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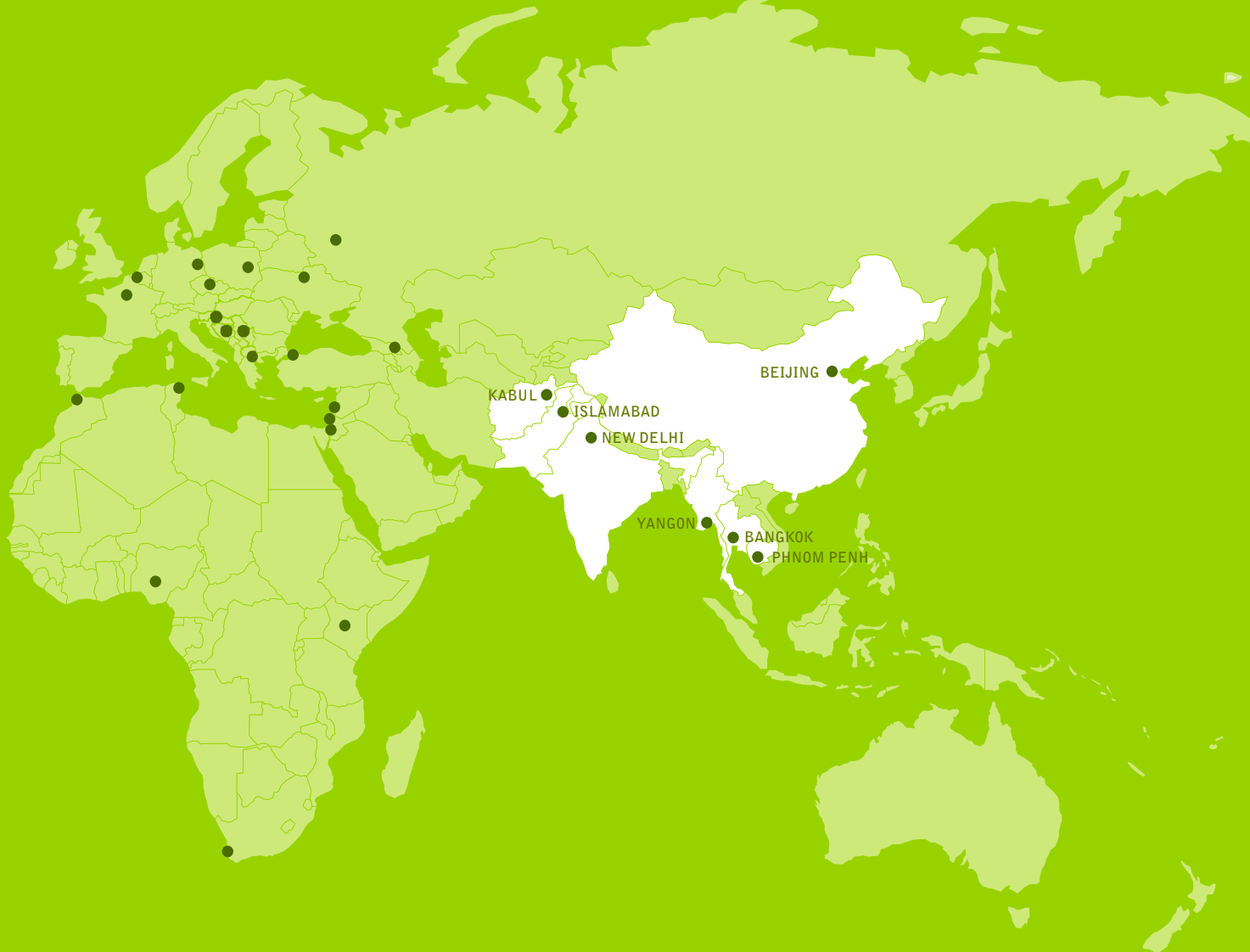
POLITICAL ANALYSES AND COMMENTARY

ASIA

The Gender Issue Gender Politics in Asia



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Heinrich Böll Foundation

The Heinrich Böll Foundation is a publicly funded institute that is closely affiliated with the German party Bündnis 90/Die Grünen. From our headquarters in Berlin and 32 overseas offices, we promote green ideas and projects in Germany, as well as in more than 60 countries worldwide. Our work in Asia concentrates on promoting civil society, democratic structures, social participation for all women and men, and global justice. Together with our partners, we work toward conflict prevention, peaceful dispute resolution, and search for solutions in the fight against environmental degradation and the depletion of global resources. To achieve these goals, we rely on disseminating knowledge, creating a deeper understanding between actors in Europe and Asia, and on a global dialogue as a prerequisite for constructive negotiations.

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Preface

The Fourth World Conference on Women held in Beijing in 1995 was a milestone for affirming women's rights and human rights. In total, 189 states signed the Beijing Platform for Action, a document subdivided into 12 strategic objectives describing how women's equal participation in decision-making as well as in social and economic life can be guaranteed. Twenty years on, when reaffirming their allegiance, the signatories of the Platform for Action had to admit that the results were rather disappointing. Implementation, if undertaken at all, had been slow, and although today women's rights are part of the constitutions and legal systems of some countries, the overall social balance of power has hardly shifted – and in some regions progress on women's rights has actually been reversed.

Progress toward equal opportunities varies considerably between regions as well as individual countries. This is especially evident in Asia, with its diverse economic, religious, and political realities. The triennial *Gender Equity Index*, published by Socialwatch,¹ which investigates opportunities regarding education as well as political and economic participation, ranks three Southeast Asian countries in the top third of countries studied (i.e., the Philippines, Thailand, and Vietnam), whereas highly developed South Korea and Japan only achieve average rankings, thus falling behind some of the poorest countries in Africa and Latin America. The democratic India as well as Pakistan and Afghanistan are near the very bottom of the 154 countries studied.

Asia has seen positive developments regarding girls' access to basic education. In many countries, women have benefited from the fight against poverty and today

have greater access to healthcare than they did 20 years ago. In certain areas, some of the Beijing recommendations have become national law, with quotas for women in parliaments and government agencies. Also, the legal protection and social acceptance of homosexuals and transgender persons is now being openly talked about across Asia.

In many places, violence against women and sexual minorities has not decreased, and equal political and economic opportunities are still a distant goal. The euphoric mood in the wake of the Beijing summit led many women to believe that globalization would improve employment opportunities, thus creating greater security for women. However, although the liberalization of international trade, the privatization of public services, and the growing influence of business interests on development have created global growth, these measures have also escalated the wealth gap between rich and poor to a greater degree than at any time since the end of World War Two. Men as well as women have suffered from these trends; the latter, however, are much more likely to end up in precarious jobs.

Recurring economic crises, an increase in natural disasters along with the fears these cause regarding food and energy security, and the rise in extremism and violent conflicts have made the world a much less safe place – especially for women. In many Asian societies, patriarchal attitudes are still very common, and women and girls are subject to systematic violence, be it in everyday life or during violent conflicts. The number of women who are victims of human trafficking or modern forms of slavery has risen over the last 20 years. In Asia, and especially in populous China and India,

the gender ratio is skewed against women – a consequence of selective abortions and of young girls being neglected.

In this edition of *Perspectives Asia*, the authors highlight certain aspects of gender relations and offer some very personal insights into the situations of women and men in Asia.

In her contribution, Samira Hamidi from Afghanistan reminds us how easily rights gained can be lost again. She describes the gap between constitutional rights and social reality in her country and explains how women suffer from the resurgence of traditional and reactionary religious forces.

The interview with Dhammananda Bhikkhunī offers an altogether different perspective on women's rights and religion. In an environment that is largely patriarchal and does not permit the ordination of nuns, she combines feminist views with her role as abbess of a Buddhist monastery in Bangkok.

Srijula Yongstar's contribution from Thailand addresses the struggle of sexual minorities for social and political acceptance and the right to get married. Her article puts a special emphasis on the developments since the 2014 coup and the Thai junta's gender policies.

In her report on the difficult living conditions faced by homosexual and transgender people in India, Shubha Chacko from Bangalore focuses on the role of the judicial system for the rights of sexual minorities. However, she also points out that solidarity and lobbying may improve the conditions of minorities.

On the other hand, the two contributions from Cambodia emphasize how past

human rights violations may impact the following generation. Whereas an interview with transgender activist Sou Sotheavy highlights experiences of sexual violence and her fight for LGBT rights in Cambodia, Thida Kim focuses on forced marriages under the Khmer Rouge regime in the 1970s, showing how impunity and the lack of reaping past sexual violence results in the continuing marginalization of the victims.

The article by Zhao Xin from China traces the complex and drawn-out process of achieving and implementing women's rights. China's Communist Party is currently drafting a law to protect women from domestic violence; at the same time, civil society activism that aims to promote women's rights and put the social imbalances between the power of women and men on the agenda is being curtailed and suppressed.

