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WHEN THE SUN AND THE MOON WITNESS HER PRESENCE

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Abstract

Afghanistan's resolute patriarchal society dictates that women be identified by the names of their male relatives— "his wife, her daughter, his mother, their daughter-in-law". Their names are omitted from invitations of weddings and it goes to as far as to even gravestones. Though occasionally for over five years now, a campaign to recognize women's identity as they ask "Where's my name?" would emerge, the movement has resurfaced and has now taken up a hotspot in social media again. The discussion has also made it to regular media with activists challenging celebrities and politicians to share the names of their mothers and wives.

#Whereismyname campaign aims to challenge the attitudes of the Afghan society that leave women invisible and powerless and allow men to make all decisions. For many months now women's rights movements have fought hard to address this inequality, campaigning to change laws or taking to the streets to demand their rights are respected. The #whereismyname campaign is another movement which highlights the prevalence of gender inequality in the current world. The movement is a hard try to make amendments to existing laws and formulate new laws to protect the rights of women. The movement seeks to challenge the century-old tradition and spread awareness about the right to identity.

The matter of not including a woman's name on the national ID card in Afghanistan is a violation of women's rights - a human right. This prevents the women of the country to not only achieve full equality of rights and opportunities between men and women but also secure access to quality education and health. It is also essential that women achieve equal opportunities in access to employment and to positions of leadership and all decision-making process.

This paper puts effort to bring the aforementioned issue to the lumed side so as to make the readers aware of the horrific practices which have been going on in the country of Afghanistan, the status of women and delve onto the violation of rights that these women face.

Introduction:

“Freedom is never given voluntarily by the oppressor, but must be demanded by the oppressed”, a powerful statement recited through the lips of one of the most prominent figures who manifests into our minds when we think of the concept of *freedom*.

Imagine a world where the cactus did not possess the thorns on its exterior body or honey not enriching our taste buds with its sweetness due to it being removed or a rose not being fragrant. The thought on which we all would agree is that they would lose a very crucial element of themselves which made the world know of their existence. This can be termed as their exclusive characteristic or property or trait but the concept referred to here can be summed to be individualism. The idea to be self-reliant, independent, free and distinct from others, the feeling that gives us the sense of oneness with our own self, something attached to us is a way to make us exclusive.

Coming back to reality, we travel to the Islamic Republic of Afghanistan, located at the crossroads of Central and South Asia to lend our ears to the story of Rabia, a woman from the western region of Afghanistan. Rabia was suffering from severe fever, and therefore as a prudent person would do, she went to procure the service of the doctor, the result of which, to her horror, was a positive report of COVID-19. With a worried mind, she returned home, still in pain and high fever. She then proceeded to hand over the prescription of medicines, that the doctor had suggested she take in order to get better, to her husband so that he could buy the medicines for her. However, the most shocking part of the story is revealed when her husband, instead of buying her medicines and taking care of her, beats her, the reason being that he saw that her name was mentioned in the prescription, therefore, concluding that she had disclosed her own name “to a strange man”.

The phrase “What’s in a name?” from Shakespeare’s *Romeo and Juliet* is known by all. What it signifies is that the name of the thing does not carry much of weight as much as the quality of the thing. What someone is called has no relation to their intrinsic quality. This, no matter how appealing it sounds as a rhetoric statement, doesn’t find its space in the real world outside literature. A person’s name is one of the most prestigious connection one has to his or her own identity and individuality. As Dale Carnegie had said, “*A person’s name is to him or her the sweetest and most important sound in any language.*” It’s not considered just a word but a way in order to recognize someone and a gesture of courtesy a way to demonstrate one’s respect for another.

History

It is misunderstood by many that the practice of not allowing the women to use their names is due to their religious affiliation, i.e. Islam. However, this is wrongly construed as the practice is only rooted in Afghan customs, following the rule of the Taliban’s. According to the historical aspect, it is believed that it was the Taliban’s who ruled or rather oppressed Afghanistan and their women and had taken away their basic rights including education and work, so as to render them to be powerless and be at the mercy of the men in the already rampant patriarchal society.

