

MEMORANDUM

To: Eddie Gonzalez, Ph.D., Democracy and Governance Officer
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From: Michael Sinclair, Chief of Party
Rule of Law Stabilization Program – Informal Component (RLS-I)

Date: 18 April 2013

Re: RLS-I interventions to reduce use of *baad*

Situational analysis of the use of *baad* in Afghanistan

Baad is the customary practice of giving a girl from a debtor's or offender's family to the family of the creditor or victim to pay a debt or to resolve a dispute. Community elders involved in traditional dispute resolution (TDR)¹ sometimes resort to this practice to resolve disputes. The dominance of local custom and a lack of awareness that the practice of *baad* violates Afghan law and is un-Islamic contribute to its use, as does the inability of poor debtors or disputants to provide compensation with money, land, grain, livestock, or other commodities.

The girl who is given in *baad* is reportedly often treated by her new family as little more than a servant or, in the case where the girl is given to atone for a previous harm, is made to suffer as an indirect form of punishment for that previous harm. Participants in RLS-I events have reported that girls as young as two years old have been pledged in *baad*. Later, when these young girls go to live with the family to which they have pledged, they are sometimes brutalized, raped, and tortured by their in-laws or the man to whom they have been given. Some participants report that the boys to whom these girls are given are sometimes equally young and become victims of the forced marriage themselves.

Haji Dawood Abdul Karim, an elder from Tarnak Wa Jaldak district (Zabul province) who attended an RLS-I coordination meeting, explained that "A big achievement we had during [the RLS-I program] was that the customary practice of baad is now completely removed from our district and, in almost one and half years, we have not had a case of baad in the district, and I think it is a big change in our

As destructive as the practice of *baad* is to the girls who are its direct victims, mistreatment of the girl given in *baad* can also create new, more volatile disputes between the families involved, and can escalate into violence as the girl's family seeks to protect her.

Baad is prohibited under the Afghan Constitution (2004)²; the Afghan Criminal Code (1976)³; the Afghan Law on Elimination of Violence against Women (2011)⁴; and the Afghan Civil Law (1977)⁵.

¹ Traditional dispute resolution is also sometimes referred to as informal justice, as distinct from the formal justice system of Government courts, prosecutors, etc.

² See, e.g., Constitution of the Islamic Republic of Afghanistan (2004)(hereinafter, Afghan Constitution), Arts. 24(2) ("Liberty and dignity of human beings are inviolable"), 26(1) ("Crime is a personal action": i.e., no one can be punished for the crime of another); 32 ("The mode and means of recovering a debt shall be regulated by law"); 49 ("Forced labor is

Baad is un-Islamic because it violates a woman's dignity under Islam⁶ as well as the prohibitions under *Shari'ah* of marriage without the voluntary, uncoerced consent of the woman⁷ or girl⁸ and of one person bearing the burden of punishment for a crime or other wrong committed by another⁹. *Baad* is also contrary to the Islamic duty of parents to act in the best interests of their children⁹; giving a child in marriage in order to settle a parent's debt or dispute therefore violates this *Shari'ah* precept. *Baad* also violates the Islamic requirement that, at the time of marriage, the groom provide to his bride a reasonable

forbidden"); 54 ("The state adopts necessary measures to ensure physical and psychological well being of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam"); and 56(1) ("Observing the provisions of the Constitution, obeying the laws, adhering to public law and order are the duties of all people of Afghanistan").

³ See, e.g., Arts. 358(1) ("A person who himself or through someone else endangers the life of a person who has not completed the age of fifteen or due to health, mental or psychological state is incapable of protecting himself, shall be sentenced to medium imprisonment of not more than three years or cash fine of no more than thirty six thousand Afghani"); 517(1) ("A person who gives in marriage a widow or a girl who is eighteen years or older, contrary to her will or consent, shall be sentenced in view of the circumstances to short imprisonment"; and 517(2) ("If commitment of the crime specified in [Art. 517(1)] is for the purpose of *baad* ... the offender shall be sentenced to medium imprisonment not exceeding two years"). The Criminal Code defines "medium imprisonment" as a term of one to five years (Art. 102(1)) and defines "short imprisonment" as a term of one day to one year (Art. 102(1)). Stanford University Law School Afghanistan Legal Education project, *An Introduction to the Criminal Law of Afghanistan – Statutory Supplement* (undated), <http://alep.stanford.edu/wp-content/uploads/2011/02/ALEP-CRIMINAL-STATUTORY-SUPPLEMENT-1ST-EDITION.pdf> (accessed 9 April 2013)

