

Afghanistan should make room for its female leaders

Denying women positions of influence is fundamentally undemocratic

April 24, 2006

By Isobel Coleman and Swanee Hunt

NEW YORK AND CAMBRIDGE, MASS. - Last month, Afghan President Hamid Karzai announced his nominations for his cabinet and the Supreme Court. This was the first time that his nominations would be scrutinized by Parliament; last Thursday, the Parliament approved 20 of the 25 candidates for his cabinet.

The approval hearings are a welcome start to a more democratic Afghanistan. Unfortunately, President Karzai did not nominate a single woman to the Supreme Court, dropped all three ministers who were women from the last cabinet, and nominated only one woman to the new cabinet, as minister of women's affairs. On Thursday, she was rejected.

According to a recent article in The New York Times, "an aide to Mr. Karzai, who would speak only without being identified because he was not authorized to comment on the cabinet debate, argued that women had won their place in politics, with representation guaranteed in Parliament and provincial councils, and no longer needed special appointments to the cabinet." These actions and attitudes suggest a disturbing trend.

Sidelining qualified female candidates from the highest positions in government and the courts is discriminatory and fundamentally undemocratic. But the rights argument is persuasive only to those who cherish fairness. For those who prioritize efficacy, there is another argument: By excluding 50 percent of the population from decisionmaking positions, Afghanistan is undermining its ability to capitalize on the full potential of its society.

Women's inclusion in Afghanistan's government, which the international community has been using as an indicator of democratic progress, is actually regressing. The interim Supreme Court has consistently sided with conservatives, dashing the hopes of reformers and threatening the rights of women. It has issued bans on women singing on television, tried to bar a presidential candidate for questioning whether polygamy is in keeping with the spirit of Islam, and upheld the marriage of a 9-year-old girl, even though Afghan law sets marriageable age at 16.

Afghan women are repeatedly denied equal access to legal representation and due process. Nearly 80 percent of the women in prison have been convicted of *zina*, engaging in sexual activity outside marriage. But the majority of those convicted were simply trying to escape domestic abuse and seek refuge outside their oppressive households.

Can Afghanistan become a true democracy when notorious warlords and drug kingpins operate with impunity, hold positions of power within the government, and maintain a tight grip on key institutions such as the Supreme Court?

The role and protection of the judiciary is a specific indicator of whether women are gaining their rightful position in society. While Afghanistan's constitution theoretically represents a major victory for women, they continue to face severe gender-based discrimination in the application of laws.

Strengthening the legitimacy of the Supreme Court is a critical step in the broader process of judicial reform that is needed in Afghanistan, where there are few trained lawyers and 85 percent of justice is administered outside the official court system. The country will never be able to develop a sustainable, modern economy, nor consolidate democracy, without establishing the rule of law across the country and protecting the political and economic rights of all Afghans.

Mr. Karzai has taken a significant step toward beginning a judicial overhaul in his appointments to the Supreme Court - an institution responsible for managing the judicial system throughout the whole country. Karzai nominated a replacement for every member of the interim court, retaining only the chief justice - an Islamic scholar who has said that Afghanistan will be governed by Islamic laws or tumble into violent civil conflict. Therefore, it will be essential that the new members of the Court have a moderating influence on the chief justice in order to achieve real judicial reform and increase public confidence in the courts.

The world will remain focused on the decisions delivered by Afghanistan's Supreme Court once President Karzai's nominations are approved. Decisions contrary to the democratic ideals supported by the millions of Afghans who voted in September 2005 (including the 43 percent of registered voters who were women), will impact international support.

Establishing a representative democracy takes time. While establishing quotas to ensure women's inclusion is one necessary step, it isn't sufficient. The inclusion of women in government and persistent legislative and judicial reform will be imperative to ensuring that Afghanistan becomes a true representative democracy.

Isobel Coleman is director of the Women and US Foreign Policy Program at the Council on Foreign Relations. Swanee Hunt, former US ambassador to Austria, is the director of the Women and Public Policy Program at Harvard University's Kennedy School of Government.