The Taliban’s are a group consisting of majority of members to be previously Mujahideen Fighters, who had acquired training in Pakistan during the period of the 1980’s to the 1990’s owing to the Civil War that erupted in Afghanistan. The Taliban group emerged during 1994 after many conflicts and ruled the country from 1996 up until 2001. They are notoriously known for exploitation of human rights, seeking the main aim of making Afghanistan an Islamic State.

A piece from Amnesty¹ throws some light on the condition of human rights during the reign of the Taliban’s. Focusing on the condition of the females of the country during their rule, they were barely given any form of right and were discriminated in an array of different ways, all of them coming under the “crime of being born as a girl”. Invoking their own version of the Islamic Sharia Law, they banned the women and girls from almost every basic human activities, ranging

¹Women in Afghanistan: the back story

from providing schooling or providing education, from leaving their house without being accompanied by a male member of their family and therefore also banned from working, from exposing any part of their skin in public or taking part in any form of politics or even taking up the opportunity of speaking publicly on any important matters. This, however, is nowhere near about to be an exhaustive list.

Women had to near about invisible in public and be chained now inside their homes under the supervision of their male members, and even then, in parts of the country like Kabul, the residents had to cover up their windows of their own houses following orders of the Taliban's, so that they couldn't even be seen from the streets, and even if she had to leave the house, she was to be dressed from head to toe in the full-body veil or the "burqa" and of course with a male relative.

Disobedience to these so-called laws would result in horrific punishments ranging from flogging her, beating her or stoned to death for mere "offences" like the exposure of an inch of skin or attempting to study for her future. For instance, the thumb of a woman was cut off solely for the reason of her trying on some nail varnish. Therefore, it is quite evident that discrimination and violence against women had become rife.²

However, the past is much deeper. This dictation of women's rights and duties was the result of something much older in comparison to the Taliban's, known as the Pashtunwali, the Pashtun tribal code. This code is uncodified, and is the governing and the main constitution of the Pashtun tribe, which were the most prominent and wide spread tribe in the country, considered even before the embracement of Islam.

As according to Afghan Sociologist Hassan Rizayee³, Following the tribal traditions and teachings, it was believed that the most important thing is the ownership of a woman's body. It was thought that the man owns the body of a woman, and the main logic behind not allowing the women to reveal their face, body and not even their name, was the fact that no other person should be able to utilize the women, even indirectly. This was based on the fact that the women,

²Id. at 4.

³Mujib Mashal, "Their Identities Denied, Afghan Women Ask, 'Where Is My Name?'" *The New York Times*, July 30, 2017

including right to her face, her body or even her name solely remained with the husband. It is also under the same Pashtunwali code that women are not allowed to inherit property, not even the mere amount the Islamic law allows under it and asking for the same is construed to be an act of bringing shame to the family.

The Situation in Afghanistan:

In Afghanistan, the pronouncement of a women's name is considered to be a serious provocation or also termed as the Urdu word, '*chutzpah*',⁴ meaning arrogance or audacity and the opposite of the word would be to be characterized as meek. Therefore, the Afghan society would prefer the prevailing women to lower their opinions and act modest in comparison to the men of the society. As it was stated in an interview by a New York times journalist, the Afghan men tend to refer to their wives in public places in an indirect way, for example, 'My weaker one' or 'The mother of my children' and it goes to as far away extents as to even refer to them as 'My Goat' or 'My Chicken'. This represents the kind of oppression the women of the country face, with no sense of respect from their male counterparts.⁵

This, unfortunately, is not the end of the kind of oppression the women face. In accordance to Afghan law,⁶ the mother who carries a baby in her womb and gives birth to it cannot even get her name registered on the birth certificate of the baby as her mother and will never be revealed in

