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- Issues:**
1. The situation of Pashtuns in areas of Afghanistan where they form a minority: do they face any forms of discrimination, and if so, is this discrimination by the State and its agents, and/or by private individuals?
 2. Information relating to intra-tribal conflicts, i.e. conflicts between Pashtun families belonging to rival families within the Pashtun tribes. What are such conflicts about, and how (if at all) are they resolved?
 3. Pashtuns in areas where the Taliban (and/or other AGEs) is in (partial) control: do Pashtuns perceive there to be a problem in terms of forced recruitment by the Taliban and/or other AGEs? If so, what methods are used by the Taliban/AGEs to forcibly recruit men (and boys?)
 4. Pashtuns in areas where the Taliban is in (partial) control: what is the perception of ordinary Pashtuns in terms of the parallel justice mechanisms used by the Taliban?
 5. Pashtuns in areas where the Taliban (and/or other AGEs) is in (partial) control: do ordinary Pashtuns perceive there to be any limitations on their freedom of expression in relation to certain issues (political, religious, others) due to the Taliban presence? Any other limitations on the exercise of other rights?
 6. Information relating to coerced forms of marriage ("sale" marriage; *baad dadan, baadal*)
 7. Attitudes of Pashtun parents in relation to girls' education
 8. Pashtun attitudes to the presence / participation of women in the public sphere
 9. Pashtun attitudes to the role of women within a family: scope for women to make their own decisions about whom to marry, whether to work and in what capacity / profession, etc.
 10. Attitudes towards domestic violence against women and girls

1. The situation of Pashtuns in areas of Afghanistan where they form a minority: do they face any forms of discrimination, and if so, is this discrimination by the State and its agents, and/or by private individuals? What forms of discrimination (land ownership, access to services, civil and political rights, etc.)? Is the State (police, judiciary) willing and able to intervene in situations of discrimination against Pashtuns?

In an interview conducted with CORI in January 2015, *Omar Sharifi*,¹ a PhD student at Boston University and former Director of the American Institute of Afghanistan Studies, stated that the level of discrimination experienced by Pashtuns varies from area to area. *Omar Sharifi* stated that some Pashtuns in Faryab province faced severe discrimination during the early days of the Taliban, while Pashtuns in Kunduz province remained “fairly untouched”. *Omar Sharifi* stated that there is no evidence of any *systematic* discrimination against them and that cases of abuse were localised,

“It is really difficult to generalize how Pashtuns are being discriminated. In general, it varies from area to area. While some Pashtuns in Faryab province faced severe discrimination during the early days of the fall of Taliban (confiscation of their properties, harassment, even kidnapping), the Pashtuns of Kunduz province remained fairly untouched and treated well due to their affiliation with local Northern Alliance commanders. There is no evidence of any systematic discrimination against them. Most of the cases of abuse were done by local commanders and warlords. Given the fact that most of the governors and officials are Pashtun, especially in Konduz, I do not think there is any systematic denial for access to justice for Pashtuns.”²

In an interview conducted with CORI in January 2015, *Omar Sharifi* stated that in the majority of cases where Pashtuns suffer discrimination, Pashtuns have a preference for the matter to be dealt with locally rather than by the State,

“As far as I know, most of the cases where Pashtuns were abused are addressed through local or party councils and shuras not by the State. Because of this no one wants to make it a big deal. Even when it was addressed in the parliament, it was silenced by the same Pashtuns because they preferred to deal with it through regional networks rather than Kabul. Nobody is sure what will happen if Kabul starts to interfere with the situation.”³

2. Information relating to intra-tribal conflicts, i.e. conflicts between Pashtun families belonging to rival families within the Pashtun tribes. What are such conflicts about, and how (if at all) are they resolved?

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa*

¹ Omar Sharifi is the former Senior Research Fellow and Kabul Director of the American Institute of Afghanistan Studies. He is also a member of the advisory board of the Civil Society Development Center (CSDC) and member of the Board of Directors of the Afghan Alumni Association. In addition, he worked as National Consultant for UNICEF Afghanistan. He is Asia Society Fellow and member of Afghan 21 Young Leaders Forum. He is graduated from Kabul Medical Institute in 2003. Following his medical studies, he worked as Head of research and publications for the Foundation for Culture and Civil Society in Kabul, and as Director of the Open Media Fund for Afghanistan. From 2006 to 2008, he studied Cultural Anthropology at Columbia University in New York under a Fulbright Fellowship. He also received a fellowship at the School of Advanced International Studies (SAIS) at Johns Hopkins University. Currently he is a PhD Student at Boston University in the department of Anthropology. His current research project is on poetry and identity in Afghanistan.