⁴ See, e.g., Arts. 5 ("The commission of the following acts shall be deemed as violence against women: ... *baad* ..."); 25(1) ("If a person marries a woman in retribution for a murder as blood money or for making peace, considering the circumstances the offender shall be sentenced to a long term imprisonment, not exceeding ten years"); 26 ("If a person, engage a woman who has reached her legal age or marries her without her consent, in accordance to the law the engagement shall be cancelled and nullified, and considering the circumstances the offender shall be sentenced to medium term imprisonment not less than 2 years"); and 28 ("If a woman who has not reached her legal age of marriage, and is married without considering Article 71 of Civil code, the offender considering the circumstances shall be sentenced to mid term imprisonment not less than 2 years and the marriage contract shall be cancelled based on the request of the woman in accordance to the law").

⁵ Civil Law (1977), Art. 71(2) ("The marriage of a minor girl whose age is less than 15 shall never be permissible").

⁶ See, e.g. Holy *Qur'an*, *Al Nisa* 4:1 and *Al Baqarah* 2:232 ("... do not prevent [women] from marrying their husbands when they agree among themselves in a lawful manner"). All citations to the Holy *Qur'an* in this Memorandum are from M.H. Shakir, *The Quran – Arabic Text and Parallel English Translation* (2011). In pre-Islamic societies, women were treated as property and their consent to marriage was not required. United Nations Assistance Mission in Afghanistan (UNAMA), *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*, p. 13 (9 December 2010) (http://unama.unmissions.org/Portals/UNAMA/Publication/HTP_REPORT_ENG.pdf [accessed 16 April 2013]). This pre-Islamic tradition may be the source of the treatment of women under customary tribal codes such as *Pashtunwali*. Abdelfattah Amor, UN Special Rapporteur on Freedom of Religion or Belief, *Study on Freedom of Religion or Belief and the Status of Women in Light of Religion and Traditions*, p. 7 (http://www.wunrn.com/un_study/english.pdf [accessed 16 April 2013]), adopted by UN Economic and Social Council, Commission on Human Rights, E/CN.4/2002/73/Add.2 (24 April 2009) ("In countries declaring scrupulous adherence to Koranic precepts, for example, one forgets that such precepts were laid down as measures aimed at women's emancipation and liberation, by comparison with the practices of pre-Islamic Bedouin society, where women had no legal status and were an item of assignable and transferable property").

⁷ See, e.g., Holy *Qur'an*, *Al-Nisa*, 4:19 ("It is not lawful for you that you should take women as heritage against [their] will"). The *Hadith* support this conclusion; see, e.g., Sahih Muslim, *Kitab al-Nikah*, 9:3303 ("Abu Huraira (Allah be pleased with him) reported Allah's Messenger [i.e., the Prophet Mohammed] (may peace be upon him) as having said: A woman without a husband (or divorced or a widow) must not be married until she is consulted, and virgin must not be married until her permission is sought"). The *Hadith* are records of the actions, sayings, and tacit approvals or disapprovals of Islamic practices and beliefs of the Prophet Mohammad (PBUH), as documented by his companions and accompanied and verified by an authenticating record of the origin and lineage of each part of the collection, determining its authority as a source of Islamic law supplementing the Holy *Qur'an*.

⁸ See, e.g., Sahih Muslim, *Kitab al-Nikah*, 9:3303, *supra*, and 9:3308 ("... a virgin's father must ask her consent [to a marriage] from her"). Under both the *Hanafi* school of *Shari'ah* that prevails in Afghanistan (see Afghan Constitution, Art. 130(2)) and *Shi'a* interpretations of *Shari'ah*, a young girl (or boy) who did not personally and voluntarily consent to a marriage has the right to annul the marriage contract. See, e.g., Simon Abram, *Islamic Hadith* (2011), 7:69, 9:78, and 9:99.