⁴Chutzpah Meaning in Urdu Available at

<https://www.urdupoint.com/dictionary/english-to-urdu/chutzpah-meaning-in-urdu/16727.html> (last visited on October 13, 2020)

⁵Nandini Rathi, "#WhereIsMyName campaign seeks to challenge Afghan society's patriarchy" *The Indian Express*, August 1, 2017

⁶Bahaar Joya, "Where is my name? Afghan women fight for their own identity"

The Thomson Reuters Foundation, the charitable arm of Thomson Reuters, July 28, 2017

any such documents of the child till his old age. On the other hand, the mother will, in the later stages of the child's life, be associated with him or her. So, in accordance to the traditions, she would be referred as the 'Mother of Abdullah' instead of being referred to by her own name. The same rule also is applicable in the case of tombstones. This is downright degrading to the women of the society as she should be first be regarded as an individual human being recognized by her own identity rather than the wife of her husband, or someone's sister.

As stated by Mr. Ali Kaveh⁷, an Afghan sociologist, it is mentally instilled upon women that they ought to remain in the shadows of the man of the society. The best women of the society are those who are not seen or heard of. This follows the saying of "The sun and moon haven't seen her". The tougher a man is the more he is respected in the society, however if a woman even shares her opinions, they are termed to be dishonorable to the family and promiscuous. The story of Rabia is unfortunately not a fresh one, as due to the element of "male honor" women are forced to keep their names hidden since time immemorial, even though the doctors and medical practitioners have no problem in mentioning the mothers name or women's name.

Incidents to be noted

There have been many recorded accounts of Afghan incidents uttered through the lips of the residents, some of which helps us to emphasize and visualize the atrocities committed towards the women in a much more vivid manner⁸

- ♣ When paying a visit to the bank, Batool Mohammadi (a member of the campaigning) was required to fill up a form in accordance to procedure. While being asked to fill the particulars of the form, when asked the name of her own mother, she fumbled. She had to pause for a few seconds in order to recollect her thoughts, having forgotten her mother's name due to it not being asked from her since years or never referring to her mother by her name since ages.

⁷Mahjooba Nowrouzi, "WhereIsMyName: Afghan women campaign for the right to reveal their names" *BBC*, 24 July 2020

⁸*Supra* note 6 at 6.

- ♣ Farzanah Wahidi, a female photo-journalist, states that she has met wonderful women during the course of her career trips, some displaying very bright thoughts and opinions. However, when she would request for an interview with them or click pictures them, in order to showcase their intellect to the world, their first statement would be that they had to ask either their husband, father or their brother, in order to gain a sort of permission to perform the interview or getting pictured.
- ♣ Abdullahh Atahi, a spokesman for the High Court in Kabul, states that how in accordance to Afghan law, a mother's name was not to be recorded even in the birth certificate and that the Afghan society wasn't ready for change too. There is no problem in mentioning the mother's name on the birth certificate, or on any other relevant documents, he stated, however the people pertaining to the Afghan culture are just not ready for such a liberal change in views. He also stated how it might invite unwanted chaos.
- ♣ A woman, who chose to remain anonymous, from the Herat province, voiced her opinion of the situation by stating how to she had to give thought to the honor of her brother or her father or her fiancé, when she was asked about her own name. She further stated how she wished for a future where she could be referred to be the wife of her husband and also the mother of her son.
- ♣ Another interviewee, anonymous, took us through the hurdles she faced in her life. Starting from the point where she had to raise all of her children alone, using her own abilities and finances as her husband had refused to divorce her, so as to restrict her process to remarry. She, therefore, demands from the Afghan president to change the legal provisions and allow for the names of the mothers to be recorded on birth certificates and identity cards.

