violence such as rape, gang rape, forced prostitution, forced marriage, child marriage and *Baad*, but they have been thrown into jail for so-called “moral crimes”¹⁰. However, some other HRW reports focus partially on the issue. *To Die in Afghanistan: Human Rights in Afghanistan since the invasion 1978-1984*, issued in 1985 has a part which talks about sexual violence during the Soviet invasion. This report investigates rape, attempted rape and sexual harassment that was carried out by soviet soldiers and their Afghan puppet forces. The report totally ignored the various types of sexual violence that were perpetrated by other parties of the war, such as the *Mujahideen* of that time.

Human Rights Watch (HRW) released other reports after the massacre of Mazari-e-Sharif¹¹ committed by Taliban in 1998 during its taking over of Mazar city. HRW’s investigators interviewed many victims and witnesses of rape and other types of sexual violence during that war. There were two HRW reports issued after the downfall of the Taliban regime. The first, *Humanity Denied: Systematic Violence of Women’s Rights in Afghanistan*, was published in late 2001. Some parts of this document mention rape and other sexual harassment that were perpetrated by the Taliban, particularly focusing on the sexual violence that Taliban committed in Mazar city. Although in many parts of the report it mentions that rape and forced marriage were widespread in the Taliban era, the report sidesteps the problem. The second report, *Taking Cover: Women in post-Taliban Afghanistan*, released in 2002, covered the rape and gang rape that were carried out in Northern Afghanistan against Pashtun¹² women during the purge of Taliban in that area. This report mainly focused on rape and sexual violence during war. Even

¹⁰ Manual Kern Alexander defines moral crime: “Moral crimes are also known as crimes of moral turpitude and typically are thought of as ‘vice’ crimes that raise questions about the perpetrator's personal character and morality” (Alexander, 2005). He describes that moral crimes in every society and community are defined differently because of diversity in the cultural values.

¹¹ It is the capital of Balkh province in the north of Afghanistan and the fourth-largest city of the country.

¹² One of the largest ethnic groups in Afghanistan. But Pashtun people live in both Afghanistan and Pakistan.

though this case was well known and a few media outlets talked about it, the report did not clearly describe the methodology.

HRW's intensive report regarding war crimes Blood-Stained Hands came out in 2005. A very short part of the report concentrates on sexual violence during the civil war in Afghanistan (1992-1996). Though this report is the result of extensive interviews with victims and witnesses, it is short and limited; only a short section focuses on sexual violence and it covers two parts of Kabul, while rape and sexual violence were a huge problem during the civil war (1992-1996) and widespread in many districts of Kabul that we cannot ignore.

The most profound works of HRW are its last two reports about women's rights in Afghanistan. The first, published in 2009 came under the title "We have the promises of the world" Women's Rights in Afghanistan (2009). One chapter of this document is devoted to sexual violence and another chapter is about forced marriage and child marriage. This report comprehensively focuses on sexual violence; it specifies the problems and threats that female victims face in the current situation in Afghanistan. Although the report works well to illustrate the problem, it merely reports the problem and does not analyze it. The report describes how Afghan women and girls have been raped and sexually assaulted in the post-conflict era but does not go beyond that to analyze which elements and factors contribute in the current situation to put Afghan women at the risk of violence and particularly sexual violence.

The second HRW report published recently in 2012 focuses on hundreds of Afghan women who are victims of sexual violence and are now serving time in the Kabul jail for their "moral crimes". The report widely addresses various kinds of sexual violence including rape, gang rape, forced prostitution, child marriage and forced marriage, and *baad* and *baadal* (dispensation of girls to settle disputes and exchange of property).

Each year since 2009, the United Nation Assistance Mission for Afghanistan (UNAMA) submitted a report regarding women's situation in the country. The UNAMA report in 2009, *Silence is Violence: End the Abuse of Women in Afghanistan*, focused on two issues: (a) violence that inhibits the participation of women in public life; (b) sexual violence in the context of rape at present (UNAMA, 2009: 1). In the second part, "sexual violence in the context of rape", the report highlights the cases of rape and the aftermath for victims and their families. The report utilizes scientific research methodology, however as the UNAMA mentions, "(t)he report is thus not a comprehensive study on all aspects of the two very complex issues of violence against women in public life and rape" (UNAMA, 2009: 1).

The 2011 UNAMA report talks about forced marriage, under-aged marriage, exchange marriage, *baad*, and honor killing, but these issues are looked at from a traditional and cultural perspective and not as sexual violence.

The Ministry of Women's Affairs (MOWA) in 2010 issued the second edition of the *Violence Against Women Primary Database*. This 33-page document mostly talks about domestic violence, including physical and mental abuse. Only three pages are devoted to some types of sexual violence like rape and kidnapping, forced sexual intercourse by husband, polygamy, forced engagement, and forced marriage.

Another research document available in the field of violence against women in Afghanistan is the Women and Children Legal Research Foundation (WCLRF). This document focuses on violence against women in private and public spaces. Besides other types of violence, it scrutinizes sexual violence in the family, educational institutions, health areas and work environments. This report is the result of field research: WCLRF filled a total of 2061 questionnaires and conducted 30 interviews. The research findings illustrate to some degree the

actual situation in Afghanistan for women. This report also only illustrated the situation and problems and only mentioned possible underlying causes that put Afghan women at the risk of violence and particularly sexual violence. Also this report did not make the connection between sexual violence and the war or post-war situation.

Objectives of the Study

In the light of the deficiencies found in the literature consulted, the objectives of the thesis are the following:

- 1.) To establish a theoretical framework that would enable analysis and explanation of the prevalence of sexual violence during war and postwar Afghanistan.
- 2.) To offer a conceptual framework that will enable more comprehensive future work by expanding the concept and the scope of sexual violence in Afghanistan.
- 3.) To bring the individual and collective struggle and effort of activists to the forefront of the debate on sexual violence in Afghanistan.

Significance of the Study

Despite the myriad of Afghan women all over the country living in warfare and becoming victims of sexual violence, talking about this problem continues to be taboo. Many women and their families prefer to be silent victims rather than to lose their dignity in the face of society. This particular situation has a great impact on the intellectual community, yet it is difficult to find any academic research on the issue. The international and national organizations which are working in the field of violence against women focus primarily on other types of violence rather than on sexual violence.

Generally sexual violence during war is ignored. Despite the long history of sexual violence during war, “it has been newly recognized as a core security challenge of our time. In

June 2008, the UN Security Council unanimously adopted Resolution 1820 recognizing sexual violence as a tactic of war linked with maintenance of international peace and security” (UN, 2008: 1). The crime of sexual violence in conflict has only recently been recognized as a crime against humanity in International law; it was recognized after the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the former Yugoslavia (ICTY) (Chun and Skjelsbaek, 2010).

Taking into account all of the above points, academic research about sexual violence during war and postwar is important in relation to UN resolutions regarding the sexual violence during conflict and prevention of violence toward women and girls in the midst of war, and it is necessary for Afghanistan in particular. Of utmost importance is putting this issue into an all-encompassing framework in order to understand its multilayered complexity, to search for solutions towards the protection of women during war and to analyze the implications of the way it is addressed in war and post-war societies and its prevalence in these societies.

Scope and Limitation of the Study

The research in this study is done in order to explain the types of sexual violence against women during civil war and postwar in Afghanistan. The research tries to engage the problematic phenomenon of sexual violence during the war and the postwar era in Afghanistan with the theoretical discourse from Peace Studies and Gender Studies. The field research is carried out in Kabul city on this matter.

Lack of accurate data and precise reports about sexual violence and also the lack of academic research through academic and scientific methods are serious barriers in this thesis. These barriers necessitate the use of field research in order to obtain primary data, but due to the

inaccessibility of victims of sexual violence -many of whom, due to cultural and security problems are not ready to talk with strangers- we are aware of this being a further difficulty.

Methodology

This thesis uses a qualitative method of research. First, we will engage with the theoretical debate regarding gender and violence and sexual violence in wartime. Further, the results of field research will be discussed. The research has been carried out in Kabul city of Afghanistan and covers the sexual violence suffered by victims during the civil war (1992-1996) and very recently. In this thesis I have not investigated sexual violence during the domination of Taliban, because I realized that the Taliban conquered Kabul city almost without a war or further war because the *Mujahideen* militants fled to the northern districts of Kabul the day before the Taliban took over, and there were no reported rapes. Certainly the Taliban are responsible for rape and other types of sexual violence during war in Shamali and Mazar-i-Sharif which are not included in the scope of this research. Also there are reports of some acts of rape and other types of sexual violence by Taliban in Kabul city but due to the limitation of time and scope of this research, I recommend it for separate research.

The data collected during this study includes that of both primary and secondary sources. Based on the collection methods used, fresh and first-hand data and sources have been found and utilized in this study. The materials used as secondary sources and after analysis will be used in different chapters. Lack of sufficient data regarding sexual violence is one of the reasons driving me to conduct field research and collect primary data. Furthermore, the purposes of other studies about sexual violence were quite different from this thesis. During interviews I am focusing on sexual violence as aftermath of war and the postwar situation.

The primary source of data collection has been “in-depth interviewing” (Marshall and Rossman, 2011: 97). “In-depth interviewing” is one of the qualitative research methods that is described as “a conversation with a purpose” (Marshall and Rossman, 2011: 97). An extensive amount of qualitative research has relied on this method. The purpose of “In-depth interviewing” is not simply to get answers to questions, or to test hypotheses but rather to understand the experiences of other people. “Interviewing provides access to the context of people’s behavior and thereby provides a way for the researcher to understand the meaning of that behavior.” (Shkedi, 2005: 59).

The focus group is 40 sexual violence victims; 20 women from the civil war time and 20 women in the two women’s safe houses in Kabul who are victims of recent violence. After getting advise from some members of Transitional Justices Group (TG group) in Kabul who are working with war victims, two district in Kabul city (district one, Share-e-Kona and district five Afshar) have been selected due to the fact that they are the most war affected areas. 20 victims of civil war time are selected from these areas. In addition, I try to interview with women’s rights activists who are working in the field of sexual and gender based violence.

The Structure of the Thesis

This thesis is divided into three chapters, with a general introduction and conclusion. The introductory piece establishes a general overview and framework for the study.

Chapter one deals with the theoretical discourse regarding violence, peace, gender and violence and wartime sexual violence. This part also tries to connect the present research with the UNESCO chair of Philosophy for Peace and Peace studies in general.

Chapter two is a context framework on the study; it focuses on the political contemporary history of Afghanistan, the social situation, women, and their gender position and roles in society.

Chapter three focuses on the prevalent types of sexual violence in Afghanistan, it covers the “legitimate” forms of sexual violence and other types of violence. This part looks at the types of sexual violence that have been committed in Afghanistan during the civil war, and at the present time in the postwar era. Furthermore this section discusses how warlords use their power and are involved in committing rape and other forms of sexual violence, and the ways in which the elements of tradition, customs, law, and government factions presently support the many acts of sexual violence during war and postwar eras. This part also illustrates the collective and individual efforts in Afghanistan to stop sexual violence.

The final part is the general conclusion of the thesis summarizing the findings and includes recommendations for future research projects.

CHAPTER I: GENDER, SEXUAL VIOLENCE AND WARTIME RAPE:

STATE OF THE ART

1.0. Introduction

The purpose of this chapter is to make a connection between this thesis and Peace Research and furthermore create a theoretical review of wartime sexual violence. This chapter consists of four key sections that review the theories regarding women's and men's relations to violence and sexual violence, and also provides the theoretical framework of this study. The overall goal of this chapter is to examine the most pertinent discourse on women, war and sexual violence as well as to advance the establishment of the theoretical framework of this research in Afghanistan and the philosophy for peace that is discussed.

The first section tries to clarify the connection between the current investigation into war and postwar sexual violence in Afghanistan and Philosophy for Peace discussed in the UNESCO Chair of Philosophy for Peace in Castellón, Spain. Actually in this part I want to explain how this research can promote the culture of peace that is the aim of Peace Studies.

The second section goes further, focusing on the connection between Peace Studies and Gender Studies. In this section I discuss the contributions within Peace Studies and Gender Studies, while explaining the arguments of Gender Studies scholars such as Catia Confortini on Johan Galtung's theory of violence. In this section, the term "gender" is defined as a social construction and a category for analysis.

The third section examines the relationship between women and men, war and violence, and asks why women are considered to be pacifists and men prone to violence. It discusses whether pacifism and bellicosity are natural instincts of women and men or whether they are

constructed by sociocultural factors. In this section, the perspectives of peace and feminist educators are debated.

The fourth section focuses upon the phenomenon of wartime sexual violence and tries to understand why women are more vulnerable to sexual violence during war rather than men. The different assumptions and perspectives regarding wartime sexual violence are categorized under four subsections 1) Opportunity and social breakdown, 2) gender inequality and identities, 3) gender and ethnicity, and 4) military organisation and structure. In every section, the main theories on wartime sexual violence are discussed, while some critiques and challenges are also noted.

1.1. War and Postwar Sexual Violence and Philosophy for Peace

As a student in the master program of Peace, Conflict and Development Studies, I strive to promote the culture of peace through my investigation of war and postwar sexual violence and their consequences which have affected a significant number of Afghan women during decades of conflict in Afghanistan.

Dr. Vicent Martínez Guzmán, director of the UNESCO Chair of Philosophy for Peace, Spain, created a new approach in peace studies in 1999, aiming to promote the culture of peace. Guzmán contends that with two main objectives in peace research we can promote a culture of peace; first peace research has to build “awareness of the suffering that some human beings can inflict upon others and nature itself...” (Guzman, 2005: 7). María José Gámez Fuentes, gender studies expert and professor in the Jaume I University, also emphasizes on raise of awareness to eradicate the conditions that make women vulnerable to gender violence, she states: “It is important to raise awareness about the damage that may be inscribed in and can be inflicted by the very ways in which gender violence has been institutionally approached and culturally

framed” (Gamez, 2013: 401). After creating awareness of the problems and the suffering of human beings, the second step must be accomplished: “search for peaceful ways of transforming these human relationships that are alternatives to war, marginalization and exclusion, the very expressing of human suffering” (Guzman, 2005: 7).

To achieve these objectives, peace research not only requires multidisciplinary and multicultural approaches, it also requires interdisciplinary and intercultural research (Guzman, 2005; Galtung, 1996; Harders, 2011). Due to the diversity of cultures and the nature of human suffering, peace research contributes through a multicultural approach. To transform the suffering of human beings in a peaceful way we need to apply many disciplines and tools that are present within the cultures as well as knowledge of people in all societies. Guzman criticized the effects of the domination of a single culture and its limited set of knowledge in peace research or studies, thus he proposes an interdisciplinary and intercultural approach.

The current thesis is based on the philosophy for peace research that is discussed in the UNESCO Chair at Jaume I University; so, I want to build awareness about rape and other types of sexual violence in war and postwar periods that harm large groups of women and girls in Afghanistan. I try to underline the effort and struggle of women and men in Afghanistan who want to transform the suffering of war and postwar victims of sexual violence. As I mention in the introduction, generally women and girls all over the world, but particularly in Afghanistan, are silent victims of rape and other types of sexual violence. Previously I discussed the fact that women and girls are sexually targeted in all warfare, but often after wars end the issue of sexual violence is not considered a major issue. Consequently, in so-called postwar times, sexual violence remains as problematic an issue as during active war.

I contend that my investigation regarding sexual violence in conflict eras of Afghanistan will contribute to transformation and a better understanding of sexual violence due to conflict via peace-based research, because firstly I agree with the debate of Gámez that she claims: “Therefore, debates on the construction of peace cultures cannot be undertaken regardless of the violence of gender” (Gamez, 2013: 402). Furthermore, I believe through this research various aspects of culture such as tradition, customs and official law are questioned; elements that have contributed directly to the perpetration of sexual violence. I will approach those aspects as elements promoting cultural violence. I believe highlighting and questioning these aspects of culture that legitimize direct and structural violence is the first step in promoting a culture of peace. Johan Galtung (1999) said: “The study of cultural violence highlights the way in which the act of direct violence and the fact of structural violence are legitimized and thus rendered acceptable in society” (Galtung, 1999: 292). When we study these aspects and reveal the way they work, our effort helps to deinstitutionalize those aspects, and consequently to offer alternative ways to look at culture from a peace building perspective. At the same time the effort and work of Afghan women and men for uprooting sexual violence (as direct violence) is an effort for direct peace. Highlighting and searching for the way these efforts work is a way to promote the culture of peace which according the Galtung’s opinion is “[a] major task of peace research...” (Galtung, 1999: 291).

Further sections focus on the contributions and debates between Peace Studies and Gender Studies.

1.2. Peace Studies and Gender Studies: What is the Connection?

In order to explore the intersection between peace and gender studies we will start by discussing Confortini’s (2006) contribution. She explains some similarities between Gender

Studies and Peace Studies. Confortini claims that feminism and Peace theories share many common perspectives; for instance, both are searching for an alternative way in which to solve problems. Furthermore, there exist within feminism and conflict resolution theories some common concepts like “diversity”, “interdependence”, “cultural and historical differences” and the “existence of multiple ‘realities’” which have been recognized as very important. Finally, both Peace Studies and Gender Studies address issues of identity and human needs, as opposed to power (Confortini, 2006: 334).

In addition, Confortini recognizes another more significant similarity between Peace Studies and feminism, describing it as follows: unlike in the rest of social science, “both feminism and peace studies have an explicitly value-laden, normative agenda; their ultimate goals are peace (for peace studies) and gender equality (for feminism)” (Confortini, 2006: 334). Confortini argues that these two goals “peace” and “gender equality” can be implemented together (Confortini, 2006). Confortini agrees that Galtung’s violence theory is a basis for peace studies research, including feminist peace research, and that it gives a theoretical framework in the field of violence against women. However, according to Confortini, Galtung’s theory could gain insights from feminist theories especially since feminism is “seriously tackling issues of power and gender” (Confortini, 2006; Harders, 2011). There is, however, debate around Galtung and some gender perspectives about the understating of “gender” concepts (which will be discussed later in this paper.)

Galtung’s main discussion regarding gender appears in his book *Peace by Peaceful Means*. In the section *Women: men = Peace: Violence*, Galtung addresses gender as a “variable” with which to analyze violence. He recognizes patriarchy as a form of structural violence, “violent social formation” (Galtung, 1996: 40), and gender is one of the “spaces where violence

can be found” (Galtung, 1996: 33). He separates people according to their sex into women and men and in a vertical structure (patriarchy), with men on the top and women at the bottom. Galtung believes most direct violence (95 percent) is committed by men. (Galtung, 1996). Galtung argues that patriarchy has institutionalized male domination in vertical structures and also that some cultural aspects such as religion and language have legitimized this structure. Direct, structural and cultural violence often reinforce males as subjects and females as objects (Galtung, 1996: 40).

Galtung explains masculinity as having “high aggressiveness and assertiveness”, and femininity with “high compassion and submissiveness”. Patriarchal structures give males more “incentive and opportunity to be violent” (Galtung, 1996: 41). These factors are socialized deeply in societies, but still they are modifiable. However, when biology enters into the discourse it seems unchangeable; when respectively violent and clement characteristics are imagined to be innate for man and woman than it seems impossible to change. Galtung believes that “[b]iologism is used as cultural violence against women, legitimizing male dominance[...].” (Galtung, 1996: 41).

However, as we mentioned, Galtung’s violence theory and his perspective on gender has been critically questioned by Confortini. The essential and controversial difference between Galtung and feminism, as Confortini claims, is the concept of “gender”. Though Galtung does not give any definition of gender, he uses the term as a synonym for sex and he also makes quite a definite connection between male sexuality and male aggressiveness (Confortini, 2006: 339-340). Galtung likewise discusses wartime rape; his gender is understood as sex, having an impact on his analysis, and he does not entirely rely on biological fact but still gives a direct connection between wartime rape and male hormone levels. He believes that male sexuality and violence are

neurological neighbors, thus they might be mutually triggered. Furthermore, Galtung calculates how much wartime sexual violence could be caused by biological factors, saying: “perhaps it can explain only 10-20%” (Galtung, 1996: 42). With gender understood as sex, Galtung created another debatable point. Gender Studies scholars understand gender as a social construct, they believe that social behavior and expectations make people feminine and masculine, thus they conclude that gender can be seen as an analytic category (Confortini, 2006: 341). Scott (1986) adds that gender is a “way of referring to the social organization of the relationship between the sexes” (Scott, 1986: 1053).

Galtung sees gender as space where violence occurs, he uses gender to analyze violence, while Gender Studies thinkers Confortini (2006) and Scott (1986) argue that gender is one of the processes in which we can understand power relationships and through gender analysis it is possible to know how the power relationship (super and subordination relationship) is maintained. Confortini claims that Galtung confuses the discourse about “whether patriarchy is a cause of violence at all levels or a problem of women-men relationships that makes men violent toward women” (Confortini, 2006: 340).

Confortini (2006), Connell (2000), Harders (2011) and Scott (1986) see gender as a way of organizing the world into distinct areas of femininity and masculinity, they see them as “mutually exclusive” categories that are in a relationship with power (super/subordination), and this relationship reproduces the gender order. Thus the origin of violence, particularly gender-based violence, is not sex; it is the gender order that introduces femininity as feeble and less valued than masculinity. So gender is a process that allows us to understand power structures and violence and the mechanisms through which they work. Thus, in Gender Studies, gender is used as category of analysis. Scott argues that we cannot simply analyze the relationship between

women and men and talk about the past experience of both genders, we must also ask “how does gender work in human social relationships? How does gender give meaning to the organization and perception of historical knowledge?” (Scott, 1996: 1055). I add here that we can see and analyze how the unequal relationship between women and men is formed throughout the course of history and how we can change it. Thus, within this discursive framework, gender is a category of analysis that can help us to understand sexual violence and war and postwar rape and strive towards a culture of peace.

1.3. Women, Peace and War

The relationship of women and men with peace and war is a debatable issue in Gender and Peace Studies. The general and classical understanding has been that man wages war and woman makes peace (Ahmed, 2007: 213-215; Confortini, 2006: 333). However, this notion has been called into question. Segal argues that there is no link between women and opposition to militarism, neither in ancient warfare nor in present modern wars (Segal, 2008).

Much evidence around the world has demonstrated that women have, directly or indirectly, played crucial roles in wartime. We can see evidence of women’s participation in war from ancient time right up until the present time. Ahmed Ali (2007) in her doctoral thesis has a historical overview on “women warriors”. She demonstrates that there were women as warriors in “ancient Greece and Rome, Middle East, African, Celtic, Asian, and South American” wars (Ahmed Ali, 2007: 246). Furthermore, the presence of women in the state’s armies, female soldiers in the front line, women’s participation in insurgent and guerilla groups are examples of a direct relation between women and war. Ahmed argues that women fought as “leaders, crusaders, defenders, and soldiers, sailors” (Ahmed, 2007: 246). Also, many other women have supported their nation’s military efforts during wartime. Mothers, sisters and wives who were

supporting their sons', brothers' and husbands' participation in the war, particularly in the defense of the homeland from foreign occupation and support in producing weapons and supplies for war, provide further examples (Segal, 2008; Ahmed, 2007; Reardon, 1993).

Nevertheless, women have also played an important role in pacifist movements in every society and all periods of human history. From ancient times we can see *Lysistrata* the Greek comedy that symbolized women's resistance to war. During World War I women and mothers gathered their efforts to make peace on a large-scale. The Women's International League for Peace and Freedom (WILPF) was a European-American women's initiative for peace; it was women who for the first time established a connection between human rights and peace (Jenkins and Reardon, 2007: 217). At the beginning of 1960, WILPF emphasized two requirements for peace, including "absence of armed conflicts and a degree of social justice" (Conforini, 2010: 160). This idea is associated with the direct and structural peace of Galtung that was argued around the same time period (beginning of '60s). Later, peace was embedded within the three main themes of the United Nations Decade for Women (Reardon, 1993: 13), and nowadays on all continents women's groups give priority to peace.

Having said all this, though, it can be shown that women have the potential to be battailous, it is clear that women's participation in military forces or other violent structures is lower than men (Galtung, 1996; Ahmed, 2007). Still, it does not prove that women are entirely incapable of committing violence. On the other hand, women actively contribute in peacemaking and the peace movement. This statement directs us toward the other discourse in Gender and Peace studies, which is the construction of women as pacifists and men as violent, that I discuss in the next section.

1.3.1. Women Peaceful, Men Violent

Why are women more likely to be pacifists and men far more likely to be predisposed to war and violence than women?

Scholars of different backgrounds have diverse theories about this question and in general there are two important theories; the first one refers women's pacifism and men's bellicosity as being due to biological and natural factors. The second theory argues that women's propensity to peace and men's to war is a social construction, rather than a natural state. The first perspective is attributed to physical stamina; it argues that women have less physical strength than men and consequently they avoid violence. However, medical and psychological investigations do not categorically support this notion (Galtung, 1996, Jenkins and Reardon, 2007).