⁹ See, e.g., Holy *Qur'an*, *Al-An'am*, 6:164 ("... no soul earns (evil) but against itself, and no bearer of burden shall bear the burden of another ...").

amount of money or property that belongs solely to her (known as *mahar*), as an independent source of support in the event of divorce or the death of the husband.¹⁰

Baad is a form of forced marriage (i.e., marriage entered into without the consent of either or both parties). Other forms of forced marriage customarily practiced in Afghanistan include exchange marriages (known as *badal*), in which children from two or more families, tribes, or sub-tribes are exchanged in settlement of dispute or mutual debts or to cement family or tribal relationships; child marriages outside the context of settlement of a dispute or a debt; and coercion of a widow by members of her family or her in-laws to marry a relative of her deceased husband. All of these forms of forced marriage, like *baad*, are illegal under Afghan law and are un-Islamic, for the same reasons described above.¹¹

Among Pashtuns, the single largest ethnic group in Afghanistan, the use of *baad* is based on *Pashtunwali*, the traditional Pashtun code of conduct or customary law.¹² The Pashto word *badal* encompasses the notion of both “revenge” and “exchange,”¹³ forms one of the main tenets of *Pashtunwali*.¹⁴ *Baad*, derived from the same Pashto root as *badal*, is one manifestation of *badal* and embodies it by providing the mechanism of “trading women to resolve disputes.”¹⁵

Gul Jana, a woman from Panjwayi district (Kandahar province) who attended an RLS-I discussion session on alternatives to baad, objected to a decision by a jirga to give her three-month old daughter in baad to settle a dispute between her brother-in-law and his business partner that had resulted in the brother-in-law killing his partner. She explained to her male relatives that the law allows only the criminal to be punished for a crime and that they should instead give money or property to the victim's family. Her family members accepted her proposal and told the tribal elders they would not agree to give their daughter in baad. The tribal elders changed their decision and persuaded the victim's family to

“The importance of honor, combined with the risk of extensive and serious consequences if a man or group's honor is questioned, leads to a strong focus on restoring status, and, in this context, revenge (*badal*) is a central institution in *Pashtunwali*. A person seeks revenge and justice for something that has been done against him and his family:

[Revenge] is the means of enforcement by which an individual seeks personal justice for wrongs done against him or his kin group.

¹⁰ See, e.g., Holy Qur'an, Al-Nisa 4:4 (“... and give women their dowries as a free gift ...”) and 4:24 (“... give [women] their dowries as appointed”). This is supported by the *Hadith*; see, e.g., al-Albaani, *Sahih al-Jaami*, 3300.

¹¹ See fn. 2-10, above, and accompanying text.

¹² Country of Origin Information Centre (Landinfo), *Afghanistan: Blood feuds, traditional law (pashtunwali) and traditional conflict resolution* (1 November 2011) (<http://www.landinfo.no/asset/1940/1/>) (accessed on 10 April 2013).

¹³ Rzehak, Lutz. *Doing Pashto: Pashtunwali as the ideal of honourable behaviour and tribal life among the Pashtuns* (2011), p.14. (<http://aan-afghanistan.com/uploads/20110321LR-Pashtunwali-FINAL.pdf>) (accessed on 18 April 2013)

¹⁴ Country of Origin Information Centre (Landinfo), *Afghanistan: Blood feuds, traditional law (pashtunwali) and traditional conflict resolution*, (1 November 2011) p.8. (<http://www.landinfo.no/asset/1940/1/>) (accessed on 10 April 2013),

¹⁵ Thomas Jefferson Barfield, Neamatollah Nojumi, and J. Alexander Their, *The Clash of Two Goods: State and Non-State Dispute Resolution in Afghanistan* (2006), p.8. (http://www.usip.org/files/file/clash_two_goods.pdf) (accessed on 18 April 2013)

It is this right and expectation of retaliation that lies at the heart of the Pashtunwali as a nonstate legal system [citation omitted].”¹⁶

Under *Pashtunwali*, the use of *baad* to resolve disputes can serve to reconcile the disputants and their families:

“*Baad* does not exclusively entail young, unmarried women being married into the victim's family; it can also entail both families marrying girls into each others' families. Two families in conflict thereby become related to each other. For this reason, girls are often preferred . . . instead of financial assets.”¹⁷

Some other ethnic groups in Afghanistan – for example, members of the Shinwar tribe who dominate several districts in the east – follow similar provisions of other customary laws and practices.

