

Report

Afghanistan: Marriage



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SAMMENDRAG

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SUMMARY

This report presents some key aspects of the laws, traditions and practices relating to marriage in Afghanistan. It does not, however, provide a comprehensive picture of all matters relating to Afghan marriages. The topics presented answer specific questions Landinfo has received from the Norwegian immigration authorities regarding the institution of marriage in Afghanistan.

Certain factors appear central in relation to marriage: The marrying parties have little influence on the choice of partner; local tradition and religion govern the institution of marriage; the institution of marriage is marred by number of discriminatory and oppressive practices; there are no adequate registration routines put in place by the authorities, and formalities are of subordinate importance for whether a couple is considered married.

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1. MARRIAGE IN AFGHANISTAN

The different ethnic groups in Afghanistan have diverse traditions concerning agreements on – and entry into – marriage. In addition, these traditions are not uniformly practised within the groups, and large local variations may occur.

Irrespective of kinship group, ethnicity and geographical region, most of the marriages in Afghanistan are arranged, in the sense that they are entered into following an agreement between families/groups. The extent to which the parties themselves are involved in the process leading up to an agreement tends to vary. In one of its reports, the Afghanistan Research and Evaluation Unit (AREU), provides the following description:

A great deal of diversity was found among the ways in which decisions are made about marriages from family to family as well as from sibling to sibling within individual families. Many factors, both internal and external to the immediate family, affect how a decision is made and its outcome, including: gender and generational dynamics within the family and the wider community; the experiences and characteristics of individual family members; the structure of a family or household at the time a decision is being made; and the prevailing economic and political situation. The degree of women's influence over decisions about marriages in their families changes over the course of their lives, depending on their relative status and the household structure. It was found, for instance, that elder, widowed women can have significant influence on decisions about marriages in their families. Individuals from similar demographic backgrounds can have quite different perspectives on the appropriate ways to decide about and conduct marriages (Smith 2009a).

The marriage contract is thus an agreement between two families and not a confirmation of an emotional relationship between two individuals. In Afghanistan, arranged marriages are part of a complex set of traditions, loyalties and authorities. The marriage institution plays a key role in the establishment of alliances between families or in strengthening pre-existing networks. Marriage agreements have strong political and economical aspects.

When families have reached an agreement, the couple is engaged to be married until the wedding can take place. Section 65 of the Civil Code states that the agreement can be annulled by both parties: “[...] engagement is a promise for marriage and each of the two may give it up”. Section 65 further states that in the case of an annulment of the engagement, claims may be made for the return of gifts or their equivalent value (Civil Code 1977).

Even though the law allows for annulment of marriage agreements, this occurs only rarely. In general, a broken engagement will be more problematic for a woman than for a man, and implies a risk that the woman will remain unmarried. A man, on the other hand, can relatively easily become engaged again. Afghans are of the opinion that if a woman and her family are honourable, an engagement will not be broken. The German Max Planck Institute (MPI) describes the consequences of a broken engagement for a woman in the following manner:

She will not be seen as she was before her engagement; she will now be without any assurance of her future and without the esteem that she held prior to her first engagement (MPI 2005).

The period of time that the couple remains engaged may vary, but according to MPI, most weddings will take place within a year after the engagement. In some cases, several years may pass before the families find that the time is right to hold the wedding. The Afghan Ministry of Women's Affairs (MOWA) have reported, however, that an engagement is considered to be broken if the wedding has not taken place within four years after the engagement (Finnish Immigration Service, p. 7). The large costs involved in a wedding are often the reason for postponement. Occasionally, marriage agreements are negotiated for children as young as one year old. This implies that the children are regarded as engaged (UNAMA 2010).

The marriage tradition is *endogamous*, which in this context means that partners from one's own kinship group, tribe or ethnic group are preferred. There are no reliable marriage statistics available for Afghanistan, but some surveys indicate that approximately half of all marriages involve persons in close kinship. Marrying a cousin is considered optimal, both cross and parallel cousins (Wahab 2006).

1.1 CONSENT

Marriage without the consent of the parties (forced marriage) is not valid under *Sharia* law and the Afghan Penal Code. Section 26 of the Law on Elimination of Violence Against Women stipulates that:

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 (Law on Violence Against Women 2009).

Section 517 of the Penal Code, pertaining to widows and women under 18 years of age, similarly imposes a prison sentence for leading a woman into marriage against her will or without her consent (Penal Code 1976). Section 28 in the Law on Elimination of Violence Against Women defines even stricter sanctions for marriages where the woman is under 18 years and has not given consent:

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 (Law on Violence Against Women 2009).

1.2 WEDDING CEREMONIES

Wedding ceremonies and arrangements pertaining to marriages vary from one region to another and from one group to another, and will depend on the financial situation of the individual family. However, the wedding arrangement underscores the key position of marriage, and normally entails a considerable financial burden. The costs of the wedding are primarily covered by the groom's family, including the bride

price and the dowry. In addition, it is common for the groom's family to cover the expenses for the ceremony and the celebration (UNAMA 2010).

The government has recently submitted a proposal for a legal amendment pertaining to weddings, primarily intended to protect families from financial difficulties following a wedding. In addition to imposing restrictions on the number of guests and the level of expenditure, the proposal has been claimed to contain elements of the policies introduced by the Taliban in the 1990s:

[...] an echo of the Taliban regime, which used to police weddings to ensure they complied with hardline rulings including a ban on music, the government also intends to set up committees to monitor weddings. The groups, which will include representatives of the religious affairs ministry, will be expected to patrol private ceremonies held in the garish, multistorey wedding halls on the edge of Kabul that light up the night with their neon facades. Among their duties will be ensuring male and female guests do not mix in the same rooms – already a standard practice in most Afghan weddings – and that the bride is modestly attired (Boone 2011).

1.3 DOWRY AND BRIDE PRICE

According to Afghan law, women who enter into marriage shall have a dowry (*mahr*). The dowry shall remain the woman's separate property and is provided as security in case the husband dies or requests divorce. The dowry concurs with Islamic law and tradition, but the Koran contains no instructions regarding the size of the dowry or when it should be paid. During the wedding ceremony, the mullah who performs the religious rites will ask the groom's father to state the size of the dowry (Hafizullah 2005). The dowry will normally consist of a sum of money or commodities with a financial value. If the marriage is documented in writing, the size of the dowry must be recorded.