The issue of "motherhood" is another natural factor that may contribute to women's apparent drive for peace. The argument is that women by nature, through their upbringing and due to the fact that they are the mothers and caretakers, are therefore more peaceful than men. Jenkins and Reardon write: "[...] during the mid-nineteenth century in the wake of the American civil war when the 'Mothers Proclamation', pledging to raise sons who would not take the lives of other mothers' sons, was promulgated and Mothers' Day was declared as an anti-war holiday" (Jenkins and Reardon, 2007: 215). The same argument persuaded women in the twentieth and twenty-first centuries to prevent war and nuclear testing in the USA and Russia; Russian soldiers' mothers protested against the war in Chechnya in 1990, and in 2006 the Code Pink organization began resisting the US occupation of Iraq (Jenkins and Reardon, 2007). Throughout my experiences with Afghan women in the last decade, I heard many stories from mothers that urged their sons to flee the country rather than take part in the Soviet puppet regime army; in

some provinces, Afghan mothers demonstrated against warlords¹³ who stood behind their sons in the war.

Another argument that supports aligning women with peacefulness is women's gender roles. War and violence, of course, have a great impact on the men involved in the war, but women suffer multiple effects of violence because of their vulnerable state. Women have the household to manage, are responsible as mothers and caregivers in all societies, and they suffer in wartime when there is a shortage of food, water, healthcare, and other necessities for survival. War leaves behind thousands of widows without means to provide for themselves and their children (Reardon, 1993). This is especially true in new wars in which warring parties often do not consider making the distinction between civilians and combatants. Consequently, civilian casualties have increased (Goldstein, 1998). When war veers into the realm of civilians, women and children are the ones who make up the majority of war's casualties. Therefore, this enormous impact has driven women to avoid violence and endeavor for peace.

On the other hand, scholars such as Reardon (2007), Jenkins (2007), Tickner (1992) and Confortini (2006) point out that the association of women with peace is "disempowering" and "harmful" for both women and peace, while at the same time we ignore and disregard the many men who are part of peace movements and who play a role for peace and justice. Reardon and Jenkins contend that "motherhood" is an experience rather than a biological fact or state of being. The construction of various types of masculinities in different cultures in history illustrates that human behaviors and characteristics are susceptible to influence. They are shaped and reshaped by the times as well as the international and traditional ways education affects and socializes (Jenkins and Reardon, 2007: 216).

¹³ In Afghanistan warlords are previous *Mujahideen* commanders, who in the present time remand as powerful figure with their own militants in their region.

Furthermore, as gender inequalities increase, societies offers more specific tasks for females and males; patriarchal structure allocates dangerous and violent jobs for men and condescending or apparently demeaning work for women. In Afghanistan, despite the fact that many women have higher education, they often stay at home as housewives. Many others who are working outside prefer to be teachers, nurses, or gynecologists. Only a few women work in the military services; the 2007 statistics showed that 275 women out of 75,353 total recruits were serving in the Afghan National Police (Women and men in Afghanistan, 2008: 13). Due to Afghanistan's patriarchal culture, no woman is given the opportunity to be a protector. Instead, it is socially accepted that she instead needs protection. For instance, the idea of “saving virginity” forces Afghan girls to avoid many games and sports, particularly contact sports. From the outset, parents ask and expect sons to be the protectors of their sisters, protecting them from outsiders and to fight for their family's honor. Thus, society encourages men to be in the military where, as Confortini argues, “[m]ilitary training is designed to force men to develop a tolerance for violence toward oneself and toward others” (Confortini, 2006: 354).

Confortini (2006), Harders (2011) and Tickner (1992) make an effort to combat the idea of women as pacifists and argue that the idea of femininity associated with pacifism maintains the gender order and presents women as feeble and passive. Confortini calls it a “dangers” project (Confortini, 2006: 334). Tickner believes that this idea makes women vulnerable in all aspects of life, including international policy, she states:

The association of femininity with peace lends support to an idealized masculinity that depends on constructing women as passive victims in need of protection. It also contributes to the claim that women are naïve in matters relating to international politics. An enriched, less militarized notion of citizenship cannot be built on such a weak foundation (Tinckner, 1992: 59)

I contend that women being peaceful and men violent are social constructions and practices. If we accept that peaceful and violent behaviors are inevitable parts of female and male natures, then we accept that violence has always been and always will be a part of human societies, thus conflict transformation in a peaceful way will be little more than a slapdash effort. The argument of peace scholars that is the core of Peace Studies is just the opposite. Galtung and Reardon present a promising conclusion: by changing human behaviors it is possible to transform the social structure. This does not mean to replace patriarchy with matriarchy, but to make a horizontal structure instead of a vertical one that will favor gender equity. In other words, it means to increase participation, solidarity and partnership among human beings from an early age, especially in terms of gender. This means making cultures less exclusive and more inclusive, in which women and men equally share their ideas and capabilities (Galtung, 1996). Reardon believes that war and sexism are two human, violent behaviors that should change through “learning the process to change human relations and change the world political system” (Reardon, 1985: 8).

In the next section I am going to discuss the assumptions and theories that focus on one type of violence in a specific time against women; wartime sexual violence.

1.4. War and Sexual Violence

The majority of scholars that dedicate their study to wartime sexual violence believe that rape and sexual violence during war has occurred throughout history. However, this crime remained invisible until the last decades of the twentieth century (Banwell, 2012). For centuries, rape in war had been “unquestionable” and “unconscionable” (Brownmiller, 1975: 31), wherein this direct violence was legitimized with different patriarchal tools, such as some aspects of

religion, war's booty, "comfort women"¹⁴ etc. Deuteronomy, in the Hebrew's Holy Book, references the state of war and female captives, allowing Hebrew men to keep them as slaves and concubines. In ancient Greece, rape during war was even socially accepted and it counted as a rule of war with no stigma upon "conqueror" warriors (Brownmiller, 1975: 33). Furthermore, during the two World Wars of the so-called modern era, the international community hardly mentioned anything regarding the serious issues of widespread rape and sexual violence. Moreover, the United Nations declarations and resolutions also sidelined this issue until the last decade of the twentieth century.

In the academic world, sexual violence and rape during war became recognized as a problematic issue in the mid-twentieth century with the work of Brownmiller in her book *Against Our Will: Men, Women and Rape* (1975). In this important document she examines several episodes of rape and sexual violence during war over the course of history. In the first chapter of her book, Brownmiller reveals how fields such as Psychology and Sociology ignored or shallowly referenced violence in war. For example, in his study on sexual disorders, Krafft-Ebing later analyzes the issue of rape, however, he had a largely masculine idea, and gives "short shrift" (Brownmiller, 1975: 11) to rape and rapists and argues that most abusers were "degenerate and imbecilic men" (Brownmiller, 1975: 11). On the other hand, Freud talked about the concept of "primacy of the penis" but he never mentioned "the real-life deployment of the penis as a weapon" (Brownmiller, 1975: 11). Although classical sociologists such as Comte, Spencer, Marx and Weber deeply analyzed societies and social problems including war and peace, they did not mention the issue of wartime sexual violence. Brownmiller discusses that Bebel, the German Marxist thinker, briefly pointed out the rape of women throughout the

¹⁴ A system of militarily organized brothels that accompanied Japanese forces during World War II. The purpose was to keep Japanese soldiers from raping local residents, in order to "prevent loss of troop strength by venereal disease and the need to prevent espionage" (Wood, 2006: 311).

prehistoric tribal fights (Brownmiller, 1975: 11). After analyzing rape and other types of sexual violence in different contexts of war and militarism, Brownmiller notes two reasons for rape and sexual violence committed by soldiers against civilian women. “First, a victorious army marches through the defeated people’s territory, and thus it is obvious that if there is any raping to be done, it will be done on the bodies of the defeated enemy’s women. Second, rape is the act of a conqueror. This is more than a truism” (Brownmiller, 1975: 35). Conforini (2006) pointed out some reasons for wartime sexual violence and states: “it is symbolic, in that rape of one or many enemy women represents conquest and power over the enemy’s national and cultural identity” (Conforini, 2006: 346). In this finding an important interrelationship between war, power, masculinity and rape appear.

Here we have briefly sketched and simplified the main threads of the discourse on wartime rape and sexual violence. Nevertheless, further research and consideration regarding the phenomenon of wartime sexual violence illustrates that the issue is more complicated and diverse than a single, general discourse. After Brownmiller’s groundbreaking work, other scholars and writers such as Wood (2006), Green (2000), Leatherman (2011), Gottschall (2004), Chinkin (1994) and Skjelsbaek (2010) have examined this field. Wood and Green believe in developed theories of sexual violence elicited from single case studies and their applicability to other conflicts; however, they have not yet been widely tested (Gerecke, 2010).

Gerecke sets out four general circumstances contributing to sexual violence during wartime. 1) Opportunity and social breakdown, 2) gender inequality and identities, 3) gender and ethnicity, and 4) military organization and structure (Gerecke, 2010: 138). I align my argument with Gerecke’s four theoretical categories because her articulation is most significant, comprehensive and covers most of the theoretical debates regarding wartime sexual violence,

and most closely matches what I have explored and discovered about the topic of wartime sexual violence,. Gottschall (2004) also discusses the same issues but under different categories (1. Feminist Theory, 2. Cultural Pathology Theory, 3. Strategic Rape Theory and 4. Biosocial Theory). Other thinkers such as Banwell (2012), Bartels (2012), (2012), Odoemene (2011) and Colombini (2002), who have explored the issue of wartime sexual violence, have more or less described the same categories, simply under somewhat different captions. I will present Gerecke's explanations alongside the views of other scholars in order to make comparisons.

I discuss these major theoretical discourses within the issue of wartime sexual violence with some of my own critics and reflections on them. The main purpose is to clarify the theoretical discourse that I will take into account during my research in the case of Afghanistan. Furthermore, the aim is to analyze primary sources (field research findings) and secondary sources. In the conclusion I will specify which theory is applicable in the case of Afghanistan.

1.4. 1. Opportunity and social breakdown

This theory illustrates sexual violence during war due to men naturally having a predisposition to sexual violence. Moreover, the conflict situation creates an increased opportunity for men to inflict rape and sexual violence because "state and social breakdown reduce safeguards for women and social constraints on men" (Gerecke, 2010: 143). Basically this theory shows how an innate drive causes a violent act. The idea uses biological theory since it argues that the root of sexual violence in wartime is natural and biologically driven. I argue that this defence of biological theory eternizes sexual violence and identifies it as unchangeable.

The biology-based theories fall into two categories; the first biological notions on rape started with Freud and twentieth century ethnologists like Lorenz and Ardrey followed the same argument (Gottschall, 2004). They claimed that socio-cultural factors are not important variables

to describe wartime rape, saying this activity is entirely under genetic control. They compare their theory with a “pressure cooker” (Gottschall, 2004: 133). The theory illustrates that men have instincts for sexual aggression, and in a peaceful and regular situation it is under control, but in wartime and unrest it will “spew forth like the vented gas of a pressure cooker” (Gottschall, 2004: 133).

However, in the last decades of the twentieth century radical changes appear in the biological research of the “modern biology-based theory” (Gottschall, 2004: 134). This research opposes the old views that state “rape and other aggressive behaviors result from blind biological drives; rather they emphasize that all behavior (including aggressive behavior) is acutely sensitive to and influenced by environmental cues” (Gottschall, 2004: 134). The modern biology-based theory takes into account the socio-cultural factors in addition to genetic factors.

For example, by using the terms “opportunity” and “incentive” to describe the reasons for wartime sexual violence, Wood (2006) provides an example of a modern biology-based thinker, although she gives more significance to socio-cultural factors rather than biology-based ones. Wood believes that war presents an opportunity for man to engage in sexual violence for several reasons; in wartime young military men live far from the “normal social controls” (Wood, 2006: 321). In these circumstance “sexual aggression is less regulated” (Wood, 2006: 321), and consequently the level of sexual violence by soldiers increases. The same is applicable when civilians commit rape and sexual violence against women; institutions of social control are often weaker or non-functional and norms controlling individual behavior are altered. During wartime all boundaries are crossed and individual values of morality are shaken, enabling fighters to perpetrate acts that are otherwise unacceptable during normal times. Wood points out that “social

controls” may also be weaker among displaced people, so women and girls in refugee and displacement camps are more at risk of sexual violence (Wood, 2006: 321).

Wood says that “wartime experience increases the incentive to engage in sexual violence” (Wood, 2006: 323). She gives the example of a biological-based perspective that argues there is some positive relation between aggression and sexual desire (testosterone) (Wood, 2006). Galtung also mentions the relationship between sexuality and aggression, however, for him it has a much lesser role: “there is no assumption that biology rules this ground alone: perhaps it can explain only 10-20%” (Galtung, 1996: 42).

I believe if we agree that wartime sexual violence is driven from males’ natural instincts, then in some ways we give impunity to the abuser and rapist. In other words, soldiers and other men are not guilty for their acts because it is a part of their nature. Meanwhile, the biological-based theory confronts us with the congenital and natural: changing nature and human instinct is quite impossible, so it means that from this perspective it is impossible to prevent sexual violence and rape against women and girls.

1.4.2. Gender Inequality and Identities

The second theory emphasizes that sexual violence against women during wartime is an expression of gender inequalities and identity. Defenders of this approach claim that violence, including sexual violence against women during wartime, is “directly related to the violence that exists in women’s lives during peacetime” (Gerecke, 2010: 148). Leatherman (2011) argues that it is impossible to look at wartime sexual violence as an isolated event; there is a strong link between wartime sexual violence and gender hierarchy and inequality within a society. Women and girls in countries with high-levels of gender-based violence are at greater risk of sexual violence in wartime (Leatherman, 2011: 4). Gender inequalities affect gender identity; pre-

existing discrimination against women in the social, economic, cultural and political spectrum in a society limits the roles of women. This circumstance makes women more vulnerable in wartime to be victims of sexual violence.

From this perspective wartime sexual violence is described in terms of “power”, thus the reason for rape and sexual violence in wartime as well as peacetime is not the sexual desire of man, it is “as a crime motivated by the desire of a man to exert dominance over a woman” (Gottschall, 2004: 130). This is in exact opposition to biological-based theory. This theory goes beyond the discussion and claims that within every war there is a “hidden war” (Aafjes, 1998: 13), which is a war between genders. “While men may fight on different sides and for different reasons, in one sense all warriors act on behalf of their gender and the enemy is woman” (Gottschall, 2004: 131). After reviewing the history of wartime sexual violence this claim makes a lot of sense. Warriors from different cultures, ethnicities and classes have perpetrated rape and sexual violence against women. Furthermore, even righteous ideology does not obstruct these acts. Many times “holy warriors” such as the Afghan *Mujahideen* and Taliban, for whom, according to their religious faith rape and sexual violence is a deadly sin, have largely committed this crime. As Brownmiller (1975) states: “Sexual violence against women was fervently committed in the name of God” (Brownmiller, 1975: 36).

Aafjes, author of *Gender Violence: The Hidden War Crime*, (1998) states that war has a different impact on women. They are subjected to various forms of violence because of their gender and because of the gendered division of their roles and responsibilities. Aafjes explains the ways in which gendered roles make women more vulnerable in wartime. In most societies women have the primary responsibility for daily survival of the family; women are in charge of the household in peace and wartime. Often during armed conflict the normal societal structures

break down, and fulfilling basic needs (like firewood, water and food) puts women at greater risk of vulnerability (Aafjes, 1998: 13). Women have to go out of their houses, villages or camps, which is not safe. In the case of Afghanistan, the testimony of a significant number of victims from different places demonstrates that they were most often raped or sexually abused while wandering around looking for food, water, or going to a health center for their own needs or their children's needs (RAWA, 2012; HRW, 2005). This issue will be discussed further in this thesis.

Thus, the main and core argument is that the gender status of women in patriarchal societies makes them vulnerable to sexual and gender-based violence in wartime. Women's gender status is broadly unequal under patriarchal domination, and women's identity is based on this inequality. As Odoemene (2011) writes:

The fact that sexual violence is often gendered, specifically targeting women, appears to be a product of patriarchal social hierarchy. Patriarchy produces a strict distinction between two kinds of persons: subjects (males—persons who do things or are expected or entitled to do things to others) and objects (females—people who have things done to them or are expected to have things done to them). Hence, in patriarchal societies women are treated as mere products or objects (Odoemene, 2011: 227).

Thus, the gender inequality that shapes male and female subjectivities in so-called peace times effaces in wartime through women being subjected to sexual violence: “Cultural biases toward women that exist during peacetime exacerbate the exploitation of women during wartime” (Aafjes, 1998: 19).

Gender inequality and identity also make women vulnerable during wartime in another sense: in many societies women perform the household tasks and men are the source of subsistence. This condition keeps women away from professional and income generating tasks. When women lose their male counterpart and support during war, often the only alternative for survival is prostitution. This illustrates again that gender inequality in pre-conflict time affects

sexual violence during wartime. In addition, most of the abusers easily dare to exploit single women as compared to women who have male companions. Colobini (2002) argues on this issue:

It has also been proved that young girls and unaccompanied women are exposed to the highest risk of rape.... Women in conflict settings may be forced by such circumstance to engage in exploitation relationship in order to stay alive. They offer sex for survival, or in exchange for food, protection or shelter (Colobini, 2002: 170).

I can conclude that unequal and unjust division of resources and opportunities in society puts groups of people at high risk of violence based on their gender, class or ethnicity. Women and girls are vulnerable to violence and sexual violence in wartime because they have unequal opportunities in society. Thus, gender identity and inequality is an impotent factor to explore the gender-based violence including sexual violence in war and postwar societies.

1.4.3. Gender and Ethnicity

In the gender and ethnicity theory, scholars consider sexual violence during ethnic or religious conflicts: “Women are presented as female embodiments of their communities, and their honor is diminished by sexual violence and tied to that of their community” (Gerecke, 2010: 147). Masculine patriarchal society believes man is the protector of women, so by raping and sexually assaulting a female member of the community, male members of that said community are humiliated. It highlights their inability to protect their women. In this same slant, Aafjes discusses the “gender specific concepts of honor” (Aafjes, 1998: 2) giving a specific position for women as vessels in the community and the honor of men. Men have to protect women from strangers and outsiders. She insists this perspective not only makes women vulnerable in wartime. Furthermore, “the need to protect our wives and daughters” discourse (Aafjes, 1998: 2) is a propaganda tool for politicians to wage war. As Odoemene also argues: “[...] ‘femininity’ is traditionally associated with protection, peacefulness, and life-giving, while

‘masculinity’ is associated with protecting, warring, and killing. Such associations render women and girls particularly vulnerable to rape as a weapon of warfare” (Odoemene, 2011: 229).

Gender and ethnicity theory in some literature is identified as “Strategic Rape Theory”: rape and sexual violence used as a tactic of war like weapons such as bombs and bullets or as propaganda to destroy the enemy (Gottschall, 2004: 131). Strategic rape or rape as a weapon of war is discussed in the early documents regarding wartime rape and sexual violence. For instance, Brownmiller describes how during the Bangladesh war for independence, Pakistani soldiers used rape as a tactic and weapon of war against Bengali women: roughly 200,000 women were raped (Brownmiller, 1979: 78-86; Gottschall, 2004: 132). However, it was not until after the Yugoslavian and Rwandan mass rapes that this issue became a consideration of activists and scholars. Some of the researchers in this field claim that conflicts by the end of the Cold War have been feminized where the bodies of women are used as a battlefield (Ahmed, 2007; Gottschall 2004; Wood, 2006).

Strategic rape is not only used to destroy, dishonor and humiliate the family or community, but it is also used as a tactic of war to inflict fear and terror among a population, so people leave their place. Particularly, it is common during conflicts over natural resources. In the Eastern part of the Democratic Republic of Congo, Margot Wallstrom, the UN special representative, described the place as “the rape capital of the world” (Banwell, 2012: 5), where thousands of women and men were targeted with sexual violence to get them to flee from their places. Benwell (2012) adds that: “The researchers also found that 70% of the rapes were planned in advance with a specific aim in mind: to terrorize, loot, rape and then leave” (Banwell, 2012: 5). Because the rebels and armed groups of foreign companies want to maintain control

over the regional mines, they terrorize those who do not empathize with them (Banwell, 2012; Bartels and others, 2012).

In one sense gender and ethnicity theory or strategic rape theory disclaim gender inequality theory, but in other ways supplement them. They argue that not only the patriarchal distinction between femininity and masculinity or gender positioning puts women at high risk of sexual violence in wartime.

Sexual violence is also not entirely private but routinely serves a strategic function in conflict situations, acting as an integral tool for achieving particular objectives. For instance, in conflict situations it is not simply “gender” that makes women targets, multiple identities intersect with gender which allows groups of women to be differentiated between “theirs” and “ours” (Odoemene, 2011: 228).

Gender ethnicity plays a role in wartime sexual violence as evidenced from war zones where the conflict is an ethnic tension; however it is not the only reason or factor that makes women vulnerable to rape and other acts of sexual violence in war and postwar times. For instance, scholars Chen, Green and Wood (2013) state that the conflict in Israel and Palestine has an ethnic characteristic; however, despite other violence and war crimes, sexual violence and conflict-related rape cases are rare in this war zone (Chen and others, 2013). But as I mentioned above, in the conflict in the Democratic Republic of Congo the situation is different.

1.4.4. Military Organization and Structure

Military Organization and Structure theory argues that sexual violence and rape in wartime is a matter of military structure. Many researchers insist that some military organizations are apt to commit sexual violence due to some “faulty combatant selection, poor compensation, weak hierarchy and unit cohesion” (Gerecke, 2010: 154).

Some debates go to the relation between masculinity and militarization; violence becomes associated with the military and in some sense are both characteristics of man. The

argument is that through a specific process, men and boys learn to be masculine and violent in the military, and consequently able and willing to fight and kill. Confortini said:

it [raping enemy women] is constitutive of soldiers' identities insofar as it helps to build and it reinforces a (violent) type of hegemonic masculinity needed for warfare; it is relational, in that wartime rape's construction of hegemonic masculinity depends on the existence of oppositional categories of subjugated women and emasculated enemy men (Confortini, 2006: 346).

There are other discourses that point to the high percentage of boys who sign up to join the army who are from poor, impoverished families, having had little education or no literacy at all, whose access to power and promise of an improved future has been close to none. For them, joining the army is the key to instant "power", recognition and status. In other words, there might be a correlation between the family conditions of young men who express a desire for joining the military due to a lack of access to power (Banwell, 2012; Bartels and others, 2012). However, this argument criminalizes low income subjects, whereas many officers also commit sexual assaults.

This theory maintains that some organizations are less prone to sexual violence when they "have a high ratio of female combatants within a military group" (Gerecke, 2010: 154), so a good way to avoid and prevent wartime sexual violence would be to enroll more women. The same idea has driven some governments such as the Afghan government to put more females in the military forces. However, this solution is not a basic and sure way to protect women and girls from the risk of rape and sexual violence. Evidence shows that during the genocide in Rwanda and conflicts in DRC and Haiti, military women rewarded what their male counterparts were doing and they did not inhibit them. In some cases they even helped and encouraged men to rape "enemy women". Let us also remember the Abu Ghraib incident. It is another example demonstrating that female military members might prevent sexual violence sometimes, but they

also can be perpetrators and sexually abuse people (Chen and others, 2013: 5). It is also a factor that within military ranks, such as the United States where a higher degree of women join the military, sexual violence is committed on a large scale against these women by members of their own ranks, especially officers.

1.5. Chapter Summary

This chapter presents current research on war and postwar sexual violence and approaches it from a Gender and Peace Studies informed perspective. The core of Peace Studies in general and particularly the aim of the Castellón UNESCO Chair of Philosophy for Peace is to promote the culture of peace.

Through this thesis I try to bring into discussion the problematic issue of sexual violence in war and postwar time in Afghanistan and to raise awareness of its multifaceted complexity and consider how to transform it in peaceful ways.

Throughout this chapter a theoretical review has been conducted on the relationship between women and men and peace, war and violence. The usual assumption is that women and femininity equates to pacifism and men and masculinity to violence. However, evidence shows that women, in different circumstances, show equal potential to engage in war and violence. The overwhelming majority of scholars agree that women's participation in violence is dramatically less than men, however, there is some discord about the basis of that participation. While some scholars believe that pacifism is a natural characteristic of women and violence and aggression is an innate instinct of men, a number of scholars, especially feminist thinkers, disagree with this idea. They believe that women being classified as pacifists and men being deemed as aggressive are social constructions. Man is not always violent and women are not always peaceful. The way

patriarchal societies construct the positions of women and men, with men as protectors and women as protégées, predispose men to cause more violence and women toward less violence.