The Campaign

The Story of Rabia definitely acted as the last straw for the women of Afghanistan, who have been oppressed for time immemorial. Therefore, a campaign to address the issue was arranged which provided to be a platform for dialogue for some women activists in Afghanistan who challenged the custom through an online media-based campaign, branding it the #WhereIsMyName campaign. Their main basis for the same being contentions in relation to the

absence of name is equivalent to the absence of individual identity as a whole, and the mere smidgen of identity which is provided is reduced to the fact of their relationship with their male counterparts or other male members of their family. Therefore, the main agenda of the campaign is pretty obvious, being, empowerment of the women of Afghanistan so as to make them able to reclaim what is rightfully theirs, that is their own identity, their own names, from their own set of lips. People from urban areas are now challenging people with high profiles in Afghanistan to come out and reveal the names of their female family members⁹. The campaign has received the much-required support from various senior government officials, renowned authors musicians, journalists showing their favor for the campaign through social media handles like Facebook and twitter and also from famed artists like Aryana Sayeed, a singer-songwriter and Farshad Darya, a well-known Afghan singer, who also publicly posted a picture of his wife and himself flowed by the caption “Farhad and Sultana Darya”¹⁰

The campaign is mostly women led, headed by Laleh Osmany¹¹(one of the earliest supporters for the cause), and is fighting to secure the rights to pen down the names of women’s in official documents and also the pronouncement of it from the lips of the Afghan People. The whole agenda is to pressurize the government of the country so as to make them aware of the dire need of enactment of new legal provisions to harbor the protection the women and not be let down as always by the courts using the pretext of religion. Activists like Bahar Sohali,¹² who is a prominent figure in the campaign, along with the support of her friends, are fighting for the dawn of the day when pronouncement of a women’sname and her identification will no longer be considered an act of shame. As reported to the Thomson Reuters Foundation, she stated how the Afghan society is packed with injustice towards women, and how everything is taboo for the women of the country. With the advancement of this campaign, whilst wielding social media as a weapon, they aim at changes for the lifestyle of the women.

⁹*Supra* note 5 of 6.

¹⁰*Supra* Note 6 at 6.

¹¹Mahjooba Nowrouzi, “WhereIsMyName: Afghan women campaign for the right to reveal their names” *BBC*, 24 July 2020

¹²*Supra* note 6 at 6.

Undoubtedly, there is always the other side of the coin. There are many who are opposing the campaign as well, terming it as nothing more than a direct assault on the traditional Afghan Values and the Afghan Women's honor. They see the issue to be of such a minuscule level that any change would make a negligent difference in anything.

Another dimension of the detracting body is the group of people who are stating their reasons to be that high probability of the non-acceptance of the ideologies of the campaign from the very conservative Afghan society. As stated by Abdullhah Atahi¹³, a Kabul High Court spokesperson and recorded by Thomas Reuters, they have no problem in acceptance to the fact or procedure to mention the mothers name of official documents of importance, like the birth certificate. However, the Afghan society and mindset, according to them, is not at all ready for such a step into modernization. It may welcome "Unwanted Chaos", they have stated.

But even so, the activists fighting to bring about a change are unfazed by the same, and they believe that the war on these traditions must continue. It is understood by them that the process of change is going to be really slow specially in the rural areas, since it is a process of removing, or rather, uprooting, a deep-rooted tradition in attached to "Family Honor". The campaign is however showing signs of success since it has occupied a regular hot spot in the day to day media shows, newspapers and various talk shows and therefore have spread the awareness of the issue to be the talk of the town.

The campaign, however, has been taking steps towards success. In a few weeks of its inception, the Afghan government has started to show initiation for taking action for the cause. According to a close source of the President of Afghanistan, Ashraf Ghani, the president has passed instructions for the Afghanistan Central Civil Registration Authority, or ACCRA, to look into the matter and to confirm if any form of amendment could be possible in the country's Population Registration Act, in order to pave the way for the women to register their names on the ID cards of their children and the birth certificates.¹⁴ Therefore, the act is now being amended and forwarded to the office of Administrative Affairs of the President. A former MP and current women's rights activist, Fawzia Koofi, stated how she welcome the change which should have

¹³*Supra* Note 5 at 6.