RLS-I defines the incidence of *baad* as the percentage of respondents who report – within a given timeframe – usually the previous six months – knowing of a case of *baad* in their community. According to RLS-I survey data approximately 5% of elders interviewed report an incidence of *baad*, compared with 18%-20% of heads of households, and 62% of women who are members of RLS-I *spinsary*¹⁸ groups. The discrepancy between the reports of *baad* by elders and the reports by other respondents is likely due to the tendency of elders, most of whom participate in TDR, to downplay their role in perpetuating the practice.

Malik Esa and Malik Matiullah, RLS-I trained elders in Bati Kot district (Nangarhar province), settled what had become a violent dispute by resisting a disputant's insistence on the use of baad and instead prevailing on the disputants to accept an exchange of money and property. As one of the elders explained, “In the past we gave girls as compensation for a debt, as if they were animals. After participating in the RLS-I program, which really insists on eradicating this practice, we rejected this custom.

RLS-I research indicates that the use of *baad* is particularly common among Pashtuns, the largest ethnic group in Afghanistan, but other ethnic groups also use the practice. The prevalence of *baad* varies among the geographic regions of Afghanistan and between relatively more urban and less urban areas. According to RLS-I research, *baad* is reported to occur least often in the north, in part because there are fewer Pashtun communities in that region and because *baad* is reportedly only applied in rare cases when the disputants cannot agree to any other solution. In the south, *baad* appears to be more prevalent than in the north but somewhat less prevalent than in the east. With its mostly Pashtun population, the south has a strong *Pashtunwali* tradition, of which *baad* is a part. However, there appears to be less use of *baad* in the south than in the east because compensation in the form of valuable commodities such as opium is more readily available and alternatives to *baad*, such

¹⁶ I Country of Origin Information Centre (Landinfo), *Afghanistan: Blood feuds, traditional law (pashtunwali) and traditional conflict resolution* (1 November 2011) p. 8. (<http://www.landinfo.no/asset/1940/1/>) (accessed on 10 April 2013)

¹⁷ Id., p. 14.

¹⁸ Literally, “white-headed” in Pashto; respected female elder(s) involved in dispute resolution. *Spinsary* typically help resolve disputes within their families, among children of families in their communities, and among neighbors before they escalate into violence, involve more members of the community, and become much more difficult to deal with.

as the exchange of land, money, or other valuable commodities, are more acceptable to disputants. In the south, however, evidence suggests that cultural norms make respondents reluctant to discuss matters pertaining to female members of a household with outsiders, including the incidence of *baad*. Therefore, the incidence of *baad* in the south as reported to RLS-I may be understated.

Respondents in the east report the highest incidence of *baad* compared to the north and south. RLS-I research suggests that, unlike in the north and the south, the practice of *baad* in the east is not just considered an act of last resort to reconcile parties but is often requested by disputants, as they believe that only the practice of *baad*, rather than the exchange of money or land, will adequately compensate an aggrieved party and reconcile the disputants and their families.

RLS-I research indicates that the incidence of *baad* is less common in relatively urban and peri-urban areas and more common in rural areas.

RLS-I activities aimed at reducing the use of *baad*

RLS-I activities help to reduce the incidence of *baad* by educating program participants that the practice is illegal and un-Islamic; by facilitating discussions among program participants about legitimate alternatives to the practice; and by reducing the social and cultural acceptability of *baad* among the broader public.

To achieve these objectives, RLS-I has developed numerous *learning workshops* designed to increase knowledge of male and female elders regarding a range of Afghan laws, including family law, as well provisions of *Shari'ah* that address the rights of girls and women and make clear that, notwithstanding customary law and practices, the use of *baad* is illegal and un-Islamic. RLS-I also facilitates *discussion sessions* among elders and state officials regarding legitimate alternatives to *baad*. RLS-I's public *outreach* campaigns inform the broader public that *baad* is illegal and un-Islamic and that there are alternatives that are socially and culturally acceptable and that do not harm girls and others harmed by *baad*.