² CORI Interview with Omar Sharifi conducted via written correspondence in response to written questions. 20 January 2014

³ CORI Interview with Omar Sharifi conducted via written correspondence in response to written questions. 20 January 2014

Kerr Chiovenda reported that the vast majority of cases in which different families enter into conflict are related to some kind of property – usually land. Other reasons include the fulfilment (or lack thereof) of engagement and pre-marriage agreements,

“In an environment in which thirty-five years of war have routinized and almost institutionalized the performance of violence, inter-family conflict is common as a means to reach a specific goal, or obtain illicit advantages over one’s peers. The vast majority of the cases in which different families (or lineages) enter into conflict are related to some kind of property – usually land. Disputes over who owns what are common, as are now also cases of outright and brazen appropriation of a property not belonging to the usurper. Many families have lost documentation of ownership of land, causing these types of conflict to be particularly difficult to resolve. Additionally, the fact that many refugee families left land and property quickly, for extended periods, enabling land and housing to be occupied by families who remained, further complicates this issue. Other common reasons for discord, and possibly strife, are related to the fulfilment (or lack thereof) of engagement and pre-marriage agreements. In case one of the families should decide to change their plan for their son’s or daughter’s wedding, the shame brought upon the other family by this decision is often considered a “just cause” for the start of retaliatory actions, which may easily spiral into a long-term feud. The same can be said about families involved in cases of elopement of one (or more) of their young family members with lovers of their choice (when an engagement already agreed upon with a third family)”.⁴

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa Kerr Chiovenda* reported the most common way of solving a conflict is to summon a council of elders (Jirga), which in most cases will be granted full authority in judging the case,

“The spectrum of choices that a family has available in order to solve a situation is wide, and depends on a variety of factors. The most common way of solving a conflict that has already deteriorated into violence is to summon a council of elders (Jirga), who will decide on the issue at hand. The parties will nominate an equal number of council members, and there might even be some from outside the strict circles of the families involved. The two parties in most cases grant the Jirga full authority in judging the case, and commit to respecting its decisions. However, a Jirga has no coercive powers, and in recent years powerful individuals have gone so far as to disrespect and ignore a Jirga decision when involved in a dispute with a less powerful or influential family.”⁵

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa Kerr Chiovenda* reported that the State is also called upon to assist in certain cases. For example, if there is clear documentation for the ownership of a plot of land, this will be submitted to the district governor. However, according to *Andrea Chiovenda and Melissa Kerr Chiovenda*, the administrative, bureaucratic and coercive state apparatuses are understaffed and equipped, limiting district authorities’ ability to intervene,

“The State is also called upon for help, in certain cases. For example, when

⁴ CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

⁵ CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

there is clear documentation for the ownership of a plot of land, such documentation is often submitted to the district governor, in case of illegitimate appropriation of such plot of land by another party. The district governor, or the judiciary, are expected to intercede and have the usurper cease from the illicit behaviour. In reality, the administrative, bureaucratic and coercive State apparatuses are so weak and understaffed and equipped, that mostly the district governor, or a district judge, are not able to obtain much. More important, though, is the fact that all the administrative and security positions, both at the local and central level, are led and manned by individuals who in the past had some position of authority in the mujaheddin anti-Soviet war, and in the subsequent civil war. They represent “public servants” only in a very loose sense of the term, while they mostly exploit their position of authority within the Afghan State to their own advantage, maintaining a sizable private number of armed followers.

When judicial procedures are started against a defendant, the likelihood of the latter being actually charged in any court of law is inversely proportional to the power and influence wielded by this figure.”⁶

3. Pashtuns in areas where the Taliban (and/or other AGEs) is in (partial) control: do Pashtuns perceive there to be a problem in terms of forced recruitment by the Taliban and/or other AGEs? If so, what methods are used by the Taliban/AGEs to forcibly recruit men (and boys?)

In an interview conducted with CORI in November 2014, *Andrea Chiovenda* reported that inhabitants in local villages are forced to provide material support such as food, shelter, and clothing,

“As far as my experience goes (I was conducting fieldwork in an area of Nangarhar province which was under intermittent control of insurgent elements), there is by and large no such phenomenon as forced recruitment by AGEs. What is forced upon the inhabitants of rural villages is often the providing of material support, such as food, shelter, and clothing. Villagers have no possibility of refusing material support to AGEs that might conduct operations in the village area, under pain of strong violent punishment.”⁷

4. Pashtuns in areas where the Taliban is in (partial) control: what is the perception of ordinary Pashtuns in terms of the parallel justice mechanisms used by the Taliban?

