

## **MALE AND FEMALE ELDERS DEALING WITH DOMESTIC VIOLENCE/NEGLECT:**

### **45\_211\_Network Meeting\_District Network Meeting Handover\_Women\_Kandahar City\_SD-9\_14-Apr-13**

*“Humaira’s husband always asked her to cook him food when he came home at night. But, Humaira would tell him they she had nothing at home to cook. Her husband beat here every day. One day, Humaira took me to her house and showed me everything, and said her husband does not bring anything home, but he asks her to cook food for him. What should she do? When I saw the situation, I waited for her husband to come home. I told him: “You should bring supplies and groceries, then Humaira will cook food for you and your children, and if she does not cook, then she is guilty. But now you are guilty, because you do not bring anything home and you expect your wife to cook you food. [...] Women are also human beings, they need love and nice treatment. [...] a wife has rights according to Islamic law. The wife must respect her husband and the husband must treat his wife with honor and respect.” Humaira’s husband was happy with what I told him and he thanked me. He went to bazaar and he brought home supplies for a week, then Humaira thanked me.”*

### **13\_13\_Network Meeting\_District Network Meeting - Capstone\_Women\_Achin\_14-Apr-13**

*Saeeda said: One of my husband’s brothers I really careless regarding his family his wife is suffering from a minor psychotic problem due to which she usually lose her destination and go somewhere where she doesn’t need to go. We and many other villagers told him that the disease is curable please treat your wife, but he was not paying any attention. Finally the Spinsary group told her to complain to Jirga that she is sick and her husband doesn’t treat her. Jirga invited him and took his finger print on a paper in which it was written that he will take his wife to a Psychotic doctor he will pay chase fine to Jirga.*

### **Handover district network meeting, Arghandab district (Kandahar province), 12 November 2012**

Babo Golam Farooq, a spinsary from Nawi Mazria village:

*We are able to solve most of the disputes in our villages successfully. I recently solved a dispute between a wife and her husband. A woman wanted to divorce her husband because her husband and mother in-law used violence against her and treated her like an animal. One day her mother came to my home and shared her life story with me and she told me that her daughter decided to commit suicide. I immediately went to her daughter’s home and asked her what the problem was and she told me: “I have two possibilities in my life: death or divorce.” Then I, together with the wife’s, mother, referred this case to the chief of the Shura, Haji Mohammad, and through his coordination we took the girl to the district governor. After a month she received her divorce in the local court. So I could make decision on this matter in accordance with what I learned in RLS-I workshops [and I knew it was right].*

### **Workshop on family law, Acheen district (Nangarhar province), 2-3 December 2012**

Haji Khan Banday, a tribal elder from Cheena village:

*Now I learned that, when a conflict arises between a wife and husband, we can resolve this rather than beating the women or chasing them away from their homes.*

### **Discussion session on women’s access to justice and their role as justice actors, Puli Alam district (Logar province), 15 January 2013**

Another participant adds:

*We learned a lot from the RLS-I workshops. This program helped us solve many women’s cases (family, property, inheritance, etc.) in our villages. For example, a widow’s case in Ghazni province was referred to us (Logar province elders). The woman’s relatives wanted to marry her by force, while she did not want it. When the case was referred to us, we (the elders) resolve the case through a jirga in favor of the woman. We told her relatives that it is against Islam and Afghan law to marry her without her consent. We gave authority to the women to marry (with her consent) whenever she wishes. Being honest, this was the outcome and effect of the RLS-I workshops.*

## **ARGUMENTS FOR WOMEN RESOLVING WOMEN'S DISPUTES:**

### ***Discussion session on women's access to justice and their role as justice actors, Puli Alam district (Logar province), 15 January 2013***

Male elders from the Ahmadzai tribe comments on women's role in informal justice:

*Women have a positive and worthy role in the informal justice sector, especially in family disputes. Elders cannot directly talk to women in such cases. First, women (spinsary groups) try to solve family cases. If it does not work, they refer the case to elders to be resolved. So we can say that role of women as resolvers, mediators, or referrers to elders is very valued and important in dispute resolution. ... Most of the Ahmadzai tribe's women play very positive roles. Sometimes women accompany their men, especially in offering nanawati (pardons and apologies) to parties to a dispute, and this kind of apology is seldom refused by the other party, even in murder cases. So it is a very valued and worthy role that women play in conflict resolution, one that men cannot perform.*

### ***District network meeting, Mohammad Agha district (Logar province), 3 December 2012***

Semin Dad Moh, a housewife from Saidan Khail village:

*A woman can feel another woman's pain and problems better than anyone else. Therefore, a woman can resolve another woman's disputes better if she can take part in jirgee. I think woman's participation in jirgee is very effective.*

### ***Discussion session on the sustainability of local spinsary groups, nahiya 9 of Kandahar municipality, 28 November 2012***

Shereen Gulla Abdul Razaq, a midwife from nahiya 9 of Kandahar municipality:

*When a woman faces a dispute, we try to find a solution or gain support from official government organs, but our husbands and other male family members do not allow us [women] to go to these official organs. They only allow us to speak to women and do not want us to travel and prefer to refer women-related disputes to the spinsary groups of our villages or district. The spinsary members will resolve such women-related disputes through coordination with each other, or, if they could not find a solution, they will resolve the dispute in coordination with tribal elders in jirgee and marakee. Our husbands and other male family members are satisfied with women-related disputes being resolved in this way; in the village or district by local tribal elders or spinsary groups.*