Twenty years after the World Conference on Women, Asia still has a long way to go in order to achieve equal rights for all genders. Continuing individual and institutionalized exclusion and violence results in setbacks. However, exemplary successes on many different levels of society demonstrate that education, tenacity, and putting pressure on political decision-makers may, over the long term, help to achieve changes. ■■■

Katrin Altmeyer

Head of Asia Department

Heinrich Böll Foundation, November 2015

¹ www.Socialwatch.org/node/14368

Section 377 and Beyond

Walking with Sexual Minorities in India

Shubha Chacko

“Love knows no gender” proclaims one brightly colored placard that a lesbian woman holds high. “Supremely disappointed” reads a poster above a painting of pair of rainbow-colored handcuffs. Slogans demanding justice, promising that the struggle will continue. This was the scene at Town Hall in Bangalore on December 11, 2013. The protest was against the judgment of the Supreme Court of India that recriminalized same-sex sexual acts.

To rewind a little – in 2009, in a landmark judgment, based on a petition filed by the Naz Foundation (an NGO that works on HIV-related issues), the Delhi High Court in India removed “private consensual sex” from the purview of Section 377 of the Indian Penal Code (1861), Section 377, known as the “anti-sodomy law.” It criminalizes what it deems to be “carnal intercourse against the order of nature.”

However, based on petitions filed against this judgment – from faith-based and religious groups and a child rights organization – the Supreme Court of India overturned this ruling on December 11, 2013, thereby recriminalizing homosexuality. Despite petitions from the government of India and human rights organizations requesting that the Supreme Court review its judgment, the court held that “Section 377 IPC does not suffer from the vice of unconstitutionality.”

It was this judgment that provoked outrage and anger, with activists condemning it as being retrograde and a blow to equality, justice, and freedom. A campaign that said “No Going Back” was launched at the national level and is still on.

Background

Among the numerous social movements in India, that of sexual minorities – or the lesbian, gay, bisexual, and transgender (LGBT) movement – is one of the youngest. Although a late entrant, the movement has attracted growing attention from the media, academia, and policymakers. The increased space that the movement has managed to carve out for itself is due to a convergence of factors: the concerted struggles of a number of groups; the HIV pandemic, which has served to bring focus to certain identities among sexual minorities; and globalization processes, which have opened up the discourse around sexuality and increased information flows and access to certain human rights mechanisms. Within this landscape of rapidly changing developments, the sexual minority movement in India has started to come of age.

The frame: “Sexual minorities”

Sangama is a leading 15-year-old organization working with non-English-speaking sexual minorities and sex workers to promote and defend their rights. Within Sangama, the framing of this movement as a movement of sexual minorities (rather than a queer movement) is deliberate. Within the Indian context, the idea of “minorities” has political implications. It arises from an understanding that minorities are marginalized and have been historically oppressed. The concept underlines differentials in terms of power and also places the onus on the state and the powerful to set right

Shubha Chacko is the Executive Director of Solidarity Foundation and has been closely involved with Sangama, an NGO based in Bangalore, India, that fights for the human rights of sexual minorities. She is closely involved at the grassroots level and in policy and research work in India, particularly focusing on issues relating to women, gender, and sexuality. Shubha has a master’s degree in Social Work from the Tata Institute of Social Science in Mumbai.

these structural wrongs. This framing also allows for alliances with other movements that position themselves as minorities as well, such as women, Dalits, and religious minorities. It also forces the movement to be more reflexive: to understand other layers of exclusion that operate within sexual minority communities and groups as well.

The overarching umbrella of “sexual minorities” includes a variety of identities: lesbians, gay, trans-men, trans-women, intersex persons, as well more indigenous identities such as hijras, jogappas, shiv-shaktis, kothis, and “doubledekkers”, as well as those who identify as queer – anyone marginalized due to their gender and/or sexuality.

A history of violence and violations

One of the first crises that Sangama dealt with was the illegal detention of a bisexual man. This case was brought to our notice as a result of intensive leafleting drive in the cruising areas. The leaflets contained information about the rights of sexual minorities along with contact numbers in case of police harassment.

In 2001 the People's Union of Civil Liberties Karnataka Report compiled shocking testimonies that illustrated widespread violence against working-class transgender sex workers. It looked at the human rights of sexuality minorities and their violation by both the state (law and police) and civil society institutions (the medical establishment, media, family, workspaces, household spaces, etc.). Over the years, there have

been a growing number of reports that have documented the status of sexual minorities.

In another early instance, Kokila, a 21-year-old hijra living in Bangalore, was raped by several men (June 18, 2004). She was further sexually and physically abused and humiliated at the police station for daring to complain. The presence of a support group and intense community work enabled her to report the violation; the group went beyond reporting the incident and formed a collective. A sustained campaign was launched. Many members of sexual

Hijras: members of a traditional male-to-female (MtF) transgender community.

Shiv-shaktis: males possessed by or particularly close to a goddess, with a feminine gender expression.

Jogappas: one of the lesser-known transgender communities in India, connected with the worship of Goddess Yellamma (“mother of all”).

Kothis: biological males who show varying degrees of “femininity,” which may be situational; they may be homosexual or bisexual and generally from a working-class background.

Doubledekkers: homosexual or bisexual men without either feminine (Kothi) or hypermasculine (Panthi) gender identity, from socio-economically disadvantaged classes.

minorities, as well as human rights activists, progressive thinkers, and journalists held a sit-in, beseeching the human rights monitoring institutions to take note of the

offense. It was a turning point for Sangama and the movement in Bangalore.

Over time the organization began to address issues of violence and violations in a more systematic manner. This included a temporary shelter for lesbians, bisexual women, and trans-men as well as psycho-social counseling. Support was provided for matters concerning the police and courts. Staff members were trained in techniques of crisis management. This – and the awareness that help was at hand through a 24/7 helpline – served to build a sense of strength and confidence among the community members.

In 2008, the Police Commissioner of Bangalore launched a ruthless drive to “purge the city” of hijras. Besides harassing hijras and other sexual minorities, the police were also abusive to the staff of Sangama and other human rights activists who had come to support them. They were beaten and charged with “unlawful assembly and obstructing government officials in performing their duty.”

Two hijras were falsely implicated in kidnapping an underage male person, castrating him forcibly and “adding hormones into his blood” to make him a woman. The accused were then imprisoned for more than two years. The junior police personnel were instructed not to show any mercy to these “deviants.” Landlords received written instructions to forcibly evict hijras. A climate of fear pervaded. Sangama challenged the kidnapping case in court. The policemen were severely reprimanded and the cases against the activists were tossed out by the court. The week-long actions to win support, included handing out roses to the police and run a health camp in a slum area.

Sexual minorities are subject to violence from different sections of society – police, criminal gangs and goons, families, the general public, religious fundamentalist elements, and self-appointed guardians of morality.

The engagement with these communities underlined that sexual minorities are subject to violence from different sections of society – police, criminal gangs and goons, families, the general public, religious fundamentalist elements, and self-appointed guardians of morality. They face extreme social rejection and exclusion.

The all-pervasive stigma, prejudice, and discrimination create a hostile and stressful social environment, correlating with an increased incidence of other mental health problems, such as depression, anxiety, and – in extreme cases – suicidal ideas.

The Delhi High Court judgment and after

Indian law is a powerful force used to control various marginalized communities, including sexual minorities. It has criminalized the very existence of homosexuals, hijras, and kothis, making the police an omnipresent reality in their lives. Furthermore, the civil aspect of law has not heeded the demands for citizenship and the equality of trans-people and those in same-sex relations.

The link between criminality and sexual non-conformity was made explicit in an amendment made in 1897 to the Criminal Tribes Act of 1871. The contemporary perception of hijras as thieves and the brutal violence inflicted against them can be partially traced back to this colonial legislation. In theory this Act has been repealed, but it continues as part of the living culture of law. It has found its way into the Karnataka Police Act (36A), which criminalizes practically every aspect of a hijra's life.

When the Delhi High Court in 2009 held that same-sex sexual acts among consenting adults in private is not a crime, there was an almost spontaneous gathering of sexual minorities in different parts of the country. “You mean I am a full citizen of this country?” asked an old kothi incredulously. The judgment, in near lyrical terms, rescued the issue from the narrower health terms within which it had been originally framed. It emphasized that Section 377 was inimical to the principles of equality and right to life with dignity, as enshrined in the Indian constitution. The court emphasized that Section 377 rendered a whole class of people as “non-citizens” and that it violated the right to privacy, dignity, and health; it was, therefore, unconstitutional.

Some policymakers openly focused on the issue. In Karnataka, for example, the government's legal services authority partnered with Sangama to hold seminars throughout the state on “Transgenders and the Law.” In 2010 the Backward Classes Commission recognized that trans-people are, as a group, excluded and disadvantaged. It therefore

sought to include them in the list of “backward classes” eligible for some entitlements. The state government announced schemes for trans-people, though these have yet to yield results.

Opening up of spaces

Overall, the environment of tolerance has grown. Many political parties in Karnataka have openly supported sexual minorities. Pride marches have been conducted in cities and smaller towns.

More and more LGBT groups have emerged on university campuses and within corporate bodies.

Other movements and the general public have become more accepting. This is not to suggest that the repressive aspects of the state disappeared after 2009. In November 2013, there were 13 people arrested under Section 377 in Hassan, a small town near Bangalore. This was the largest number of people ever to have been arrested under this section in India. They were subjected to harassment and abuse. Following the intervention by the Karnataka Sexual Minorities Forum, the “accused” were all released on bail. Their case is still pending, and the 2013 Supreme Court judgment has increased their risk of being convicted.