Sexual violence is a form of violence that is mostly committed by men against women¹⁵. It is an issue that largely increases during war. Scholars and researchers explain the phenomenon of wartime sexual violence from different perspectives and have established a number of theoretical discourses regarding the topic. The biological-based theory is divided into two categories: classic and modern. The classic biological-based theory claims that rape and sexual violence in wartime finds its roots in the innate desire of male soldiers while modern biological-based theory equally considers a man's sexual desire as well as sociocultural factors for the occurrence of rape and sexual violence.

The gender inequality and identity theory states that wartime sexual violence directly relates to the discrimination and violence against women in the pre-conflict situation. Some scholars argue that heterosexual gender distinctions have made women vulnerable to rape and sexual violence during war. Patriarchal systems represent women as objects and violable while men are considered as assuming subject positions and aggressive; this heterosexual understanding of gender makes women vulnerable.

The gender ethnicity theory focuses more on the use of women's bodies as a battlefield and weapon of war. Researchers from conflict-affected zones reported that in many places rape is used as a strategy of war against civilians, mostly during ethnic, religious and natural resource conflicts.

Furthermore, wartime sexual violence is explained by relating it to the structure and organization of military groups: weak structures, misogynist ideas among military institutions,

¹⁵ Although men can be also victims of sexual violence, we have stated from the beginning of this thesis that our theoretical and analytical focus is the endemic violence suffered by women in the concrete case of Afghanistan.

masculine environments of military organizations, poverty and assumption that militants become powerful by raping women, drives soldiers to abuse women and girls in wartime.

CHAPTER II: AFHGANISTAN’S RECENT HISTORY AND WOMEN’S STATUS

2.0. Introduction

The purpose of this chapter is to establish an overview of the cultural and political history of Afghanistan, and furthermore provide insight into gender relations and women’s identity.

This chapter is divided into five sections; the first section gives an overview about the land and the people. To understand the conflict better, it is necessary to know where Afghanistan is, why it is strategically important, why the country has been at war and in conflict and remains one of the poorest countries in the world. Furthermore, in this section the culture and ethnicity of Afghan people are explained, with the intention of identifying what ethnic groups mean for people and how they make them unite. It is vital to see how different ethnic groups with diverse cultures through the centuries have lived with each other mostly peacefully, but how during war these differences make them enemies of each other.

The second section focuses on the contemporary history of Afghanistan consisting of pre-conflict and conflict years. This section is divided into five subsections; the first one discusses Kingships and regimes since independence from the British Empire (1919) until the beginning of the modern conflict in 1978. It also illustrates the efforts of governments and people working toward modernization and women’s rights within the country. The following subsections of this section focus on the four periods of conflicts including the Soviet Union invasion, the civil war, the Taliban era and the ongoing conflict regarding the so-called “War on Terror.” The internal and external players in the conflicts are described and voice is given to the suffering Afghan people.

The third section of the chapter describes gender relations in Afghanistan and the elements that have created women’s and men’s identities within society. With an emphasis on

the elements of religion and ethnicity, it describes how gender relations make women more vulnerable and puts them at great risk of violence. The fourth section is a summary and conclusion of all chapters. Given the historical perspective and explanation of complex gender relations in the county, it attempts to give a contextual framework to the main research of wartime sexual violence in Afghanistan.

2.1. Afghanistan and Afghans

Three decades (1950s, 19960s and 1970s) of Afghan and Western archaeological digging and exploration has shown that humans have inhabited the territory now being called Afghanistan since the Lower Paleolithic era 100,000 years ago. The archaeological sets discovered in the northern part of the county clearly demonstrate that inhabitants domesticated sheep and goats 9,000 years ago, while pastoralism and farming also existed in the region (Runion, 2007: 18; Wahab and Youngreman, 2007: 34). Afghanistan is part of one of the three earlier urban civilizations; it rose in the Indus Valley, while the other two emerged in the Nile Valley and Tigris-Euphrates Valley during the Bronze Age (Dupree, 1980: 266). Historians agree that around 2,500 and 2,000 BC Aryan tribes, who were a subset of Indo-European speakers, migrated from central Asia to ancient Afghanistan and established cities and civilization (Habibi, 2003; Runion, 2007). Archaeological evidence from two sites in Afghanistan (Morasi and Mundigak located in the current Kandahar province in the south of Afghanistan) show that the Aryans' main occupation was peasant agriculture; they cultivated wheat and barley and bred sheep, goats and cattle stock (Dupree, 1980: 266).

Before Islam, Brahmanism, Zoroastrianism and Buddhism were the religions that people in Afghanistan followed. In some parts of the country it is still possible to find the ruined temples of these faiths; for example Bamiyan province in the central-northern part of Afghanistan has

dozens of monastic caves. Two famous and gigantic (36 and 53m high) Buddha statues from the third century (Nyrop and Seekins, 1986: 8) that were destroyed by Taliban in March 2001 were also located in Bamiyan. In ancient times, the Silk Road crossed right through Afghanistan; it not only took advantage of the Chinese, Indian and Roman goods but was also affected by the cultures, languages and arts of these three major ancient world civilizations (Wahab and Youngreman, 2007).

The current country of Afghanistan is 652,000 square kilometers in area (Runion, 2007: 2) and is located in a most strategic position in Asia between South Asia, East Asia and the Middle East. It is surrounded by Iran in the West, Pakistan in the South and East, Tajikistan, Turkmenistan and Uzbekistan in the North, and also in the far Eastern part it shares a small border with China. Afghanistan is a mountainous country; most of the mountains are a part of the Hindu Kush range, which are always covered with snow and are the source of head streams for almost all the country's rivers (Wahab and Youngreman, 2007). The mountains not only provide water for agricultural lands but are also depositories of gemstones and other natural resources. Recent research reveals that Afghanistan is rich in natural resources; the Pentagon states that American geologists estimated that one trillion dollars of untapped mineral reserve lie in this area (Chossudovsky, 2010). These two issues, strategic location (crossroads of Asia) and the richness of natural resource have always been problematic and are the basic reasons for foreign invasions.

Afghanistan has hot dry summers and cold winters with heavy snowfall in the mountains (Dupree, 1980). In general, the temperate climate and fertile land means that various crops and fruits are nurtured in the area, however only 12 percent of the land is cultivated annually due to a shortage of water (Dupree, 1980). The common crops are wheat, rice, cotton, corn, barley,

poppy, fruits and vegetables. The country produces unique and “high-quality” (Wahab and Youngreman, 2007: 7) fruits and nuts.

Statistics and numbers regarding the population in general, and numbers of each ethnic group in Afghanistan are sorely controversial; war does not allow the state institutions to collect or provide accurate figures. The last population survey occurred in 2007; it estimated that over 31 million people are living in Afghanistan and men represent 52 percent of the population (Runion, 2007: 6). However some other figures indicate around 28.5 million inhabitants on the land (Wahab and Youngreman, 2007: 13). From a sociological perspective, demographics show Afghanistan is an example of a premodern society with some population growth, including a high birthrate matched by a high mortality rate. During the entire 20th century, Afghanistan’s population growth was comparatively very slow, from sixteen million to only twenty-five million (Barfield, 2010).

People of Afghanistan include different Aryan tribes and constitute modern ethnic groups including Tajik, Pashtun, Hazara, Uzbek, Turkoman, Baluch, Aimak and some other small minorities. A substantial majority of documents note that Pashtun compose nearly half of all inhabitants, Tajik, Hazara, Uzbek, Aimak, Turkoman and Baluch are the other ethnic populations, in order of size (Wahab and Youngreman, 2007; Runion, 2007; Dupree, 1980).

Pashtun people mostly live in the south and east part of the country and include various smaller tribes. Some major ones are Durrani, Ghilzai, Momamd, Afridi and Yusufzai (Wahab and Youngreman, 2007: 14). Tajiks generally inhabit the north and northeast, Hazaras mostly in the center, Uzbek and Turkoman in the north, Aimak in west and Baluch in southwest (Dupree, 1980: 58). Nevertheless this is a very general segmentation. Often different ethnic groups share

the same province with each other, particularly in the big cities such as Kabul, Mazar, Herat, Jalalabad and Kandahar where it is not difficult to find people of all tribes.

It is estimated that forty divergent languages are spoken in Afghanistan belonging to four main linguistic groups: Indo-European, Turkic-Mongolian, Semitic and Dravidian (Wahab and Youngreman, 2007: 7; Kakar, 1995: 3). The official languages are Pashto and Dari (Afghan Persian), both are subsections of Indo-Iranian, and are rooted within the Indo-European language family. Baluchi is another section of Indo-Iranian language which is spoken by Baluch people; they share the same language with Iranian Baluchs. Uzbek, Turkoman and a small minority group in the North Kirghiz speak Turkic with a mix of many Persian words. Several dialects exist in Nuristan in the east of the country; actually in that region every village has their own dialect. Also, numbers of regional Dari dialects emerge; Hazara people speak Hazaragi that is a Dari dialect and Aimaq speak Dari with many Turkic loan words (Dupree, 1980: 66-74). All the languages use the Arabic script; however lots of languages are only verbal because they do not have written forms.

During the eighth century Afghan people converted to Islam, now ninety-nine percent of them follow Islam, with around eighty percent of them belonging to *sunni* sect of Islam, and the remainder are followers of the other sect of Islam that is *shi'a*¹⁶ (Wahab and Youngreman, 2007: 18; Runion, 2007: 8). The one-percent, non-Muslim population comprises Hindus and Sikhs, and before the Soviet occupation also included some Jewish people. Before the establishment of the modern state of Israel, thousands of Jews were living in Kabul, Herat and Kandahar; many of them then moved to Israel in 1948. After the war began in 1979 almost all Jewish people left Afghanistan and went to Israel or Western countries. In the era before the modern conflict began,

¹⁶ Islam split into major groups; sunni and shi'a. Sunni considered the orthodox line of Islam; which follows the way of life propounded by the Prophet Mohammad. shi'a follows the line of Ali, son-in-law of Prophet Mohammad.

Hindus, Sikhs, and Jews freely practiced their faith, they spoke Hindi or Punjabi and Hebrew within their community while they communicated with outsiders in Pashto or Dari (Dupree, 1980: 110-111). Hindu and Sikh minorities faced discrimination under all regimes in Afghanistan, most of them being involved in the commercial and merchant occupation rather than in governmental jobs; however they suffered vengeful wrath once the Islamic fundamentalists took power. During the civil war the *Mujahideen* looted their shops and houses and later the Taliban officially announced that Hindus and Sikhs had to wear a yellow turban in public in order to distinguish them from Muslims. Currently, according to the Afghan constitution, all citizens can practice freely their faith, but in reality non-Muslim populations face many difficulties.

The nuclear family is the essence of Afghan society and it is the core of the nation. The nuclear family in Afghanistan is like that of many other societies, including parents and children (mostly in urban societies), but in villages and rural areas, brothers with their wives and children live together for some years after they marry and then, especially when their father dies, they divide their heritage and separate. For Pashtuns kin-tribe is important; they belong to one of the Pashtun tribes such as Durrani, Ghilzai, Momamd, Afridi and Yusufzai. However non-Pashtun groups are described according to their geographic rather than kin-tribal background (Dupree, 1980: 183). But in general kinship reflects the masculine bias of the society to the patrilineal side; if a woman from Kabul province gets married with a man from Parwan province their children refer to themselves as Parwani not Kabuli.

Afghanistan is a land of small villages where 80 percent of the population live (Barfield, 2010: 32). Throughout history the country has remained poor and pastoral because it is landlocked. In the villages, people's livelihood has mostly been tied to the small farm that is a

traditional form of agriculture, but the national economy is still based upon rural production. In the cities, the majority of people are working in state institutions; their subsistence comes from their monthly government salary. However, a significant number of people within urban populations conduct merchant activities. The lack of industrialization in the country means that cities only have a minor role in internal production.

In his book, *Afghanistan: A Culture and Political History* (2010), the writer Thomas Barfield compared Afghanistan's socio-economic structure with the theory of a desert civilization and a sedentary civilization. There are two types of human civilization that Ibn Khaldun¹⁷ illustrated in his opus *Muqaddimah* (Introduction). Khaldun used these terms to make a distinction between community, lifestyle and livelihood. He argues that desert civilization is community based on subsistence agriculture or pastoralism with low, simple and similar products. They have strong group solidarity based on kinship and descendants and a low population density. Sedentary civilization is based on surplus agricultural production and complex economies. Here money takes the position of kinship. In this civilization, identification is based by residence, not kinship, and hierarchical divisions based on class (Barfield, 2010: 56-63). Barfield states that in many parts of Afghanistan the aspects of desert civilization strongly exist among different ethnic groups, however it is not possible to avoid numerous aspects of sedentary civilization within the larger cities (Barfield, 2010).

Since the beginning of the modern conflict, Afghanistan's economy and people's livelihood have depended on two unstable resources: foreign aid and illegal opium production. Opium poppy cultivation has increased to more than twenty times that of the production of the pre-war period (Peters, 2009: 12); analysts argue that this activity heavily damaged traditional agriculture.

¹⁷ He is a well-known Muslim social historian, living during the fourteenth century.

[...] there are a number of economic indicators suggesting that Afghanistan is on an unsustainable growth path. The country is highly aid-dependent with foreign aid disbursements of 47 percent of GDP in 2008/09.... Another major concern is the fact that gross revenues from opium trade are estimated to be equivalent to as much as third of measured GDP (opium is not reflected in the official GDP numbers) (World Bank, 2011).

This type of economic dependency has driven the country to become one of the poorest and least developed nations in the world. Furthermore, similar to many single-resource-dependant nations, Afghan people have suffered from poor economic growth, greater socio-economic inequality, domination of tyranny, high corruption within state institutions, poor education and health systems, high maternal and infant mortality, and rebel and insurgent armed groups (Billon, 2001).

2.2. Political Contemporary History of Afghanistan

2.2.1. Twentieth Century and Afghanistan's Social Changes

During the nineteenth century, Afghanistan became the crossing territory of the “Great Game” (Runion, 2007: 94; Wahab and Youngreman, 2007: 81) between two rival colonial powers which already dominated southern and northern parts of Asia: Britain and Russia. Although neither of them succeeded in permanently conquering the country, they managed to grab large areas of land, thus reducing Afghanistan to its current size. Afghan people defeated the British Empire three times, in 1838, 1878 and 1919 (Kakar, 1995). Until the early part of the twentieth century, Afghan people were absolutely dominated by kings who considered themselves as “God’s Shadow upon the Earth”, or: God’s representative on Earth. Most of them were puppets of the British Empire and kept the majority of the Afghan population illiterate and underdeveloped.

After the end of the First World War, a number of changes occurred in the political power scenes at the international level. The British Empire was significantly weakened by war,

which reduced its power among the colonies. This led to the anti-colonial movement, and the first and most powerful socialist government of the Soviet Union established itself in neighboring Afghanistan. These circumstances had great effect at the national level; Afghan people were disappointed with tyranny and hegemony, they wanted changes, thus anti-colonial and internal dictatorship ideas fomented among intellectuals, which evolved toward a significant change in Afghanistan.

On February 20th, 1919, the Afghan King, Habibullah was murdered by unknown assailants. This placed his son Amanullah in line to be King. Amanullah was greatly influenced by an Afghan nationalist figure Mahmud Beg Tarzi, a man who spent many years in foreign countries and had dreams of modernizing Afghanistan. When Tarzi was sixteen years old his family was exiled to Turkey, living there for twenty-two years. He studied in Turkey and France and could write articles in Persian, Pashtun, French, Turkish, Urdu and Arabic. He established and published a bi-monthly nationalist newspaper, named *Seraj-ul-Akhbar*; it was a political and revolutionary newspaper that targeted European imperialism and orthodoxy (Dupree, 1980: 437-439).

Amanullah launched the third Anglo-Afghan war in May 1919 in order to achieve complete independence for Afghanistan and to take control of foreign policy; the British Empire proposed a negotiation to end the war. Although the negotiation took almost three years until 1921, Amanullah actually declared Afghanistan independence on 19 August, 1919 and established independent relations with most major countries, including Russia (Runion, 2007: 89). The new young king maintained close relations with the Socialist Soviet Union leaders; the Soviets began to contribute to the process of Afghanistan's modernization, building an air service between Tashkent and Kabul as well as some roads (Dupree, 1980).

Amanullah had already married Tarzi's daughter Soraya Tarzi who was well educated and had studied in Turkey. Both the king and queen had the dream of modernizing Afghanistan, so they launched huge political, social and economic reforms during their ten-year reign. Amanullah had a strong position of being anti-European colonialism and imperialism, but he strongly desired modernity for his country. His aim was to make revolutionary changes to political, educational, judicial, and gender politics in a short time, refusing the advice of his father-in-law Tarzi and his Turkish counterpart Mustafa Kemal Ataturk. Both of them suggested Amanullah not begin large-scale social and political reforms until he had a strong and focused government, but the king was undeviating and made changes with haste (Dupree, 1980: 451; Wahab and Youngreman, 2007: 106).

On 9 April 1923, Amanullah proclaimed the first Afghan secular constitution, ensuring that all Afghans regardless of their religion, ethnicity, gender and class became equal under the law. Furthermore, this new constitution instituted a court system and issued a new civil code and created a new tax system, discontinuing the power of religious judges and tribal chiefs, which was absolutely unacceptable to those groups and a threat to their power. Slavery and forced labor were banned. The new constitution provided clear rights for women, including compulsory primary education for girls and boys, and women could remove the veil and contribute in social and political activities. This issue became a problematic matter for Amanullah in such a conservative society. Numerous schools were established in Kabul city and the government tried to replace the unofficial and religiously based education method with a modern one (Dupree, 1980; Wahab and Youngreman, 2007).

In 1927 Amanullah and his wife Soraya embarked on a nine-month trip to India, Turkey, Egypt, Iran and major European countries including Moscow. The king and queen announced

their support for the liberation movement, particularly India's. Queen Soraya's role was very significant in this endeavor; she projected a new image of Afghan women to the western world. Soraya gave her speeches emphasizing the potential and power of Afghan women and their ability to be a part of social, political and economic changes (Runion, 2007; Wahab and Youngreman, 2007). After his return, the King called a *loya jirga*¹⁸ and offered up a new series of reforms including transforming the Afghanistan administration from an absolute monarchy to constitutional monarchy, the separation of church and state, emancipation of women, enforced monogamy, and compulsory education for all Afghans. Queen Soraya removed her veil and Amanullah called himself the "Revolutionary King" (Dupree, 1980: 463).

These acts had profound consequences for the king and queen: conservative Afghans and external, foreign powers came together to overthrow the modern, anti colonial King. While Amanullah was still in Europe, conservative forces and tribal elders began an uprising and claimed the king "had turned against Allah and Islam" (Dupree, 1980: 450). It was well known that uprising had strong external support, "purportedly aided by the British" (Dupree, 1980: 450). The uprising was widespread across the country and for nine months unrest and even ethnic conflict arose. The king and his wife, being forced to leave the county, went first to India and then to Italy, where they remained until the end of their lives.

Mohammad Nadir Shah had been Amanullah's defense minister, and was dissatisfied with the king's reforms and abdicated from his position in 1924 and stayed in Paris. He, along with his brothers, returned through British India to Afghanistan. They negotiated with tribal leaders and finally seized Kabul. On October 17, 1929 Nadir proclaimed himself King and survived in this position until his assassination by a student in 1933, during a military ceremony

¹⁸ A Pashtun word meaning grand assembly or large meeting. These have been held for at least 1,000 years. Participants are great political, military and religious leaders (Runion, 2007: 143).

(Dupree, 1980; Wahab and Youngreman, 2007). Nadir tried to be more conservative; he adopted a new constitution in 1931 which basically matched the document of 1923, but with two significant changes: Afghan civil law was to be based on the *sunni* sect of Islam, and only half of parliament members would be elected, while the other half would be selected by the King (Dupree, 1980; Wahab and Youngreman, 2007: 110-111). The administration was actually a constitutional monarchy with power limited to the king and his family. Many of Amanullah's followers went to jail or were assassinated (Dupree, 1980).

Mohammad Zahir Shah, son of Nider Shah was only fifteen years old when his father was murdered and he became king, thus his older uncle Mohammad Hashim ruled for the first twenty years of his forty-year reign. Although Zahir Shah's reign was always referred to as a most peaceful and a Golden Era of Afghanistan, nevertheless the population at different levels suffered from "direct, structural and culture of violence" (Galtung, 2007). Particularly for the first three decades of his domination, political power was confined to his uncles and cousins who founded an administration of tyranny and dictatorship. They suppressed any opponents' ideas and voices; significant numbers of political activists such as writers, historians, university professors and students were sentenced to death, lengthy prison sentences, exile and political retirement (Dupree, 1980: 495-497). Economic growth was very slow. While the royal family lived in luxury, the majority of Afghan civilians suffered from a lack of wellbeing, health services, education, and grievous poverty.

According to positivist sociology theories, particularly following Comte, progress is an essential element of society; societies are constantly changing and evolving, rather than being fixed and completely stable. Comte specifies three types of social progress: physical progress indicates economic progress such as development and innovation in technology, intellectual

progress being the progress in the mind and intellect that is developed by elites and moral progress that is progress in emotions and love. He believes all three are closely related to one another (Jayapalan, 2001: 29-30).

Despite the presence of various types of violence, Afghan society progressed physically, intellectually and morally. Some aspects of modernity appeared, the economic infrastructure grew and the percentage of the population enrolled in education, especially higher education, increased. Many books arrived from Iran with Persian translations, bringing new ideas and perspectives regarding social changes. In 1947 Shah Mahmud, prime minister and the second uncle of Zahir Shah, was encouraged by young, Western educated students to attempt free elections, resulting in the Liberal Parliament with 50 (of a total of 120) reform-minded members. The “Liberal Parliament” adopted the Freedom of The Press Law and three independent newspapers began publishing. This free atmosphere also gave an opportunity for intellectuals to broaden and discuss their ideas among the general populace; schools and universities were the core of these movements. However, the newspapers were banned in 1953 because of their direct criticism of the government and conservative religious leaders (Dupree, 1980: 494-496).

In the last decade of his reign, Zahir Shah was freed from the domination of his uncles; in 1964 he provided a new constitution that gave more rights for the general population. According to this constitution, non-Muslim populations could freely practice their faith in public; women could voluntarily wear their veil, there was freedom of the press, assembly and association. Most importantly, the constitution established an independent judiciary system, one not based on the religious codes. Through his new constitution, Zahir Shah helped further the progression of women’s rights, freedom of speech and secular ideals that were mentioned in the first secular constitution of Afghanistan approved by King Amanullah in 1923 (Runion, 2007). Consequently

the streets of Kabul and other large cities were filled with massive demonstrations; women and men demanded rights and liberation, workers and students constituted the majority of protesters. Several newspapers were founded and political parties were established. Generally there were four types of political parties. These were: Marxist-Leninist, Marxist-Maoist, Islamist and nationalist. The People's Democratic Party of Afghanistan (PDPA), established in 1965, had ideals close to, and relations with the Soviet Union; in 1967 they split into two groups, Khalq (Masses) and Parcham (Banner). The other leftist group followed Maoist thought from the Chinese communist leader. They believed that Afghan socio-economic status was closer to that of China, a feudal society, and that they could use Mao's ideas and perspectives in order to accomplish the socialist revolution; they called the Khalq and Parcham groups "revisionist" (Runion, 2007; Dupree, 1980). The regime started to use violence and the police used barbaric repression against the protesters and arrested most of their leaders. Observers and analysts such as Louis Dupree argued that student and worker disturbances occurred at that time not because of any foreign influence but because there were "enough inequities at home to bring about the disturbances without importing foreign ideologies" (Dupree, 1980: 622).

In July 1973 Mohammad Daoud, cousin of king Zahir Shah, with the strong support of the pro-Soviet party People's Democratic Party of Afghanistan (PDPA), staged a coup, and changed the country from constitutional monarchy to a republic. In the beginning Daoud was very close to the Soviet Union and received a huge amount of cash and promises of many construction projects. Daoud described himself as a nationalist and during this period, relations with Pakistan were clouded by the Pashtunistan¹⁹ issue. The West, and especially the USA administration, was very concerned about the Soviet authority and progress in Afghanistan. This

¹⁹ In 1893 through a treaty between Abdur Rahman King of Afghanistan and Mortimer Durand from British Indian side, a part of Pashtun tribes split from Afghanistan to British India side. In 1947 after the creation of Pakistan it became a part of Pakistan (Runion, 2007).

issue was particularly unacceptable for the USA after the stigma of its loss in the Vietnam War. In 1977, Daoud changed his policy a little and in order to get a loan for economic development for his country, he visited some oil-rich and Western-friendly countries such Iran, Iraq, Saudi Arabia and Libya. Relations with Pakistan improved and some aid from United States arrived in March 1977 (Kakar; 2001; Runion, 2007).

