

### Unfinished business in Afghanistan

By Swanee Hunt  
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KABUL, Afghanistan. - The Afghan election September 18 was an important benchmark on the road to democracy. For the first time in 36 years, citizens chose national and provincial representatives. A daunting 5,805 candidates, with campaign posters hanging in trees and affixed to walls, competed for hundreds of positions. Among them were 347 women who came forward in the face of intimidation and violence to claim a place in the lower house of parliament.

Half of the ballots have now been counted. When the process is complete, a form of "positive discrimination" will ensure that women electees comprise at least the 25 percent mandated by the constitution.

Afghanistan has taken a momentous step toward a model of inclusive security, whereby all stakeholders -- including women -- participate in governance and other aspects of peacebuilding. But it was only one small step. Women have the potential to play key roles in fostering openness and religious and political moderation that will facilitate a peaceful, prosperous future for a democratic Afghanistan. Two critical policies will help the Afghan people and the international community turn that potential into reality.

First, tribal warlords must be disempowered. The elections were marred by candidates with histories soaked in blood who, given a nascent judiciary, have not been brought to justice. Instead, political legitimacy increases the warlords' strength. One openly asserts that human rights, including women's rights, are contrary to Islam. An Afghan diplomat I met shortly before the election insists the warlords spell disaster: "Their strength grows day by day. International troops will leave soon. If we can't go after them now, when will we be able?"

Second, the Afghan judicial system must be profoundly reformed and revitalized. The justice system is neither fair nor functional. For example, despite contravening laws, too often, women are denied the right to divorce, frequently forced into marriage by family members, and jailed for "moral crimes" like refusing arranged marriages, speaking with an unmarried man, or traveling without a male guardian. Afghan women face gender-based discrimination in the application of laws and crimes against them go unpunished.

The current supreme court, though charged with interpreting the constitution, offers little hope for women. These nine influential judges -- all male -- are required to have "higher education in law or in Islamic jurisprudence," but that education may be religious training in madrassas or local villages that favor tribal customs over human rights and civil

law. Afghan women lawyers and international human rights experts recognize the vast disconnect between the new constitution and the application of its legal protections. Conflicts between traditional and modern jurisprudence must be addressed and the judicial system reformed to include women who will protect the rights of all Afghans

On election day, the women of Afghanistan proved they're determined despite the challenges. I met with several candidates, including television journalist Howa Nooristani. Afraid the single seat reserved for women in her family's rugged eastern district would go unfilled, she decided to run herself. On a steep mountain path, she was accosted by fiery-eyed men. Three of her campaign workers were kidnapped and are still missing. Shot four times in the leg, she dragged herself to a village. Several young men took turns carrying her on their backs the five hours to her car. When I visited her, bedridden at her Kabul home, her husband was still in the district campaigning for her. "Tell the world Afghans aren't afraid of terrorists," she appealed. "We'll build our country, no matter what."

Howa Nooristani isn't alone. I talked with scores of Afghans on their way to the polls. Not one mentioned the violence the Western press focuses on. Instead, they spoke of hope and of a new, transformed Afghanistan. "Women are kinder, and they'll bring that kindness into our government," insisted a retired government official with a beard as white as his hat.

Kinder, maybe. But impatient. One bent old woman described the pressure she faced on election morning from her husband, who wanted to control her vote. "Get lost," she told him. But beyond the personal, at a policy level, women are perceived by many as untapped resources in a country emerging from decades of hardship. "All the men in my family are going to vote for women," an Afghan nongovernmental organization leader told me. "They say women run things better in peace time, and now we have peace."

There's a limited window of opportunity to make an Afghan democracy flourish. Without a government of untarnished elected officials and true judicial reform, Afghanistan will never fulfill its democratic promise and certainly not its promise to the majority of its population—its women.

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