However, indications are that the issue of trans-people (especially trans-women) has gained some traction. One remarkable development was a 2014 judgment by the Supreme Court of India, which, in a

response to a petition filed by the National Legal Services Authority, upheld the rights of people to choose their gender (as man, woman, or as a transgender). The court went on to provide guidelines for the state and central governments to address the wide range of problems currently faced by trans-people. The judgment asserted that it was essential to recognize trans-people as full citizens of the country.

The issue of trans-people also received another unexpected boost when the Rajya Sabha (Upper House of Parliament) passed a private member’s bill protecting and providing rights for trans-people. The bill also guarantees quotas in education and jobs, financial aid, and social inclusion. It awaits approval by the Lok Sabha (the Lower House) to become an act.

In India, generally, issues of poverty and gender, class, and caste oppression are often seen to be more important than those of sexuality. But such a view ignores the fact that sexuality is integrally linked to ideologies and structures of social oppression, such as patriarchy, capitalism, the caste system, and religious fundamentalism. Hence, the struggle for sexuality rights cannot be separated from the broader human rights struggle for economic, political, and social liberation. Law reform, therefore, is one part of a larger struggle for social justice; organizing communities to represent themselves and for collective bargaining remains crucial. ■■■

Changing Political Tides

The LGBT Movement in Thailand and the Difficult Struggle toward Gender Diversity

Srijula Yongstar

This article aims to explore how LGBT activists in Thailand have struggled over the past two decades in applying a holistic human-rights-based approach as a strategy to achieve their goals. In this context, the article will seek to analyze the fledgling relationship between the state and the multifaceted LGBT movements in light of a rapidly changing political landscape, oscillating between democratically elected governments and military rule.

In Thailand, lesbian, gay, bisexual, and transgender (LGBT) activists are currently making headway in advocating for same-sex marriage. The passage of a new civil partnership bill is high on the agenda, and their demands are gaining momentum. However, the debate does not stop there, since the activists are seeking to place LGBT rights on a more comprehensive societal platform, trying to link it to the ongoing general human rights discourse in the country. The question remains whether they will be successful in convincing the general public that LGBT rights and human rights are inseparable, and therefore intrinsically intertwined.

Introducing gender diversity through the prism of human rights

In the wake of economic growth and an increasing openness toward cultural and social influences from the outside world, a human-rights-based discourse has been firmly taking root in Thai society since the early 1990s. The 1997 Constitution, known as the “People’s Constitution,” institutional-

ized these democratic changes. This charter enshrined a comprehensive catalog of 40 human rights, and it established a special organ, the National Human Rights Commission (NHRC), which was tasked with protecting and guaranteeing these rights on behalf of the Thai people. Many members of the newly formed NHRC took an interest in LGBT issues.

In turn, LGBT activists and scholars seized this unique institutional and legislative opportunity to reframe their strategies. What followed was a lively and constructive exchange between the existing LGBT networks, which consisted of lesbian groups, gay organizations with past experience in HIV/AIDS advocacy, as well as transgender activists and the NHRC. At this point in time, the movements advocating for the principles of gender diversity began to advance from fragmented, isolated groups into a serious national movement. A first success came as a result of targeted lobbying with the Ministry of Defense to remove the derogative term “mental disorder” in reference to transgender persons from a military regulation (Sor Dor 43).

Despite these first successes, the proponents of LGBT rights in Thailand realized that in the perception of the general Thai public, the intrinsic connection between human rights and LGBT issues was far from being widely accepted. Thus, the gender diversity networks planned – with the support of the NHRC – to set up a national agenda to lobby jointly for concrete changes. The advocates suggested that the term “sexual diversity” should be explicitly enshrined in every Thai constitution as a matter of principle.

In 2006, another serious political rupture occurred, with the military ousting the elected Pheu Thai government. Although the 1997 “People’s Constitution” was rescinded by the government, the NHRC continued to exist under an interim charter, pending the drafting procedures leading to a new constitution. The gender diversity movement maintained its regular meetings with the NHRC to influence the constitutional drafting committee members under the coup regime in accepting the inclusion of the principle of gender diversity in the new charter. This demand was firmly rejected. However, as a result of intense lobbying efforts, the drafters agreed to include a generic “non-discrimination clause” prohibiting gender-based bias in Article 30 of the new 2007 Constitution. Given the difficult political circumstances under which these negotiations took place, the outcome was nonetheless regarded by many LGBT activists as a milestone achievement in the ongoing struggle for the acceptance of gender diversity in Thailand.

Difficult relationship: LGBT movements and the military government of May 2014

Since the military coup of May 2014, civil society has yet again been faced with severe restrictions and controls. Public seminars are being cancelled, scholars and activists summoned and intimidated by the authorities, and peaceful gatherings disallowed.

Despite that, in 2015, the junta government passed the “Gender Equality Bill.” According to the drafters, this bill was poised to eliminate discrimination and unfair treatment based on a person’s gender. However, gender diversity advocates felt that the bill contained a range of vaguely defined exceptions on grounds of religion and national security, which defeated the overarching purpose of the law in effectively curbing gender-based discrimination.

Even worse, the government is currently proposing a so-called “Protection of Children Born from Medically Assisted Reproduction Technology Bill,” which would explicitly ban LGBT people from using surrogacy technology. This policy sends an unequivocal message that the state is still prepared to openly discriminate against LGBT people at an institutional and legislative level.

At this critical point, political fragmentation among LGBT advocates is on the rise. Overall, many activists feel that, in contrast to 2007, LGBT campaigners should not get involved in the drafting of yet another post-coup constitution in the slim hope of furthering the particular interests of the movement. They feel that it is time for the LGBT movement to integrate into a broader civil society campaign that questions the legitimacy of the political developments in Thailand, and that promotes genuine public participation and democratic processes and structures.

At a crossroads

The relevance and the impact of the struggle for gender diversity spearheaded by the LGBT movement in Thailand will remain weak as long as it is solely focused on legislative procedures and constitutional drafting without due consideration to the overall political structure in the country. Critical proponents of this integrated approach from within the LGBT movement call for a strategic shift away from purely “technical and single issue-based” legal reforms to a broader involvement of the LGBT movements in campaigns promoting liberal and pluralistic freedoms, such as the right to freedom of speech and assembly, the right to access justice, and non-discriminatory state policies at all levels of society. By fol-

It is time for the LGBT movement to integrate into a broader civil society campaign that questions the legitimacy of the political developments in Thailand, and that promotes genuine public participation and democratic processes and structures.

lowing this path, the LGBT movements would not only support other marginalized groups in their struggle for recognition and democratic participation, but also regain momentum in strengthening its own position at the heart of Thai society. One example of this integrated lobbying approach could be seen when a number of LGBT activists openly supported the students from the “New Democracy Movement” who were arrested following peaceful demonstrations against military rule. ■■■

“I am first a Buddhist, second a feminist”

The Struggle for Female Ordination in Thailand

Interview with Dhammananda Bhikkhunī
by Srijula Yongstar and Florian Reinold

Christianity without monks and nuns would be unthinkable – the same applied to Theravada Buddhism until around the 11th or 12th century AD. Back then the influence of Buddhism in India and Sri Lanka diminished significantly and the number of monks (*Bhikkhus*) and nuns (*Bhikkhunīs*) declined rapidly until a point was reached in which no more practicing Theravada nuns were alive. After Theravada Buddhism rose again and was carried from Sri Lanka to the old Siam in the 13th century AD, the clergy consisted exclusively of monks. This status quo has remained unchanged until now. A huge majority of the male-only Buddhist clergy in Thailand refuses to accept female ordination. Women have to seek assistance from foreign monks to fulfill their wish in becoming a fully ordained follower of Theravada Buddhism.

The controversy around female ordination in Theravada Buddhism seems to be a technical one: According to Buddhist literature, a male as well as a female Sangha have to be present to conduct the ordination ceremony of a woman. As the lineage of fully ordained nuns died out centuries ago, there is no way back – a position that the Supreme Sangha Council holds. How do you perceive their stance?

Dhammananda Bhikkhunī: I can summarize the debate in one sentence for you: “They do not know that they do not know.”

Everything we say, everything we believe, every way we lead our life comes from the Buddhist text. We are guided by the text. We have talked with many, supposedly well-studied, scholars, but when it comes to the part of ordained women, even very highly esteemed monk scholars just read through the text quickly. They say there are no nuns in Thailand, so they do not have to be particular about it and just skip these passages of the text. They are well-renowned scholars and should have read the whole text. But they do not, which is why they do not get the real message. Sometimes we have to read between the lines, and actually not even between – just on the lines would be enough. That is where it would backfire on them, because when people go back to the text and really read it, I can give quotations and references that will show their stance on the ordination of women is contrary to what the Buddha said. When the Buddha allowed the monks to give ordinations to women, the monks were required to ask the women 24 specific questions, some of them concerning very private matters about the women's body parts. In the old days, women were too shy to answer these questions, so the Buddha asked some Bhikkhunīs to join the ceremony to make the applicants feel more secure and confident. That is the only reason why Bhikkhunīs were invited to do the

Dhammananda Bhikkhunī, born as Chatsumarn Kabilsingh, is a renowned scholar in Buddhist studies and became the first Thai Theravada nun after she received her full ordination in Sri Lanka in 2003. Today she is the Abbess of Wat Songdhammakalyani, a monastery in Nakhon Pathom, roughly one hour west of Bangkok, where she teaches and carries out temporary and full ordinations for women.