2.2.2. Soviet Union Invasion and the Start of Conflict

For the Kremlin administration, President Daoud's political changes and his closer relations with the West were not acceptable, thus, the Soviet Union led and accomplished a bloody coup on 27 April 1978. Daoud and all members of his family were murdered on the same day in the presidential palace. Nur Mohammad Taraki, one the PDPA leaders from the Khalq wing took power and from the first days, Afghan people declared their disgust and disagreed with the situation. Then on the 25th of December 1979, the Soviet military invaded Afghanistan in order to support its puppet regime. The regime named its coup a "revolution", and any civilian who disobeyed was to be known as anti-revolutionary and was repressed. However, Afghan people from both cities and villages launched huge anti-occupation protests. People came out on to the streets with slogans while the regime used guns and tanks to oppress them. Those movements were basically grassroots, but liberal and Maoist intellectuals played a significant role in organizing them (Wahab and Youngreman, 2007: 143). The pro-Soviet regime arrested hundreds of students, professors, doctors, religious leaders, farmers, and many other skilled people, and imprisoned them. The regime's prisons were characterized by appalling torture. "In mid-1979, Amnesty international estimated that about 12,000 people had been held without trial since the revolution began" (Wahab and Youngreman, 2007: 143).

On the other side, the USA administration and the CIA, with the full collaboration of Pakistan's government and its Inter-Services Intelligence (ISI), started to support the anti-Soviet Union and Afghan government groups in Afghanistan. It was a golden chance for the USA to avenge its defeat in the Vietnam War at the hands of the Soviet Union (its long time cold war rival). US president Jimmy Carter objected to the Soviet invasion in Afghanistan, so he dedicated about \$30 million to Islamic parties called *Mujahideen* in early 1980 (Wahab and Youngreman, 2007: 179). Ronald Reagan came into the White House in November 1980 and increased the aid and support to Afghan *Mujahideen*, calling them "Freedom Fighters" (Runion, 2007: 112).

An estimate shows that Islamic parties got about \$40 billion in cash and weapons from USA and its allies such as Saudi Arabia, in the ten-year war against the Soviet Union. The money provided by the USA, Saudi Arabia and individual rich Arabs went toward purchasing weapons from China, Egypt, Israel, America and Britain through the ISI, then ISI distributed them among the *Mujahideen* (Wogan, 2006: 63-65). In addition, the major European countries responded to the USA's call for supporting Afghan *jihad*²⁰, and thousands of Arab and non-Arab Muslim fighters answered and joined the *jihad*. CIA and ISI trained militants; Brigadier Yousaf, the ISI general, estimated that over 80,000 militants were trained in Pakistan training camps (Wogan, 2006: 61).

During these ten years of anti-Soviet war, only the centers of the cities were controlled by the Afghan government. All the countryside was occupied by *Mujahideen* groups. Seven Islamic fundamentalist parties were constituted in Pakistan mostly from sunni sect, including Pashtun and Tajik, while shi'a fundamentalists were in Iran. Afghan people were heavily burdened by ten years of Soviet occupation; one million civilians died, more than five million fled to Pakistan,

²⁰ "Religious holy war and struggle in defense of Islam against attackers or infidels" (Runion, 2007: 143).

Iran and Western countries, over one million were displaced internally, and the country became the most heavily mined country in the world (Wahab and Youngreman, 2007: 184-185).

In ten years of Soviet occupation, four presidents from Khalq and Parcham leaders replaced one after the other: Nur Mohammad Taraki cryptically died and another Khalq wing leader Hafizullah Amin seized power for three months, then Babrak Karmal from Parcham wing took power in December 1979, and he was replaced by Dr. Najibullah in 1986. The Najib government continued fighting against *Mujahideen* for another three years after the Soviet withdrawal in 1989, and his government collapsed on 28 April 1992 after attacks from *Mujahideen* groups (Wahab and Youngreman, 2007; Kakar, 2001; Runion, 2007).

2.2.3. Fundamentalists' Power and Civil War

Najibullah wanted to escape to India but he did not succeed and so was harbored in the United Nation office in Kabul. Different groups of *Mujahideen* conquered cities and provinces of Afghanistan and they launched a bloody war in Kabul. Each Islamic party proclaimed it deserved more and wanted to control the power. Kabul city was divided between five major fundamentalist parties. Hezb-e Islami (Islamic Party) consisted mostly of Pashtuns under the leadership of Gulbuddin Hekmatyar, controlled the Southern part of Kabul. Jamiat-e Islami-yi Afghanistan (Islamic Association of Afghanistan) was primarily composed of Tajiks. Burhanuddin Rabbani was their leader and also president for four years during the civil war. Rabbani and his famous commander Ahmad Shah Massoud dominated the central and north part of Kabul. Ittihad-e Islami (Islamic Association) was commanded by Abdul Rabb al-Rasul Sayyaf, a Pashtun man who was supported by Saudi Arabia. He controlled the west and northwest Kabul. Hezb-e Wahdat-e Islami (Islamic Unity Party) was mostly Hazara and shi'a members, supported by Iran, and Ali Mazari conducted their operations and dominated the West

of Kabul. Junbish-e Milli-yi Islami party (National Islamic Movement) was led by Abdul Rashid Dostum; Dostum and all his militants were Uzbek, and resided in the South and Southeast of Kabul. (Human Rights Watch 2005: 5).

During four years of civil war all these groups committed enormous and horrendous atrocities; in the first year of *Mujahideen* rule (1992-1993) 30,000 civilians were killed. Around eighty thousand civilians lost their lives in all this period, and another 100,000 were wounded, while 500,000 fled from the city. 70 percent of the city was destroyed, and many women and girls were kidnapped and raped (Wahab and Youngreman, 2007: 202). Ethnic tension was exacerbated because each commander used race to create tension; people who had lived peacefully for centuries started to consider each other enemies. Civilians were killed in their houses, in the street and in the private prisons of each group. At that time the world totally forgot Afghanistan; the west and especially the USA did not want to highlight the result of supporting its “Freedom Fighters”!

2.2.4. Taliban Era

The Taliban was formed by a group of *Ulema* (senior religious scholars) that fought against the Soviets in the south part of Kandahar. However, during the war against the Soviets there was no party or independent movement under the name of Taliban; this sparse group fought with the other two *Mujahideen* parties; Harakat-e- Inquilab Islami (Movement of the Islamic Revolution) led by Maulvi Mohammed Nabi Mohammedi and Hizb-e-Islami (Islamic Party) led by Maulvi Khalis. Both leaders ran their own *madrassas* (religious schools) before the war. Mullah Omar, the leader of Taliban, fought Russian soldiers in 1980, under the leadership of Hizb-e-Islami (Islamic Party) Khalis. The majority of Taliban leaders, including Mullah Omar, belonged to the Pashtun Durrani tribe. As one of the aspects of desert civilization the

Taliban movement was based around clan ties, rather than ideology (Rashid, 2000: 18), Taliban *pashtunwali*²¹ “group solidarity” was most important, or at least equally important to Islamic law (*Sharia law*).

The Taliban movement began in a *madrassa* called Darul Uloom Haqqania, located 45 kilometers south of Peshawar, Pakistan. Most of the Taliban’s key men and militants studied in this *madrassa* and Mullah Omar received an honorary doctorate from it (Magnier, 2009). This *madrassa* was developed by the USA and Pakistan and moved to Kandahar, thus the Taliban began their actions in Kandahar in early 1994. This was exactly when Afghanistan was divided between warlords who were fighting each other. Thus, the superficial claim of Taliban for their *jihad* was to stop the war and atrocities of the warlords (Rashid, 2000).

Finally, on September 26 1996, the Taliban seized Kabul and the other warlord leaders and militants escaped from the city, mostly to the northern part of the country. The first act of Taliban was to murder Najibullah, the last president of pro-Soviet regime along with his brother and Ali Mazari, leader of Hezb-e Wahdat (Rashid, 2000). The Taliban rapidly imposed their strictest Islamic system: all women were banned from outside work and education, they could only go out when absolutely necessary and a close male family member had to accompany them, and of course they had to wear the *burqa*²². This system affected more than 70,000 girl students in schools and colleges, and basically overturned 25,000 families that were headed by women (Rashid, 2000: 50). By the end of its rule, the Taliban controlled over 90 percent of Afghanistan’s territory, and the *Mujahideen* were isolated in the Northern mountains. The groups that had fought each other for four years over power formed an alliance, called The Northern Alliance.

²¹ “The traditional tribal code of the Pashtuns” (Wahab and Youngreman, 2007: 215).

²² An Afghan traditional *hejab*, which cover head-to-toe of a women. Since the beginning of twenty century Burqa gradually disappeared from cities, however when the Taliban emerged it spread again.

The USA and other international supporters of Afghan *Mujahideen* became frustrated with the behavior of Islamic parties; the *Mujahideen* failed to establish a proper government in Afghanistan, and they became more involved in war for power. So the creation of Taliban was an alternative to replace warlords. The Pakistan government and ISI generals were the main engine of the Taliban movement. The Taliban government was only officially recognized by Pakistan, Saudi Arabia and the United Arab Emirates. (Runion, 2007: 122; Rashid, 2000). The USA and other Western countries officially preferred to be silent about the Taliban regime; however the USA tried many overt and covert efforts to negotiate with Taliban and come to a point at which they could establish the Unocal gas pipeline through Afghanistan (Rashid, 2000: 162-163). This was the main reason for the world's silence about the five years of Islamic fascist domination in Afghanistan. The Taliban committed several massacres, ethnic cleansings, public executions, sexual violence and other atrocities, but the world apparently remained unaware about all of this until September 11th 2001.

2.2.5. 9/11 and The Current Afghan Conflict

The 9/11 attacks that left 3,000 American civilians dead changed the political route of Afghanistan. The Bush administration asserted that Bin Laden was the mastermind behind the terrorist attacks and that he and his frightful organization Al-Qaeda resided in Afghanistan. The Taliban regime was not willing to cooperate with the Bush administration as they were not ready to help the U.S. “close terrorist training camps and also hand over leaders of the Al-Qaeda network... none of these demands were met. And now the Taliban will pay a price” (Bush speech to the Nation on 7th Oct. 2001). The NATO-led U.S.-British air assault began on 7th October 2001 in Afghanistan in hopes of defeating the Taliban regime without any U.N. resolution for specific action. The operation named Operation Enduring Freedom dispersed the

Taliban regime on 13th November 2001. Under the patronage of the United Nations, the Bonn Conference took place in December 2001 at which the “War on Terror” in Afghanistan was accepted as a military humanitarian intervention by the adoption of Resolution 1386 of the U.N.

Furthermore, the Bonn Conference established the transitional government comprised of anti-Taliban groups including the Northern Alliance (former *Mujahideen*) and supporters of the former Afghan King Zahir Shah. The main agenda was to expunge Al-Qaeda, the Taliban and other terrorist groups and established a democratic government in Afghanistan. Women’s rights, freedom of speech, improved security, efficient and accountable state institutions and economic progress were the aims of a new Afghan government and its international supporters. Billions of dollars had been sent from the international community to achieve these goals (Wahab and Youngreman, 2007: 241-245).

However, after almost twelve years, none of these aims have been achieved; violence against women, particularly sexual and domestic violence has increased more than at any other time, security remains fragile; each warlord group has guns and gunmen, which is an enormous threat to the central government (Wahab and Youngreman, 2007). The UNDP report in 2011 reveals that Afghanistan with a Human Development Index (HDI) of 0.398, has the lowest human-development score in South Asia and in the entire world (UNDP, 2011: 3).

The fundamental reasons highlighted by some national and international human rights and women’s rights organizations are that the USA and other international players in Afghanistan have been working towards and negotiating for their own political, economic and military goals, rather than aiming to improve the lives of average Afghan people. The other reason is that the international forces entered into a coalition with the Northern Alliance, the same fundamentalist Islamic parties who committed enormous crimes during the civil war (1992-

1996). *Mujahideen* groups without any accountability or trial were now back as champions in power. In other words, The USA took sides in an ongoing civil war, tipping the balance once again.

2.3. Women's Identity in Afghan Society

Various factors, including social values, economic situation, class, political and legal context, ethnicity, culture and religion, structure gender relations and male and female identity in Afghanistan, as it is true in any other culture. In Afghanistan, Islamic culture and religion seem to have a larger impact than other factors in forming the lives of women and men (Rostami, 2007: 8). These two factors shape social, economic, political, legal factors as well as class and ethnicity in Afghanistan. Even from 1923 (when Afghanistan adopted the secular constitution) until 1992 (when the fundamentalists took power) and despite signing UN conventions on women's rights and human rights, the civic and family codes of Afghanistan have always broadly relied upon Islamic code, *Sharia* (Barfield, 2010). Islam in most Muslim countries is interpreted by men and is approached from a patriarchal perspective, thus in Afghanistan there are controversial issues between *Sharia* law and universal and secular regulations.

Following this, ethnicity plays an enormous role in the lifestyle of Afghan people, and it definitely forms gender relations. Especially among Pashtuns the code of honor that is called *pashtunwali* is very strict. *Pashtunwali* is a clear example of "desert civilization" (Barfield, 2010); group solidarity is very strong within the tribe, and justice and revenge for misdeeds or insults are tied to the honor of community. One of the basic principles of *pashtunwali* is fierce defense of "*zan, zar and zameen*" (Women/family, treasure a land) (Wahab and Youngreman, 2007: 15). The principle clarifies two main points regarding gender relations: firstly a woman is

equated to two other properties (treasure and land), rendering her a commodity and thus separate from humanity, and secondly man is recognized as responsible for, and the protector of, women.

The tribes have their own *jirga* (assembly/council) that comprise elder men (no women at all) and are the arbiters of community honor (Wahab and Youngreman, 2007). In most academic documents they mention *pashuntwali* code for Pashtun folk, however more or less similar customs on gender relations are conventional among other ethnic groups. Tajik, Hazara, Uzbek, Turkoman, Baluch similarly hold to the gender-specific concept of honor. They believe a woman is the honor of a community and man is the protector of woman and community. But gender relations in Afghanistan as a whole and particularly in each ethnic group still necessitate deep anthropologic research, especially since the gender concept (social role and responsibility)²³ and honor within some minority groups such as the Pashai and Nuristani, who are living in the Eastern mountains of the country, are completely different. It is unfair to generalize them with majority groups.

Purdah (meaning curtain) is one of the basic rules for women in Afghan society. It implies division between female and male spaces. Women have to keep out of the sight of male strangers (Moghadam, 1993: 212). In the countryside, families have a room for guests, separate from the whole household. All villagers know each other and they are not considered strangers, thus women, especially older women, do not *purdah* (cover) for them. However, when people go to the city (to visit or to live) where people are strangers to one another, *purdah* becomes the important issue. In fact, the tradition of veiling or *burqa* existed first in the cities of Afghanistan, not the rural areas.

²³ Pashai and Nuristani women are responsible for livelihood; they do agricultural work and collect wood from mountains, the two ways of subsistence in the area. Men are responsible for the household and staying in the house (Barrington and Kendrick, 2006).

Purdah and veiling is not simply a traditional type of dressing, it is actually an aspect of female seclusion from the public space. It boosts the idea that men should protect women from strangers. Because of this, almost every woman's emancipation movement in Afghanistan has included the demand to unveil, so when Amanullah and his wife Soraya began their reforms, one of their major and most important actions was to have "made a frontal assault against the institution of *purdah*, or veiling and seclusion" (Moghadam, 1993: 218). In October 1928, Soraya with around 100 Afghan women publicly removed their veils (Moghadam, 1993).

The misuse of some Islamic regulations and mixing these with tribal norms contributes to other discrimination against women, forming an extreme patriarchal society. For example, until the beginning of the twentieth century female slavery was practiced by influential men across the country. Men kept up to four wives they could have according *Sharia* law, and along with these countless women slaves as concubines (*suratis*). The first crack in this practice occurred when Abdul Rahman Khan, King of Afghanistan in 1880, wanted to improve the status of women. He adopted a new family law, according to which female slavery, or *suratis*, and child marriage were abolished. This law allowed widows the right to make their own decisions about their future life and husband, and the registration of marriage became compulsory (Moghadam, 1993). Although it is difficult to find comprehensive information about it, it appears that law was not really enforced at that time. In 1921 king Amanullah approved the new family law, according to which female slavery, child marriage, forced marriage, intermarriage with close kin, and bridal price were banned (Rostami, 2007: 10; Dupree, 1980: 451).

King Amanullah believed that "the keystone of the future structure of a new Afghanistan would be the emancipation of women" (Moghadam, 1993: 218). According to the 1923 constitution, secular and formal education for women became compulsory. The first girl's school

was established in Kabul and groups of Afghan girls went to Turkey, France and Switzerland for higher education. The constitution adopted the code of liberation of women in society and the Association for the Protection of Women's Rights (*Anjoman-I Hemayat-I Nesuan*) was established to help women to obtain freedom in private and public spaces and engage them in social and political movements (Moghadam, 1993).

The modernization and feminist movements in Afghanistan both maintained that the key point of social changes in the country would be revolutionary changes in woman's status and emancipation of that half of the society. On the other hand, conservative groups looked upon the feminist movement and women's emancipation as a serious threat against the patriarchal system, which upheld and sustained conservative power. In fact, a basic reason that aggravated conservatives and *mullahs* and set them against Amanullah's reforms was his strong commitment to the improvements of women's rights. This matter continues up to current time, rights for women is the core conflict between fundamentalists and intellectual groups in Afghanistan. After seizing power in 1992 Islamic groups suddenly revoked many rights that Afghan women had already obtained; they officially announced that women must wear and observe the Islamic *hejab* in contrast to the 1964 Afghan secular constitution, according to which women could voluntarily remove the veil (Rostami, 2007).

The seclusion of women from public and from society does not mean that Afghan women have been inactive. Actually, despite the strong domination of masculinity, women in various moments in history demonstrated power and ability. In the political space that was always considered to be a male environment, some female figures have performed significant roles. In the nineteenth century, Malalai, a young woman from Kandahar led the Afghan troops against the British occupiers (Rostami, 2007: 16), then Queen Soraya, during the Amanullah reformation

program, presided over several committees for the elimination of violence and discrimination against women (Moghadam, 1993). As a queen, she never thought about her sensitive²⁴ position and until the end she was bound to her commitment to women's rights. Women were a part of democratic movements that arose during the 1960s and 1970s; girls from schools and universities protested in the front line of enormous demonstrations occurring in large cities of Afghanistan (Chavis, 2003). Women joined political movements and emphasized a vital point that the emancipation of a nation from violence and autarchy acutely depended on women's emancipation. When they tore up the *purdah*, they came onto the streets and demanded their rights through their own voice and action. Islamic fundamentalists such as Gulbuddin Hekmatyar attacked them by throwing acid into their faces (Runion, 2007; Wahab and Youngreman, 2007). In the time of the Soviet war, women struggled against occupation. Naheed, a girl from *Amina Fadawi* High School and another girl Wajia from *Rabia Balkhi* High School in Kabul city, while protesting against Soviet occupation, were shot by Soviet soldiers and killed (Chavis, 2003: 88). Dozens of women languished in prisons for their political opinions.

The history of Afghanistan has illustrated that even though the masculine patriarchy put constraints upon and oppressed women, women still rose up strongly organized and fully committed. During the civil war the *Mujahideen* gave life to fascist crimes in Afghanistan, committing much of it against Afghan women. However it was Afghan women who documented all atrocities and protested against them. The Revolutionary Association of the Women of Afghanistan (RAWA) played an important role at that time. RAWA was the only organization that talked about fundamentalists' actions against women in Afghanistan. They launched

²⁴ Kings and Queens in Afghanistan relied on the power of tribal leaders, the majority of them being conservative and misogynist. Thus, King and Queen, in order to save their power had to make as many changes as tribal leaders would agree to; then their position became very sensitive. Even now Hamid Karzi's wife never appears in public or in the media, Zinat Karzi, wife of Karzi in an interview with BBC Persian in March 8th 2013 said that the Afghan culture and tradition are not ready for her to participate in social

demonstrations in cities even though it was a safe haven for Afghan fundamentalists (Chavis, 2003). The Taliban that came after the *Mujahideen* ordained rules that made life more difficult for women, but again it was women who established hundreds of underground girls' schools (Rostami, 2007). Women took the risk to film and photograph²⁵ the Taliban's crimes.

In 2003, the *loya jirga* (grand assembly), which was held for approving the new Afghan constitution after the Taliban regime collapsed, heard the voice of an Afghan young girl, Malalai Joya, who broke the silence and raised her voice against the presence of warlords and criminals, especially in the Afghan parliament. With this single act, Malalai became the bravest heroine of Afghan people. However, the *Mujahideen* attempted several times to kill her. Despite this, Afghan women have been stepping into spaces that patriarchal society has considered to be masculine and prohibited for women.

Poverty in Afghanistan, like all poor and especially war-ravaged countries, has hit women hardest; the poorest people in Afghan society are women and the lowest-income families are families headed by women. The basic reason for women being poor begins with their status in Afghan society. The role and responsibility of most women in Afghanistan is housekeeping and raising children, both tasks coming without value or wage. Meanwhile, men control the family's livelihood and they control and occupy most of the financial resources in the society.

This is not to say that Afghan women have absolutely no impact on the society's growth and development; women actually have a great impact on livelihood and social infrastructure that the patriarchal Afghan society completely ignores. In rural areas, women undertake agricultural tasks. Afghanistan National Development Strategy writes: "Women represent at least 30 percent of agricultural workers. They are often engaged in tending livestock, home-based

²⁵ A RAWA member under the *burqa* filmed secretly a Taliban public execution in 1997. The Taliban executed a woman named Zarmina, accused of killing her abusive husband (Chavis, 2003: 170).

post-harvesting activities, micro enterprises, and home industries...” (ANDS, 2007: 4). Other livelihoods for women in the remote areas are handicrafts and making carpets. In the northern part of the country, most women often work making carpets. Afghan carpets, famous worldwide, are the result of the work of thousands of women whose income goes into the pockets of men. “Within the civil service, women comprised 22.3 percent of regular employees in 2006...” (ANDS, 2007: 6). The main job for educated women in the civil service is being a teacher, gynecologist, nurse or a lower-ranking officer. However, many illiterate women work as cleaners and cooks in offices.

There is a huge and unjust difference between the wages a woman receives in Afghanistan compared with that of a man. Women get 51 percent of a man’s wage for planting, 61 percent for harvesting and 50 percent for other farm work. In the nonagricultural sector, women receive 41 percent of a man’s stipend, for weaving carpets women’s pay is 53 percent of a man’s income (ANDS, 2007: 4). The domination of men in the domestic space excludes women from having full rights over their income; many women have to promise to give their salary to the father, brother, husband or husband’s family to even get permission to work outside of the house.

Some scholars argue that war has changed many roles for women and men in Afghan society and it has affected gender relations; the traditional structure has broken. Women moved from their villages to the cities or outside of the country, women became the head of family and took the responsibilities that normally men had. Women and their families realized their ability, and at the same time need and demand for women’s skill and education increased in society (Rostami, 2007). Nevertheless war has had endless negative impacts on Afghan women; particularly the position of women as representing the honor of community and men as its

protectors, making women vulnerable to various types of violence, including those types of sexual violence discussed in a further chapter.

2.4. Chapter Summary

This chapter set out a historical overview of Afghanistan, Afghan people, recent history and gender relations. Afghanistan is introduced as a land with an ancient background, the territory having peaceful moments while many times having had to survive in war and conflict. The country has a high human and natural resource potential for development, however its strategic position in Asia put it in the center of imperialist rivalry, so Afghanistan has been the poorest and least developed nation in Asia and in the whole world as well.

Afghan people comprise different ethnic groups with diverse languages and cultures; this diversity creates a unique culture, which has been misused by internal and external powers to create conflict. A majority of people reside in the countryside and subsist through agriculture, livestock and carpet weaving. A small section of the population has access to social services. In many remote areas far from cities there is no sign of a school, health care or public transport. People receive informal education in religious contexts. Islam as religious institution and tribal formulation controls the life of the people, and the central government with its official law has less control over these rural areas.

The modernization of Afghanistan began in the second decade of the twentieth century with large-scale reforms that affected almost every part of Afghan life. However the sudden and momentous policies of King Amanullah against international colonialist and tribal conservatives drove his reign to collapse. The modernization processes more or less continued until the country became a flashpoint of the cold war, and the Soviet Union occupied Afghanistan and claimed to want to establish a socialist society. In reality it was in Russia's economic and political interests

and so they tried to control the region. The USA launched a proxy war in Afghanistan to defeat its cold war rival USSR. Although the USA succeeded in this war, the abundant funding and military equipping of Islamic fundamentalists created a dilemma for the USA and other western countries in the region. This dilemma was untouched until the September 11th 2001 attack happened and again Afghanistan was attacked by the USA and NATO troops under the modernization, democracy and women's rights banner. However, Afghanistan's situation has been worsened in many ways after years of foreign intervention.

Gender relations in the country were formed mostly under two institutions: religious and tribal traditions. Women are considered part of the honor of the family, tribe and community. Men have the responsibility as protector of women, homeland and treasure. Some other tribal norms and traditions isolated women from the public sphere and female bodies were considered as a kind of wealth to protect. The honor of the community and isolation from public space created a typical masculine patriarchal society that put Afghan women at high risk of violence and sexual violence, to be discussed in the following chapter.