Learning workshops

RLS-I learning workshops are one- or two-day events conducted by university professors and other legal professionals to deliver critical messages on specific aspects of Afghan statutory law and *Shari'ah*. The workshops enhance the capacity of village elders to resolve conflicts fairly through traditional dispute resolution by increasing their awareness of women's legal rights. RLS-I family law workshops have reached approximately 6,000 (53% women) participants in 36 districts in the south, east, and north of Afghanistan.

The RLS-I workshop on family law addresses common disputes arising out of marriage and covers the specific topics of marriage engagement rights, dowry and bride price, marriage expenses, the respective rights and responsibilities of husband and wife, guardianship, alimony, divorce,

"I've learned much from the [RLS-I] seminars and workshops. They are so informative and effective that I have now been involved in 22 decisions and none have used the practice of baad." Mawlawi Abdul Rahman, a well-known elder and religious scholar from Surkh Rod district (Nangarhar province)

and illicit relationships. Since *Pashtunwali* and other customary tribal codes prevalent throughout Afghanistan are less concerned with women's rights than Afghan statutory law and *Shari'ah*, the family law workshops heavily emphasize women's legal rights, and explain how marriages arranged through *baad* are invalid and risk imprisonment for those applying this customary practice.

Discussion sessions

RLS-I discussion sessions provide a forum for formal-informal justice sector working groups (approximately 30-35 female or male elders and officials involved in justice and dispute resolution) to meet on an ongoing basis to discuss pressing issues facing the formal and informal justice sectors as identified during RLS-I network meetings and learning workshops.

The topic of one such discussion session is alternatives to *baad*. Participants discuss the negative consequences of the use of *baad* and develop alternatives – such as the exchange of property or money – that can serve the same function and help reconcile disputants. These discussion sessions have reached over 1,200 participants (46% women) in 36 districts in the south, east, and north of Afghanistan. Members of the formal-informal justice sector working groups share the outcomes of their discussions with the larger group of RLS-I program participants in their districts, thereby influencing up to 25,000 (45% women) tribal elders, government officials, influential women, and other RLS-I participants in the 36 past and present RLS-I program districts.

Outreach

RLS-I conducts public outreach campaigns to raise public awareness of, and demand for, the rights of women and other marginalized groups in justice outcomes, and to increase support for women's access to formal and informal justice institutions. These campaigns consist of distributing printed outreach materials through existing community cultural centers and other local non-governmental and civil society organizations and broadcasting radio and television programs discussing women's rights.

Mullah Mawlawi, a local religious leader in Nurgal district (Kunar province), reported that he used RLS-I illustrated booklet "... to preach to people about alternatives to baad."

To date, RLS-I has distributed approximately 195,000 illustrated booklets on alternatives to *baad* to households in nine districts in the south, east, and north regions of Afghanistan, reaching approximately 974,000 Afghans. In addition, RLS-I has also broadcast radio and television programs on alternatives to *baad* in Kandahar province (on Afghan Independent Radio and *Hewad* TV) and in Nangarhar province (on *Sharq* Radio and TV), reaching an audience of approximately 2,000,000 listeners in those and adjoining provinces.

During Phase 3, RLS-I will distribute an additional 60,000 illustrated booklets on alternatives to *baad*, as well as 6,000 wall calendars for the year 1392 (corresponding to 2013-2014) that include messages about alternatives to *baad*, in five or six additional districts in the south, east and north, reaching an additional 300,000 people. RLS-I will broadcast additional radio and, possibly, television programs on this subject during Phase 3 that will reach an audience

of up to 2,000,000 Afghans in the south and east, including those in rural areas where the use of *baad* is more prevalent.