According to Max Planck Institute (MPI), the vast majority of Afghan women – even well educated women in the cities – are unfamiliar with the right to a dowry (MPI 2005).

The bride price is the sum which is paid to a woman's parents in return for the right to marry their daughter. It is perceived as compensation to the woman's family for having raised her. According to the Afghanistan Research and Evaluation Unit (AREU), the bride price is an accepted custom which is practised in large parts of the country. This is confirmed by MPI, which further claims that the tradition of paying bride price remains strong in rural Afghanistan, where it can constitute an important source of income for poor families. The bride price will vary according to the financial position of the family involved, and will often be smaller if the parties are closely related. The tradition may lead to families marrying off young daughters at an earlier time than they otherwise would have done.

In addition, according to the UN Assistance Mission in Afghanistan, the bride price may have the following consequences:

Although high bride price is not specifically illegal under national, international or Sharia law, a number of human rights consequences emanate from this practice. Persons interviewed by UNAMA HR in many provinces of Afghanistan view the high bride price families pay to marry their sons as a

harmful traditional practice. They said that in the context of poverty, it leads to forced and underage marriages, selling of girls, and a high level of domestic violence – as men take out frustration at being in debt or having to work for years to pay off loans, on their wives (UNAMA, 2010 s. 26).

There is widespread agreement that the practice of paying a bride price contravenes Islam, since women are not the property of their families and cannot be “sold”.

1.4 MARRIAGE BY PROCURATOR

In a report published in 2004, the Danish Immigration Service states that (Udlændingestyrelsen 2004):

The Deputy Minister for Women’s Affairs stated that when someone is going to be married, contact is established to a mullah who will perform the ceremony. The couple’s respective families and witnesses of both parties are present. The mullah asks the man and the woman three times whether they will have each other as spouses. The woman is often under pressure to accept the marriage, since if she declines she risks becoming a family outcast and will thus have no means of subsistence. If the woman does not respond affirmatively to the mullah’s questions, the witnesses will come forward and answer affirmatively on her behalf.

An international NGO reported that marriage contracts can be concluded by a procurator. The NGO stated that three witnesses are required at a wedding ceremony.

According to the Civil Code, the parties need not be present, and marriage contracts can be signed by a procurator (Civil Code 1977, Section 72):

- (1) Employing a procurator for a marriage contract shall be permissible.*
- (2) The procurator cannot enter into marriage with his principal except that it is described in the procuration deed.*

Sections 73 to 75 define the conditions for the procurator’s authority in more detail. Marriage contracts signed by a procurator are thus considered valid marriages in Afghanistan.

1.5 TEMPORARY MARRIAGES

In Sunni Islam, temporary marriages (*seegha/fegha*) are prohibited, while this form of marriages is accepted within Shia Islam. Temporary marriages, which can be perceived as a legalisation of prostitution, may have a duration lasting from some hours to a specified number of years. This form of marriage is widespread in Iran, and some sources claim that it is also gaining a foothold in the central and northern areas of Afghanistan. An article in the Pakistani newspaper Daily Times (Najafizada 2006) described the practice:

Such marriages were rare in Afghanistan before the Sunni-dominated Taliban regime was overthrown in late 2001, ending 25 years of war. But with the return of many of the nearly two million Afghans who fled to Shia Iran during the conflict, contract marriages are gaining popularity – although they are still unusual.

The process is simple. To get married, a couple takes an oath in front of a mullah that makes them man and wife for a stipulated period of time - from a few hours to a few years. Afterwards they can choose to marry each other again or move on.

Shia clerics defend the practice as something that benefits both the men and women. "For a man it means he doesn't have to think about women or sex. For a woman, it means she has a husband to feed and take care of her and her children," said Sayed Barat Ali Razawi, a Shia mullah in Mazar-i-Sharif.

The women's organisation Revolutionary Association of the Women of Afghanistan (RAWA) points out that this form of marriage has gained acceptance in Afghanistan, for example in Balkh and Daikuni, following migration to Iran. The organisation claims that such marriages have become a source of problems for the women (Rawa 2008).

1.6 INTER-ETHNIC MARRIAGES

The authorities do not register marriages in a systematic manner, and marriage statistics are not available. It is therefore difficult to draw any conclusions regarding deviations from the marriage traditions.

In 2008, the organisation Global Rights conducted a study on domestic violence affecting women in Afghanistan. Of the 4800 respondents (women from various parts of Afghanistan),¹ altogether 8.9 per cent reported that they were in an inter-ethnic marriage.

It is pointed out by other sources that the scope of marriages involving partners from different ethnic groups is relatively comprehensive. GlobalSecurity.org (n.d.) states that "There is a substantial amount of intermarriage between the ethnic groups. This inter-marriage tends to blur lines of loyalty between different ethnic groups." It is claimed that even though endogamous marriages are being preferred, factors such as migration have caused the number of inter-ethnic marriages to increase (Afsaneh 2005, p. 70).

Landinfo is not aware of any sources reporting differences between ethnic groups, although some indicate that among Uzbeks, Turkmens and Tajiks there is a widespread reluctance to marry a Pashtun (Aghajanian & Blood 2007, p. 70).

1.7 MARRYING AGE

According to the Civil Code (Civil Code 1977, Section 70), the marrying age for women in Afghanistan is 16, with the exceptions stated in Section 71 of the act. This provision legalises marriage for 15-year old girls, provided that the father or a legal authority gives consent:

(1) Where the girl does not complete the age provided under Article 70 of this law, the marriage may be concluded only through her father or the competent court.

¹ Global Rights underscores that: "Considerable effort was made to ensure that the sample of women reflected the geographic, ethnic, linguistic and cultural diversity of Afghan women" (Global Rights 2008, p. 11).

The Koran provides no specific instructions on minimum age of marriage, and various legal schools represent different views. In Afghanistan, *Hanafi* has been the dominant legal school ever since the region became Muslim (Schneider 2007). According to the Max Planck Institute, the prevailing interpretation within the *Hanafi* school is that a person *may* be ready to enter into marriage at the transition into puberty (MPI 2005). UNAMA points out that this concurs with the conception of the legal situation among Afghans: “the marriage of children who have reached puberty (viewed by many Afghans as being the determinant of adulthood under Sharia law and thus the legal age of marriage)” (UNAMA 2010).

Diverging traditional legal systems, for example *pashtunwali* and other locally based conceptions of justice, imply a general acceptance of marriages involving very young partners.