Meanwhile Afghan women, despite the enormous barriers and oppression, have tried to participate in political, social and economic activities. Afghan women, whether in a political or social movement or whether individually have been raising their voices against oppression and misogynistic action. This issue will be more closely examined in the following chapter.

CHAPTER III: SEXUAL VIOLENCE DURING WAR AND POSTWAR: CONTEXT, CHARACTERISTICS AND INITIATIVES TO TRANSFORM IT

3.0. Introduction

The purpose of this chapter is to analyze the types of sexual violence that have occurred during war and postwar periods in Afghanistan, as well as to bring the individual and collective struggle and effort of activists to the forefront of the debate on sexual violence in Afghanistan. The information and analysis of this chapter is based on field research that was carried out in June 2013, in Kabul. However, some parts of the analysis are complemented by local and international human rights organization reports.

The information and its analysis are organized in different sections. The first section discusses the effects of war on Afghan women; this part tries to dissect how women and girls in Afghanistan, due to common gender relation and their roles and responsibilities, make Afghan women vulnerable in wartime.

The second section gives a general overview on sexual violence during war and postwar periods in Afghanistan and introduces the field research background. The field research was carried out in two districts (Shar-e-Kona and Afshar) of Kabul and two safe houses in Kabul city. In-depth interviewing was carried out with twenty women who were victims of violence during the civil war and twenty women who were victims of violence during postwar.

The third section of this chapter focuses on the “non-legitimized”²⁶ forms of sexual violence that have occurred in war and postwar Afghanistan. This section gives a clear definition of the terms of sexual violence including rape, gang rape, and forced prostitution. These types of sexual violence are analyzed as “non-legitimate” forms of sexual violence. With the evidence

²⁶ We would like to remind the reader that we use this term following the considerations and specificities presented in the introduction.

and testimony from interviews, I attempt to explain how rape, gang rape, and forced prostitution have been used and what their causes are in Afghanistan.

The fourth section focuses on the “legitimate” forms of sexual violence; forced marriage, child marriage and *baad* are defined and explained in this section. The way these types of violence harm Afghan women in war and postwar Afghanistan are illustrated.

The fifth section, in reference to Galtung violence theory, analyzes how Afghan institutions deal with and face sexual violence. The power of gunmen, confusion about Afghan law and tradition as direct, structural and cultural violence are discussed in this section. The sixth section of this chapter is dedicated to the effort and struggles of Afghan women’s rights activists. They engage in different actions, such as giving voice and courage to victims, appealing for justice, demanding changes to the laws and regulations regarding violence against women and asking for more clarification about what sexual violence is. This section is in-part drawn from my interviews with some women’s rights activists who are working in this field.

The seventh, and final section of this chapter tries to analyse sexual violence cases in Afghanistan with the theoretical statements that are mentioned in the first chapter of this thesis.

3.1. The Effects of War on Afghan Women

Thirty-five years of war have affected Afghan people badly. Civilians were targets of the various parties in these conflicts. Evidence shows that Afghan women, because of their gender and their gendered role and responsibilities, suffered more than other populations in wartime. Sexual and gender-based violence against Afghan women was used by all actors in all different periods during more than three decades of war.

The regime backed by the Soviet Union claimed equal rights for women, and they adopted laws according to which child marriage, forced marriage, and bride price were banned

and education for all children (girls and boys) and their mothers became compulsory (Moghadam, 1993: 225). However, these laws remained only on paper. A number of factors caused the initiatives to remain impractical and unpracticed. Afghan people and Afghan women had no interest in supporting the government reforms while it remained a dictatorship regime, a proxy of the Soviets. The people's focus was to make it collapse. Furthermore, the regime only had control over big cities like Kabul, Mazar, and Herat. The bulk of the provinces, including the villages and the countryside were dominated by *Mujahideen*, who were against such rights for women. Also, because of the *Mujahideen* presence, the war was concentrated in those areas. Thus it was quite impossible to apply a reformation process in most of the country. Actually, the regime had no real commitment toward true social changes; the Peoples Democratic Party of Afghanistan (PDPA) leaders imitated the model of socialism from the Soviet Union and its satellites without consideration of the particular situation and culture of Afghanistan (Wahab and Youngreman, 2007).

Consequently, Afghan women suffered during the Soviet invasion from various aspects of the oppression. The Afghan regime from the first days, when it seized power in the cities, launched large-scale arrests of anyone deemed an opponent of the regime, including the royal family, liberals and Maoist intellectuals. Then, the regime captured any “anti-revolution” suspects. Amnesty International estimated that after the coup in April 1978 and until 1979, 12,000 people were executed without trial (Wahab and Youngreman, 2007: 143; Runion, 2007: 108), while other figures suggest there could have been as many as 27,000 killed (Runion, 2007: 108) and still others between 50,000-100,000 executions in Pul-e-Charkhi²⁷ prison within one year (Wahab and Youngreman, 2007: 143). It is true that the number of women and girls among the prisoners and among those executed were significantly less compared with men; however

²⁷ The largest prison in Afghanistan, located on the East side of Kabul. Pul-e-Charkhi jail was built in 1970.

women were not only imprisoned but also targeted with violence including sexual violence. Helsinki Watch and Asia Watch in their reports in December 1985, noted the torture and violence against female and male prisoners in the regime prisons. “There is evidence of rape, brutal killings, and torturers of women” (Bubin, 1985: 6). Furthermore women suffered as mothers, sisters and wives of prisoners; the majority of the people were arrested from schools, universities, and work offices and during nighttime raids of their houses; families of those abducted did not know where their loved ones were taken or held. Female members of the family, especially wives of prisoners were the ones who waited outside of prisons trying to receive word about prisoners or disappeared relatives (Wahab and Youngreman, 2007). Soldiers and Khadamat-e Aetla'at-e Dawlati KHAD (State Intelligence Agency) officers used violence and even asked for sexual bribes²⁸ against female family members of the prisoners.

In the countryside, the *Mujahideen* dominated. Thus, the Soviets attempted large-scale air assault on those areas. Women and children made up the majority of the casualties; men (*Mujahideen*) arranged safe places to protect themselves from bombing, fleeing to the mountains or other areas they knew to be safe. However, women, because of their gendered role, could not escape to the same places men did; women had to stay in their villages to take care of the children, the old and wounded people. When Soviet soldiers attacked and conquered villages, they were faced with “enemy women”, not enemy men. The women were without guns or any sort of protection. They were often killed or watched as their children were killed. Oftentimes soldiers raped women and girls (Bubin, 1985; The Afghanistan Justice Project, 2005).

²⁸ Some wives of prisoners or those that disappeared testified in Helsinki Watch and Asia Watch 1984 and 1985 reports, stating that when they asked many times about their husband’s fate, soldiers responded thusly: “why are you asking so much, if you want a husband, me and my other friends are ready to be, go and find other husband.” In some other cases KHAD officers requested women to have sexual relation in return to give her information about her disappeared relatives.

In addition, Afghan women suffered from other aspects of the conflict, namely the *Mujahideen* that implemented their own laws and regulations in the areas they dominated. They looked at all aspects of women's rights such as education for girls, unveiling for women and women's participation in social and political activities as signs of communism and profanity. So, *Mujahideen* burnt girl's schools, and education for girls became forbidden in the countryside. Women became objects with little role in society.

The law and regulation of *Mujahideen* basically came from Afghan tradition and *Sharia* law. However, there were many misunderstandings and misinterpretations of *Sharia* law, because the majority of *Mujahideen* commanders and militants were illiterate, even having limited knowledge about Islam and its laws. The official Afghan constitution and civil code, which despite significant deficiencies included many secular and women's rights, was no longer applicable in the areas controlled by *Mujahideen*. (This eventually led to problems later; when fundamentalists took over the government in April 1992, the *Mujahideen* attitude became the practice throughout Afghanistan.) *Mujahideen* did not have any written or integrated law; each group had its own law and regulation according to their uneducated understanding of Islam, ethnical and cultural tradition and, more importantly, their personal interests. Consequently, trapped in this anarchic situation women were additionally targeted for sexual and gender-based violence; particularly customary forms of violence such as forced marriage, underage marriage, polygamy and domestic violence increased.

There are some other factors also brought about by war that put Afghan women at the risk of violence. For instance, poverty in Afghanistan in wartime increased tremendously and had more effect on the lives of women. Many village families that depended almost entirely on agriculture lost their livelihood because of war. Many times they lost their lands and houses and

were forced to seek refuge in refugee camps across the border, or they were internally displaced. Since men stayed in the battlefields or lost their lives in war, a far greater proportion of displaced people were women and children. Many women had to assume the role of heading these refugee families. There was such a rapid increase of widows in wartime that huge numbers of families became headed by women throughout the country. “In 1970, just over 1 percent of Afghanistan’s households were headed by women. By 2006 there were reportedly 45,000 war widows in Kabul alone, each supporting an average of six persons in her household” (Benard, 2008: 87).

Afghan widows and other single women were, and continue to be, faced with many and varied forms of discrimination. Many of them are housewives without formal education and professional training; this situation puts them in a worse socioeconomic position and the risk of sexual and gender based violence escalates. A bad financial state forces widows and single women to get married without their own consent, thereby becoming an enslaved wife to an established family, or it coerces them to engage in begging and prostitution. Skaine, writer of *The Women of Afghanistan Under the Taliban* (2002), notes that “many of these have lost their male relatives. Accelerating poverty and increasing despair perpetuate the trafficking and prostitution of widows and young girls” (Skaine, 2002: 69). Also Rural Poverty Portal in their webpage about Afghanistan documented that:

There are an estimated 1 million Afghan widows. Their average age is 35, and 90 per cent of them have an average of four or more children. Without the protection of a husband, widows suffer from social exclusion in Afghanistan's patriarchal society. Many widows have no choice but to become beggars. (Rural Poverty Portal, 2011)

On the other hand, scholars argue that there is a direct association between domestic violence and armed conflict. Some Afghan women and girls living in Kabul’s safe houses claim that they were victims of domestic violence from family members including their husband,

father, grandfather, brother, uncle or other relatives, most of whom have a background in military service or are currently affiliated with warring factions. Also, Ahmed Ali (2010) observes that during warfare, women's husbands die or disappear and her in-laws act as caretakers. So it becomes easy for those men to inflict violence upon her.

Among other gender-based violence, sexual violence increased on a large scale during war in Afghanistan. In a further section I focus on the forms of sexual violence that are widespread in war and postwar times in the country.

3.2. Contextualizing the Field Research

Sexual violence has been a tool consistently used in Afghanistan against women as a facet of war. In the three-and-a-half decades of war in Afghanistan, women have been raped and sexually abused by all parties in the various conflicts. Combatants were not the only ones who sexually targeted women and girls in the country, additionally civilians including husbands, family members, relatives, neighbors and villagers raped and sexually assaulted women and girls in Afghanistan. As war continues in Afghanistan, this condition has not changed.

Reports by international and local human rights organizations like Human Rights Watch, Amnesty International, Revolutionary Association of the Women of Afghanistan (RAWA), Afghanistan Independent Human Rights Commission (AIHRC), The Afghanistan Justice Project, The Women and Children Legal Research Foundation (WCLRF), and Medica Modiale show that during war and unrest in Afghanistan, sexual violence has been widespread. In addition, interviews that I conducted with victims in Kabul illustrate that unknown numbers of women and girls have been raped and sexually abused, from the civil war time in Kabul and also after the fall of the Taliban regime.

I carried out the field research by conducting in-depth interviews²⁹ in two districts of Kabul: district one, Share-e-Kona and district fifteen, Afshar, to investigate sexual violence during the civil war. For research on sexual violence in current times, what we may refer to as postwar (though insurgent attacks continue), I selected sexual violence victims in four safe houses in Kabul.

In total, I interviewed 40 women and girls who were raped, gang raped, forced to be prostitutes, forced to marry against their will, were married off when they were children and given as *baad*. I selected 20 women from Shar-e-Kona and Afshar, those who were abused during the civil war (1992-1996) and I interviewed 20 women and girls who are victims of sexual violence in recent times, in two safe houses in Kabul city.

In regard to my interviews with victims, all their names in this thesis are abbreviated. In order to protect their security and privacy I cannot use their full names. However some of the victims use their real names; these are those cases that have already publicized their stories and who have appeared in media. Women who were interviewed for this study are between 13 and 38 years old (although few people know their exact age in Afghanistan, in many cases they just assume). The majority of women who talked to me are illiterate and just four of them have higher education. Because of the sensitive issue of sexual violence many victims refused to allow their voice to be recorded, so I noted all the interviews on paper. The interview questions were designed in Persian and I conducted all the interviews, except 8 of them, in Persian. The other eight women are Pashto speakers, but I wrote my notes in Persian because my Pashto writing is not good. The interviews with the 40 women took up 100 hand-written pages, which are

²⁹ Please see copy of questions for interviewing with sexual violence in wartime and postwar in the appendix.

available in my personal records but in this thesis I only included the translation into English of the questions in the appendix³⁰.

In the beginning of June 2013 I visited Shar-e-Kona and Afshar to do the interviews with victims of sexual violence. I spoke with survivors of rape and other forms of sexual violence, but in some places the victim or her family members explained to me about the area and their experience during war. I found this information from local people as first-hand information and used it in the thesis.

Share-e-Kona is in the center of Kabul and it is the oldest part of the city. A majority of these people are originally from Kabul and are Tajik. Their main occupations are artisans, such as blacksmiths, carpenters, tailors and potters. These jobs are passed down through generations of families, however some people work in government institutions. The average education of these people is low and most of the women are housewives. Nowadays, Kabul children, including girls, are going to school. After *Mujahideen* took power in Kabul, Share-e-Kona was a frontline between four parties: Hezb-e Islami, Junbish-e Milli-yi Islami (people called it Junbish), Hezb-e Wahdat-e Islami (people called it Wahdat), Shura-e Nazar (a faction of Jamiat party lead by Ahmad Shah Massoud). Share-e-Kona residents suffered from the beginning of war in Kabul (April 1992) but on January 19th, 1993 the war intensified when three parties, the Hezb-e Islami, Junbish and Wahdat made a coalition against Jamiat and Shura-e Nazar. This battle lasted for three weeks, wherein all parties in the battle were involved in sexually abusing women and girls.

Afshar is on the West side of Kabul. Most of Afshar's residents are Hazara and shi'a. According to my interview with the residents of Afshar in this area mostly

³⁰ In case the panel of the oral examination should need access to the transcripts please write to the following mail: lida.ahmad.afg@gmail.com.

men are responsible for earning livelihoods, but in some cases women also work outside the home. The area became a military base for Hezb-e Wahdat-e Islami after *Mujahideen* took power in Kabul, and there were some armed clashes between Wahdat and Ittihad from May 1992. This included ethnic tension; Wahda's militants arrested Pashtun people and Ittihad's militants arrested Hazara and Shi'a people. The violence, including sexual violence was widespread during three days of a massacre, when Ittihad, Jamiat and Shura-e Nazar launched military assaults on February 11th, 1993.

In both areas people called themselves civilians; during the war they did not support any party engaged in the war.

Safe houses in Afghanistan are run by NGOs that are working on gender-based violence. Women for Women is one of the women's rights nonprofit and government organizations. It was established in the USA in 2001 by a group of Afghan women living there. Since 2006 Women for Women has been providing safe houses for Afghan women and girls in Afghanistan.

Humanitarian Assistance for the Women and Children of Afghanistan (HAWCA) is an Afghan nonprofit and government organization that started working for Afghan refugees in Pakistan in 1999. HAWCA is one of a few women's organizations in Afghanistan that has opened a safe house for Afghan women and girls who are harmed by gender-based violence.

Women and girls in these two safe houses are not only from Kabul; most of them arrived from other provinces and far away villages. Victims, who arrived at police stations, hospitals, the women's affair minister and others places, are referred to these safe houses. The age of the victims is not important; some of the women are with their children. All the facilities (food, sleeping place, school and some professional skills) are inside the safe houses, women cannot go out because it might endanger their security.

The findings of the field research (interviews) and reports are summarized next.

3.3. Non-Legitimized Types of Sexual Violence

As I already explained in the introduction, “non-legitimate” types of sexual violence comprise those forms of sexual violence against women that are objurgated by traditional culture, religious and official laws. The documents and reports about sexual violence in wartime in Afghanistan noted that rape, gang rape and forced prostitution are counted as “non-legitimate” forms of sexual violence. Because these types of sexual violence are not accepted in Afghan tradition, and no ethnic group practices them culturally, they are strongly condemned. According to Islam, rape, gang rape and forced prostitution are deadly sins and the guilty perpetrators are to be subject to heavy punishment. In the Afghan civil code these acts are forbidden and perpetrators are to be sentenced to long-term imprisonment (not less than seven years) (Law on the Elimination of Violence against Women, 2009).

Thereupon, there is no legitimacy for rape, gang rape and forced prostitution in official and non-official law and regulation in Afghanistan. Hereunder these types of sexual violence during war (civil war 1992-1996) and postwar (present conflict 2001 until now) in Afghanistan are explained.

3.3.1. Rape and Gang Rape

Rape is one of the very common types of sexual violence in wartime and after war in the postwar period. In some of the literature on wartime sexual violence, sexual violence is limited to rape; it does not mean that rape is the only type of wartime sexual violence. However it indicates that rape is the most widespread act that occurs in wartime against women. Human Security Report of 2012 notes that “the most commonly studied form of sexual violence is rape” (Human Security Report, 2012: 21). United Nations High Commission for Refugee noted in

1999 “rape is one of the most commonly employed and cited forms of sexual violence during armed conflict” (cited in Colombini, 2002: 170).

Wood defines rape as “the coerced (under physical force or threat of physical force against the victim or a third person) penetration of the anus or vagina by the penis or another object, or of the mouth by the penis” (Wood, 2006: 308). World Health Organization defines rape more exhaustively:

[...]rape, defined as physically forced or otherwise coerced penetration - even if slight- of the vulva or anus, using a penis, other body parts or an object. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape. (World Health Organization, 2002: 149).

In this thesis I consider and follow the WHO’s definition regarding rape and gang rape.

3.3.1.1. Rape and Gang Rape in Civil War

Rape and gang rape were widely used against women and girls during the civil war from 1992-1996. Among the 20 victims I interviewed in district one and district five, nine of them were victims of rape, gang rape and attempted rape. Human rights and women’s rights groups in their reports also corroborate the issue of rape and gang rape in these areas during civil war.

Women's survival testimonies show that during war in Kabul, systematic rape was used as a weapon of war against women. Evidence shows that militants rape women and girls to establish fear among people, to coerce them to leave their houses, and also rape is used to dishonor rival ethnic groups.

S. G., around 38 years old, a woman who lives in Sher-e-Kona, was raped by a Junbish militant in the winter of 1993. Here is part of her testimony:

When the war started some of our neighbors who had money left the area and went to a safe place or outside the country. But many people like my family did not go anywhere. Junbish commanders who controlled the area named Khoshhal and Smahel, they kept asking people to leave the

area. It was a winter day that Junbish commanders gathered all the men and asked them to leave the area. People answered them that they do not have money to go. On the night of that day, around 10pm our door was knocked and pushed by force; ten or eight gunmen came into our yard. My father and brothers went out, and militants beat them. Two of them entered our room. My sister-in-law and I were in that room. My father came in and told them please anything you want I give you, kill all of us but do not do anything to my girls. They pushed my father, they accused that my father and brothers were spies of Shura-e Nazar and for this reason do not want to leave this place. One of the militant came to me. I had Quran in my hand and asked him not to do anything to me but he lay me down and raped me. My sister-in-law fled to the basement. The other gunman followed her and raped her over there. The day after, we left our house and for eight years we did not return³¹.

After I visited some other women in the same area, they told me they had been raped on the same night by Junbish militants. In some cases it was gang rape. R. J. is 35 years old, she was only 15 when a Khoshhal commander with his gunmen entered her house and wanted to rape her. R.J. ran to the roof and threw herself off. Militants thought she had died but her family found her in the morning when the militants left their house; she was in a coma. Her back was badly fractured and she cannot walk³².

In Afshar, rape and gang rape were a part of ethnic cleansing. During my interviews in Afshar, women mentioned that when Ittihad militants raped them they also told them: “we want to kill all Hazara people, you are not from Afghanistan, you shi’a people are not Muslim”³³. Some victims noted events illustrating how ethnic militants used rape and gang rape to show hegemony and power over other ethnicities. T., 38 years old, was gang raped during the massacre in Afshar. She told that Ittihad commanders arrested all of her male family member on the morning of February 12th, 1993, and how in the afternoon three gunmen came in their house. She was alone with her old mother, and they raped her. One soldier who beat her after the gang rape, told her: “Hazara Dokhter (Hazara girl) do you know who we are, we are Zulmay’s men

³¹ Interview with S.G., a resident in Shar-e-Kona, Kabul, June 1st, 2013.

³² Interview with R.J., a resident in Shar-e-Kona, Kabul, June 4th, 2013.

³³ Interview with L. S., a resident in Afshar, Kabul, June 11th, 2013.

(one of Ittihad commander). We rape you and other Hazara girls so that all you Hazara remember us and dread us, and in future never want to be in power”³⁴.

Human Rights Watch and Afghanistan Justice Project in their reports also talk about the systematic rape in Kabul during the civil war. A former Shura-e Nazar official in an interview with Human Rights Watch talked about the crime done by one of Shura-e Nazar commanders Rahim “Kung Fu,” and his militants against Hazara people in Kabul. He mentioned that Rahim killed many Hazara women and men and raped unknown numbers of women (Human Rights Watch, 2005: 57).

The Afghanistan Justice Project writes in its report:

Every *Mujahideen* group fighting inside Kabul committed rape with the specific purpose of punishing entire communities for their perceived support for rival militias. Thus, rape, as well as other targeted attacks on civilians, was ethnically based. In many cases, it was used as a means of ethnic cleansing (Afghanistan Justice Project, 2005: 62-63).

Amnesty International in its report about civil war in Afghanistan documented rape and gang rape perpetrated by *Mujahideen* militants against women and girls in Kabul from 1992 to 1994. Amnesty International and RAWA’s reports clarify that massive and systematic rape and gang rape were used by fundamentalist militants as a trick and weapon of war against civilians. A 45 year old Afghan refugee woman in Peshawar (a city in Pakistan) in late 1993 described the battle between Hize-e-Islami (mostly Pashtun and lead by Gulbuddin) and Uzbek forces under the command of Dostum in the Deh Dana area of Kabul. The war took place in 1992 when she was living in Deh Dana; her place having been conquered a couple of times by each party in the battle. She talked about the atrocities committed by militants against the civilians of opposing ethnic groups:

³⁴ Interview with T., a resident in Afshar, Kabul, June 8th, 2013.

These guards were only looking for Pashtun people, and would not actually kill non-Pashtuns. We were not Pashtun, so at least our lives were spared...The next day armed guards of Hizb-e-Islami came to us. They carried out a lot of atrocities. For example, a number of young women on our street were raped by them. One young woman was taken away by them and a few days later her body was found somewhere in the city (Amnesty International, 1995: 26).

Rape and gang rape were committed systematically and by order; several survivors in the interviews said that commanders and militants who raped them noted that they had the order to commit rape and other atrocities. N. repeated the words of Junbish's militants when they attacked her house in Shar-e-Kona in 1993: "We have been ordered that your heads belong to our leaders and your honor and property belong to us. So you have no right to ask us about anything that we want to do"³⁵.

Some survivor's testimonies and reports of human rights organizations show that *Mujahideen* groups, regardless of ethnicity, treated all Kabul residents as enemies, because Kabul city, during fourteen years of Soviet Union war, was under the domination of the Soviet-supported regime. The *Mujahideen* government in the first days of its power announced an amnesty law, based on this amnesty they forgave crimes of sides involved in the conflict. Khalq and Parcham leaders and KHAD officials who were involved in crimes against humanity benefited from this law and thus had the opportunity to escape from the county. Civilian residents of Kabul were considered to be the "Communist enemy" by *Mujahideen* groups. This idea invigorated their Afghan and foreign leaders; for instance Rasul Sayyaf, the leader of Ittihad party in 1993 in one of his speeches through Kabul TV declared: "We want to destroy Kabul, because it was built by communists, and then we will build an Islamic Kabul". Also General Akhtar Abdur Rahman, director of ISI (secret service of Pakistan) from 1980-1987, who supported and led Afghan *Mujahideen* during the war against the Soviets, said: "Kabul must

³⁵ Interview with N., a resident Shar-e-Kona, Kabul, Juan 2nd, 2013.

burn” (Yousuf and Adkin, 2001: 163). So, fundamentalist militants raped women in Kabul because they considered them as “enemy” women. Because women in Afghan society are considered powerless and represent the honor of men, their status contributed to them being targets of rape. *Mujahideen* raped women in Kabul because on one hand they wanted to assault the honor of men in Kabul and humiliate them and, on the other hand, it displayed their power over people in Kabul and reminded them that they had been defeated for being the “Communist enemy”.