In an interview conducted with CORI in November 2014, *Andrea Chiovenda* reported that some rural Pashtuns see Taliban justice as a faster and fairer process than State courts, however *Chiovenda* also encountered Pashtuns who opposed Taliban justice systems,

“Regardless of their ideological position about the Taliban or other insurgent groups, usually Pashtun rural inhabitants show themselves to be extremely pragmatic. In areas where the Taliban or other AGEs may have gained firm control, even if only temporarily, I found that people are not disinclined to using

⁶ CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

⁷ CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

the so-called “shari’a courts” that the Taliban set up. The rationale is that where the State is absent or incapable of delivering any concrete services, and where the Jirga system becomes too manipulated by individuals with overwhelming political and military influence, people see in the summary and harsh Taliban justice a welcome alternative, which ensures more speedy procedure than State courts, less bribing possibilities than both the State court and Jirga settings, and more fairness due to the heavily ideological nature of the Taliban “justice”. This is of course not true for every individual; I did happen upon those individuals who were opposed to Taliban justice systems for ideological reasons, just as I happened upon individuals who were opposed to State interference for ideological reasons.”⁸

5. Pashtuns in areas where the Taliban (and/or other AGEs) is in (partial) control: do ordinary Pashtuns perceive there to be any limitations on their freedom of expression in relation to certain issues (political, religious, others) due to the Taliban presence? Any other limitations on the exercise of other rights?

In an interview conducted with CORI in November 2014, *Andrea Chioventa and Melissa Kerr Chioventa* reported,

“The people’s reactions to the Taliban being in (even partial) control of the area where they live may be very diverse. I have encountered open-minded, “progressive” villagers who confessed to despising the individuals who participated in the insurgents’ movement (of any sort), and to feeling extremely aggravated by the curtailing of certain personal “rights”, and I have encountered others who were openly satisfied and even proud of the coming of the Taliban to their village, with all that entails. It is not possible to give a clear-cut answer to this question, even considering that those who dissent with the Taliban’s ideology and policies, have often as their only choices either staying silent, or moving away from their village.”

6. Information relating to coerced forms of marriage (“sale” marriage; *baad dadan, baadal*)

In an interview conducted with CORI in November 2014, *Andrea Chioventa and Melissa Kerr Chioventa* reported that virtually all marriages in Pashtun areas are coerced, from a Western point of view,

“From a Western point of view, virtually all marriages in Pashtun areas (except very few cases), whether for women or men, are coerced. Both boys and girls have to accept an arranged marriage, with spouses they, in most cases, have never seen.”⁹

In an interview conducted with CORI in November 2014, *Andrea Chioventa and Melissa Kerr Chioventa* reported that there are certain practices which penalize only women, for example, being “sold” or “exchanged” into marriage,

⁸ CORI Interview with Andrea Chioventa and Melissa Kerr Chioventa, conducted via written correspondence in response to written questions. 01 November 2014

⁹ CORI Interview with Andrea Chioventa and Melissa Kerr Chioventa, conducted via written correspondence in response to written questions. 01 November 2014

“There are, however, certain practices which penalize only women. For example, in a specific area of Nangarhar province, inhabited mostly by Pashtuns of the Shinwari tribe, there is enough evidence to claim that women may be actually “sold” into marriage. This is the case mostly with married women, who for various reasons are “given away” by their legitimate husbands in exchange for money. Usually the “buyer” is an older man, who lost his wife and wants another one, or whose wife is not able any longer to bear children. The “buyer” in question likely is not in the financial or political position to convince a family to give him in marriage one of their unmarried young daughters. In this case, there is no bride-price, no dowry, no pre-marriage relations or ritual negotiations between families involved, as is usually the case before a regular marriage – only a price to pay to have the (unilaterally sanctioned) right to keep the woman in one’s own house, and dispose of her as the new “owner” pleases. Technically, in most cases there is no “real” marriage and marriage contract protecting the rights of the woman as is required under Islamic law.