Srijula Yongstar is a Program Coordinator for Democracy/ Human Rights.

Florian Reinold is a Research Manager. Both work for the Heinrich Böll Foundation's Southeast Asia Regional office in Bangkok, Thailand.

What is the Sangha?

The term Sangha comes from Sanskrit and means "assembly." It can either stand for the whole Buddhist faith community or describe the Buddhist clergy, which usually consists of a Sangha with monks and a Sangha with nuns, whereas there are currently no examples of the latter in Thailand. The clergy is formal-

ized by law in the Sangha Act. It regulates the organizational structure of the monkhood. On top of the clergy is the Supreme Patriarch of Thailand, who chairs the Supreme Sangha Council, which carries legal powers in religious matters such as overseeing nominations of regional abbots or registrations of temples.

first part of clearing the candidates from obstacles before the actual ordination. Today, women are stronger, they do not have problems talking about their bodies, so the Bhikkhus could ordain them, even without the presence of Bhikkhunīs. But the Thai Sangha elders have not come to this part of the text. The "Vinaya," which is the monastic discipline, never said that we cannot do something. The "Vinaya" is not meant to imprison you, but to allow you to walk on this monastic path beautifully. If you do not understand the spirit of Buddhism, then the monastic rules will imprison you, but that is not what the Buddha meant. That is why we always have to rely on our knowledge, on our way of doing things according to the text. So the text is our strength now.

What is the agenda of the Supreme Sangha Council in sticking to their strict view not to accept female ordination?

I cannot say if there is any hidden agenda, but I feel sometimes that there is fear. Why is there fear? If you are a secure person there is no fear to speak openly to me, but if you are insecure, that is a source of fear. Why do you not make yourself secure? So go back and read the text, it is your strength. If you read the text carefully, you will find that there is nothing to be afraid of. These women, who want to be ordained, are only coming as sisters to the monks, to help promote Buddhism, to help to heal the wounds of society; there is nothing to be afraid of.

Is there a regular exchange between your monastery and the Supreme Sangha Council?

No, there is no exchange. In fact, the Buddhist text offers seven ways of dealing with controversy and one of them is called "Sammukha," which means "face to face." This face to face thing never happened. If they allow us to explain to them why we do it this way, it will be much better – now we are just being interviewed by media and what we say ends up in the papers. But even the papers get the quotes wrong sometimes, which is a shame. Another way of dealing with conflict that the Buddha offered is "to sweep under the carpet" what is gone and not open old wounds, which is the strategy that the Thai Sangha Council uses.

Your temple is not officially recognized as a monastery by Thai authorities. Which obstacles do you face therefore?

We have not done anything wrong according to the law, but we also do not have the law to support us. It is a very strange situation. You cannot register the land as a temple, so we had to take an alternative approach

and registered as a foundation. I cannot call myself "Bhikkhunī" officially, because when I get my ID card, my only options are to go by "Ms. or Mrs.," as there is no computer code in the system for Bhikkhunī. That is the very simple reason that they give you. And how do I get this computer code? I have to go to the Department of Administration, which in turn will get permission from the Council of Elders to issue such a code. So you see how it goes about like that? So I am fine as long as I do not have to do anything with the government, but when you have to deal with the government, you need a legal position, which we do not have, and that is where we have some problems.

There are some rules for fully ordained nuns that seem to subordinate you to monks; still, you and other women seek the ordination.

Yes, but I do not mind, because I think when the Buddha set that up, we have to keep in mind the ancient Indian setting in which the Buddha grew up. In this context, the men always took the lead. Even in our Thai society, if there are seven men and one woman at a meeting, it is always the woman who gets up and makes coffee. I understand the context, but there is one particular rule that we do not follow: It is to be in the same compound with monks. The purpose was for security reasons in the Buddha's time. But today, I find that when I have to be in the same compound with monks, it will cause many more problems for us. We understand that this rule provides security for us, but we have a wall around our monastery here and dogs and fences, so our lifestyle is safe, which means we do not pay particular respect to that rule, but we have other ways of answering to the call of that rule. In general I have no problem paying respect to the monks as long as I know they are good. But if they have shown bad behavior, I do not have to pay respect.

UNDP's 2014 Gender Inequality Index ranks Thailand 89 out of 187 countries. On your website you state that you describe yourself first as a Buddhist and then as a feminist. How is gender equality interlinked with the recognition of ordination?

You already have that right of gender equality, but the right is taken away from you. So you are demanding your own right and we are demanding our right to be ordained. We do not ask or claim something that we never had and was not for us. We are actually demanding our right. This right is given to us by the Buddha. So it is not a gender issue of "I want to be equal to men." I do not see it that way. My standpoint is that this is a heritage given to me by the Buddha and I would like to claim that. When I say that I am a Buddhist before a feminist, I am thinking of a situation in my life back in 1983 during a conference at Harvard University. I saw many of the early feminists in the 1980s; they were weeping and crying and had lots of anger. I agree with them on everything they are fighting for, but I do not want to be weeping and crying and full of anger. So I really focused on Buddhism first. I can still fight for the same issue, but at the same time I must be calm and peaceful like a Buddhist. So that is the balance, the balance between Buddhist and feminist. Buddhist first and feminist second.

How strong is the support of feminists in Thailand for Bhikkhunīs?

Oh, not that strong. The Thai feminists in the early 1980s did not want to have to do anything with Buddhism because they felt that Buddhism was suppressing women. I was the very first feminist to become a Buddhist nun, and I was the one who tried to correct this attitude of Thai feminists toward Buddhism. Actually, Buddhism is very sup-

portive of women. I think the Buddha was the first feminist in my life; the second one is my father. My mother was a nun too and when she became ordained, my father bowed to her, bowed on the ground and praised her for having fulfilled the fourfold Buddhism – which is the full form of Buddhism with its four pillars of monks, nuns, female, and male lay followers.

Of course I converted all my sons to feminists, too. Yes, feminists do not have to be women. It is the quality of women and men and any other gender that supports the space for women to grow according to their potential. Women have potential, but they are being suppressed and the potential never blossomed.

Which kind of progress do you foresee for you, the monastery, and the recognition of female ordination in Thailand in the next 10 years?

I hope there will be a time when people will wake up and really say that this is enough, that it is too far and too long. For 700 years we did not have ordained women in this country. However, now we have more than 100 Bhikkhunīs in 20 provinces, so there is progress. Thailand always boasts about having the highest Buddhist population in the world, but yet that Buddhist population is lopsided, because Bhikkhunīs are still missing; it is not completely fourfold. ■■■

Forced Marriages under the Khmer Rouge Affect Society Today

Thida Kim

The wedding is valuable to women because everyone acknowledges a married woman as a good daughter who is obedient. The woman gets beautifully made up and receives a lot of guests. The wedding is very vital for every Cambodian woman. If we loved each other without acknowledgment from parents or relatives and we run away [elope], it is not good. In Cambodian tradition, children must respect their parents and the wedding cannot happen unless the parents accept and celebrate for them.

– Like Ghost Changes Body, p. 36

A traditional wedding, or “riep kaa” in Khmer, is an important ceremony for any Cambodian woman, as well as for her family. These weddings are long, colorful affairs, described by the academic Svay Ebiara in a 1968 dissertation as the “most joyous, delightful ceremonies, involving carefully planned rituals and ornate traditional clothing for the bride and groom.” The ceremony takes place across a number of days and consists of a complex performance of up to 13 ritual acts. These weddings are a gift given by a daughter to her parents and involve a whole host of actors aside from the marrying couple: parents, relatives, friends, elders, monks, *aschas* [Buddhist priests], fortunetellers, musicians, and other villagers. Prior to the Khmer Rouge, marriages were largely arranged by parents. But the child was generally asked for consent and was rarely forced into doing something that they found distasteful. In return, parents could expect obedience, deference, and devotion from their children.

The burden of civil war

The Kingdom of Cambodia has on several occasions been the staging ground for intense conflicts, including genocide and civil war. The apogee of this violent history came during the four long years between 1975 and 1979, when the ultra-communist Khmer Rouge regime controlled the country. During this period, more than 20 percent of the population was killed or died due to starvation, disease, and the harsh conditions of forced labor. Under the regime’s plans to return Cambodia to an agrarian society, city dwellers were evacuated to live in the countryside and work as farmers. The population was divided into “old” people – those who had lived in rural areas prior to the start of the regime – and “new” people, who had been forced out from urban areas. For four years, religion and cultural practices were outlawed, money and private property were abolished, and the entire civilian population was forced to submit to hard labor on collective worksites dedicated to farming and infrastructure construction.