RLS-I's illustrated booklets are aimed primarily at women and young people and take into account the nationwide adult illiteracy rate of about 74% reported in 2009.¹⁹ These booklets are durable enough to be passed from the initial recipient to many others in his or her community. The illustrated booklet entitled "Alternatives to *Baad*" describes some options to settle disputes in lieu of using *baad*. The storyline begins with a dispute among children that ultimately results in a family member of one child killing a family member of another child. To prevent further escalation, the families discuss giving a daughter to the victim's family. However, a respected member of the *jirga*²⁰ called to resolve the non-criminal, reconciliatory aspects of the dispute²¹ explains to the disputants and other *jirga* members that *baad* is forbidden under Afghan law and is un-Islamic. The *jirga* instead proposes to the disputants that the perpetrator's family compensate the family of the victim with money or land. The disputants accept this solution and resolve the non-criminal aspects of their dispute without resorting to *baad*.

Impact of RLS-I activities on the use of *baad*

RLS-I research and field reports indicate that elders and the general population in districts where RLS-I has worked accept the idea that *baad* should not be practiced when they learn that *baad* is illegal under Afghan law and is un-Islamic. Furthermore, RLS-I qualitative data, especially from citizen surveys, reveals a general attitude that *baad* is a harmful practice, regardless of whether respondents are aware that it is illegal and un-Islamic. This attitude is stronger among urban and peri-urban respondents compared to rural respondents.

RLS-I data from activity and other field reports provide persistent anecdotal evidence of intervention by elders trained by RLS-I to prevent the use of *baad* in settling disputes or renegotiating past settlements in which a girl was pledged in *baad*, but had not yet entered into the marriage.

As a direct result of RLS-I activities over 7,500 elders and respected women in 21 districts have explicitly pledged, orally or in writing, not to allow the use of *baad* to settle disputes.

RLS-I household surveys four to six months after distribution of outreach materials in three districts (one each in the east, north, and south) showed a statistically significant 13% increase in the number of respondent who believe it would be better to seek alternatives to

¹⁹ Ministry of Rural Rehabilitation and Development and Central Statistics Organization), *National Risk and Vulnerability Assessment 2007/8: A Profile of Afghanistan*, p. xx (2009) (http://ec.europa.eu/europeaid/where/asia/documents/afgh_nrva_2007-08_full_report_en.pdf) (accessed on 17 April 2013) ("The large majority – 74 percent – of the population aged 15 years and over is illiterate. Male illiteracy is at a level of 61 percent and female illiteracy at 88 percent. For the urban, rural and *Kuchi* [pastoral nomad] populations, the corresponding illiteracy figures are 52, 79 and 94 percent, respectively.")

²⁰ An *ad hoc* assembly of tribal elders convened to make specific decisions or resolve a specific dispute.

²¹ RLS-I criminal law workshops, state-TDR coordination and discussion sessions, and other outreach materials make clear that the criminal aspects of any dispute must be resolved by the courts, not by TDR. RLS-I state-TDR coordination meetings include discussion and agreement on mechanisms to ensure that happens.



baad in resolving disputes, and a 15% increase in the number of respondents who believe that *baad* is un-Islamic.

Annexes

ANNEX A: Examples of RLS-I success stories showing impact of RLS-I activities on reduction in use of *baad*

ANNEX B: Excerpt from RLS-I illustrated booklet on alternatives to *baad*

ANNEX A: Examples of RLS-I success stories showing impact of RLS-I activities on reduction in use of *baad*

Male elders protect young girls' rights

USAID funding enables village elders to learn to protect girls from being given in marriage to resolve disputes



Chechti Consulting, Inc. RLS-I

Male elders participating in a USAID funded legal awareness workshop on criminal law. December 2012

USAID funded program convinces elders to reject traditional dispute resolution practices that harm women and girls.

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Village elders trained by the USAID Rule of Law Stabilization Program – Informal Component (RLS-I) protected young girls' rights and resolved a violent dispute, avoiding escalation to further bloodshed through a culturally appropriate traditional dispute resolution (TDR) mechanism. The elders reflected on how RLS-I training had been crucial in their decision: "In the past we gave girls as compensation for a debt as we would give animals. After participating in the RLS-I program, which really insists on eradicating this practice [known as *baad*], we rejected this custom."