Some interviews showed evidence that women were raped during the civil war in Kabul when trying to obtain their basic needs of life; women had to take care of their children and wounded people, they had to rescue their family from the cold weather and hunger. Many women were raped as they were carrying out their roles and responsibilities as mothers or caregivers. In early 1993, S. was a widow woman who fled from her house in Shar-e-Kona and was displaced within a mosque in Parwan province (North of Kabul). The weather was cold and she did not have food and enough clothes for herself and her children; then she decided to go back to their home with her male neighbor, so they could carry some supplies back. When she arrived at her house, all of her household goods had been looted, and a man named Na Nai was living there. He was a commander of Hezb-e Islami. First she and her neighbor were accused of spying. After that, the commander raped her. S. explained that two other women in Shar-e-Kona experienced a horrible fate; when they went to get some of their needs they were arrested by gunman and after two days of rape were killed and their bodies were thrown into the street³⁶.

A RAWA report says that on the 10th of April, 1996 a widow woman was gang raped by two militants when she was collecting firewood for cooking (RAWA, 2012:268). P.G., a resident of Kabul lost her son when a rocket hit her house on the 24th of May, 1996. Her husband Abdul

³⁶ Interview with S., a resident in Shar-e-Kona, Kabul, June 5th, 2013.

Karim was injured in this incident. He was in the hospital and P.G. walked every day to visit him and bring him food. One day on the way home gunmen that belonged to the faction of Shura-e-Nezar raped her³⁷.

3.3.1.2. Rape and Gang Rape in Postwar

As previously stated in the post-Taliban years, *Mujahideen* leaders and commanders came back to power with the support of the USA and NATO troops. Right away the new Afghan parliament wanted to approve an amnesty law, according to which neither the victims nor their families could seek justice from past crimes during the wars. Finally “Parliament passed the National Stability and Reconciliation Law in 2007, backed by a coalition of powerful warlords” (Human Rights Watch, 2010: 51).

According to an official from the Office of the High Commissioner for Human Rights (OHCHR), in the current conflict era rape is not used as a weapon of war against women³⁸. The official states that despite the enormous number of rape cases around the country, there is no evidence that parties involved in the conflict (Taliban and NATO with Afghan security forces) use rape or other forms of sexual violence during their military operations. Other reports and documents regarding war and civilian abuse do not mention systematic rape in the current era between conflicting parties.

However, reports by human rights groups explain the dreadful rape cases in Kabul and other parts of the country. It is clear that rape and gang rape are not systematically used as weapons during present military operations such as during the civil war years, (though present day combatants have committed rape and gang rape), but numbers of other elements contribute to putting Afghan women and girls at general high risk of rape and gang rape. Furthermore, in

³⁷ Interview with P. G., resident in shar-e-Kona, Kabul, June 4th, 2013.

³⁸ Interview with the official from the Office of the High Commissioner for Human Rights (OHCHR), August 12th 2012 in Kabul.

the previous period the perpetrators were mostly combatants, wherein rape occurred during military operations. Now perpetrators are unengaged combatants like commanders and their private gunmen, powerful men in various regions, police and other security forces, and non-combatants comprising family members, relatives, neighbors and civilians (people in the streets).

Interviews and reports by Human Rights Watch, Global Rights, and RAWA demonstrate that honor and revenge are the main forces putting women at great risk. Men are fighting each other and when they want to take revenge upon their rivals, women are the ones who pay, because, as we repeatedly said, women and girls in Afghanistan are still considered the honor of men. In September of 2005 Sara, who was a resident of the village Ruyi Du Ab in Samangan province in the North of Afghanistan, was raped by three gunmen. Now she is in Kabul. The rape had been ordered by a powerful local figure, a commander named Karim. He ordered the rape after Sara's son Islamuddin refused to join commander Karim's parliamentary election campaign in 2005. This is what Sara testifies. Some other reports say that the rape was the revenge of commander Karim after one of his relatives had been raped by Sara's son Islamuddin (Human Rights Watch, 2009: 36).

In another case several gunmen, who are members of the American-trained local police, raped Lal Bibi, an eighteen year-old girl. She was raped in her village in Kunduz province and now she is in Kabul asking for justice. Lal Bibi was gang raped after her cousin Mohammed Issa hid his relationship with a girl who is a relative of commander Nezaami, the leader of the local police in Kunduz province. Lal Bibi says that Mohammed Issa tried unsuccessfully to elope with the girl; they wanted to run away because he failed to pay the bride price to the girl's father. Mohammed Issa managed to escape alone and Lal Bibi was then raped. After this incident Lal

Bibi's family wanted to kill her because they were thus dishonored by what had happened to her. However, Lal Bibi changed the scenario by arriving in Kabul and asking for justice³⁹.

Six men raped seventeen-year old Gul Chehrah M. in her house in Kabul. One of the men was her cousin who wanted to marry her. She had refused his proposal and got married to another man. After four years the perpetrators succeeded one night in attacking her in her house. They killed her husband and raped her (Human Rights Watch, 2012: 71-72).

In some other cases women and girls were raped because they were in the wrong place at the wrong time or supposedly did a "wrong" act. Najibullah, son of Haji Mohammad Payinda who is an Afghan MP and ex commander of Junbish, raped a twelve year-old girl Bashira when she was outside her house (Human Rights Watch, 2009: 39; Killid, 2009). Two men raped A.N. when they found her in the night alone in one of Kabul's streets. She had escaped from her house because of domestic abuse and forced marriage, but she could not find a place to stay and remained in the street⁴⁰. In the case of A.N. the court surprisingly accused her of *zina* (sexual intercourse by two individuals who are not married to each other) and sentenced her to two and a half years in prison. Now she has been released from prison, but her family refuses to have her back, they want to kill her. Thus A.N. is in a safe house. Human rights Watch denoted the court's comment about another girl who had been raped in the night on the street and the Afghan court also accused her of *zina*: "The court in considering A.N.'s case, wrote, 'A woman going out, especially at night, is followed by certain dangers...that women should know that it is unsafe for them to go out at night'" (Human Rights Watch, 2012: 70).

Two other men raped Marya K., a fifteen-year old, in Kabul when she wanted to visit her mother in the hospital. She took a taxi that had another male passenger; the driver and the male

³⁹ Interview with Lal Bibi in Kabul, June 10th, 2013.

⁴⁰ Interview with A.N., in safe house, Kabul, June 10th, 2013.

passenger abducted her, brought her into a house in Kabul and raped her for days (Human Rights Watch, 2012: 68-72).

In some cases rape is used as punishment for the victim or her family. Eight men who were bodyguards of a powerful commander Haji Rahim in North Afghanistan raped a girl named Samia. Haji Rahim prohibits school and literacy courses for girls. Samia's father, a poor farmer in the village, disobeyed this order and sent his girl to literacy class. Samia was kidnapped as she was returning home and over the course of ten days eight men raped her several times. Samia was raped because she was the only girl in the village going to literacy class⁴¹.

3.3.2. Forced Prostitution

Forced prostitution is another type of sexual violence that is commonly used by combatants and non-combatants in war-torn Afghanistan. Reports from conflict zones illustrate how soldiers establish brothels with "enemy" women in the conquered territory, detention camps and their military sites.

The Nairobi Forward-Looking Strategies ('Strategies') that were drafted at the 1985 International Women's Conference referred to forced prostitution as "a form of slavery imposed on women by procurers" (Demleitner, 1994: 177). The United Nation documents listed: "Forced prostitution generally refers to conditions of control over a person who is coerced by another to engage in sexual activity" (United Nation, 1998). In this investigation I follow the UN definition for forced prostitution.

3.3.2.1. Forced Prostitution During Civil War in Kabul

Reports and testimony of female victims demonstrate that during the civil war years *Mujahideen* militants in Kabul formed brothels with the women and girls whom they

⁴¹ Interview with Samia, Kabul, June 12th, 2013.

captured during military operations or abducted from the streets. However, during my investigation about sexual violence in civil war time I did not succeed in interviewing a single woman who survived in the brothels that had been set up by militants. This may have to do with the degree of shame involved and how taboo the subject of prostitution is in Afghan society. However, there do exist numbers of interviewees and witnesses that mention *Mujahideen* militants having kept women in their military positions for sexual purpose.

G. F., a 58 year-old Kabul university professor explains the following story. At the end of summer 1992 he and two other professors wanted to visit the university after two months of war in the university area. Near the university street they met three women who spoke Pashto and asked for help. G. F. said, “[...]three of them were young and in very bad condition; they were almost naked. We asked them where they wanted to go, they answered that they did not know. They said that they had been kidnapped by Wahdat militants and held in a basement of Kabul University”⁴². These women told G.F. that they cooked for the militants and were raped by them. A Shura-e Nazar soldier who fought during the Afshar massacre explained how “after we seized the main military base of Wahdat in the Academy of Social Science near Afshar we found several women there who said they had been held for several months in that place and raped by Wahdat militants”⁴³.

S.K., a hospital worker who treated many detainees after they had been released from the private prisons of Ittihad or Wahdat parties, described in her testimony to Human Rights Watch, “I saw what they had done to them: people beaten up, people who had been tortured. They had put RPGs (Rocket Propelled Grenades) into the anus. They had gang-raped girls” (Human Rights Watch, 2005: 49). Amnesty International also documented several cases in which women

⁴² Interview with F.G. Kabul University, Kabul, June 15th, 2013.

⁴³ Interview with J. Kabul, June 12th, 2013.

especially young women were taken from their family by force and kept for some time in militant's military sites as sex slaves. In one incident dozens of Pashtun women were kept by Junbish forces in a house in Kolola Pushta, a district of Kabul for the combatants' sex activity (Amnesty International, 1995: 22). Also Amnesty International noted in its report that "some party leaders and influential commanders have also reportedly forced families to sell them their young daughters and sons who are then reported to have been sold into prostitution, frequently in Pakistan and other countries" (Amnesty International, 1995: 24).

RAWA carried out an interview-based secret investigation in 1999 among prostitutes in brothels in Qalayee Ashiqan Arifan area of Kabul. In this report prostitutes mentioned that they had been taken by force from their family, raped by militants and then sold to brothels (RAWA, 2012: 282-287). This report and some other evidence illustrate that during the civil war many women in Kabul turned to prostitution for the purpose of survival. During the civil war so many women lost their husband that the only way to survive and feed their children was to sell their bodies. In several cases women evolved toward sex activity with militants in order to get aid because:

The Jihadis⁴⁴ ordered the aid agencies to check the aid items with the government before delivering them to the beneficiaries so that they could have their share as well. This heinous attitude is not just for stealing the aid items, but is also for dragging innocent women into prostitution (RAWA, 2012: 262).

Thus, these evidences clarify that during civil war militants forced women to survive in brothels, or a bad financial situation forced numbers of Afghan women to turn to prostitution.

⁴⁴ *Jihadis* means who did *jihad* or fight in the path of God. *Mujahideen* describe themselves as *jihadis* and Afghan people also call them in this name.

3.3.2.2. Forced Prostitution in Postwar time

Forced prostitution was a silent issue after 2001 and before the end of 2011; then police in Baghlan province arrested a family that had forced their newly married daughter-in-law (Sahar Gul) to be a prostitute. Sahar Gul from the beginning had refused her in-law family's proposal, and consequently they punished her and imprisoned her in their house. "My in-law family including my husband from the first day I went to their house forced me to sleep with other men. I refused and never do it. So, they beat me, tortured me and did not give me food and water for many days"⁴⁵.

During my investigation I realized that forced prostitution emerged on a large-scale in Afghanistan after the fall of the Taliban regime. Some girls were kidnapped from the street by powerful figures, then after rape they were kept for months and offered to other men. Rahima, a twelve-year old girl abducted in North Afghanistan in 2004, was kept eighteen days in a house and different men raped her day after day. Rahima says she was not the only one who was in the house; that two other girls were there for the same purpose⁴⁶.

Despite the power of gunmen in many cases the family, especially the in-law family, forces women to be prostitutes. J. F. is twenty-six years old. She married nine years ago in Iran, and after marriage she came to Afghanistan with her husband. Since the beginning, her husband offered her to other men and received money⁴⁷. In some other cases, the in-law family, and particularly the husband, wanted to take revenge upon the wife and then forced her to be a prostitute and sleep with other men. W. is an eighteen-year old who said that her father asked for a lot of money as bride price from her husband when they were engaged. Her husband did not

⁴⁵ Interview with Sahar Gul Kabul, June 22nd, 2013.

⁴⁶ Interview with Rahima in Kabul, June 11th, 2013.

⁴⁷ Interview with J. F., safe house in Kabul, June 11th, 2013.

have such money and he got a loan. When they married her husband beat her and sent her to a brothel to get money⁴⁸.

I realized during this investigation that forced prostitution is a big problem in postwar Afghanistan. Families, especially in-law family, use it as way to torture woman. Several factors such as poverty, revenge from women and domination of gunmen seem to be involved in the issue. I should say that it is not possible to investigate this enormous issue deeply here or analyze it in this thesis; I recommend it for future research.

3.4. “Legitimate” Types of Sexual Violence

Let us remember that “legitimate” types of sexual violence are those forms of sexual violence against women that are legitimized through tradition, religion and law within the context of marriage and culture. Some examples include forced marriage, child marriage, *baad*, *baedal* and rape within the marriage. All these types of sexual violence are legitimized within aspects of Afghan tradition. Even though these acts are barred in the Afghan civic law, they are practiced on a large-scale all over the country. These forms of sexual violence existed in Afghan society before the war, however when the society faced conflict and unrest such as the wars and the postwar era, it became widespread.

In this thesis I focus on the three types of “legitimized” forms of sexual violence in Afghanistan: forced marriage, child marriage, and *baad* during civil war and now.

3.4.1. Forced Marriage

Forced marriage is a type of marriage which is done only on the basis of some other person’s decision, wherein the consent of girls and women are not respected and observed

⁴⁸ Interview with W., safe house in Kabul, June 11th, 2013.

(WCLRF, 2010). Forced marriage was practiced in Afghanistan before the war; however war exacerbated the conditions that increased this violence against women. Hereunder it is analyzed.

3.4.1.1. Forced Marriage in Wartime

Among the twenty women I interviewed, six of them had been forced to marry without their consent during the civil war. S. M. is 44 years old; in the summer 1992 her family was forced by a Hezb-e Islami soldier to have her marry him. S. M. was not happy with this proposal, she cried, and her father also did not give consent to this marriage. But the soldier threatened them that if they did not accept this marriage, he with his friend would come in the night and take S.M. by force. S.M. married him, they have five children but she is not happy with him. He is no longer in the military, but he is a drug addict and beats S.M. and her children all the time⁴⁹.

RAWA (2012) and Amnesty International (1995) reports demonstrate that many of *Mujahideen* commanders and militants during the civil war forced families to marry their daughters off. The consent of the girl and her family was not considered; in many cases she became the second or third wife of these commanders.

During the war some elements came together to increase forced marriage in Afghanistan. First of all, like all conflict-affected societies, Afghan society in wartime had become more masculine centered. Men, more than in any other time, had been given the right to make decisions for women. Also in wartime in Afghanistan many men died. Since in Afghan culture the man has an important role in the family, especially in terms of subsistence, then a lot of families became unsupervised. Herein, other men like grandfathers, uncles, cousins, neighbors and other villagers took over the rights of widows and their children. They decided everything including a second marriage for them.

⁴⁹ Interview with S.M., a resident in Shar-e-Kona, Kabul, 9th, 2013.

L. is around forty-six years old, she is living with her four children in Afshar. She got married only three months before the Afshar massacre happened. Her husband was among other men who were killed by Ittihad militants. L. escaped with her mother and father to Iran, and then they realized that she was pregnant. When her husband's family learned about it they forced her to get married again with her younger brother-in-law who was only ten years old at that time. L. was not happy with this marriage but her family and her husband's family forced her to do it. If she refused her husband's family would take her child from her⁵⁰.

Even the general knowledge within the population of the prevalence of sexual violence against women drives families, frightened by the situation, to marry off their daughters. They feel that having a girl is a big responsibility so it is better to get rid of this responsibility by getting her married off. In Afghan tradition when a girl loses her virginity, even through rape, she is not a "good girl" any more and loses her marriageable condition, thus becoming a shame for her family. Several women I interviewed mentioned that their family forced them to get married out of fear of her being raped by someone and destroying the family's honor.

Salima, living in Shar-e-Kona, was forced by her father and brothers to marry her cousin. She was not happy, she wanted to continue university. Even though the university was closed because of war she had hoped it would open again. However, her father and brothers pushed her and told her that if she were to be raped by some militant, she would not be marriageable⁵¹.

3.4.1.2. Forced Marriage in Postwar

Currently, forced marriage is a big problem for Afghan women and girls. Research done by the Women and Children Legal Research Foundation (WCLRF) shows that among 576

⁵⁰ Interview with L., a resident in Afshar, Kabul, 9th, 2013.

⁵¹ Interview with Salima, a resident in Shar-e-Kona, Kabul, 9th, 2013.

women who were surveyed, 330 of them (which is 59 percent) were forcibly married (WCLRF, 2010: 13).

In the two safe houses, forced marriage comprises the majority of women and girls who survived violence. A huge number of women are forced by their male family member such as father, grandfather, brother and uncle to get married without their consent. At the next level, the *jirga* (tribe assembly of elders) through their families, force the women and girls to get married. In some cases commanders and militants are involved in forced marriage. The main reason why family members force women to get married is poverty: in Afghanistan, particularly in the North and South provinces the bride price is very high, commonly a man gives around four hundred thousand Afghni (almost eight thousand dollars) as bride price to a girl's family. When the girl becomes the second or third wife, or is to wed an old, disabled man then this price goes higher. Thus, many girls that belong to poor families are forced by their family members to get married.

N.Y., a nineteen-year old escaped from her house three months ago. She arrived in Kabul from Pul-e Khumri. Her father had engaged her to a powerful man who is 60 years old. N.Y. was to become his second wife. N.Y.'s father is a poor farmer and he got five hundred thousand as a bride price. When N.Y.'s fiancée discovered that she had escaped, he got back his money and also he forced N.Y.'s father to give one of his other daughter's who is fifteen-years old to his son⁵². W. S. is twenty-eight years old. Seven years ago she was forced to marry a man who is a drug addict. Her husband gave three hundred thousand as bride price to the father. W.S.'s family needed this money because her mother had cancer and they did not have money to treat her.

⁵² Interview with N.Y., safe house in Kabul, June 8th, 2013.

From the first days her husband and his family beat W.S. and finally she escaped with her two children⁵³.

In forced marriage cases, women and girls are not the only ones who are not happy with the marriage decision, boys also in some cases are not happy. They feel they are pushed into the marriage, forced by the family or the community. An elder *jirga* in Logar province decided two years ago that B. was to marry with a man who is not from the same village of B. This decision was made in response to B.'s brother having eloped with a girl who belonged to the other village. B. was faced with lots of violence in her in-law family, her husband beat her and always reminded her that he did not want to get married to her. One early morning B. escaped from her house to Kabul by dressing in her husband's clothes⁵⁴. She changed herself into a man because in her village a woman especially a young woman, never goes anywhere alone⁵⁵.

People I interviewed said that they either faced fearsome sexual violence, their husband raped them many times or in some cases the husband never wanted to have sex with them. B.'s husband refused to have sex with her, she was with her husband for two years but still she was a virgin. W.S.'s husband raped her seven times in the first night of her marriage, she suffered a great deal of hemorrhaging and was in hospital for three days. In addition, forced marriage gives the opportunity to in-law family members to conduct violence against women: without exception all the forced marriage victims mentioned that they had been beaten near to death by their husband, father in-law and mother in-law. On the bodies of some of them one could see the marks of punishment. Thus, forced marriage encourages domestic violence.

⁵³ Interview with W.S., safe house in Kabul, June 8th, 2013.

⁵⁴ In the safe houses I met some other girls who escaped from far away villages to Kabul wearing men's cloths so people would not recognize their female identity

⁵⁵ Interview with B., safe house in Kabul, June 8th, 2013.

3.4.2. Child Marriage

Child marriage is another type of sexual violence that has been harmful to Afghan female children in wartime. The age of marriage in every society is different, but, according to the Afghan civil law, the marriage age for a girl is sixteen and for a boy is eighteen. The reasons that are mentioned above for forced marriage more or less contribute to Afghan girls getting married when they are under the age of sixteen.

3.4.2.1 Child Marriage in Wartime

During the civil war the same elements that put women and girls at the risk of forced marriage acted to force some families to marry their daughters off when they were still children. Shamsea is 30 years old, but was only 11 years old she got married to her cousin because her family was afraid she would be raped by someone⁵⁶. Q. G. says she married her two daughters off when they were displaced in Parwan province from Shar-e-Kona in 1993. Q.G.'s older daughter was 10 and her younger one was 8 years old. Q.G. explains: "We just escaped from Kabul without anything. We escaped because my neighbor's girl had been kidnapped by militants and raped. My husband and I were afraid, and also we did not have food to give our children, thus, we just saw that marriage was a good solution"⁵⁷.

I could not meet any victim who got married when she was a child by the force of commanders and militants, however RAWA (2012) reports from the civil war time illustrate that several child marriage cases happened that were forced by commanders and gunmen.

⁵⁶ Interview with Shamsea, a resident in Shar-e-Kona, Kabul, June 9th, 2013.

⁵⁷ Interview with Q. G., a resident in Shar-e-Kona, Kabul, June 9th, 2013.

3.4.2.2. Child Marriage in Postwar

I met sixteen-year old G. S. in the safe house. She had arrived in Kabul from Qandahar province ten days before. When she was just born her father engaged her with a one-year old boy who was his cousin's son. G.S. went to her in-law family when she was 6 years old, she says:

My father in-law and mother in-law beat me and pushed me to work on the farm. My husband did not like me; he always told me that I am not beautiful. My older brother in-law has a wife but he always sexually abused me, and then told me to not talk about it to anyone. When I told to my husband, he beat me and accused me of lying. I came to my father's house and talked about all these abuses, but my father and brother told me to save their honor. Day by day my husband and his family's violence got more intense and I ran away from my house⁵⁸.

The main concerns about child marriage are that it increases maternal mortality and domestic violence. 1,600 deaths per 100,000 live births placed Afghanistan at the top of the list of countries with high maternal mortality (UNDP). A UNDP survey explains that 68 percent of women who died during childbirth in 2010 got married under the age of eighteen. Also child marriage puts women at more risk of domestic violence because, when a girl is a child her vulnerability is doubled: first she is vulnerable because she is a woman and second because she is a child.

There is a further side effect of child marriage in the lives of women: the girls that get married stop attending school. Thus it decreases the percentage of educated women in the country. Z. was fourteen-years old when her father decided for her to get married. She was in the eighth grade of school and her husband and his family prevented her from continuing her education⁵⁹. Child marriage excludes the right of a child to enjoy her childhood and puts responsibility on her shoulders, which has in turn physical and emotional impacts on her.

⁵⁸ Interview with G. S., safe house in Kabul, June 9th, 2013.

⁵⁹ Interview with Z., safe house in Kabul, June 10th, 2013.

3.4.3. *Baad*

It is one of the grossest forms of sexual violence against women in the area of marriage and clearly violates their human rights. *Baad* is a “practical way of carrying out a custom wherein a girl or a woman is given for marriage to a victim’s family by the aggressor’s family in order to settle the dispute or strife between two ethnic groups, clans, tribes, or even two families. This custom is called *baad*” (WCLRF, 2008: 17-18). For example, if a father or a brother commits a murder or wounds someone, then a local tribal council (*jirga*) is held and decides to give, for the peaceful settlement of the dispute between the two families, a girl of the aggressor’s or murderer’s family to one of the members of the victim’s family in marriage.

During my investigation in Shar-e-Kona and Afshar I could not meet any victim who were given as *baad* during the civil war. The human rights organization reports that I used for this thesis does not document a single case of *baad* in Kabul during the civil war. However, it is worth noting that this thesis has some limitations and is not focused on the entirety of Afghanistan.

3.4.3.1. *Baad* in Post war time

The finding of research carried out by the Ministry of Women’s Affairs (MOWA) noted that around 30 percent of marriages in Afghanistan pertain to *baad* (MOWA, 2007: 18). War in Afghanistan has created a lot of tribal, ethnic and personal conflicts and so it increases the *baad* custom. The girl who is given as *baad* is at high risk of domestic and gender-based violence; the in-law family is looking at her as an enemy and captured property. Most of *baad* victims in the end are killed and/or burned by their husband or other members of her in-law family (WCLRF, 2008).