¹⁴*Supra* Note 7 at 6.

actually happened a long time back. She went to state how the issue is not just a matter of the rights of the females but it's a legal right as well as a human right.

Results of the Campaign

The campaign saw its first ray of success when on the 31st of August¹⁵, the law committee of the Afghanistan cabinet had approved for the passing of the proposal in order to include the names of mothers on identity cards. The legal committee was headed by one of the country's vice presidents Sarwar Danish according to whom the proposition to amend the law was approved by the committee. While the amendment still required the approval of the parliament and then further required the signature of the president to give it legal force, these steps are expected to follow a smooth course of action. Independent lawmakers like Naheed Farid, who is the chair of the parliamentary commission on women's affairs states that she herself along with the help of other MP's gave in their contribution of efforts in drafting the amendment of the Population Registration act. The announcement for the same was made on the 1st of September, concluding that women's names are to be displayed on the birth certificates and other ID's which are issued by the government.

What the amendment pertains to, is that it changes the entire definition of the word identity, comprising it of the person's name, last name, father's name, mother's name, and date of birth. The most vital and essential change in the meaning, is of course, the inclusion of the mother's name along with the rest, which in accordance to the previous definition, was not a part of it. According to Ms. Osmany this change in the ID terms is symbolic of the change that was required to restore the basic rights of the women, which they have denied for such a long duration of time.¹⁶

¹⁵*Ibid.*

¹⁶Priyadarshini, "whereismyname campaigns new victory Afghanistan citizens are permitted to include their mothers name in the government id card" *Inventiva, 2020*

Printing of the name might not sound like a very big victory for the ordinary laymen, but taking into consideration a country which has followed such ultra-conservative traditions, it is equivalent to handing over a totally new form of power and respect to the women and stands to be an epitome of mother power, so that she can have her own freedom and identity and can do day to day tasks without the presence of a man, like enrolling her children in school, travelling, receiving or filing documents etc.

A word from Noeleen Heyzer

Noeleen Heyzer was the first to head the United Nations Economic and Social Commission for Asia and the Pacific, known as, ESCAP, in the position of Executive Secretary. She also held the position of being the first Executive Director from the south to lean the UN Development Fund for Women, UNIFEM, and played a very vital role in the organization of the Fourth World Conference on Women held at Beijing.

The 2006 report of the UN Secretary-General gives an insight on various forms of violence against women and states: "violence against women is not confined to a specific culture, region or country, or to particular groups of women within a society"¹⁷. However, there is an urgent need for the protection of the rights of the Muslim women and their empowerment so that their rights are not oppressed by fallacious religious and cultural ideologies. For the very same the Women's Empowerment in Muslim Context (WEMC) was created, being a multi-country initiative, which focused on the indigenous assertions on the Muslim women and their struggles, and ultimately upholding the Muslim women's rights on an equal scale¹⁸. It is to be noted that these assertions are well documented throughout Muslim history¹⁹. Keeping in mind the same WEMC had also kept the theme as "No excuses for violence against women" on international Day stating that the campaigns were to garner the opinions of the states to reject culture as a form of justification for commission of violence against women.

¹⁷UN Secretary-General: *In-depth study on all forms of violence against women*. UN Doc A/61/122/Add.1(July 6 2006).

¹⁸Noeleen Heyzer, promoting gender equality Muslim contexts women's voices must not be silenced, The United Nations Chronicle.

¹⁹F. Shaheed, *Great Ancestors: women asserting rights in Muslim contexts* (Lahore: Shirkat Gah/WLUML, 2007).

Therefore, keeping in mind, the context, it is very important to ensure that activists who voice their opinions and advocate for justice for the Muslim women, should not be silenced, as doing so will render the rights of such women to be mere fancy and will defeat the entire cause. It is now the peak hour to amplify our voices, or rather the voices of women and give them our full support to achieve a collective empowerment campaign for the more than 600 million women constituting half of the entire Muslim population.