In August 2012, Siraj's and Ghulam Muhammad's children fought while playing, and Siraj's son was slightly injured. The situation soon escalated into violent conflict between the adult men of both families, and Ghulam Muhammad's son was unintentionally killed by a bullet fired into the air by Siraj's brother. Though the criminal aspect of the dispute was handled by the Bati Kot District Court (Nangarhar province), the District Governor's office requested that two highly respected RLS-I trained elders, Malik Esa and Malik Matiullah, intervene to restore harmony between the families. During the deliberations, Ghulam Muhammad repeatedly insisted on receiving from Siraj's family two girls of marriageable age in compensation for the loss of his son. The RLS-I trained elders resisted, and explained to Ghulam Muhammad that that "[this practice] brings more violence inside the home and the girls will never have a bright future ..." and violates the law.

In February 2013, Malik Esa and Malik Matiullah decided that Siraj and his family should offer their apologies to Ghulam Muhammad's family, along with a bull and about \$3,850 as compensation for the loss of Ghulam Muhammad's son. Both parties accepted this decision. The Bati Kot District Court also supported the elders' recommendation.

Most tribal codes in Afghanistan emphasize the defense of one's honor. Men are therefore expected to avenge perceived insults to their honor. Consequently, relatively small disputes in connection with such perceived insults can easily evolve into intractable or even criminal conflicts, quickly aggravated by limited state presence and weak traditional dispute resolution mechanisms. While many village elders endeavor to be just and fair, their reliance on customary codes and their limited legal awareness result in many of their decisions violating the law. RLS-I provides legal awareness workshops designed to enhance the capacity of male and female village elders and community leaders to resolve conflicts through traditional dispute resolution fairly and according to law, and to avoid illegal and un-Islamic customary practices, such as *baad*, that are extremely harmful to girls.

RLS-I illustrated booklet inspires community members to use alternatives to *baad*

National media outlet broadcasts report on a USAID program to promote alternatives to *baad* in traditional dispute resolution (TDR)



Mullah Mawlawi, a local religious leader from Nurgal district (Kunar province), collects USAID illustrated booklets to distribute at the local mosque, June 2012.

After a USAID outreach campaign distributed illustrated booklets on alternatives to *baad*, influential members of the community mobilized to promote positive and sustainable change by eliminating its use in TDR

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According to Haji Mubarez, a local elder engaged in traditional dispute resolution (TDR) the innovative public outreach program conducted by the USAID Rule of Law Stabilization Program (RLS-I) successfully promoted behavioral change in Nurgal district (Kunar province). After elders in the district saw the illustrated booklet on alternatives to the illegal and un-Islamic customary practice (known as *baad*) of giving a young girl to a victim's family to resolve a dispute, he said, "... girls are not given in *baad* anymore and land or money are used instead." Thanks to USAID, elders and other members of the community in Nurgal district and other districts throughout Afghanistan are increasingly using alternatives to *baad* to resolve disputes peacefully.

In Nurgal district, the RLS-I outreach campaign has inspired influential members of the community to promote positive change. The RLS-I booklet impressed a local religious leader, Mullah Mawlawi, who described using it as a resource "... to preach to people about alternatives to *baad* ..." during prayer services. Similarly, a local teacher said she "... advised all the students to read the alternative to *baad* booklet to their family members." Sharq TV, a national media outlet in Nangarhar province, televised a report on 11 June 2012 about the RLS-I outreach campaign in Nurgal district that was broadcast across the east region of Afghanistan. Abdul Safi, spokesperson for Sharq TV, said "After I read the alternatives to *baad* booklet, I decided it was important to discuss the issue on TV so that people who have not received the comic book understand the harmful effects of *baad* too." That broadcast reached an audience of 2,000,000 Afghans throughout the eastern part of the country.

The RLS-I outreach campaign has distributed 195,000 illustrated booklets on alternatives to *baad* to households in nine districts in the south, east, and north regions of Afghanistan, reaching approximately 974,000 Afghans. Using short and simple text to support drawings that depict familiar events, the booklets are designed to increase legal awareness among youth aged 7-15 and other members of the community with low levels of literacy.

ANNEX B: Excerpt from RLS-I illustrated booklet on alternatives to *baad*