## **GENERAL ATTITUDES (AFTER WORKSHOPS):**

### ***Discussion session on alternatives to baad, Zhari district (Kandahar province), 7 January 2013***

Qazi Abdul Aziz, a tribal elder and previous jihadi commander:

*All Islamic scholars agree that this custom [giving women in baad] is totally in contradiction with Islam because a girl or woman would never consent to marry with an enemy of her family. Nor would a boy or man consent to marry with a girl who is the daughter of his enemy and related to the murderer of his father or brother. It will logically result in the man believing he must be cruel to this girl or woman who will be his wife. And this is my second point: we studied in the family law workshop that nikah [religious Islamic marriage ceremony in which a marriage contract is agreed upon] is forbidden or not legitimate when someone will be cruel to his wife [and the marriage will result in unhappiness].*

### ***State-TDR coordination meeting, Tarnak Wa Jaldak (Zabul province), 3 February 2013***

Haji Dawood Abdul Karim, a tribal elder from Fuladgai village:

*During the workshops we learned about the right of women in society. Before there was no care about women and their rights during dispute prevention, but we understood in the workshops that women also have rights in all part of life.*

*Now we know that women have the right to select their future husband, women have the right to be educated, they have a share in inheritance, and they are half of society; we should respect their rights and their presence.*

*Now, when a dispute concerns a woman we directly or indirectly ask her about the dispute, and inquire whether the elders selected to represent her and sit on the Jirga are acceptable to her or not?*

*Another big achievement that we had during this project was that the customary practice of baad is now completely removed from our district and in almost one-and-a-half year we have not had a case of baad across the district, and I think it is a big change in our society.*

*But we still need much work about women rights in the traditional justice system, we should make an environment where women can come directly to elders and share their disputes, we should encourage the education of women to make them aware of their rights. For these goals both elders and the government should cooperate with each other so they will succeed in achieving their goals.*

### **Workshop on family law, Tarnak wa Jaldak district (Zabul province), 12-13 December 2012**

*A local housewife:*

*Before this workshop we did not know anything. Due to these workshops we have learned a lot of good things. Our men have understood too. It has had a good impact on our lives.*

## **DOMESTIC VIOLENCE IS NOT EXCLUSIVELY PERPETRATED BY MEN TOWARDS WOMEN, FROM MANY QUOTES IT IS OBVIOUS THAT VIOLENCE IS A COMMON OCCURRENCE, PERPETRATED BY BOTH MEN AND WOMEN:**

**4\_4\_Discussion Session\_Promoting Spinsary Sustainability\_Women\_JBD\_All Phase II districts\_7-Apr-13**

**Sharifa Said:** I don't have any requests your programs are very good continue them the same way. Now I am fully capable to resolve the village disputes; however, in past I was so bad, I was enjoying fighting. Once I fought a woman who was pregnant I hit her in stomach due to which she lost her 5 months baby. After participating in your programs now I feel really guilty for the disputes which did in the past.

**17\_17\_Network Meeting\_District Network Meeting - Capstone\_Women\_Chawkay\_17-Apr-13**

**Bakht Bib:** In our village, Two girls who were given in BADAL were fighting each other on daily bases, one day their fighting was too serious whereas they pluck each others' hairs, when we saw the situation, we went to mediate and discussed the bad affects for fighting, taunts and nonsensical arguments, it can be turned into huge disputes between your families, can harm both sides event some people from your families could be killed. At this time one of the women raised and said who you are coming to our home, mediating between us, you push more on our fighting. Go and don't interfere in our family issue. We, didn't tell anything wrong to response them negatively, but with much patience told them that we have learned dispute resolution mechanism from RLS-I office and work for the consent of Almighty Allah (s.w.t), want to bring compromise between you. We better look to other problem that exists in our societies rather than wasting our time over small issues. We talked to them a lot, at the end they understand & accepted our advices. The woman who used bad words to us for mediating their disputes, regretted his sayings, the disputes was resolved, both girls brought tea even one said to bring sweet from her home.

**EMILY MENTIONS HOW DOMESTIC VIOLENCE IS A PRIVATE FAMILY ISSUE THAT VICTIMS WILL BE RELUCTANT TO TAKE TO COURT. TYING INTO THAT – THERE ARE MANY REMARKS FROM SPINSARY/ELDERS REGARDING THE IMPORTANCE OF CONFIDENTIALITY:**

15\_15\_Network Meeting\_District Network Meeting - Handover\_Women\_Dara-I-Nur\_16-Apr-13

**Group D: How to address the future challenges the Spinsary will face in dispute resolution?**

**A:** Spinsary must be secretive women and they should not disclose the disputants' secrets to others. Because our people assume it an insult if someone discloses their secrets by others. I think keeping secrets might be a challenge.

9\_9\_Network Meeting\_District Network Meeting - Handover\_Women\_Mihtarlam\_9-Apr-13

**Group A & B: How will the Spinsary group continue their activities without RLS-I support?**

**A:** We will keep the mystery of Jirga and will never expose the secrecy of Jirga.

**OTHER:**

There was a woman who told the Spinsary group that her husband doesn't sleep with her from the last few months. Since it was a problem over which Spinsary cannot directly talk with the man (her husband); therefore, we told the woman to inform Jirgamaran. In Jirga her husband admitted his mistake and promised Jirgamaran that he treat her as a husband should treat his wife.