This tragic epoch had far-reaching consequences for Khmer society, including the massive destabilization of a way of life that was built on close family and community networks. One of the most radical transformations of the Khmer Rouge regime was the abolition of the family unit: Family members were separated by age and gender into work camps, with many of the work units traveling long distances around the country and away from old family ties. Cooking and eating were communalized. Infants were cared for by strangers while parents worked, and older children lived away from parents

Thida Kim is currently working as a psychologist at the Royal University of Phnom Penh. She is the co-author of the first study on forced marriage under Khmer Rouge: “Like Ghost Changes Body” (2014).

in children's work units. Parents had little access to their children.

Forced marriage was a unique form of sexual and gender-based violence practiced under the Khmer Rouge. Traditional weddings were outlawed, and *Angkar* (literally, “the organization” – the highest decision-making body of the regime) took over the role of parent, forcing individuals into marriages and conjugal relations without consent. Most men and women were not allowed to choose their partners but were assigned spouses. Often couples were complete strangers forced to commit to each other at mass weddings officiated by actors of the Khmer Rouge state. Family members were not allowed to attend the wedding and were not consulted about matches. Traditional clothes, dancing, singing, and religious ceremonies were prohibited. Couples were married in the typical Khmer Rouge costume of black uniforms and sandals made out of tires. The wedding ceremony took little more than five minutes, with the assigned husbands and wives then publicly promising to produce a child within one year. Married couples stayed with each other for a few days following the wedding, often with Khmer Rouge spies, “*chhlob*,” making sure they consummated the marriage. Due to the fear of punishment and knowledge of covert supervision by Khmer Rouge cadres, couples often did so. Those who refused, in most cases women, were subjected to coercive measures, such as violence or threats of violence. In some instances women reported that Khmer Rouge cadres assisted husbands in raping their new wives if they refused to have sex. The couple would then be required to return to their respective workgroups, meeting for conjugal visits every seven to ten days, or sometimes months apart. The main purpose of the marriages was not to form a family unit in the traditional sense, but to produce children to serve the revolution.

Survivors are still plagued by trauma

Even now, it is unclear how many women and men were affected by the practice of forced marriages. But given that such marriages were organized throughout the country in nearly every village, that the age range for selection as a potential spouse was between 15 and 35, and that the formerly

married as well as the unmarried were considered viable partners, it seems clear that a large number of people were touched by the practice. And yet only recently have its consequences and the needs of survivors begun to undergo scrutiny. Survivors of forced marriages are still plagued by psychological and physical symptoms of their trauma, and to identify yourself as a survivor of sexual violence in Cambodia is to risk being further traumatized through blame, stigma, and discrimination, as well as bringing shame on yourself and your family. In a study conducted by the Transcultural Psychosocial Organization (TPO) in 2014 with 110 people, some respondents reported reproductive and other injuries due to spousal abuse,

Forced marriage was a unique form of sexual and gender-based violence practiced under the Khmer Rouge.

beatings, and rapes. A little more than 27 percent reported negative sexual functioning, including gynecological problems, loss of sex drive, and fear of having sex with a second spouse. More than two-thirds of all respondents reported ongoing mental health problems. Some reported being quick to anger, others mentioned panic attacks, and still others said they experienced lingering emotional trauma when they remember their forced wedding ceremony. Just over one-third of respondents also stated that they had suffered adverse economic effects from the forced marriage, often as a result of spouses not contributing financially to the family in the way that custom would normally dictate.

Shame is a common feeling experienced by those who were married by force. One quarter of respondents to the TPO survey reported experiencing social problems as a result of their nuptials. This included feeling shame because the traditional wedding ceremony had not been followed, or feeling looked down upon and ostracized by the community. In some cases, these effects crossed generational boundaries: 12 percent of respondents said that their children, born as a result of the forced marriage, had experienced discrimination in the community.

Nowadays, don't you see? I don't have like others have. I did not get married as others did. For my children, people here were

always saying, “Oh, your mother is a widow, and she did not have a traditional wedding ceremony (kan sla).” They do not invite me to join the ceremonies. I have been disappointed for the rest of my life because of that marriage. Society discriminates against me for being a widow. For example, during the ritual where we eat the areca palm (houb sla) at the wedding ceremony, they do not include me. They don’t invite any of the women who are widowed or divorced or separated. We are broken, like a tree branch – meaning, we have no husband. Even at my own daughter’s wedding ceremony, I was not allowed to be her parent, and my mother was in the wedding instead. Both children and mother are affected by this discrimination for the rest of our lives.

– *Like Ghost Changes Body*, p. 50

Many of the women, especially those aged 18 to 20, became pregnant. The majority of respondents, 76 percent, reported having children as a result of the forced marriages. In many cases women who had to give birth during the Khmer Rouge regime were forced to continue hard physical labor with no healthcare and insufficient food until the day of birth. They were not allowed much time to rest afterwards. Women who separated from their partners after the regime collapsed had to face the stigma of no longer being a virgin, making it difficult for them to remarry. Those with children had to endure the hardship of childrearing as a single mother in post-conflict Cambodia.

Almost half of the forced marriages from this period ended in divorce or separation, with most respondents to TPO’s survey citing “not getting along well with each other” as the reason for the breakup. However the remainder – slightly over half – remained in the marriage after the regime, naming either love that developed after living together for so long as the reason, or pressure from family. Having children also kept families together.

My husband and I were spied on every night by chhlob. If I did not agree to have sex with my husband, I was sent to be “re-educated,” thus I never refused and just let my husband do what he wanted. The relationship between my husband and me was not very good because my husband was not an open man and he did not understand partnership. I lived with him without happiness and even

today we are still together. I continue to live with him because of my children. – A survivor during an interview with the author

Harmful conduct in times of conflict that is not addressed will become normalized in a post-conflict society. Violent and harmful practices affecting women during the Khmer Rouge era, such as forced marriage and rape, will create a hostile precedent that, if not corrected, can seep into the mainstream of modern-day Cambodia. A culture of impunity during wartime means that sexual violence is just as accepted during peacetime. In modern-day Cambodia, sexual violence remains a crime of which society does not like to speak: If rape victims are afforded justice, it generally happens behind closed doors in private deals. Cases very rarely end in prosecution and the reparation sums that are meted out are small, while the concept of marital rape is almost unheard of.

Scars are still present in Cambodia

The culture of impunity is generally considered to be just as present today as it was 40 years ago. The culture of silence present during the Khmer Rouge years has been maintained by the post-conflict generation, discouraging survivors today from reporting crimes. Far from being over, Cambodia’s traumatized society is just beginning to undertake the painful business of reckoning with its history. The scars of the Khmer Rouge are very deep and physical and present in modern Cambodia.

In large part, this was because people remained scared and still are today. After the end of the war, people have been living side by side with the Khmer Rouge perpetrators for decades. For many years, there was a taboo on even speaking of the Khmer Rouge, and this part of history was not taught at school.

The silence was also due to the fact that Cambodians lacked the vocabulary of therapy and healing to process a crime of the magnitude of the one perpetrated against their society. Nearly two generations of young Cambodian men grew up learning little more than how to kill, and this still affects gender relations today. ■■■

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“I was forced to hide my identity”

Interview with Sou Sotheavy by Sotheary Yim

My name is Sotheavy and I was born the seventh son of 16 siblings. Until I was 10 years old, I played like a girl and with girls, but that was all. Then when I was 10 years old, I started feeling that I was not a real boy. I started feeling that I loved nature and womanly characteristic, which are the most hated traits in society.

What kind of family did you grow up in?

My family was what some people would call middle class and what some people would call noble. My father became a forestry supervisor in 1960 – a job he held until 1970, when he became a one-star general in the military during the war of that decade. My family background was not one of hardship – among my siblings there are a doctor, a professor, a movie star, and a teacher.

Were you welcome in the family?

There was so much discrimination in the family toward me. After the age of 10, when I grew into my real self, the pressure in the family was getting stronger and stronger: They looked down at me and insulted me. There was violence, which produced the physical scar I bear until this day. At that time, I endured the pain and the discrimination with patience. I thought, where would I go if I left home?

How did you end up leaving?

The family was trying to change me to become a real boy but I didn't want to do it. I couldn't. It was my nature to have the characteristic of a girl. I knew even when I was young that if I stayed at home, it would cause hardship for my family and could affect the family's reputation, so I had already decided that I would leave one day. But then when I was 14, I was expelled from the family. I finally decided to leave because of the insults, discrimination, and violence. I left my home in Takeo province and came to Phnom Penh, where I had never been before. After leaving, I felt that I had lost the care of a family – particularly the ability to study. I lost everything that should have belonged to me, including my intended future career as a lawyer.

Talking about your appearance at that time: Did you already dress as woman?

I dressed as a woman but not in black. I wore a sarong and a jacket, with hair that reached down to my waist. In the village, people all dressed the same. After the Khmer Rouge took power in 1975, I got arrested. They accused me of being an enemy soldier – a spy for the CIA. They would accuse people randomly.

Sou Sotheavy is 75 years old. She has spent the last two decades working to establish a national network of organizations to support lesbian, gay, bisexual, and transgender (LGBT) people across Cambodia. In 2008, she became the first transgender person to file a complaint against the Khmer Rouge alleging sexual violence. She later testified at the Khmer Rouge Tribunal. Sou Sotheavy is the winner of the David Kato Vision and Voice Award 2014.