UNICEF’s “Photo of the Year” in 2007 shows the 40 year old Mohammad and his 11 year old fiancée, Ghulam.

Even though the registration of births and marriages is highly incomplete in Afghanistan (Landinfo 2010), and other reliable data on marriages are unavailable, there can be no doubt that marriages involving very young girls (and boys) are prevalent in Afghanistan. According to the UN Children’s Fund (UNICEF), a total of 57 per cent of all marriage agreements concluded in Afghanistan involve girls under 16 years of age (IRIN 2007). A study conducted in 2008 on the basis of approximately 200 marriages, shows that in more than 25 per cent of these marriages the age difference between the spouses exceeded 16 years. Approximately 40 per cent of the marriages were agreed when the bride was 10-13 years old; in 32.5 per cent of the cases she was 14 years old, and in 27.5 per cent of the cases she was 15 years old (Women and Children Legal Research Foundation 2008).

The study referred to above indicates that most marriages are in violation of national legislation. Women and Children Legal Research Foundation (WCLRF) points out that this is corroborated by the Afghanistan Independent Human Rights Commission (AIHRC):

[...] considers the non-respect of the minimum age requirement to be the major violation of the right to marry or not to marry. The AIHRC's annual report on the status of human rights in Afghanistan indicates that runaways; suicides; self-immolations; murders; sexual perversions; and psychological disorders are amongst the many negative consequences of child marriage. These also include the increase of maternal and child mortality rates, and the low level of education for women which has a long term effect on the role these play in the country's political, social, and economic life (WCLRF 2008).

On the occasion of International Women's Day in 2008, President Hamid Karzai held a speech in which he urged "[...] religious leaders, tribal elders and particularly men: stop forcing your under-aged girls to marry, stop marrying them to old men" (Daily Star 2008). Karzai is later reported to have specified that he referred to men over 50 years.

Neither the age limits stipulated by legislation, nor exhortations from political leaders, appear to have had an effect on practices regarding marrying age. A number of sources point out that traditions remain decisive as to when marriages are entered into. Often, these traditions contradict Afghan legislation as well as Islam. The Max Planck Institute claims that: "Minor marriages are mostly the consequence of old traditions that are not legally recognised and contradict Islamic principles" (MPI 2005).

1.8 TRADITIONS ASSOCIATED WITH MARRIAGE

Below is a description of certain traditions associated with marriage that are practised, with some exceptions, by all ethnic groups in Afghanistan. According to the Afghanistan Research and Evaluation Unit (AREU), several of these traditions constitute "[...] dominant marriage practices", but at the same time they are "[...] widely recognized by people – men and women, young and old, illiterate and literate – to be detrimental practices", because they imply a risk of violence against and abuse of women (Smith 2009a). Several of these traditions are incompatible with Islam.

1.8.1 Exchange marriage (baadal)

Exchange marriage, or *baadal*, is an agreement between two families on "exchanging" daughters or other female family members through marriage. The daughter (the agreements may involve several women from each family) of one of the parties is married into the other party's family, and vice versa.

The Women and Children Legal Research Foundation (WCLRF), as well as a number of other sources, point out that *baadal* marriages often involve minors. According to a study of marriages conducted by WCLRF, a total of 30 per cent of the child marriages studied in Balkh, Nangarhar, Kabul and Parwan were *baadal* marriages. The report from the the Max Planck Institute (MPI 2005) referred to above, provides an example of a *baadal* agreement:

An 80-year-old father married his eight-year-old daughter to a man aged 50. In exchange, the father married the 14-year-old girl of that man. Neither girl had reached her age of puberty. The Department of Women's Affairs sent

representatives to talk to the men, but the men replied by saying “that is not your business.” (As reported by the head of the Department of Women's Affairs of Balkh).

The *baadal* tradition may have an integrating effect, by establishing or strengthening the relationship between family groups. At the same time, the *baadal* marriages often lead to conflicts that may be highly disadvantageous for the women. UNAMA (2010) points out the following:

One widely reported consequence of these marriages is that in-laws punish brides reciprocally in exchange for any reported mistreatment or punishment of their own daughter. For example, if one woman, who was exchanged in marriage, is beaten, the in-laws of the other exchanged woman may also beat her in retaliation. If one couple divorces, the other may as well.

Poverty and destitution are frequently the causes for *baadal* agreements, because these agreements reduce or eliminate the costs associated with weddings. The tradition contradicts general conceptions of justice, a fact which underscores that this form of marriage is first and foremost a problem associated with poverty. The tradition also contradicts Afghan legislation and the *Sharia* with regards to consent of the partners. Section 26 of the Law on Elimination of Violence Against Women in Afghanistan states that:

If a person gets a woman engaged or married who has reached the legal marriage age without her consent, the perpetrator shall, depending on the circumstances, be sentenced to medium-term imprisonment not less than two years, and the engagement and marriage are invalid, according to the provision of the law (Law on Violence Against Women 2009).

Similarly, the Afghan Penal Code (Penal Code 1976, Section 517) states that:

A person who gives in marriage a widow, or a girl who is 18 years or older, contrary to her will or consent, shall be sentenced in view of the circumstances to short-term imprisonment.

In *Sharia* law, consent from both parties is a basic requirement for a marriage to be considered valid. UNAMA (2010) points out that:

Nikah Shighar, exchange of women without their consent and without the required mahr (dowry given to the woman), is prohibited. Abdullah Ibn Umar (companion of the Prophet) said that Allah's Messenger prohibited Shighar, which means it is forbidden for a man to give his daughter in marriage on the condition that another man gives his own daughter to him in marriage, without dowry. (See: Sahih Muslim, book 008, Kitab al-Nikah, chapter 7, number 3295). Exchange marriages thus undermine the principles of consent and mahr (dowry). The Sharia principle that it is unlawful to “forcibly inherit a woman” means that both the practice of baad, and exchange marriages are contrary to Islam. (See, Holy Koran, Surah Al Nisa, verse 18).

Schneider also points out that *baadal* marriages are unacceptable in light of women's right to a dowry under Islamic law, and that this is regulated by Section 69 of the Civil Code (Schneider 2007).

Baadal marriages are especially prevalent in the rural areas, but “[...] not all communities practise *baadal*; the majority ethnic Uzbek population of Jawzjan province, for example, has no such tradition” (UNAMA 2010).