The *baad* victims I interviewed talk about fearsome sexual violence. J. W., a thirteen-year old, explained that when she was three years old her grandfather killed a man over a land conflict. The *jirga* of elders decided that he must give a girl to the slain man's family; J. W.'s grandfather gave her to *baad*. When J. W. was five years old, she went to the slain man's family. They married her to a male member in the family who was forty five-years old. She was nine years old and her husband had intercourse with her, she said: "I did not know anything about sex; I did not like my husband and the things he did with me. I cried a lot, I felt pain"⁶⁰. Two times she became pregnant but lost her babies because she was too small and thin to be a mother. Her husband beat her and so she ran away from the house.

Z.H. was fifteen-years old when the elder's *jirga* decided to give her as *baad* to a family; the reason being that Z.H.'s stepbrother had eloped with a girl from that family. They married her to a man with mental illness. However, all men in the family wanted to have sex with her, thus, she ran away from her house. She arrived in Kabul and now her in-law family accuses her of running away with a boy from their village. Even though all evidence shows that she arrived in Kabul alone and she is innocent, her husband's family, through one of their relatives who is very near to President Karzi, are trying to put her into jail⁶¹.

3.5. Afghan Institutions in the Face of Sexual Violence

In the interviews with the victims of sexual violence in war and postwar time, and in a review of reports by international and local human rights and women's rights organizations, three elements illustrate the factors that contribute to putting Afghan women at risk of sexual violence: gunmen, weak law and tradition. These elements have different origins, however evidence shows that many times these elements work together and support each other. For

⁶⁰ Interview with J. W., safe house in Kabul, June 11th, 2013.

⁶¹ Interview with Z. H., safe house in Kabul, June 8th, 2013.

example, a gunman forces a family to marry their daughter to him without the consent of the girl. He becomes the husband of this girl, and according to the tradition the wife has to obey her husband's demands; she must have sex with him even without her consent. During interviews almost all women who had a husband mentioned that their husband many times had intercourse with them when they did not want to. Some women said that their husband beat and punished them when they refused to have sex, or they were treated badly by their husband and his family, resulting in the husband choosing to marry another woman. In that case the first wife becomes a slave to the in-law's family. In Afghan civic law nothing is mentioned about rape within marriage, and it is not considered a crime. Thus, this form of violence is legitimate within a tradition in conjunction with weak laws that do not come to defend victims.

I compare these three elements with the three types of violence in Galtung's violence theory. Gunmen are the powerful men in Afghanistan who have guns; they probably belong to the Afghan National Army, Afghan Police, and paramilitaries, or they are commanders and powerful figures like warlords or drug lords that have formed their own private militias, or they belong to a Taliban faction and other insurgent militant groups. Gunmen are responsible for (Galtung, 1996) direct violence such as rape, gang rape, forced prostitution, forced marriage, child marriage and *baad*.

Recently, on June 10th, 2013, the Afghanistan Independent Human Rights Commission (AIHRC) released a report, *National Inquiry on Rape and Honor Killing in Afghanistan* (2013). This report says 91% of sexual assault and honor killings that occurred in the last two years were perpetrated by people who are gunmen or that had a connection with gunmen (AIHRC, 2013). Interviews with victims from civil war time along with special reports (Human Rights Watch, 2005; Afghanistan Justice Project, 2005; Amnesty International, 1995; RAWA, 2012) explicitly

illustrate that gunmen and militants were primarily the perpetrators of non-legitimized forms of sexual violence (rape and gang rape, forced prostitution). Also in the majority of “legitimate” forms of sexual violence (forced marriage, child marriage) gunmen were involved. Currently, even though militants are not the only ones who engage in sexual assault, the power of the gun has a strong role in rape and forced prostitution cases. Of the cases I interviewed or reviewed in reports, a majority of them involved gunmen having a direct or indirect role. Many “legitimate” types of sexual violence (forced marriage, child marriage and *baad*) in the current time occur because of family members or the community (elder *jirga*) forcing the issue, but the role of the gun and gunmen in most of these cases is very clear: numbers of women in the safe houses mention that after they escaped from their homes because of sexual violence, their family or in-law family enlisted the support of commanders or other powerful figures in their region.

Mujahideen leaders, with the money and guns they obtained during the war against the Soviet Union, each supported their own local militias and men that were loyal. Through these thirty-five years of war these people have arisen as powerful commanders and figures in their respective regions. During the civil war they fought with each other around the county, and after the fall of the Taliban regime they came back into power again. USA and its alliances in NATO made a coalition with them against the Taliban. Now they are not simply commanders, instead they dominate all power structures in Afghanistan. Furthermore in the last 12 years (after the Taliban collapse) the Afghan government and its international supporters have been remiss and seemingly disinterested in pursuing justice and the rule of law. People who are being linked to war crimes occupy power. This condition puts Afghan women and girls at the highest risk of violence and particularly sexual violence.

The Afghan constitution that was adopted in 2004 is, on paper, strongly supportive of human rights and women's rights (Constitution, art. 7. 22.). However, the Afghan Civil Law (Civil Code) adopted in 1977 and the Afghan Penal Code adopted in 1976 are still existent and legal throughout the country and they are too vague, outdated, and do not have sufficient clarification regarding women's rights. These documents cannot defend and protect Afghan women from violence and particularly sexual violence. Afghan law and its judicial system work as a form of structural violence against women. For example, according Afghan Civil Law a man can have more than one wife at the same time. Although this law specifies three conditions for a man who wants to marry again (Civil Law, art. 87), these conditions are not so difficult and complicated that a man cannot manage a way around them. Secondly, these conditions mentioned are private and occur in private spaces (home) and no one, not even the law, can verify their existence. Additionally, Civil Law in some ways gives rights for a male family member to carry out child marriage and forced marriage; Civil Law article 70 specifies the age of marriage for a girl as 16, however article number 71 says if the girl is under age 16 her father has the right to marry her off (Civil Law, art. 70-71).

In the Afghan Penal Code, there is confusion between *zina* and rape. The article 426 of the Penal Code defines *zina* as sexual intercourse between a man and woman who are not married. *Zina* is a criminal offense according to Afghan law, and both man and woman are to be punished if they have a sexual relationship outside of marriage (Afghan Penal Code. Art. 426). Article 429 of the Penal Code says that if the sexual intercourse occurs through violence and threat, it is rape (Afghan Penal Code. Art. 429). This perfunctory definition of rape is very tricky and causes a quandary; it is not difficult for a rapist to claim that intercourse was done voluntarily and not through violence, thereby marking the woman as a "sinner" instead of a

victim requiring protection. At the same time, four male Muslims must be present in court to show proof of the rape act, which in most cases is impossible. Thus, it is not surprising that according to the Human Rights Watch's report (2012) around 400 women (HRW, 2012; 3) who are victims of rape must survive now in a Kabul jail as culprits of *zina*. Human Rights Watch writes in this report:

[...] police often treat a report of rape as an admission of *zina*, arresting the victim along with the perpetrator. Many police officers, prosecutors, and judges accept a mere counter-allegation of consensual sex to trump a complaint of rape and transform it into a complaint of *zina*, instead of treating consent as a defense that can be pleaded by a person accused of rape during a criminal investigation or trial (HRW, 2012: 37).

Article 430 of the Penal Code assesses punishment for persons who force women to be prostitutes, however many women and girls who are victims of this act are blamed by police, sentenced for *zina* and then imprisoned. United Nations Population Fund (UNPFA) in the report *Police Taking Action on Violence Against Women in Afghanistan 2011*, alleges that “[t]his attitude and approach of police leads to very low reporting of victims of violence to the state agencies and reluctance of victims to file criminal charges” (UNPFA, 2011: 62).

On top of all this, in the Afghan Penal Code “legitimate” forms of sexual violence (forced marriage, child marriage and *baad*) are only forbidden but not punished so no accountability is demanded from the perpetrator. Therefore, it gives a free hand to anyone to continue these acts.

Women's rights activists in Afghanistan are aware of these gaps and defects in Afghan Civil Law and the Penal Code. They prepared the Law on the Elimination of Violence Against Woman (EVAW), and President Karzi approved it on July 20th, 2009, while the Afghan parliament was on its summer holidays⁶². Although there are still many controversial instances, at least this law has provided much clarification regarding gender-based violence and sexual

⁶² According to the Afghan constitution

violence. This law has a more specific and clear definition of sexual violence and openly bans rape, forced prostitution, forced marriage, child marriage and *baad*. Furthermore, this document specifies the state's different institutions that must take action to stop and enact prevention of violence against women (Law on the Elimination of Violence against Women, 2009). However, there is a general problem in Afghanistan, as with all societies experiencing war or those that are recently entering postwar, that the rule of law is very weak. Thus the realization of this law in the real lives of women is not easy. Rahima Rezae, head of family court in Kabul says: "the 'Law on the Elimination of Violence against Women' is still not officially recognized and no Afghan court uses this law to deal with cases of sexual violence"⁶³.

On June 1st, 2013 the Law on the Elimination of Violence against Women, 2009 was discussed in the Afghan parliament session, however the conservative parliamentary members disagreed with some articles of this law, and they found it contradictory to *Sharia* law. The 23rd article of EVAW says: "If a person beats a woman which does not result in damages and injury, the offender in view of the circumstances shall be sentenced to the short term imprisonment not more than one month"⁶⁴. Some parliamentary members claim this part is against *Sharia* law, because if beating does not damage and injure the woman there is no punishment for that in Islam. The 27th Article condemns any personal act that prohibits a woman from marrying, article 26 prohibits forced marriage and 37 condemns polygamy; all these articles were refuted by the Afghan parliament, saying these contradict Islam. Thus, here religion is used to legitimize direct violence and so is a form of cultural violence.

⁶³ Interview with Rahima Razai, Kabul, May 22nd, 2013.

⁶⁴ EVAW law, article 23, p. 25.

3.6. Action to Stop and Prevent Sexual Violence in Afghanistan

Under the most violent conditions it is possible to find and meet some actions that can terminate violence and transform it into peace. When we look at war we see men and women that perpetrate violence, however in the meanwhile there still exist men and women in the war and postwar years that endeavor for peace and try to stop violence. We primarily talk here about those peace actions that are collective and more organized. For sure, these types of actions are calculable and have stable and comprehensive results. Nevertheless we cannot disregard individual efforts for peace and the ending of violence. Many people during war operate their “competencies and capacities” (Guzman, 2005: 8) to organize their relationships in peaceful ways.

During my interviews with victims of sexual violence in the Afshar district, everyone talked about the action of three neighbors during the massacre in the area. These three families were non-Hazara residents in Afshar at that time; two of them were Pashtuns and one family was Shamali (Tajik). In the Afshar massacre Ittihad militants (Pashtuns) and Jamiat and Shura-e Nazar militants (Tajiks) targeted Hazara and shi’a people. Commanders and militants would only enter Hazara houses. Non-Hazaras were safe. So, these three families hid many Hazara people in their house. They told militants that these families had earlier escaped from Afshar⁶⁵. M. O., the Pashtun resident who saved the lives of a number of his Hazara neighbors says:

I asked all my neighbors to send their women and girls to our house; I can see most every violation but raping and other sexual assault on women or young girls is impossible to accept. How I should have accepted, they were Hazara women and girls but I knew them. They are like my sisters and daughters⁶⁶.

⁶⁵ Interview with L. S., a resident in Afshar, Kabul, June 11th, 2013.

⁶⁶ Interview with M. O, a resident. in Afshar, Kabul, June 13th, 2013.

Saber, a Tajik resident whose father gave safe haven for Hazara women mentioned that he was a seven-year old boy when the Afshar massacre occurred. Saber remembers his father's effort to rescue other people, saying:

When Shura-e Nazar militants came in our door, my father told them that we are from Shamali, militants accepted and went away. But in the evening Ittihad militants came and they told my father that they know some Hazara are in our house. My father told them if they want to enter first they should kill him. Militants got angry and beat on my father's chest with guns, but they did not enter our house⁶⁷.

Victims in both areas (Afshar and Shar-e-Kona) talked about the help of doctors, aid workers and civilians after they had been raped.

After the fall of Taliban the new situation gave opportunity to some women's rights activists and NGOs to work more systematically and seriously against sexual violence in Afghanistan. Some of these people and groups took radical action and in their speech and statements asked openly for justice, accusing *Mujahideen* leaders who were responsible for the civil war and violence including sexual violence against women. Malalai Joya is one of the Afghan women who arrived as a representative from Farah province in the *loya jirga* of 2003. Joya demonstrated against the presence of *Mujahideen* leaders in the *loya jirga* and said that these leaders are criminals and rapists of Afghan women, that Afghanistan cannot establish a democracy and promote women's rights with a government full of these criminals⁶⁸. Joya became a heroine of the Afghan people. She was elected to the first Afghan parliament in 2005 where her strong speeches in support of women's rights in the parliament prompted other conservative members to oust her from parliament in 2007. After that time she became a peace

⁶⁷ Interview with Saber, a resident in Afshar, Kabul, June 13th, 2013.

⁶⁸ Interview with Malalai Joya, Kabul, June 19th, 2013.

activist, and one of her efforts is to help and assist Afghan women and girls who are victims of sexual violence.

Samia, who was raped by eight men that were bodyguards of a powerful commander Haji Rahim in North Afghanistan, says after she was raped nobody believed her. Haji Rhim has since lost power. He accused Samia of *zina* and put her in jail for some days. Samia was released from jail and Joya met both her and Bashira, another girl who had been raped by Najibullah, son of Haji Mohammad Payinda, and an Afghan MP and ex commander of Junbish. Samia says neither she nor Bashira had any hope but Joya's message was very strong and supportive of them. Joya offered her bodyguards and house to protect both. Joya says: "I tried to change Samia's and Bashira's feeling and energy; they feel themselves to be victims without power. They put all their energy into crying and self-blame. I encouraged them to raise their voices, not to feel shame but to be strong"⁶⁹.

When I interviewed Samia she was hopeless because of her case in the Afghan court. She said that only two of her rapists were jailed for a short time, but then released without her consent, and the others were never arrested. This is due to the fact that commander Rahim has more power now. However this does not hamper her. Her hope is to establish a school for girls in her village and raise awareness about women's rights and justice⁷⁰.

The Revolutionary Association of the Women of Afghanistan (RAWA) is one of the oldest women's organizations, established in 1977. RAWA has documented the violence against women including sexual violence since the Soviet invasion and the civil war. RAWA, through their magazine, webpage, and other social networks, established awareness around the world about the pain of Afghan women; RAWA's activity during the civil war and Taliban time was

⁶⁹ Interview with Malalai Joya, Kabul, June 19th, 2013.

⁷⁰ Interview with Samia, Kabul, June 12th, 2013.

particularly significant. They collected hundreds of rape, gang rape, forced prostitution, forced marriage and child marriage cases when hardly any media anywhere in the world was paying attention to Afghanistan. At the current time, RAWA's webpage continues to keep the world informed about the story of women and girls who are victims of sexual violence.

A RAWA member says:

We always try to be the voice of voiceless! Women and girls who are raped or sexually abused are forced to be silent; on one hand Afghan conservative society blames women for all sexual acts. In many cases society justifies the rapist's act, they accuse women, saying that they were in the wrong place at the wrong time or women dress in such clothes that provoke men to rape them. On the other hand the patriarchal system supports and maintains this culture through their political representatives who in Afghanistan represent fundamentalists groups⁷¹.

RAWA, besides providing worldwide awareness about sexual violence in Afghanistan, helps to raise awareness among victims and empowers them to struggle to achieve justice and women's rights. RAWA believes: "we cannot only fight to stop rape and sexual violence, if we want to end sexual violence and violence at all in Afghanistan, it needs a political and cultural struggle through Afghan women"⁷². RAWA establishes underground classes for women and girls to empower them.

Some women's groups and NGOs are offering humanitarian facilities for sexual violence victims, such as safe houses and advocacy. Humanitarian Assistance for the Women and Children of Afghanistan (HAWCA) under the directorate of Salay Ghafar and some other women's rights activists established a safe house for sexual and gender-based violence victims in early 2004. HAWCA was the first women's organization that took initiatives and despite serious threats provides a safe place including advocacy, psychological treatment and literacy classes for

⁷¹ Interview with RAWA member, Kabul, June 18th, 2013.

⁷² Interview with RAWA member, Kabul, June 18th, 2013.

women victims. After HAWCA several women's organizations have started to provide a safe house for women, not only in Kabul but also in a number of provinces like Mazar-e-Sharif, Herat, Bamyan, Kunduz, Badakhshan, Sarpu and Jalalabad⁷³.

Now there are twelve safe houses run by women's activists in Afghanistan; seven of these houses working under the administration of Women for Women. Manizha Naderi, director of "Women for Women" claims that the main concern that has driven her to establish safe houses was the pain of sexual violence victims. Naderi states: "young girls and women raped by commanders and paramilitaries got no assistance from the Afghan government that is very weak and unmotivated to ask for justice for these victims. Thus, it is the responsibility of civil society to defend women's rights"⁷⁴.

The Afghanistan Independent Human Rights Commission (AIHRC), according to the 58th article of the Afghan constitution, is a national human rights organization that superintends the human rights situation throughout the country. AIHRC documents violence and crimes that were committed in past years and in the present time as well. Last year AIHRC presented an intensive report about the crimes occurred during decades of war in the country. The Afghan government hampered and refused to publish this report because it identified hundreds of sexual violence acts that occurred during war and postwar time. However the Afghan government claims that publishing this report and making it public would harm "national unity"^{75, 76}.

⁷³ Interview with Salay Ghafar, Kabul, June 20th, 2013.

⁷⁴ Interview with Manizha Naderi, Kabul, June 19th, 2013.

⁷⁵ Afghan government and President Hamed Karzi always try to stop Afghan people and human rights organizations from speaking about war crimes, and their demands for justice. They claim that this is not fair for national unity and it provokes civil war. However many women's rights activists are against this idea and they state that Karzi puts national unity as an excuse, whereas the real reason is that he and his government are in a political deal with the people who are accused to commit these crimes. Karzi and his government because of their own interest always ignore the Afghan people's demands and perpetuate the victimizing of Afghan women.

⁷⁶ Interview with Dr. Soraya Sobhrang, commissioner of Afghanistan Independent Human Rights Commission, Kabul, June 8th, 2013.

Women's rights and human rights activists disagree with the Afghan parliament regarding the supposed weakening of Afghan unity because of the EVAW law.

Ghafar says:

The adapting of this law is very important; no article of EVAW law is against Islam. Fundamentalist members of parliament misuse Islam and instead use it against women. Actually this law is not in the favor of Taliban and other fundamentalists groups. Since Afghan politicians and their foreign supporters including USA want to make peace with Taliban, they ignore women's rights and reject this law⁷⁷.

Women's rights activists believe that Islam must be reread in order to find the parts that defend women's rights and prohibit violence against women. Many aspects of Islam and also Afghan culture forbid violence and we have to legitimize direct peace and structural peace with that.

3.7. Sexual Violence in Afghanistan: Approaches for its Transformation from a Peace and Gender Studies Perspective

Like many war and postwar societies around the world, sexual violence has been prevalent and persists in war and postwar Afghanistan. This is well-evidenced from testimonies of women and girls I interviewed in Shar-e-Kona, Afshar, and safe houses in Kabul, along with reports by local and international organizations.

In chapter one I reviewed theories and different approaches within the scope of this thesis, specifically regarding wartime sexual violence and my field research. Afghanistan, like all other countries in the world has specific social structures and within those structures gender relations have been shaped. Thus, gender issue including gender-based violence has to be analyzed according to these specific conditions; therein we find several similarities between types of and causes for wartime sexual violence.

⁷⁷ My interview with Salay Ghafar, Kabul, June 20th, 2013.

In the second chapter of this thesis I examined Afghan society's religious influence and the honor code of *pashtunwali*, and how this engenders great impact on the lives of Afghan women. According to *pashtunwali*, women are tied to the honor of men, thus men feel they have to protect them. This opens the door for men, in order to retain their honor, to victimize women. After analyzing the interviews with victims of "non-legitimate" types (rape, gang rape and forced prostitution) and "legitimate" types (forced marriage, child marriage and *baad*) of sexual violence, and reviewing the reports upon these forms of sexual violence, I find that the issue of "women as honor for men" plays a variety of roles in setting the stage for different types of sexual violence, consequently making Afghan women and girls more vulnerable to these acts.

In the realm of "legitimate" types of sexual violence, men sexually abuse women due to three acceptable social issues; they force girls to marry without their own consent, or arrange marriage for their daughters when they are children, or give them in *baad* for safekeeping their honor or settling a debt or conflict. Numbers of women who I interviewed claim that their male family members forced them to accept forced marriage because if a daughter or sister refuses the decision of her father or brother or *jirga* it means she dishonors them, and a dishonored man does not have a place in Afghan society. Therefore men apply power and violence upon women in order to retain honor and be a respectable part of society.

"Non-legitimate" forms of sexual violence occur when men sexually abuse women in order to dishonor them, thus dishonoring other men deemed to be the enemy. As I mention in the section about rape and gang rape, in the case of Sara (woman who was gang raped in 2005 in Samangan province) a commander Karim's gunmen gang raped Sara in order to dishonor her son Islamuddin. Lal Bibi was gang raped because her cousin dishonored commander Nezaami by eloping with a girl from his family, and so Nezaami's gunmen dishonored Mohammed Issa by

raping Lal Bibi. Samia, Bashira, Rahima, S.G. and R.J. who I interviewed during field research were raped, gang raped or forced into prostitution because their families (male members of family) disobeyed a commander's orders. As punishment the commanders dishonored those men by raping the women from their families.

Women's status that objectifies them as representing the honor of men is such an important code of *pashtunwali* that it automatically puts great numbers of women and girls at risk of sexual violence, especially true during the civil war. As is explained in this thesis, the war in Kabul during 1992-1996 civil war involved ethnic clashes. Thus, scores of women and girls were raped and sexually abused. In the course of the Afshar massacre, because a family belonged to Hazara ethnicity, their women and girls would be targeted to "dishonor" that family. It did not just happen to one ethnicity. Women and girls were sexually assaulted during the war in Kabul because they were Tajik, Pashtun, Uzbek or Hazara. These were conflicts between Islamic parties over who would hold power, therefore they raped and sexually abused civilians who ethnically belonged to their rival group in order to dishonor them.

It is clear that women's status as representing the honor of men in war and postwar times puts women at great risk of sexual violence; the body of woman becomes a battlefield and is used as a weapon of war. Thus, we can appreciate the contribution of a well-known wartime sexual violence theory concerning "Gender and Ethnicity" in the case of Afghanistan.

On the other side we can analyze sexual violence in Afghanistan from the "Gender Inequality and Identities" perspective. As I argue in the previous section, Afghan law and its judicial system works as structural violence against women as illustrated by the examples given in that section. In Afghan law, discrimination against women is clearly supported. Furthermore Afghan tradition encourages much discrimination against women (as illustrated

by *pashtunwali* and some other aspects of Afghan tradition). Afghan civic code and penal code, along with Afghan traditions that existed before the war, thus built inequality into relations between women and men in Afghan society. Gender inequality and identities that existed before war made Afghan women more vulnerable to violence and especially sexual violence once war commenced.

Pre-existing discrimination against women in the social, economic, cultural and political spectrum of Afghan society limits the roles of women. This circumstance makes women more vulnerable in wartime to be victimized by sexual violence. Child marriage, forced marriage and *baad* pre-exist in Afghan society, however life stories of women and girls who I interviewed show that some additional factors such as poverty and multitudes of militias and armed men (that are the result of war) contribute to encourage the would-be perpetrators of sexual violence.

Rape, gang rape, forced prostitution, forced marriage, child marriage and *baad* that are examined in this thesis as “non-legitimate” and “legitimate” are forms of sexual violence that have been used by some human beings and inflicted (Guzman, 2005: 7) upon vast groups of women and girls in the Afghanistan. These forms of sexual violence are direct, personal violence (Galtung, 1996; (Confortini, 2006); rape, gang rape, forced prostitution, forced marriage, child marriage and *baad* are direct violence because evidence shows that in all of these acts physical force is used by perpetrators and it physically harms victims. According the Confortini’s (2006) description we can say that all “non-legitimate” and legitimate forms of sexual violence discussed in this study are personal violence because these are forms of violence “with subject” (Confortini, 2006: 336) or subjects. In other words there is a specific perpetrator or perpetrators to accomplish this violence, or as Galtung states there is a receiver and a sender.

As analyzed in the previous section of this chapter, Afghan civic code and penal code also perpetrate violence. This includes the confusion between *zina* and rape, with no clarification and exact definition of forced marriage, child marriage and *baad*, and furthermore no criminalization of these acts regarding Afghan law continues to set the stage for violence against women within the structure of Afghan society. Consequently we can see unequal opportunities and life chances for women and girls in Afghanistan. Here the structural violence shapes gender. Also, some aspects of Islam and Afghan tradition legitimize direct personal and structural violence; this constitutes cultural violence.

