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The Independent

Karzai's secret U-turn on Afghan rape law

President sneaks through legislation without approval of Parliament

By Jerome Starkey in Kabul

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A law that lets Afghan husbands starve their wives if they refuse to obey their sexual demands has been quietly slipped into effect, despite promises from Afghanistan's President, Hamid Karzai, that it would be reviewed and rigorously debated in the country's parliament.

Women's activists have accused the President of abandoning human rights in a bid to appease hardline clerics who support the law, in exchange for votes in the presidential elections next week.

Mr Karzai ordered a wide-ranging review of the legislation after The Independent revealed that it negated the need for consent within marriage, effectively condoning rape. The law included a requirement that a wife have sex with her husband at least every four days, as well as a range of other measures that imposed drastic restrictions on the freedoms of Shia women.

The story caused international scorn, with President Barack Obama branding it "abhorrent," and Gordon Brown said Britain would "not tolerate" it. Other Nato countries threatened to withdraw their troops unless the legislation was drastically rewritten.

Human Rights Watch last night demanded that Afghanistan's international paymasters intervene to protect the country's oppressed women. "Karzai has made an unthinkable deal to sell Afghan women out in return for the support of fundamentalists in the August 20

election," said Brad Adams, the group's Asia director. "So much for any credentials he claimed as a moderate on women's issues."

Civil society groups, say the law, which regulates the personal affairs of Afghanistan's minority Shia community, still includes clauses which allow rapists to marry their victims as a way of absolving their crime. It also tacitly approves child marriage.

Hundreds of Afghan women took to the streets to protest against the legislation. They were met by mobs of angry men outside parliament who pelted them with spit and stones.

Mr Karzai is widely believed to support women's rights, but analysts fear his personal principles have been overruled by political ambitions. A new poll issued yesterday showed Mr Karzai with 44 per cent, and his nearest challenger, the former foreign minister, Abdullah Abdullah, on 26 per cent. That lead, if replicated at the ballot box next week, would not be enough for Mr Karzai to avoid a presidential run-off.

To try to shore up support, the incumbent has made a series of backroom deals with tribal leaders, pledging them jobs and concessions in exchange for the votes they control.

Most of Afghanistan's Shias are ethnic Hazaras. They are Afghanistan's third largest ethnic group, with about six million people, and like most Afghans, they vote according to orders from community leaders. With a roughly 50-50 split between Afghanistan's southern Pashtuns and the rest of the country, the Hazaras are seen as the kingmakers. Mr Karzai is understood to have promised their leaders five cabinet positions in his new administration in return for their backing,

The legislation that is causing offence was sent back to parliament last month, when the review finished, even though it still included clauses which let men deny their wives food if they refuse to have sex. It has still not been debated, but it has since been "gazetted", effectively making it law.