1.8.2 Compensation (*baad*)

Baad marriages are agreements concluded as a consequence of a family, a clan or a tribe acknowledging the responsibility to compensate the victim of a crime. It involves giving a young girl(s) to the victim’s family/group. The marriages are agreed with a view to solving/ending conflicts that may involve, or have developed into, a blood feud. Often, local *jirgas* or *shuras* will decide that a conflict must or can be solved by intermarriage. The Afghanistan Research and Evaluation Unit (AREU) reports that *baad* is mainly practised by Pashtuns (Smith & Manalan 2009), and further describes the phenomenon as “[...] the practice of compensating a murder (or even an accidental killing) by the family of the killer by giving either one or two never-married girls in marriage to the victim’s family” (Smith 2009b).

The Max Planck Institute provides an example of *baad* from Paktia:

*A person killed a nomad in Paktia province. The members of the jirga went to the house of the victim and inquired whether the family members of the victim wanted to continue the enmity or if they preferred reconciliation with the family members of the murderer. They accepted the reconciliation and the members of the jirga went to the house of the murderer to find a solution. The tradition has always been that a girl or two should be exchanged, or money or a piece of land should be given to the family of the victim in order to remove enmity. Therefore, the sister of the murderer automatically appeared before the jirga without any hesitation and accepted a marriage into the family of the victim in order to finish the hostility between the families. This tradition is called *bad* (MPI 2005).*

None of the sources reviewed by Landinfo present representative information or figures on the prevalence of *baad* marriages. UNAMA (2010) claims that this form of marriage is practised in various communities in all parts of the country, as is the case with *baadal* marriages.

UNDP (2007) has pointed out that “[...] in the case of *baad*, the Hazaras hardly ever use it as a means of settling disputes, and it is even less common in the Western regions.” The Afghanistan Research and Evaluation Unit (AREU) has undertaken more limited studies that are unlikely to be representative, but from which results might indicate that this tradition is most widespread in rural areas, although its prevalence has declined or become reduced in certain areas. This applies, for example, to Bamian, Kabul city and Nangarhar, where the practice of *baad* appears to be on the decline (Smith 2009b; Smith & Manalan 2009; Gang 2011, p. 29). AREU also points out that this tradition is not practised among certain Pashtun tribes. For example, *baad* is not a possible solution to a murder case among the Shinwari in Nangarhar (Smith 2009b). UNDP has previously indicated that in general, *baad* appears to be the exception rather than the norm:

Although it is still practiced at times, the practice of baad is an exception rather than a norm. Nevertheless, it has serious implications for the human

rights of women in Afghan society, and for their fundamental freedoms (UNDP 2007, p. 126).

While AREU suggests that the scope in Kabul city is currently limited (Gang 2011), the Women and Children Legal Research Foundation pointed out in 2004 that:

These customary practices are even applied in the capital Kabul and we discussed almost 50 cases of Bad in Kabul and its outskirts in the first issue of the report. So the question of Bad is a critical problem in all parts of the country (WCLRF 2004).

UNAMA suggests that the prevailing attitude to this form of marriage among Afghans is in compliance with with Afghan law and *Sharia* law, which prohibits such marriage agreements. The Afghanistan Human Development Report 2007 also states that *baad* “clearly violates Afghanistan's laws, Islamic *Shari'a* principles, and human rights principles” (UNDP 2007, p. 97). A number of other sources refer to the *baad* tradition as a blatant and systematic violation of human rights, and point out that the marriages mostly fail to solve conflicts or function in an integrating manner (Gang 2011, p. 29) (WCLRF 2004).

An interview with the sister of a two-year-old girl who had been given as compensation following a decision by a *jirga*, indicates that *baad* continues to be perceived positively by some, and as having an integrating effect:

This is a very good decision by the jirga...Peace has been restored to the two families. Their enmity has turned to friendship. The girl taken in baad will have all the rights of a family member, and will finally marry a son of this family, she will become a bride (IWPR 2009).

1.8.3 Polygyny

Polygyny, a man's right to be married to several women at the same time, is legal both under *Sharia* law and Afghan civil law (a man can be legally married to four wives). According to the Civil Code (Civil Code 1977, Section 86), the following requirements must be met:

- 1) *When there is no fear of injustice between the wives.*
- 2) *When the person has financial sufficiency to sustain the wives. That is, when he can provide food, clothes, suitable house, and medical treatment.*
- 3) *When there is legal expediency, that is when the first wife is childless or when she suffers from diseases which are hard to be treated.*

The Max Planck Institute (MPI) claims that “...the conditions set for multiple marriages, such as the equal treatment of all wives, are not observed in practice by the bride's parents or the polygamous husband” (MPI 2005). No particular requirements apply regarding formal approval or registration of men who marry several women: “A court permission for the conclusion of a second, third, or fourth marriage is not required either under classical *hanafi* law or the AfgCC” (MPI 2005).

This form of marriage is accepted in all the ethnic communities in Afghanistan (Rahimi 1991, p. 12), but no figures on the prevalence of polygyny are available. Some sources have pointed out that polygyny is relatively uncommon (Griffin 2002). The anthropologist Thomas Barfield has indicated that this phenomenon is mainly

found among the wealthy (Barfield 2003). Several sources have pointed out that the number of polygynous marriages has increased in recent decades, even though the Afghan population has a surplus of men (Tayler 2002). Peter R. Blood (2001) claims that the prevalence of polygyny has increased during the last three decades, because the conflict in Afghanistan has produced a growing number of widows.

MPI (2005) argues that the increase of this form of marriage first and foremost takes place within a population segment consisting of wealthy illiterates (MPI 2005), and especially within groups that have:

[...] strong political affiliations to warlords and smugglers, providing these people with illegal capital and giving them the means to support several wives. Given that these individuals are ignorant and illiterate, polygamy is practised without observing the limitations set for it under Islamic law and statutory law.

A study conducted in 2006 reported that nearly 90 per cent of a total of 1400 respondents from various regions of Afghanistan preferred only one spouse (WCLRF 2006). MPI claims that “generally, the social and public reaction toward polygamy is condemnatory” (MPI 2005). Other sources, however, point out that women prefer to be wife number two or three if the alternative is to remain unmarried.

In 2008, Global Rights conducted a study among some 5000 married women. Although the study did not focus on forms of marriage, it presented figures that can indicate the prevalence of polygamy: 12.6 per cent of the women in the study were in polygamous marriages, of which 10.3 per cent included one other woman, 1.5 per cent included two, 0.5 per cent included three, 0.1 percent included four and 0.2 per cent included five or more other women (Global Rights 2008).