Another case that applies seemingly only to women, but in reality affects also men (though to a different degree), is the “exchange” of girls in marriage, as a measure to put an end to an inter-family feud. One or more unmarried girls may be betrothed to one or more unmarried males of the opposing family, and vice versa. While it is the girls who forcibly “change life”, and move in to live with their husbands’ families (as is customary in a patrilocal society as the Pashtuns’), the boys to whom the girls are assigned are also offered no choice, as the marriage is forced upon them as it is upon the girls. Informants reported that this is very damaging psychologically for both the girls and boys who experience it.”¹⁰

7. Attitudes of Pashtun parents in relation to girls’ education

In an interview conducted with CORI in November 2014, *Andrea Chiovena and Melissa Kerr Chiovena* reported that attitudes vary ranging from not allowing any schooling, to allowing entrance onto degree programmes,

“The attitudes of Pashtun parents in relation to girls’ education range from allowing no schooling at all, to allowing the achievement of a BA in college. In Jalalabad, for example (the capital of Nangarhar province, a city of about 250-300,000 people), a few girls attend university, in several departments, although they represent a small minority vis-à-vis male students. On the other hand, in a small rural village, far from the city, it is common for girls not to go to school at all. The cleavage between urban and rural milieus is extremely pronounced. By and large, upon my experience, I would say that the majority of Pashtun girls, whether in the city or in the countryside, either do not receive any sort of education, or are allowed to attend elementary school until the 5th or 6th grade (that is, until they reach the marriageable age, when the exposure to non-*muharram* male figures – their teachers – is not considered appropriate any longer). Those girls who finish high school, or go to university, are a small minority.”¹¹

¹⁰ CORI Interview with Andrea Chiovena and Melissa Kerr Chiovena, conducted via written correspondence in response to written questions. 01 November 2014

¹¹ CORI Interview with Andrea Chiovena and Melissa Kerr Chiovena, conducted via written correspondence in response to written questions. 01 November 2014

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa Kerr Chiovenda* reported that there are many reasons for this diverse set of approaches to schooling. *Andrea Chiovenda and Melissa Kerr Chiovenda* reported that the idea that women belong to the private sphere is widespread and many consider it morally inappropriate that women engage in any sort of relationship with non-family members after the beginning of puberty,

“The reasons for this diverse set of approaches to schooling on the part of the parents are many. The idea that women belong to the private sphere of the house, and that it is a waste of time and resources to school a girl, is rather widespread, although not ubiquitous. To this, it must be also added that, due to the rigid segregation of the sexes, many consider morally inappropriate that women entertain any sort of relationship with non-close family members after the beginning of puberty. Security reasons are also often adduced to explain why girls stop attending, or do not attend school altogether. The precarious condition in which Afghanistan verses at the moment, allegedly renders parents more anxious about sending a girl to school on her own. Finally, schooling is by some considered a means to instil un-Islamic, Western-oriented ideas into the minds of young students, and for this reason seen as highly subversive of the traditional Pashtun mind-set (this is also the reason why Taliban and other insurgent groups often attack schools). Some girls do receive informal schooling in houses of neighbouring women who for various reasons (usually due to time spent in a refugee camp) are literate, although this is usual limited to basic literacy and can be seen as problematic to the community for the aforementioned reasons.”¹²

8. Pashtun attitudes to the presence / participation of women in the public sphere

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa Kerr Chiovenda* reported that attitudes differ considerably between some urban and rural areas,

“In this case as well the cleavage between an urban area such as Jalalabad or Kabul, and rural areas is considerable (and, for that matter, Jalalabad lies certainly on the “rural” side, as opposed to the “urban” side, of the continuum city-countryside). The “traditional” way of interpreting women’s role in society (i.e., mostly confined to the privacy of the family’s house) is still prevalent, both in Jalalabad and in an average rural village. New trends and ways of looking at world’s issues, however, are changing quickly the mind-set of people across different areas of the Pashtun lands. In Jalalabad it is not an extreme exception any longer to see women employed by NGOs, and public offices. In the rural areas, more girls than in the past do attend schools, though often only up to a certain grade. In recent elections for the provincial council, a handful of women could be seen among the names of the mostly male candidates. These are all encouraging clues to a better future for women’s participation in the public sphere, yet it is advisable to remain aware of the profound roots that moral values and constraints related to the “purity” and “inviolability” of the woman, to be protected even through segregation, still have in the Pashtun cultural context

¹² CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

at large.”¹³

9. Pashtun attitudes to the role of women within a family: scope for women to make their own decisions about whom to marry, whether to work and in what capacity / profession, etc.