The interview was conducted by the psychologist **Sotheary Yim**, who has been providing support and assistance to survivors of the Khmer Rouge regime since 2005. The interview was edited for reasons of length and clarity.

During the Khmer Rouge regime, could you be transgender?

No. I decided to have short hair and I became a man because I wanted to hide my identity. I didn't want them know that I loved men, because if they didn't know then I could still live with other people.

Did you know of any other LGBT people at that time?

Yes, there were a lot. I saw women love women, and men love men. But no matter how much they loved each other at that time, they were not allowed even to talk in private. The Khmer Rouge would accuse you of destroying tradition with your immoral acts, and you would be killed. The Khmer Rouge would take people at night, and you would know that you were going to die.

What was your experience of sexual violence at that time?

We were all starving, as there was a lack of food. That was the time that I started to offer sex in exchange for rice. Sometimes I was forced to have sex. Once I was ordered to go and wait in the place where they interrogated the prisoners. I saw pincers for pulling nails, pins for piercing nails, hammers. I saw everything. After sitting for a while, they asked me to go through into the other room. I was shocked that there was the head of the prison sitting there. He asked me to do a massage for him and I did. In the evening, I was called again and did a massage again. That time I performed sex. He said, "Don't let anyone know. If they know, we both will die. You need to keep it secret." But a guard had spied on us and he asked me to have sex with him as well. When I said I didn't want to, he said he would tell the Khmer Rouge officials to kill both of us. So I did it for him. One day I was raped by 10 soldiers. I had a partner at that time and we lived together. My partner told me that I was lucky that at least I survived. We tried to escape from the Khmer Rouge, but my partner was shot and died. Until today he is in my heart and in my thoughts.

Were you ever pressured to marry?

Of course they tried, as they did with so many others. But I always had a lot of excuses. They pressured me, but never threatened to kill me. At the end, they told me, "You are of the right age and you shouldn't wait anymore. The Khmer Rouge are giving you the opportunity to get married. You should take it. Does anyone love you?"

Did they ask you to marry a woman or man?

A woman. No one would have suggested for me to marry a man because I was trying to present myself as a man in order to hide my identity.

How was life after the fall of the Khmer Rouge?

I looked for my relatives but I could not find them. At that time, I worked as a bodyguard. Later I started to work with NGOs on gender issues. In the beginning the work was all about HIV and AIDS. I realized that I wanted to start my own NGO that works for and with LGBT people.

What is your organization about?

It is called Cambodia Network Men Women Development (CNMWD) and was established in 2000. Our goal and vision is small, but we extended our activities to include education, a health program, and life skills. Today we know a lot of LGBT people who work in different government ministries, at the Senate, as doctors, and at many other institutions. But they don't reveal their identities. After my organization was granted an award, some people dared to tell their wives: “I love people of the same sex, what do you think?” and then the wife would say, “You loving a man is fine by me, but don't love other women.” Nowadays people do not mind so much about a man loving another man and having sex with him, but they will still keep having sex with their wife as normal. But I am different from the others. I don't love women at all, or even a man who has soft characteristics.

And you've been granted awards for your work?

Yes. The first award in Cambodia was Apsara, given by the national Chaktomuk network¹. The second award was the Panasonic medal in Japan in 2004. In 2008 in Mexico I was awarded by the UN AIDS² for the work of my NGO. And in 2014 I got the international LGBT TEDDY³ award in Berlin, Germany.

Do you observe any change concerning the situation of the LGBT community in Cambodia?

There has been a big change. In the past, if LGBT people were arrested by the local authority, they would be abused physically and mentally. Then they would be released only if they gave away valuable possessions such as a watch, bracelet, or ring. If they had a beautiful appearance, they would be asked to have sex in exchange for freedom. But now, police don't take anything, not even a phone. Within these last two or three years, we have been recognized and become very successful. We worked very hard on our campaign and advocacy and we had a lot of successes after I got the three awards. That's why I said I am very successful.

What still needs to happen for the LGBT community in Cambodia?

There are two important points: legal protection and legal marriage. Protection means that when LGBT people have problems and go to the courts, there should be legal protection for them. In some cases in the past, LGBT people couldn't get help with their cases and every LGBT case would be rejected. Legal marriage is also needed as a right. At the moment we get married without any legal recognition.

Is it because of personal discrimination or discrimination stated in the law?

It is about personal problems but it is also a legal issue because of the people who implement the law. If I file a complaint, I wouldn't fill in the form that I am a man. I would write I am a transgender person who suffered sexual violation and discrimination. We haven't gotten any protection yet. There's a law of protection for a man and woman, but not us. So we need the law to protect us as human beings and as transgender people, and the law for legal marriage.

How do you feel about your life, looking back on it?

What makes me feel happiest is how I have struggled to succeed. I have been to 40 important countries. I always think to myself that I would not be able to visit those countries if I hadn't been so perseverant. Many transgender people don't even know Thailand or Vietnam, and I have crossed the Pacific and the Atlantic Oceans. If I hadn't been true to my real identity and kept struggling, I would not have succeeded like I did today. I know a lot of trade skills such as weaving, medicine, and the arts, but I never used them to earn my living. I kept on believing that I was capable of convincing others – that people would listen to me. I hoped that I would not let myself down or suffer as a result.

How was the experience of testifying at the tribunal?

When I described my experience, I couldn't stop myself from crying even though I tried. One time when I was before the court, I was very angry with the accused Khmer Rouge and former head of state Khieu Samphan and my tears fell so hard. Samphan told me that he didn't know about the mass killings. I said, “You should share responsibility because you were the leader, yet you say you don't know. If you were my parent and I robbed others, how could you say you didn't know? You could not have been my parent and not have known. You have to take responsibility.” Samphan responded later, “I regret it. I was the puppet of that government. I knew, but I couldn't speak. May you allow me to share condolence with you for the loss you suffered?”
I felt better after hearing that and was relieved. ■■■

¹ www.unesco.org/new/en/phnompenh/education/hiv aids/programmatic-activities/national-network-for-men-who-have-sex-with-men-bandanh-chaktomuk-chaktomuk-network/

² The Joint United Nations Programme on HIV and AIDS.

³ The Teddy Award is an international film award for films with LGBT topics, presented by an independent jury as an official award of the Berlin International Film Festival (the Berlinale).

Portraits of Cambodian Members of the Transgender, Lesbian and Gay Community

Steffi Eckelmann, freelance photographer since 2007, holds a degree in visual communication as well as a European master's degree in multimedia art.

With her photography, Steffi focuses on people suffering from injustice, unbearable pain, war, or any kind of distress. She decided to use her visual skills to raise public awareness, not only about the photographs themselves but especially the stories behind them.

Cambodia is a country Steffi regularly travels to in order to support different NGOs with her photography. This year, she decided to work on a project about the lesbian, gay, bisexual, and transgender (LGBT) community in Cambodia. She captured stories throughout the country about lesbian, gay, and bisexual protagonists as well as the transgender community, giving the present LGBT movement in Cambodia a face and a voice.



The last time that Plung Sreyrann wore a dress. She was 13 years old.

Plung Sreyrann, 23

"The women's cell in prison was smaller than this living room, with 39 women in it. Rich prisoners pay money to sleep on a platform, but I slept on the bare floor with just a blanket and pillow, no mosquito net. I missed my family terribly and I was always starving."

In Cambodia, finding work as a transgender man is hard. And finding work as a transgender man who has also served time in prison is almost impossible. It was only recently, two years after he left prison on charges of sleeping with a minor, that 23-year-old Sreyrann secured a job working 12-hour shifts at his local garment factory after his mother begged the owner to give her child a chance.

Sreyrann maintains that he is not a criminal, but rather a victim of his country's intolerance toward transgender people. The minor he was accused of having sex with was his girlfriend, whose family was incensed that their daughter was having a relationship with a transgender man. Sreyrann and his parents believe that his girlfriends' family used a known tactic to put an end to the relationship: They bribed the police to change their daughter's birth certificate so it said she was under 18.

Sreyrann's parents were his rock during this torturous, protracted struggle. Despite

having little formal education, they had seen transgender activists on television and had long suspected that their daughter might be like them. But impoverished and with no land to sell, the family was stuck. They could not pay the \$2,500 compensation demanded by the girlfriend's family, and so Sreyrann was handed down a 5-to-10-year sentence without trial.

Frightened and unable to eat or sleep for months on end, Sreyrann's parents desperately reached out to NGOs for help. Eventually, they found a lawyer who succeeded in launching an appeal against Sreyrann's conviction. The lawyer argued in court that penalizing same-sex relations was wrong. He also pointed out that, legally, all garment factory workers must be over the age of 18, meaning that Sreyrann had good reason to presume that his partner was of the age of consent. Despite his conviction being overturned, Sreyrann was released without compensation.

Since being released from prison, Sreyrann's life is better. He has fallen in love again – this time with a woman whose family accepted him for who he was and gave the young couple blessings in a traditional ceremony.



Plung Sreyrann in her family's living- and bedroom. The women's cell where she was imprisoned for more than one year was as big as her home now. She had to share the cell with 39 other female prisoners. This was the last time that Plung Sreyrann wore a dress. She was 13 years old.