The Afghanistan Research and Evaluation Unit (AREU) is of the opinion that polygamy is not a desirable solution in Afghanistan, and women as well as men share a negative attitude towards this tradition. AREU refers to four causes of polygamy. First, it could be an option in case of infertility, that is, if a woman is unable to bear a child. Second, a widow and her brother-in-law, or other male family members, will in many cases be put under pressure to marry. Third, there are examples of men who marry several women if they are dissatisfied with their first wife. Fourth, polygyny occurs in some cases where the woman has been engaged to a man but has been prevented from marrying him because of war, conflict or flight. An engaged woman is required to marry her fiancé, even if he has married another woman in the meanwhile (Smith 2009a).

1.8.4 Widow marriages

The tradition of widow marriages underlines that women are regarded as the property of family groups. A widow will often have to marry one of her late husband's brothers (or another male relative):

Forced marriage of widows stems in part from widows being considered the property of their in-laws, but is also often due to the desire to deny a widow her right to Inheritance by marrying her to a relative and keeping any inheritance within the family. The woman concerned is thus forced into a marriage against her will, contrary to all national and international law, as

well as Sharia law – where consent is a prerequisite for any marriage (UNAMA 2010).

The basic premise is that the widow should marry a brother or a cousin of the deceased husband, but if this is not possible, the woman belongs to the tribe and no man from another tribe may take her as a spouse. “So even after the death of a husband, women cannot escape being the property of other men in their tribe” (The International Legal Foundation 2004). According to Afghan criminal law (Section 517 of the Penal Code and Section 24 of the Law on Marriage), this practice is illegal. Afghanistan Research and Evaluation Unit points out that for many women, remarrying is a matter of remaining in contact with their children and of avoiding stigmatisation:

[...] it is considered shameful [...] for a widow to marry outside her husband’s family, and for many widows there is little choice in this as they are likely to lose custody of their children if they do not marry again within their in-laws’ family (Smith 2009a, s. 55).

1.9 REACTIONS TO MARRIAGES CONCLUDED WITHOUT THE CONSENT OF THE FAMILY

There is a broad consensus that in Afghanistan, people have little opportunity to make their own choices and decisions with regard to marriage partners. Landinfo is not aware of any representative studies or systematically collected information that can attest to the extent and character of forced marriages in Afghanistan. In 2008, the Afghanistan Independent Human Rights Commission (AIHRC) pointed out that the UN Development Fund for Women (UNIFEM) was the only source in possession of systematic data, stored in its database *Violence against Women Primary Database*. The database contains a collection of more than 1000 cases that have been registered by various women’s organisations (AIHRC 2008). These cases are unlikely to offer even an indication of the real order of magnitude of the problem, and the human rights commission estimated in 2005 that approximately 80 per cent of all marriages “are conducted without the consent of the parties involved” (IRIN 2005).

The Global Rights study referred to above, concluded that 87 per cent of the respondents had been subjected to forced marriage or physical, psychological or sexualised violence. Close to 60 per cent of the women reported being “[...] in forced marriages, as distinct from arranged marriages” (Global Rights 2008). The assumed extensive scope of forced marriages, like other forms of discrimination against or abuse of women, is not reflected in the number of cases brought before the courts or in the outcome of the very few cases that are being processed. The legal provisions are not being implemented, and in the case of a conviction, the sentencing tends to be lenient (Global Rights 2008; Human Rights Watch 2009).

Despite strong cultural codes and few opportunities for fair treatment or real protection in the event of violations of marriage traditions, it nevertheless occurs that couples defy their respective families’ decisions on choice of a spouse. Such marriages are often referred to as *love marriages*. In the strictly gender-segregated Afghan society there are very few or no arenas where young men and women can meet and develop intimate relationships. Girls who have entered/reached puberty are zealously protected from contact with males not belonging to their families. The reporting of *love marriages*, as far as Landinfo is aware, can be described as anecdotal, and the scope of such relationships is most likely rather limited.

Couples who confront their families and break marriage traditions by making an independent choice of spouse, will normally be unable to settle in their local environment and will have to leave their families and homes. As Thomas Barfield points out: “Because her father and brothers are then expected to kill them, the couple often flees the area and seeks sanctuary (*nanawati*) elsewhere” (Barfield 2003).

The honour and status of families are confirmed through the institution of marriage “[...] with its role in controlling women’s and men’s sexuality” (Smith 2009a). Pronounced or apparent opposition to or violation of norms related to the choice of a spouse, will affect the family’s honour and esteem, and provoke serious reactions towards the man and the woman alike. In general, various marriage traditions in Afghanistan primarily tend to violate women’s rights. Concerning an independent choice of spouse against the wishes of the family, men may also be exposed to severe sanctions. Some sources argue that women are, nevertheless, more vulnerable in these cases. A report published by the UN Office on Drugs and Crime in March 2007 states that:

[...] it is reasonable to assume that the person most harshly punished would be the girl, especially if extra-marital sex has occurred, since her loss of virginity would bring great shame to the family (UNODC 2007).

Landinfo is not aware of studies or reports that focus on this problem or offer systematic data on the prevalence of *love marriages*. Most likely, this is due to their fairly limited scope and to the serious stigmatisation associated with opposition to the family and pre-/extra-marital sex. It is reasonable to assume that this is not very widespread, since the consequences of violating traditions would, very likely, be severe.

The report *Economic and Social Rights Report in Afghanistan-III* from AIHRC points out the following:

Couples who run away from home to get married are often imprisoned; the man is charged with kidnapping and the woman with zina². This is in contradiction to Article 425 of the 1976 Penal Code of Afghanistan. Criminal charges against women who run away from their homes to avoid forced marriage are of particular concern for the protection of the family. The majority of these cases are ruled using traditional practices that are at times in contradiction with civil law. For example, Farina, a 19-year-old woman from Samangan ran away from home in late 2006 to get married with the man she liked. The police found and arrested them. The judge ruled that because she ran away she must have had pre-marital sex and sentenced both to 18 months in jail. The couple was not allowed to get married. The case came to the attention of the AIHRC early in 2007; despite the intervention, the higher court refused to overturn the initial decision. Some cases do get resolved as a result of AIHRC intervention, however. Otifa, a 19-year-old woman in Sari-Pul ran away in early 2007 to get married to a man that her family did not approve of. Despite the marriage certificate, the police imprisoned both on the grounds that Otifa was engaged to another man by

² I.e. extra-marital sex.

her parents. As a result of AIHRC advocacy and intervention from the governor, the problem was solved (AIHRC 2008).