In light of these conditions, in order to transform this violence and suffering of human beings in a peaceful way we need to eliminate violence at all levels. With effort focused merely on the reduction of sexual violence, we can achieve negative peace that is not sufficient to eliminate this violence. What is required is the betterment of Afghan law and promotion of gender equality and justice to obtain positive peace in Afghan society regarding gender issues. At the same time, I think in order to eliminate cultural violence we need to initiate two main efforts. Firstly, we must separate Islam's laws from Afghan tradition, which would require the rereading of Islam. In Afghanistan many traditions are infused with a religious overlay and through that become concrete and unchangeable. It has always been man who interpreted Islam and makes laws. Woman and her perspective are not represented in the law. Thus we never see women's perspectives and interests associated with Islamic law. Instead we get a fake god's law that is unchangeable. Therefore this situation puts a second task upon the shoulder of Afghan women's rights and human rights activists to struggle for separation between church and state.

3.8. Chapter Summary

This chapter is the result of extensive interviews with victims of sexual violence during civil war in Afghanistan (1992-1996) and in the current time as postwar. According to the methodology that was introduced in the introductory part of this thesis, I interviewed 40 women and girls who are victims of sexual violence. Interviews were carried out with 20 women in two districts of Kabul city, Shar-e-Kona and Afshar, and also with 20 women and girls in the two safe houses in Kabul. The questions which are available in the appendix part were designed for in-depth interviewing; my aim during interviews was to understand the experience of the women and girls who were victims of sexual violence. In the meanwhile I support my arguments by reviewing reports regarding sexual violence during war and postwar Afghanistan.

More than thirty-five years of war and violation have had great effect on Afghan women and girls. Afghan women, like many women in the war and postwar societies, suffer from sexual and gender-based violence. All parties of conflict, also civilians including family members of women and girls, are responsible for this violence. Furthermore, some other consequences of war such as poverty, being displaced to refugee camps and losing male supporters additionally put women at the risk of violence and sexual violence.

Evidence and reports illustrate that sexual violence was present in the decades of war and now in the postwar era in Afghanistan. During the civil war in Kabul city from 1992 to 1996 unknown numbers of women and girls were sexually abused. Some districts of Kabul city were more affected by war; Shar-e-Kona and Afshar are examples of these. They are areas that witnessed mass rape and other forms of sexual violence. The dark phenomenon of rape and sexual violence arrived in postwar time as well; numbers of Afghan women victims of sexual violence are surviving in safe houses.

Non-legitimized types of sexual violence in war and postwar time in Afghanistan occurred in the form of rape, gang rape and forced prostitution. These types of violence were used systematically and as weapons of war against civilians during the civil war in Kabul city. Today perpetrators in Afghanistan practice the same violent acts even though they are not done systematically as weapons of war.

“Legitimized” types of sexual violence were present during the war and postwar eras of Afghanistan. Commanders and their militants forced girls to marry them in the time of the civil war; in many cases the victim was a child. Some of the aftermaths of war such as poverty, fear of rape and displacement issues forced families to arrange marriage for their daughters and sisters without their own consent. In the postwar era, “legitimate” forms of sexual violence remain, as most of the victims I met in the safe houses suffered from forced marriage, child marriage and *baad*.

I found three (direct, structural and cultural) forms of violence in the context of sexual violence in Afghanistan. Gunmen accomplish or support the majority of rape, gang rape, forced prostitution, forced marriage, child marriage and *baad*, and these acts are direct violence or personal violence against women. Afghan civil and penal codes with the confusion regarding issues involving violence against women are not supporting victims of sexual violence. These laws rather work as structural violence against women. Many types of direct violence are legitimate, according to Afghan tradition, and some discrimination against women in Afghan law is legitimized by religious and Islamic law. Thus, contradictions and biased interpretations within the Afghan legal system, Afghan tradition and some aspects of religion sustain and reproduce cultural violence.

Nevertheless, in both periods (war and postwar) in Afghanistan, individuals and groups of women and men put their efforts into stopping sexual violence and preventing Afghan women and girls from suffering the threat of sexual violence. Activists try to transform the pain and suffering of women and girls in a peaceful way. They raise their voices against this violence through legal actions and give hope and safe shelters to victims.

Based on my research, the issue of honor and “women being honor of men” plays a highly significant role in making women vulnerable during war and postwar times. During the period of the civil war, women were sexually abused because militants wanted to dishonor their rival groups and now sexual violence and rape are used to dishonor people who disobey some roles or orders.

GENERAL CONCLUSION

In the introduction of this thesis, I contended that sexual violence against women and girls has been a problematic issue during thirty-five years of conflict in Afghanistan. There was rampant sexual abuse against women during the fifteen years of Soviet Union occupation concurrent with its puppet regimes dominating the Afghan central government. My assumption was that rape and other types of sexual violence against women in Afghanistan dramatically proliferated when the Islamic parties (*Mujahideen*) took power after the collapse of the Soviet Union and its Afghan counterpart. Sexual violence was used as tool against Afghan women in the Taliban era as well, and this issue threatened the life and dignity of thousands of Afghan women and girls throughout those years. I remember October 7th, 2001 the day when the United State military assault started in my country, and President Bush exclaimed that they attacked Afghanistan to free Afghan women and give them dignity. However in the last twelve years, as before, every day I saw the cry and pain of women and young girls who continued to be victimized by rape, gang rape, forced prostitution, forced marriage without their consent while facing various other abuses. Thus, sexual violence remained an intrinsic issue in the postwar era of Afghan society.

For academic understanding of the dimensions of sexual violence in Afghanistan, I proposed three main objectives to explore the overarching elements of this thesis:

- I endeavored to establish a theoretical framework that would enable analysis and explanation of the prevalence of sexual violence during war and postwar Afghanistan.

- I wanted to offer a conceptual framework that will enable more comprehensive future work by expanding the concept and the scope of sexual violence in Afghanistan.
- I determined the core of my work to bring the individual and collective struggle and effort of activists to the forefront of the debate on sexual violence in Afghanistan.

I utilized books, articles and some calculable online pages to analyze the issue of wartime sexual violence theoretically. In exploring and analyzing the case of sexual violence in war and postwar years in Afghanistan I focused on the period of civil war 1992-1996 (as wartime) through to the current time (as postwar time). For understanding the dimensions and pathology of war and postwar sexual violence in Afghanistan, I used two sources of data: primary and secondary. For primary data collection I carried out a field research in Kabul city. Twenty victims from wartime were selected from two district of Kabul Shar-e-Kona and Afshar and twenty women and girls were chosen from two safe houses in Kabul. These women had experienced “non-legitimate” (rape, gang rape and forced prostitution) and “legitimate” (forced marriage, child marriage and *baad*) forms of sexual violence.

In ideation of secondary data, I reviewed and analyzed the reports of international and local human rights and women’s rights organizations such as Human Rights Watch (HRW), Afghanistan Justice Project (AJP), Revolutionary Association of the Women of Afghanistan (RAWA), Amnesty International, United Nation Assistance Mission for Afghanistan (UNAMA), Ministry of Women’s Affairs (MOWA), and the Afghanistan Independent Human Rights Commission (AIHRC) and some research centers like Women and Children Legal Research Foundation (WCLRF).

To achieve the main objectives of this thesis, I divided my work into three main chapters. In the first chapter I established a theoretical framework for the study of wartime sexual violence. In this part I made the connection between my work and Peace Studies, practically with the new approach that is promoting a culture of peace and that is the main concern of the UNESCO Chair of Philosophy for Peace at Jaume I University. The perspective of Guzmán, director of the UNESCO Chair of Philosophy for Peace regarding the building of “awareness of the suffering that some human beings can inflict upon others” provoked me to take the first step of peace research and give awareness about the suffering and pain of Afghan women and girls.

In this thesis I have examined one form of gender-based violence (sexual violence) from a peace studies perspective, thus, it seems important to illustrate the relevance between Gender Studies and Peace Studies. Confortini (2006) enumerates this and noted that Peace and Gender Studies both search for alternative ways to solve the interconnected problems that exist. They share many concepts that address topics such as “diversity”, “interdependence”, “cultural and historical differences” and the “existence of multiple realities”. More significant Peace and Gender Studies have a “value-laden, normative agenda” for Peace Studies to create peace and for Gender Studies to create gender equality (Confortini, 2006: 334). At the same time “peace” and “gender equality” contribute much to each other’s manifestation in the world; it is impossible to talk about peace without referring to gender equality, and gender equality cannot be achieved if there is not peace at all levels (I mean negative and positive peace).

Furthermore in that chapter I endeavored to explore the notion that gender and sex are not synonymous; gender is a social construction that characterizes femininity and masculinity for each sex in certain societies. This argument drove me to recognize gender as a category to analyze; gender is a process that we can use to understand the power structure, violence, and the

way these are manifested in society. Therefore the origin of violence and gender-based violence is not sex; actually it is the gender order that makes one sex feminine and subordinate, and the other masculine and in a superior position. Thus, men's sexuality and hormonal system is not so much involved in the violence and aggression that they are responsible for during war or peace. This is a gender order that makes women appear as less competent, more objectified and men more the subject, more powerful.

This discourse provoked me to discuss women's and men's relationship to war and peace. The common assumption is that women always support peace and men make war. However, a historical overview reveals another perspective; women participate in war and violent action like men from ancient times until the present. Meanwhile women play an active role in pacifist movements from the ancient era till the modern one. Thus, we can conclude that women as human beings have potential to commit violence, as well as to transform war and violence in a peaceful way.

I also explored the other discourse in the first chapter, in which it is concluded that women are pacifists and men are violent. Two perspectives discuss this issue; one is the approach relating to women's pacifism as a biological factor, for instance because women are the mother figure or they have less physical power they tend toward peace. However another approach believes that women being pacifist is a social construction rather than a purely biological or innate matter.

In the last part of this chapter I discussed the theories that mainly debate the issue of women and sexual violence in wartime. I focused on the four theories that are categorized by Gerecke (2010). She noted the issues of 1) Opportunity and social breakdown 2) gender inequality and identities 3) gender and ethnicity, and 4) military organization and structure. I

warily perused this debate and assayed to form my position as guided by actual field research. Thus, while I have critical statements regarding these approaches, my effort was to see if some of them or some aspects of them could be adaptive in the case of war and postwar sexual violence specific to Afghanistan.

From my perspective two theories are challengeable; opportunity and social breakdown theory argue that men naturally perpetuate sexual violence during wartime because they have a predisposition to sexual violence. It states that when war breaks out in a society, it gives opportunity for men to rape and perform other acts of sexual violence. The other theory; military organization and structure, debates that wartime rape and sexual violence are dependant on the structure of military institutions and organization. For instance some military organizations have poor rules in the selection of soldiers, so it could be a spawning ground for sexual violence, or another reason may be that less women participating in a military organization also makes an environment in which military men rape women in wartime.

I conclude that the first theory justifies rapists by saying this is an internal matter and not in the control of men. The second theory in my perspective is not consistent with reality; actually there is plenty of evidence that exposes rape occurring in wartime even while military structure is strict and when there is a significant membership of women in the military organization.

The other two theories regarding gender inequality and identities, and gender and ethnicity emphasize gender relationship between men and women, illustrating how women thus are more vulnerable during wartime. When woman is tied to the honor of family and community and “manhood” it puts her at high risk of sexual violence in wartime. Opposing combatants attempt rape upon women to destroy their rival’s enemy. It is thus a weapon of war to dishonor the enemy. Furthermore gender inequality and identities during peacetime affect rape in wartime.

In the second chapter I explained the contemporary history of Afghanistan, the origin of conflict, actors of conflict and women's identity in Afghan society. Afghanistan is a diverse society including several ethnic groups such as Tajik, Pashtun, Hazara, Uzbek, Turkoman, Baluch and Aimak. In all there are over forty dialects spoken. A variety of factors such as geo-strategic location, resource abundance, and opium production and trade have caused Afghanistan to be at the center of conflicts between superpowers since the early part of the nineteenth century.

In the beginning of the twentieth century (1919-1929) king Amanullah and his wife queen Soraya launched a modernization movement in Afghanistan; they put emancipation of Afghan women at the top of their agenda. Several schools for girls were established, many regulations changed and new laws were adapted to protect women from violence, and opportunities were provided for women to participate in social and political activities. However after a decade Amanullah's dominion collapsed due to his radical policies against global colonialism and local Islamist conservatives. Modernization movements and the emancipation of women after three decades of recent turmoil and pallor appear luminous in the first years of 1960s.

I focused in this chapter upon the origin of contemporary conflict in Afghanistan, beginning in 1978 with a bloody coup led by the People's Democratic Party of Afghanistan or PDPA, which had strong support from the Soviet Union. This eventuated the USSR military invasion of Afghanistan in 1979. Simultaneous with that, because of Cold War policy the USA launched a proxy war against its most powerful rival. The USA and some other Western and Islamic counties funded Islamic fundamentalist groups (*Mujahideen*) in Afghanistan to fight against the Soviet Union. This action tremendously complicated the conflict in the country so

that when in 1992 the *Mujahideen* took power the war and violations intensified. The ensuing four years of civil war gave opportunity for a variety of fundamentalist groups in Afghanistan to arise, especially the Taliban. The Taliban, originating from religious schools (*madrasas*) in Pakistan were sent to Afghanistan. They defeated the *Mujahideen* groups and dominated the country for five years. In 2001 NATO followed the USA assaults into Afghanistan and started their war against terrorism. Even though the Taliban regime collapsed, within two months the threat of Taliban and Al-Qaeda recommenced their violent efforts in Afghanistan. Eventually the failure of the invaders to create a viable government and economic recovery led to further insurgency from a variety of groups with different allegiances.

Women and girls during these different eras of conflict suffered abuse from all parties involved. To understand gender-based violence in Afghanistan I explored issues regarding woman's identity in Afghan society. I discovered that besides other factors such as social, economic, class, political, legal and cultural, ethnicity and religion have more impact in shaping women's and men's identity in Afghan society. *Sharia* law always has been applied in the official law (constitution, civic code, penal code and family code) and non-official law (tradition and customs). Especially since the domination of Islamic fundamentalists in Afghanistan, women's rights have been tremendously limited by whatever rights are accepted in *Sharia*.

At the same time honor code in Afghan tradition (*pashtunwali*) has had great impact upon the lives of women; according to this code woman is the honor of man and man must protect that honor. This leads to men predominantly trying to limit women's actions to the private space of home; *purdah* or veiling is one of the ways in which women's environment is kept separate from men's. All of this in the name of protecting "honor". In this chapter I also mention the efforts in Afghanistan for the emancipation of women and the struggle against violence upon women.

In the third and final chapter I analyzed the data and information I got through field research along with reports by other organizations. This chapter perused the types of sexual violence that have occurred during war and postwar in Afghanistan. To understand better the dimensions and pathology of sexual violence, I categorized it into “non-legitimate” and “legitimate” forms of sexual violence. I defined “non-legitimate” forms of sexual violence as those sexual assaults or abuses that are not legitimized by any elements in the tradition, customs and religion. In Afghanistan’s case I found rape, gang rape and forced prostitution as “non-legitimate” types of sexual violence that have been broadly practiced during the war and postwar eras. Also I defined “legitimate” forms of sexual violence that are legitimized according to some traditions, customs and religious elements and beliefs. I noted three types of “legitimate” sexual violence in Afghanistan that intensified during wartime, which are forced marriage, child marriage and *baad*.

I should contend that as I investigated, this is the first time in Afghanistan that “legitimate” forms of violence are equated to *sexual* violence. Forced marriage, child marriage and *baad* in other documents are denoted only as violence against women, however for me it is important to identify them as forms of sexual violence because according to the definition of sexual violence these are unwanted sexual relationships.

In this chapter I investigated rape, gang rape, forced prostitution, forced marriage, child marriage and *baad* during war and postwar eras. During the civil war in Kabul “non-legitimate” forms of sexual violence (rape, gang rape and forced prostitution) were widespread and were used as weapons of war. Women and girls were raped and gang raped because they belonged to rival ethnic groups; it means that militants raped women in order to dishonor their enemy. In addition, rape and gang rape were used as a tool against civilians in order to push them from

their homes and land. Thus these homes became safe and comfortable havens for soldiers. Furthermore *Mujahideen* militants raped and gang raped women in Kabul because they considered people in Kabul as part of the “Communist enemy”, and raping enemy women is a rule of war from ancient times. In the case of forced prostitution the situation was the same; military brothels were established in Kabul, using women from rival ethnic group.

In postwar time rape and gang rape have been used to dishonor people, basically powerful men who want to seek revenge upon rival men. They attempt rape and gang rape against women and girls from rival families. In the postwar time forced prostitution has been used by in-law families to punish women. Also poverty, widowhood and weak economic conditions force women to be prostitutes, primarily because a widow is unwanted for marriage, is uneducated and has no skills due to the social and religious conditions that objectify and isolate them from the beginning.

According to my field research and the other reports I reviewed, I contend that “non-legitimate” forms of sexual violence have been systematic, not random or accidental, and occur by order and purpose.

“Legitimate” forms of sexual violence (forced marriage, child marriage and *baad*) were practiced before the conflicts arose in the county, however conflict has been a major trigger for creating an environment in which these types of violence intensified. In the time of civil war militants were the ones who forced women and their families to get married with them. In the meanwhile some war consequences such as poverty, fear of dishonor, and displacement pushed families to marry their daughters and sisters without their own consent and at young ages. In many cases the victims were children. I could not find any case of *baad* occurring in Kabul city

during the civil war, due to the limitation of my research in that it is difficult to generalize it, thus there is need for more research.

Forced marriage, child marriage and *baad* have harmed thousands of Afghan women and girls. Some surveys show that 59 percent of marriages in Afghanistan are forced marriage; around 50 percent of girls get married when they are still children (under sixteen years of age) and 30 percent of marriages pertain to *baad*. In the postwar years family and community (elder *jirga*) are basically responsible for these types of violence. Additionally, in “legitimate” forms of sexual violence the honor of family and community are considered and thus women become victims because of their attachment to this honor.

In this chapter I also discussed Afghan institutions in the face of sexual violence. I analyzed three elements of violence in Afghan society that put Afghan women at the risk of sexual violence in conjunction with the three types of violence in Galtung theory of violence. Gunmen and warlords are directly or indirectly responsible for sexual violence, so they are mostly connected to direct violence. There is a lot of confusion and discrimination regarding violence including sexual violence in Afghan law, so Afghan law works as structural violence against women. Several aspects of Afghan tradition as well as Islamic religious law have legitimized direct and structural violence. Therefore, these aspects are categorized as cultural violence against women.

Furthermore in this chapter I focused on highlighting the efforts individually and collectively that have been made to prevent and stop sexual violence against Afghan women and girls. These efforts and actions have been the initiatives of women and men.

Some people simply try to rescue the life of women and girls who are sexually assaulted or in threat of being abused. However women’s rights and human rights activists and

organizations also want to change the laws, the cultural and political structure, and through that prevent and stop sexual violence. Some women's rights activists and groups believe that the widespread sexual violence against Afghan women is a result of domination of gunmen and fundamentalists in Afghan society and especially in the administration of the Karzai government, thus they choose a radical action against the government. Nevertheless, numbers of women's NGOs want to stop and prevent sexual violence against Afghan women through providing humanitarian aid and advocacy.

I believe that all these actions at any level and for any propose are efforts to transform the pain and suffering of Afghan women and girls who are victims of sexual violence, thus these are actions for peace.

In the last part of this chapter I analyzed specific cases of sexual violence during war and postwar eras in Afghanistan and compared them with the theories I talked about in the first section. I focused on the issue of honor in Afghan society; according to *pashtunwali* woman is closely tied to the honor of men, and male members of families and communities thus have to protect women. This issue puts women at high risk of sexual violence. In this sense we can see the approachability of the gender and ethnicity or systematic rape theory in Afghanistan's case. In addition the gender inequality and identities theory from some other perspectives find applicability with Afghanistan.

I can summarize the major findings of this study thusly:

- Sexual violence against women and girls has been a problematic issue during war and postwar eras in Afghanistan.

- Sexual violence against women in Afghanistan intensified when conflict started with the Soviet Union invasion, became widespread during civil war, and remains a feature of Afghan postwar society.
- “Non-legitimate” forms of sexual violence (rape, gang rape and forced prostitution) against women in Afghanistan during civil war and now in postwar years were used systemically and for the purpose to destroy, damage, dishonor and take revenge against enemy parties.
- Some types of sexual violence, including forced marriage, child marriage and *baad* are legitimized within the context of marriage.
- Numbers of social and cultural elements such as gunmen, law, tradition and religion contribute to putting Afghan women at the risk of sexual violence.
- Afghan people including men and women individually and collectively have taken action to prevent and stop sexual violence in Afghan society.

Upon reflection of these discoveries the following may be surmised: the condition of women and girls in Afghanistan, in particular their fate at the hands of various forms of sexual violence, is a barometer for efforts made regarding the establishment of peace because their victimization is so closely connected to a wide variety of elements in Afghan society both “legitimate” and “non-legitimate”, public and private, in times of volatility as well as years of post conflict.

FUTURE RESEARCH

I propose three topics for future research:

- As I mention in one part of the introduction, during war many boys are sexually targeted. *Bach Bazi* (pederasty) is broadly practiced in Afghanistan; teenage boys are victims of this act, and it is assumed that powerful men are behind it. Thus, for directing the attention of human rights and child rights organizations to take action against this act, I see the need of a comprehensive research.
- As I mentioned forced prostitution is a strong element of sexual violence that harms Afghan women and girls. However, because this salient problem is effectively covered up and often invisible, it requires highlighting and research.

I see the need for significant and thorough investigation of sexual violence perpetrated by the Taliban. I think this is important since the Afghan government and its international supporters are striving for peace negotiations with the Taliban.

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APPENDIX

Questions for Interview with Women in Sher-e-Kona and Afshar

General information:

1. Name / Surname
2. Age
3. Marital Status
4. Education

Questions:

1. What happened to you?
2. When did it happen? If you remember, what date and time?
3. Where did it happen? In your house or outside your house?
4. Who / whom was / were involved in this incident?
5. Do you know the one or ones who participated in this act? He or they are your family member, relatives or outsider?
6. Did you meet the perpetrator or perpetrators after this accident?
7. Do you know where he is or they are now?
8. What was your feeling after this accident occurred to you?
9. What was your family, relatives and friends behavior after they knew about your story?
10. Is there or was there someone or some group that wanted to help you in any manner?
11. Did you proceed to ask for justice, I mean did you search at any time for juridical institute? If yes what happened, did you achieve justice? If no why did you not do it?
12. Who and which things inhibit you to not ask for justice?

13. Do you feel any fear? What kinds of dangers are you in?
14. What do you think should be done so that the same crime can not happen with other women and girls?
15. What is your hope for your future?

Questions for Interview with Women in the Safe Houses

General information:

1. Name / Surname
2. Age
3. Marital Status
4. Education

General Questions:

1. Why are you here in the safe house?
2. When did you arrive at the safe house?
3. How did you arrive at the safe house?
4. Is there someone from your family, relatives or friends that visit you?
5. Do you feel safe in the safe house?
6. Do you have a defense lawyer? If yes, who provided you with a lawyer: your family, government, or an organization?
7. Are you satisfied with the legal process of your case? If no, why? What kind of obstacles do you see in this process?

Specific Questions:

8. What happened to you?
9. When did it happen? If you remember, what was the date and time?
10. Where did it happen? In your house or outside your house?
11. Who was/were involved in this incident?
12. Do you know the person/persons who perpetrated this act? Did it involve a family member, relatives or outsiders?
13. Did you meet the perpetrator or perpetrators after this incident?
14. Do you know where he is or they are now?
15. What was your feeling after this incident occurred?
16. How did your family, relatives and friends behave after they learned about your story?
17. Do you think it is dangerous for you to go out from the safe house?
18. What kind of dangers do you think threaten you?
19. What do you think should be done to prevent the same crime from happening to other women and girls?
20. What do you hope for your future?

Questions for Interview with Women’s Rights Activists

General information:

1. Name / Surname
2. Name of Organization
3. Date of Establishment
4. Type of Projects for Sexual and Gender Based Violence
.....

General Questions:

1. What is your definition of sexual violence?
2. Please tell me from your experiences, which types of sexual violence are common in Afghanistan?
3. How do you explain the war and postwar time sexual violence against women?
4. Do you think that women and girls in Afghanistan are at more of a risk of sexual violence than men? If yes, why?
5. Do you see any connection between the power of gunmen and sexual violence against women?
6. What do you think about Afghan law? Is it able to defend victims of sexual violence? If yes, how? If no, why?
7. What do you think about Law on the Elimination of Violence against Women (EVAW), do you see any variance between this law and Islamic law?

Specific Questions:

1. What kind of programs do you have for victims of sexual violence?
2. Do you think your programs work and can help Afghan women?
3. What do you think about how we can provide good help to sexual violence victims?
4. What do you think, which kind of actions should we take to eliminate sexual violence in the country?
5. What is your message or suggestion for other Afghan people to do, for preventing Afghan women and girls from the threat of sexual violence?