Rosalie,* 30

"I'm happy on the outside, but inside I'm not happy. When I look around and compare myself to other people I see that they have families and I don't. Even my partner doesn't know about my disease."

Four years ago, Rosalie's friend took her to the doctor, worried by how the once lively woman had become so skinny and sickly that she could barely walk. The results of the appointment were what the two women feared most: Rosalie was HIV positive and now had AIDS, having been infected with the virus while earning money as a sex worker – what Rosalie calls a “pretty girl” – in Siem Reap in 2001.

The diagnosis was a devastating blow for the then 26 year old, whose life has in many ways been an uplifting success story for the transgender community. In her hometown of Battambang, Rosalie today runs a successful hair and beauty business and training school, sometimes getting paid up to \$1,000 to prepare brides for their lavish ceremonies.

She is clear about the fact that prejudice against the transgender community

still exists: Some families refuse her services, protesting that they do not want a “man” applying makeup to a woman's face. But overall, Rosalie believes that society is becoming more tolerant.

Because of the stigma attached to AIDS, Rosalie does not tell her beauty clients about her diagnosis. She has also shied away from telling her partner, who does not understand why she insists on using condoms when they have sex. Keeping her illness hidden takes a toll on her relationship: She has refused her partner's suggestions that they move in together and avoids seeing him for long stretches of time when she worries that side-effects of the medication are making her condition particularly visible.

Rosalie's life is a battle between moments of joy and moments of sorrow. But she relishes the good times: She loves her job, singing along to Lady Gaga and Madonna at the top of her voice, and buying matching outfits for her and her best friend to wear. She is a “free bird,” she says, and would not want it any other way.

** Name changed*



Rosalie in her home surrounded by wigs she uses during hairdressing trainings.

Phan Saret, 43

"Sometimes I feel angry about how I was born."

Ret lives with his partner and wheelchair-bound mother on borrowed land underneath a corrugated roof hardly larger than a bed. When he speaks, his words are loaded with sorrow. He admits openly to having considered suicide and lives in constant fear that his body is breaking: He has a rare skin condition that makes his skin peel, his bones ache, and his body lose weight – an illness that he can barely afford the medicine to treat.

Looking at the frail 43 year old, it is hard to imagine him as he was during his youth: a fearless fighter and the school's star football player who, despite being born with a female body, was never seen in anything other than boys' clothing. At 17, Ret told friends the truth: that he did not consider himself to be a woman but rather a

transgender man. It was a decision that cost him almost all his friendships at the time but which did not stop him from pursuing his dream: to join the police force and fight crime.

As a young policeman working in Battambang, Ret often found himself the sole advocate for the lesbian, gay, bisexual, and transgender (LGBT) community in a prejudice force that often detained transgender women on trumped up charges. Ret would appeal to the local police chief on their behalf, but his pleas were often ignored.

Ret is happy to now be loved by both his partner and his mother, despite both women having previously been prejudiced against the transgender community.

He hopes that the successes of his life, such as his job in the police force, will be an encouragement to others in the LGBT community to face the truth with perseverance.



Phan Saret (Ret) in front of the police station in Bakan where he works.

Chin Kim Touch, 43

"In Cambodia, transgender women walk around with their heads down, never looking up at the people around them. That's the everyday reality for us."

43-year-old Touch was born during the brutal turmoil of the Khmer Rouge regime. She has known she wanted to live as a woman since she was eight: Her mother died three years after the Khmer Rouge's fall from power, and so Touch and her five siblings were raised by her father.

Touch has never had an in-depth conversation with her father about her gender, but he knows who she is, and for the most part he seems to accept her, although he still occasionally tries to encourage her to marry a woman. One of Touch's sisters is a lesbian and works on a construction site in Thailand.

In the decades since the end of the Khmer Rouge regime, Touch has seen the

lives of transgender women alter drastically in some respects. Women now have the option of taking hormone pills to feminize their bodies, and of getting breast surgery in Thailand. Touch has never taken any medicine to alter her body and feels that she is now too old to consider surgery.

But in other respects, she thinks that there has been little progress. For Touch, being transgender in Cambodia still means being branded a criminal and being subject to both verbal and physical abuse – often by the police.

In the area where she lives, Touch feels relatively settled. When she first moved in 12 years ago to open her beauty salon, her neighbors were hostile and complained about her. But now that they see that she has a successful business and does not conform to their prejudiced stereotypes, they are more welcoming.



Chin Kim Touch inside her beauty salon, where she has been working for 12 years now. Chin Kim Touch's full-body portrait, hanging on a wall of her beauty salon, is what she is most proud of.

Tin Nasiroh, 29

“When my parents found out, they screamed at me. They were so angry that they almost hit me with a stick. In the end I broke up with my girlfriend because I was so scared of their threats to put her in prison.”

Tin Nasiroh has spent her entire adult life fighting for the right to choose the relationships she wants in the face of social stigma and pressure from her conservative Muslim family.

Aged 16, she met her first girlfriend – a playful, tomboyish coworker at the garment factory where she was employed. Their relationship progressed quickly, but Nasiroh was not ready to tell her parents that she loved another woman.

But larger problems quickly eclipsed Nasiroh's plan, as her parents began pressuring her to marry. At first she refused, but her parents were persistent. Desperate, Nasiroh fled the family home and spent a month living at her girlfriend's house in Sihanoukville. When her mother phoned and begged her to return home, she did so, but then ran away again almost instantly. This time, her mother phoned the police the moment she realized that her daughter

was gone: By the time that Nasiroh arrived in Sihanoukville, her girlfriend had already been arrested. Terrified by her mother's threats that the family would ensure the girlfriend remained in jail, the couple broke up.

Nasiroh's second relationship began with relatively more freedom. Having met her partner during Phnom Penh Pride Week in 2011, she moved to work in a garment factory in her girlfriend's hometown, where the couple lived together happily for two years. But when Nasiroh's mother visited and realized the nature of her daughter's living arrangements, she dragged her home again.

Now, Nasiroh can only see her girlfriend during public holidays and can phone her only in secret. She does not blame her mother entirely for her cruel behavior, because she believes that her objections to same sex relationships come from the Quran: Nasiroh suspects that if it were not for religion, her mother would accept her for who she is. She wishes she had not tried to hide her first relationship from her family, believing that an open discussion early on could have helped avoid the upsets that followed.



Tin Nasiroh together with her nephew at the riverside, a place where she felt comfortable to talk. She could only meet us secretly by taking her sister's son for a walk on a Sunday.

Ong Sowoint Pianei, 30

“Whenever I loved someone, I’d keep my feelings hidden inside. It hurt so much, and made me very lonely. This is often the case for gay men who are hiding who they really are – the love they feel never gets reciprocated.”

Pianei is 30 years old but has never had a long-term job. Having come out as gay in his late teens, he believes that prejudice has held him back from finding work. He applied to teach in a school, but the pupils complained outright that they did not want a “feminine” teacher – a remark that he is used to hearing. He would like to work for an NGO but he has no experience, and no university degree.

For a while he moved to Pattaya in Thailand and made money by selling sex – something that he did not feel comfortable doing in his home community.

Life in Thailand was relatively enjoyable: the men he spent time with were rich and friendly, and the owners of the gay bar where he worked were welcoming. But after only a few short weeks he was arrested for having no work license. To secure his release, his sister paid the police a large sum of money – a bailout that has left his family under pressure financially, and worsened the already tense relationship between the family and Pianei, whose sexuality they disapprove of. Since returning to Cambodia, Pianei has found the local gay scene hard to adjust to.

Pianei hopes that younger lesbian, gay, bisexual, and transgender generations will be braver in asserting their sexuality from an early age, but he cannot help sometimes wish that he had been born differently.



Ong Sowoint Planei at the riverside, a place where gay men in Phnom Penh like to hang out or date others.

Combating Domestic Violence with Law

Progresses, Debates, and Prospects

Zhao Xin

Almost one in four women in China report having suffered various forms of domestic violence. The lack of effective legal measures is one of the major obstacles in addressing the issue. This is about to be changed, as China's legislature is now making its first anti-domestic-violence law. Since the first draft was released in November 2014, the new law has started a lively debate among the Chinese public. Although it is viewed as being a major form of progress, its shortcomings have cast doubts about the law's effectiveness in preventing violence and promoting gender equality.

Victims of domestic violence unprotected

In January 2013, Li Yan, a woman in Sichuan Province, was facing capital punishment for killing her husband during a fight. Li claimed to have suffered long-term abuse from the husband. Before the killing, Li filed several complains for domestic violence at the local police station and with the Women's Federation, but did not receive any meaningful support. However, the court ruled that there was no sufficient evidence of domestic violence and sentenced Li Yan to death for intentional homicide.

The case has raised concerns among Chinese civil society and international human rights NGOs. Chinese women's organizations, lawyers, and intellectuals concerned about women's rights have jointly published open letters to appeal for the mitigation of the sentencing. They have pointed out the absence of an anti-domestic-violence law and urged the government to accelerate the legislation process.

tic-violence law and urged the government to accelerate the legislation process.