There are examples of eloping couples who have been successfully reintegrated after negotiations in or decisions by local councils (*shura/jirga*). At the same time, it is obvious that eloping couples do not only run the risk of sanctions from their own families, but also of reactions initiated both by local power-holders and courts. In August 2010, Amnesty International reported that a couple had been stoned to death in a village controlled by the Taliban in Kunduz. The couple had eloped to Pakistan, but returned to their village following an agreement between their families. A local Taliban council nevertheless decided that the couple should be stoned to death. There is information available on some individual cases where couples have been killed for having desecrated Islam; one young couple, for example, was shot in front of a mosque in the Khash Rod district in Nimroz in April 2009 (BBC 2009). Additionally, it is also evident that love-couples having eloped from their families run the risk of imprisonment:

The customary penalization of elopement or running away is currently reflected in the detention and sometimes imprisonment of such girls and boys, although such an act is not defined as a crime in the Penal Code (UNODC 2007).

1.9.1 Pre-marital/extra-marital affairs (zina)

In Afghanistan, all cases of pre-/extra-marital sex are considered as *zina* offences. According to *Sharia*, traditional law and Afghan law (Sections 426-428 of the Penal Code), *zina* is a serious crime. *Zina* is punishable by “long imprisonment” (Section 427 of the Penal Code), and the prison term shall not be less than five years and not exceed 15 years (Section 100 of the Penal Code (1)). Several studies show that more than half of all female inmates in Afghan prisons are imprisoned for *zina* or so-called moral crimes (UNODC 2007).

According to *Sharia*, the punishment for *zina* is flogging and/or death by stoning of those found guilty of having had pre-/extra-marital sex. Although men can also be prosecuted for *zina* crimes, there is general agreement that “the criminal justice system places disproportionate emphasis on the prosecution of women for *zina* crimes” (World Bank 2005). The first known capital punishment for *zina* after the fall of the Taliban is an example of such unequal treatment: A local *jirga* sentenced the man to 100 lashes, while the woman was stoned to death. The extent to which the extra-marital sex is voluntary or not (i.e. rape), is in reality only of partial or secondary importance, since virginity is so important to a family’s honour (UNODC 2007). This entails that women often are forced to marry men who have raped them:

Since all sexual relationships outside marriage are referred to as zina, it is difficult to differentiate between rape and consensual sex, therefore the settlements concluded by the jirgas, in the cases of “abduction” or “adultery” may in many cases amount to forcing a girl to marry her rapist—a practice which is not unique to Afghanistan (UNODC 2007).

In some cases, agreements will be reached for a woman from the abuser’s family to be married into the woman’s family, which in practice means that yet another woman

is exposed to abuse (cf. section 1.8.2). Such cases are reported both from Tajik and Pashtun communities in certain provinces in Northern Afghanistan (UNODC 2007).

1.9.2 Restoration of honour

The International Legal Foundation considers extra-marital affairs to be a highly sensitive topic in all the ethnic groups, but argue that Pashtuns may have a more restrictive view than the other groups. Furthermore, the organisation indicates that most cases are solved by local *shuras* and *jirgas* (ILF 2004). In cases involving couples who have voluntarily entered into a relationship, the solution will most often be that the woman marries the man with whom she has a relationship. However, this presupposes that the families involved actually prefer this solution, rather than punitive measures. The case reported from the Taliban-controlled village in Kunduz in 2010, referred to above, indicates that even the families' willingness to find a solution other than punitive measures may not always be sufficient, since the solution must also be deemed acceptable by local power-holders and communities (BBC 2009).

Thomas Barfield provides an example of how an eloped couple may attempt to solve the situation through traditional forms of conflict resolution:

They may later try to regularize their status by providing indemnity (pour) and two sheep as a shame payment. The man's family must also provide two women in marriage to the offended family by way of apology (Barfield 2003).

In a report from 2004, ILF provides a number of examples showing how honour-related conflicts may be settled through traditional conflict-resolution councils. For example, it refers to so-called *consensual kidnapping* in Nuristan:

When an unmarried girl elopes with a boy ("kidnapper"), his family and the villagers call for a Jirga and the Jirga decides the amount of the dowry to be given to the girl's father so that the two can marry. The boy must also pay a fine to the village in the form of the cow or sheep. When a married woman consents to be "kidnapped," the council urges the husband to divorce her, and she is then married to the other man. Her husband receives back the dowry he previously paid. The other man must give two cows and two sheep as Bad to the husband, as well as two cows and five goats to the village. (ILF 2004, p. 42).

Similarly, the Afghanistan Independent Human Rights Commission (AIHCR) points out that:

Couples who run away from home to get married are often imprisoned; the man is charged with kidnapping and the woman with zina. This is in contradiction to Article 425 of the 1976 Penal Code of Afghanistan.

Criminal charges against women who run away from their homes to avoid forced marriage are of particular concern for the protection of the family. The majority of these cases are ruled using traditional practices that are at times in contradiction with civil law. For example, Farina, a 19-year-old woman from Samangan ran away from home in late 2006 to get married with the man she liked. The police found and arrested them. The judge ruled that

because she ran away she must have had pre-marital sex and sentenced both to 18 months in jail. The couple was not allowed to get married. The case came to the attention of the AIHRC early in 2007; despite the intervention, the higher court refused to overturn the initial decision. Some cases do get resolved as a result of AIHRC intervention, however. Otifa, a 19-year-old woman in Sari-Pul ran away in early 2007 to get married to a man that her family did not approve of. Despite the marriage certificate, the police imprisoned both on the grounds that Otifa was engaged to another man by her parents. As a result of AIHRC advocacy and intervention from the governor, the problem was solved (AIHRC 2008, s. 36).

The ILF confirms that both the man's and the woman's family may consider killing one or both of the parties. There are examples of couples who have been killed, and this appears to have happened a relatively short time after the disclosure of the unwanted relationship (Stop Honour Killings! n.d.)