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa Kerr Chiovenda* reported neither boys are girls are allowed to choose their future spouses,

“As I mentioned in the previous sections, neither boys nor girls (but especially girls) are allowed any say in the choice of their future spouse (except very few cases). It is up to every single family to decide how to deal with the marriage of their children, although certainly there is no written law that states openly that marriages have to be arranged. Nevertheless, customs in this purview hold a strongly constraining power, and the social pressure that results from the breach of certain accepted norms, especially in the realm of “family law”, is extremely high.”¹⁴

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa Kerr Chiovenda* reported that women who work for pragmatic reasons, such as having no able bodied male family member, may still have her earnings controlled by a male head of the household,

“As for women working: in this realm things seem to be moving forward slightly faster than in the realm of “family law”. In addition to those families who maintain an honest belief in the necessity for women to engage more outside the household, the economic and social devastation of more than three decades of war has created a situation whereby many families (especially in an urban context) may be left with no male able-bodied family member to work, and act as the breadwinner for the whole family – as it is supposed to be according to cultural norms. In these cases, pragmatism has the upper-hand, and women are encouraged to participate in the production of income for the family. In most cases, it seems that they are not likely in the position to retain control of the money they earn, which goes usually to the head of the household for its management (it might be the father or grandfather of the deceased husband, any older brothers, or, lacking any of these, even the woman’s mother).”¹⁵

In an interview conducted with CORI in November 2014, *Andrea Chiovenda and Melissa Kerr Chiovenda* reported that NGOs in Pashtun areas are engaged in a number of projects which provide temporary employment, including to women. *Andrea Chiovenda and Melissa Kerr Chiovenda* reported that this type of employment is becoming more culturally and morally acceptable, as well as work in schools and governmental offices,

“At the moment of this writing (Oct. 2014), NGOs in Pashtun areas are still keeping up a good number of projects (although they are already decreasing the range of their activities), which provide (temporary) employment to a high

¹³ CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

¹⁴ CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

¹⁵ CORI Interview with Andrea Chiovenda and Melissa Kerr Chiovenda, conducted via written correspondence in response to written questions. 01 November 2014

number of Afghans, mostly men, but also women. This kind of employment is becoming more and more accepted for women, from a cultural and moral point of view. Other areas that are considered legitimate for women to work in, are schools (as teachers) and governmental offices (both central and local), especially in those roles that would put them in contact with women citizens interacting with state apparatuses (for example, any court of law as defense lawyers).”¹⁶

10. Attitudes towards domestic violence against women and girls

In an interview conducted with CORI in November 2014, *Andrea Chioventa and Melissa Kerr Chioventa* reported that attitudes toward domestic violence vary from case to case. Cultural practice dictates that once a woman is married she is under the authority of her husband’s family. Any abuse and mistreatment is seen as a private, family matter. According to *Andrea Chioventa and Melissa Kerr Chioventa*, while it is true that domestic violence against women is by no means the rule, it is also true that when it happens, it tends to be tolerated, or only privately condemned,

“They vary tremendously from case to case. One concept that everybody apparently accepts is that once a woman is married, her family of origin loses all prerogatives and responsibilities towards her, and she is shifted under the complete authority of her husband’s family. The degree to which this principle is implemented in real life depends on the attitudes and character of the woman’s husband’s family. There could be genuine interest on the part of the husband’s family in the happy and harmonious life of the new couple, or, conversely, there could be a purely instrumental approach to the son’s marriage whereby the new bride is exploited and kept at the last rung of a harsh hierarchy, which has at its peak the mother (or grandmother, if still alive) of the husband. In the latter case, it is not uncommon to hear about the abusive treatment that the new bride receives at the hands of the other women in the house, and sometimes of the men as well. Contacts with the new bride’s original family may have been completely cut off, and she might in theory never see them again. It is not for her to decide. Any abuse and mistreatment to which the bride would be subjected often remains within the walls of the household. At any rate, there exists the understanding that whatever happens in somebody else’s house, privacy is the main concern, and people will tend not to get involved in another family’s internal dynamics. In general, it is fair to say that, while it is true that domestic violence against women is by no means the rule, it is also true that when it happens, it tends to be tolerated, or only privately condemned. The assumption that the woman was “misbehaving”, and refusing to cooperate with the other members of her new household, takes usually precedence over other considerations. Beating is generally considered a legitimate means to discipline a recalcitrant woman (yet again, by no means does every family resort to such methods).”¹⁷

¹⁶ CORI Interview with Andrea Chioventa and Melissa Kerr Chioventa, conducted via written correspondence in response to written questions. 01 November 2014

¹⁷ CORI Interview with Andrea Chioventa and Melissa Kerr Chioventa, conducted via written correspondence in response to written questions. 01 November 2014