Landinfo has no knowledge of cases involving *love couples* that have triggered vengeance killings over generations. In this context it must be underscored that no representative information has been available to Landinfo. In light of the lack of accessibility to local communities in Afghanistan, Landinfo is of the opinion that it is reasonable to assume that the true extent of this phenomenon remains unknown, and that abuse related to extra-marital sex and violations of marriage traditions remains underreported.

1.9.3 Divorce

In accordance with Islam, Afghan legislation allows for divorce, although it is far easier for a man to obtain a divorce than it is for a woman. However, divorce is associated with loss of esteem. In general, the stigma is greater for the woman, but even men lose status as a consequence of divorce. In his *Culture and Customs of Afghanistan*, Hafizullah Emadi points out that: "Termination of marriage by either party is regarded as a disgrace, and the social stigma attached to it usually compel couples to remain married" (Emadi 2005, p. 179).

Pursuant to Section 135, second paragraph, of the Civil Code, the right to dissolve a marriage without giving any reason is only available to the husband. A couple is considered to be divorced if the husband declares that he wants a divorce (*talaq*). At the outset, women also have a partial right to dissolve the marriage (*khul'*) according to Sections 156 to 175 of the Civil Code, although *khul'* requires the husband's consent and imposes the condition that she returns the bride price to the husband. According to the Max Planck Institute (MPI), *Sharia* and the Civil Code allow the right to divorce to be delegated to the woman in the marriage contract, but as the MPI points out:

However, this possibility is hardly known. Interviews conducted with women of different social strata ranging from highly educated urban women to illiterate rural women revealed that not even in a single case had women demanded the delegation of divorce rights in case of serious threat or grave misbehaviour (MPI 2005).

The Civil Code provides women with the right to apply for divorce only on certain conditions, and such an application for separation must be processed by a court. In

Landinfo's interpretation of the Afghan Civil Code, the legal base for dissolution of marriage is grouped into four categories that can allow for a divorce following a court order:

- 1) *Separation due to a defect (tafreeq)* in accordance with Sections 176 to 182 of the Code. An application for divorce can be approved if the husband is unable to fulfil his marital obligations, for example because of illness.
- 2) *Separation due to harm (zarar)* in accordance with Sections 183 to 190 of the Code.
- 3) *Separation due to non-payment of alimony (al-infaq)* in accordance with Sections 191 to 193 of the Code.
- 4) *Separation due to absence* in accordance with Section 194 to 197 of the Code.

With regards to all four categories, the woman must provide evidence that grounds for a divorce are present. As far as Landinfo can discern, the text of the Code provides very few guidelines for the deliberations of the court, which appears to be able to base its verdicts in specific cases on relatively unrestrained discretionary judgement.

A divorce is valid only after a waiting period (*heddat*), which also sets the time when the parties will be allowed to enter another marriage. According to Section 198 of the Civil Code, *heddat* is "a definite period with the expiration of which all the conjugal bonds shall be eliminated." During the *heddat* period, the divorce can be retracted and conjugal life resumed. Sections 198 to 210 of the Civil Code provide detailed instructions in this respect. Section 211 states that *heddat* "shall start after divorce, death of the husband, annulment, separation or abandonment", and the Code contains provisions that stipulate various periods of time for various circumstances, and three menstrual cycles as a minimum.

If conjugal life is not resumed prior to the expiry of the *heddat* period, the couple is divorced and free to marry again. Regarding the issue of remarrying the same partner, Sections 85 and 147 of the Civil Code state that a couple in practice can marry each other three times without the woman having married another man in the meantime. In Landinfo's interpretation of the Civil Code, a couple wishing to resume their marriage after the expiry of the *heddat* period must sign a new marriage contract. If the husband states his desire for a divorce for the third time and does not retract this desire before the *heddat* period expires, the divorce is irrevocable and the woman must marry another man and then divorce him, in order to legally remarry her previous spouse. Anecdotal material indicates that local practices may vary. *Love and War in Afghanistan* (Gulmamadova-Klaims & Klaims 2005) presents a number of biographical stories from Northern Afghanistan. One woman reports that after she had been divorced from her husband, she went to see the local council of elders. She was given the following advice:

If you'd like to be reunited with Ibrahim Bek, you'll have no choice but to marry another man, then he will need to divorce you. Only after this, if Ibrahim Bek approves, could you be married to him again (Gulmamadova-Klaims & Klaims 2005, p. 98).

The marriage institution provides women with an entitlement to financial support (*nafaqa*). According to Section 118 of the Civil Code, *nafaqa* shall comprise clothes, food and medical support appropriate to the husband's financial situation, and Sections 212 and 214 give further provisions regarding *nafaqa* during the *heddat* period in the context of divorce or separation.

Landinfo is not aware of any reliable information on the number of processed cases and the outcome of the court proceedings with regard to divorce. Landinfo assumes that very few cases are submitted to the courts. Of the nearly 5000 women who participated in the study conducted by Global Rights referred to above, approximately 1.2 per cent reported they were divorced (Global Rights 2008). The Max Planck Institute has quoted a court administrator in Kunduz, who stated that "there is no such thing as a 'divorce' for women (there is not even a proper expression for it). Women only have the right to 'separation'. Men have the right to divorce even if they don't have any reason." The court administrator said the following about the enforcement of family law by Afghan courts:

It can thus be generally said that Afghan judges apply the law they know. According to the head of the provincial court of Kunduz, since most judges assigned by the Supreme Court are graduates of the religious schools (madrasas), they lack knowledge of statutory law and prefer to apply Islamic law, in particular hanafi law referring to fiqhi books of hanafi scholars (MPI 2005).

In combination with the strong cultural codes associated with the family, the position of women and their limited opportunities to act independently, this most likely implies that divorce case law practice is arbitrary, and that women's rights are safeguarded only to a small extent in the context of court proceedings.

2. REGISTRATION OF MARRIAGES

2.1 IN AFGHANISTAN

According to Section 61 of the Afghan Civil Code, all marriages shall be registered. However, there is ample evidence to suggest that the requirement for registration is complied with only to a very limited extent. In a report on social and economic rights in Afghanistan, the Afghanistan Independent Human Rights Commission states that even though Section 61 in the Afghan Civil Code stipulates a requirement for registration of all marriages, there are no mechanisms available for registration of marriages and divorces (Sultani et al. 2009, p. 54).

Nor is there any updated information available to suggest that the situation has changed in relation to the description provided by Danish authorities in 2004 (Udlændingestyrelsen 2004, p. 58):

The Ministry of the Interior reported that very few Afghans are issued a marriage certificate, and that this does not normally occur outside the major cities. The source pointed out that there is no registration of marriages, which renders it impossible to investigate whether two Afghan citizens are in

fact married to each other. In this context, the Deputy Minister of Women's Affairs reported that in Afghanistan there is a lack of offices where marriages can be registered.

This lack of systems for responsible and reliable registration of marriages is pointed out by several sources. The Max Planck Institute (MPI) claims that the registration of marriages worked well during the Communist regime, until 1992. At the time, it was clear who was responsible for issuing these certificates and who was to be provided with a copy. According to MPI (2005), such "registrations" are often no more than hand-written sheets issued by local mullahs. In a report from the International Commission of Jurists (ICJ), it is pointed out that marriages will be regarded as valid, even when they have not been registered:

The demise of governmental institutions across Afghanistan means that marriages are generally no longer registered. This would render them void under the 1977 Law. In practice, however, unregistered marriages are regarded as valid (Lau n.d.).

In 2007, the Afghan Supreme Court approved a new marriage contract (registry book), and this new contract is 15 pages long. There are two forms of documentation: the marriage contract (*nikah-nama*, *nakah-nama* or *nekah-nama*), and documentation of registration of the marriage. The registration certificate is regarded as the official marriage document (certificate) and "is a one-page document, has various formats and contains key information found in the registry book" (Migrationverket 2009).

There are various reports regarding who is entitled to register marriages: councils of elders, mullahs and "tribunals or cultural centres" are said to be able to report marriages to local courts, which subsequently issue documentation of the marriage (IRB 2007). Swedish authorities say the following about registration of marriages:

If the wedding takes place in Afghanistan, the marriage certificate is registered with the local "barrister of law". This is a person who is appointed by popular election to represent his district, while also being an official person recognised by the government. When the marriage certificate has been signed by the mullah, he takes it to the "barrister of law", who signs and stamps the document. The spouses then go to the Ministry of Justice in Kabul or to the office in the province capital to have a stamp added (Migrationsverket 2009).

However, neither local communities nor Afghan authorities question the validity of a marriage on the basis of a non-existent or deficient registration. To Afghans, a wedding is a major event. In urban areas, weddings usually take place in private homes or in so-called "wedding halls". In rural areas, weddings usually take place in private homes. A mullah will often have a role in a wedding ceremony, but it can also be presided over by others (MPI 2005, p. 19). A Finnish report refers to a man who stated that a registration of his daughter's marriage was unnecessary, since after her grandiose wedding everybody would know that she is married (Finnish Immigration Service 2006).

Thus, there are no reliable public records of marriages or divorces in Afghanistan. The validity of the marriage is not linked to law, but to context: the essential issue is that a couple is perceived as married in their social environment.

2.2 REGISTRATION AT AFGHAN FOREIGN REPRESENTATIONS

During recent decades, millions of Afghans have sought refuge in the neighbouring countries of Iran and Pakistan. While staying in these countries, many Afghans marry without this being registered by the authorities in the respective countries. In 2004, a memo from the Norwegian embassy in Islamabad stated the following:

To relieve the situation for Afghans in Pakistan, the Afghan embassy in Pakistan introduced a new type of marriage certificate that entered into force from 1 April 2004. This new marriage certificate is a small leaflet with seven pages (13 pages if the translated pages are included). [...]. The marriage certificate will be issued by the Afghan embassy in Islamabad and by the Afghan consulates general in Peshawar, Quetta and Karachi to all Afghans who get married in Pakistan. The leaflet provides information on the registration number and the registration date, identification of the bride and groom – including signature and photo, identification of the bride's and the groom's witnesses and procurators – including signature and photo, certification by the mullah, etc. The front page of the certification leaflet will state where the certificate is registered.

In 2010, the Afghan embassy in Oslo confirmed the information from the Norwegian embassy in Pakistan. According to the embassy, the Afghan Supreme Court in 2004 delegated the authority to perform marriages of Afghan citizens to Afghan foreign representations (embassies, consulates). An application for marriage must be submitted in writing, personal information must be documented (separate forms), and the marriage must be performed by an authorised embassy employee (who does not need to have a religious background) in a ceremony where the couple responds affirmatively to a number of questions (“loud and clear voice x 3”). An imam/mullah is not required to be present during the ceremony itself, but the contract must be signed by an imam/mullah to become valid. According to the Afghan embassy in Oslo, the embassy does not practice its delegated authority to perform marriages.

When an Afghan consulate or embassy certifies information on a marriage, as a main rule this will be based on information provided by the applicants and their witnesses. The Afghan embassy in Oslo issues certificates and registers pre-existing marriages. For example, the embassy can register and confirm marriages performed in mosques in Oslo, provided that the spouses and two witnesses confirm to the embassy that the marriage has taken place. If an Afghan citizen resident in Iran or Pakistan intends to marry a person resident in Norway, the latter person can call on the embassy and Oslo and provide power of attorney to a person resident in Iran or Pakistan to act on his or her behalf in a marriage performed at an Afghan foreign representation in Pakistan or Iran.

2.3 DIVORCE AT AFGHAN FOREIGN REPRESENTATIONS

Afghan foreign representations are also authorised to grant divorce. According to the embassy in Oslo (telephone conversation January 2011), both parties must meet at the embassy accompanied by two witnesses. If one of the parties resides outside Norway, he or she can give power of attorney to act on his/her behalf to a third person in Norway by calling on another Afghan foreign representation.

Certain divorce cases will be submitted to the Afghan Supreme Court for a decision. This will apply to cases in which the woman wants a divorce and where the husband has not given his consent, as well as cases in which conflicts arise regarding custody of children and financial settlement. In cases where the husband wants a divorce, the embassy issues the divorce documents. The divorce is registered at the embassy, which forwards this information to the Afghan Ministry of Foreign Affairs (telephone conversation January 2011).

3. NOTORIETY

In addition, it can be noted that Afghan documents in general have very low notoriety.

This is partly due to the fact that there are few reliable registries against which information can be verified. The registration of births is inadequate, and no census has been undertaken since the 1970s. Bribes, corruption and the illegal production of various types of documents are also widespread in Afghanistan, which is ranked as number 176 of a total of 178 countries on Transparency International's list of global corruption (Transparency International 2010). Forged documents as well as documents issued by competent authorities may therefore contain both correct and incorrect information.

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