Taking these appeals into account, the Supreme Court rejected the death sentence. One year later, the case was retried, and the evidence of domestic violence became the focus of the court debate. Li Yan was eventually sentenced to death with a reprieve. According to criminal law in China, if there is no further crime committed during the two-year suspension of the execution, her sentence will be reduced to life imprisonment. Li Yan has been saved from capital punishment, but had there been effective legal measures against domestic violence, she might have been relieved from long-term suffering and would not have to lose her freedom.

The case is just the tip of the iceberg of the domestic violence issue in China. According to official statistics of the All-China Women's Federation, one out of four women in China reports having experienced various forms of domestic violence from their spouses, including verbal and physical violence, restriction of personal freedom, economic control, marital rape, etc.¹ Despite its prevalence, Chinese society tends to regard domestic violence a "family affair" in which others are not supposed to intervene. The issue remained unheard in public debates until 1995, when it was included in the Beijing Platform of Action as one of the critical areas of concern.²

Since then, Chinese women's rights NGOs, such as the Anti-Domestic Violence Network, have been advocating for legal measures to prevent domestic violence. But the legislation has progressed very slowly. Although the current Marriage Law (passed in 2001) has made domestic violence

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unlawful,³ there are not specific provisions for preventing violence. In recent years, progress has been made on the local level: 27 provinces in China have enacted local regulations against domestic violence,⁴ but a specialized law on the national level is still lacking.

The forthcoming anti-domestic-violence law

This legal vacuum is about to be filled, as China drafted its Law against Domestic Violence in 2014. In August 2015, the draft was reviewed by the standing committee of the National People's Congress (NPC, China's top legislature). It is highly possible that the law will be passed by the NPC in 2015.

The draft law contains 35 articles under six chapters, providing comprehensive measures on preventing violence and protecting the victims.⁵ The draft emphasizes the state's obligation to address the issue and highlights the responsibilities of different public sectors, including local governments, the police, the procuratorate, the courts, as well as medical institutes. It regulates the legal liability of domestic violence. According to the draft, the perpetrator will receive written reprimands from the police; for severe violations, the perpetrator can be held criminally responsible. There are also detailed provisions on the protection orders and shelters for victims.

It is notable that women's rights organizations are the key catalyst in this legislation process. Especially important is the Anti-Domestic Violence Network, a nationwide coalition of legal experts, gender researchers, NGOs, as well as progressive individuals from the All China Women's Federation.⁶ In 2003 and 2010, the network submitted two versions of legislative proposals to the NPC delegates, laying the foundation for the draft law. Other women's rights organizations, public interest lawyers, and scholars in gender studies have also contributed to the legislation advocacy.

When the draft law was released and offered up for public suggestions last November, these actors continued to lead the debates on the issue. They have disseminated the related information through media and social media, arousing broad public attention. The issue has also drawn the attention of the media during the "Two Sessions" this March (the annual plenary sessions of the NPC and the People's Poli-

cal Consultative Conference), when Fu Ying, the NPC spokesperson, announced that the draft law would be reviewed by the NPC standing committee in August.⁷

Generally speaking, the draft law is being embraced as a major breakthrough in legislation; especially welcomed is the chapter on protection orders. In the meantime, its imperfection has been noticed and discussed. The public remains skeptical about the law's actual effect on preventing violence and promoting gender equality.

Critiques of the draft law

The biggest controversy about the draft law is the definition of domestic violence. According to the draft, domestic violence refers to the "physical or psychological abuses against family members, including spouses, parents, children and other immediate relatives." In comparison with international standards and previous suggestions of civil society, this definition is rather narrow and conservative.

In current legal practice, it is very seldom that a man is convicted of marital rape or sexual violence against his wife.

The definition does not cover other forms of violence such as sexual violence and economic control, which are also prevalent in China. The women's rights NGOs are disappointed that sexual violence is not included. In current legal practice, it is very seldom that a man is convicted of marital rape or sexual violence against his wife. As one of the NGO representatives has criticized, the exclusion of sexual violence in the draft law implies a patriarchal tradition in China, which perceives the wife as being the sexual object of her husband.⁸

Moreover, the law's applicability is limited to family members, whereas other forms of intimate relations besides marriage are excluded: violence perpetrated by boyfriend/girlfriend, cohabiting partner, or ex-partner will not be subject to the law. This reflects the traditional Chinese perception of intimate relations: Only those that are based on marriage are considered legit and protected. Feng Yuan, a senior gender expert, argues that non-marital relations are quite common nowadays in China; recent years have also seen an increase in the num-

ber of divorce cases. The draft law should take into account these forms of relations, otherwise the goal of preventing domestic violence will not be fully achieved.⁹ Lesbian, gay, bisexual, and transgender rights organizations also point out that the draft law neglects sexual minority groups.¹⁰ Several NGOs have jointly launched an online petition calling for a more inclusive legal definition of domestic violence.

Another key issue of concern is the law's operability. It has been widely noticed that many articles in the draft are still vague. The draft law contains rather specific provisions on the responsibilities of the police, whereas provisions for other public sectors (for instance, the procuratorate or medical institutes) are oversimplified.¹¹ The draft has one separate chapter on protection orders, which is regarded as a merit. However, there are not concrete measures to guarantee the enforcement. This has also cast doubts on the law's effectiveness.

"Family virtues" over women's rights

By ratifying the convention of the Committee on the Elimination of Discrimination against Women and signing the Beijing Platform for Action, China has made an international commitment to prevent violence against women through legal measures. The Law against Domestic Violence will be a solid step toward its fulfillment. How-

rather conservative gender view, encouraging women to "uphold family virtues" and "consciously take responsibilities in respecting the elder and educating children."¹⁴

The defense of "harmonious families" serves the political goal of "maintaining stability." This could also explain why single women and sexual minority groups are left unprotected by the draft law, since diverse intimate relations challenge the traditional family. In this context, it is doubtful to what extent the new law will contribute toward gender equality in China.

Shrinking space for public debates

The new law will not automatically eliminate domestic violence in China. Besides the improvement of the legal text, a lot more work needs to be done, including training of enforcement officers, support for the victims, and monitoring the implementation. The expertise and services of NGOs are needed to accomplish these tasks. However, Chinese NGOs are gradually losing their voices on the issue.

For more than a decade, Chinese women's rights NGOs have been working persistently to raise public awareness about domestic violence and appeal for legislation. Despite the political constraints, they have managed to develop dialogues with the policymakers and carry out advocacy activities. However, just like other civil society organizations in China, they face increasing political risks. Right before International Women's Day this year, the police took several feminist activists into custody for allegedly planning campaign activities. Five of them were arbitrarily detained for 37 days under harsh conditions.¹⁵ A nationwide crackdown on rights-defending lawyers in July 2015 showed that the political environment has continued to deteriorate.¹⁶

The law-making process is lacking transparency. Despite the lively debates on the draft since last November, the authorities have not offered any response to the public's comments. The revised version released by the NPC standing committee in August 2015¹⁷ shows that very few suggestions from civil society have been adopted in the legislation. No major improvement has been made regarding the abovementioned critiques. The public now has another one-month window – from September 7 to October 7 – to submit suggestions. But with civil

It appears that the new law focuses on the protection of families rather than individuals.

ever, taking a closer look at the first article of the draft, one may find that protecting women's rights is not a priority of the new law. The article explains the law's purpose: "to protect legal rights of family members, to maintain equal and civilized family relations, to promote harmony and stability in the society."¹² It appears that the new law focuses on the protection of families rather than individuals.

This is consistent with the current governing approach under Xi Jinping's leadership. Since 2013 Xi has repeatedly stressed the importance of "traditional values" and "family construction," claiming that families can form the foundation of social harmony.¹³ At the same time, Xi has adopted a

society under increasing pressure, it will be more difficult to continue the debate on the new law.

Cloudy prospects

Twenty years after the UN Women's Conference in Beijing, China will finally have its first anti-domestic-violence law. But civil society is not optimistic about its prospects. Domestic violence is a structural problem rooted in unequal power relations. However, it appears that the new law focuses more on harmony within families than on promoting gender equality across the whole of society. For the moment, the new law's effect in combating domestic violence remains unclear. ■■■

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Women's Empowerment in Afghanistan

Samira Hamidi

Afghanistan is currently in a critical situation in which the government and the citizens have to prove that the gains made during the past 14 years will not vanish and that development will continue. This article highlights the successes of and positive contributions by Afghan women, the fragility of the gains that have been made thus far, and the challenges that women face on a daily basis.

The discussion about women's empowerment is usually linked to the past 13 years of Afghanistan's democratic process. Yet, it is often forgotten that women have been making some excellent contributions since 1919. Today's Afghan women are not the first to engage themselves in various socio-economic, political, and civil issues. Already starting in the 1920s there were efforts by the King's own wife and sister regarding women's education, political participation, and empowerment.¹ The constitutions of various regimes were changed and the majority spoke of women and equality between women and men.² Women actively participated in the formulation of these constitutional changes and women served as members of the parliament and the Senate. The first health minister in 1964 was a woman.

However, the civil war (1992–1996) and rule under the Taliban regime (1996–2001) have drastically reversed the situation of women. For example, during the civil war, despite women being able to have education, jobs, and a presence in society, the fear of being abducted and raped and losing one's life due to ongoing fighting between armed groups forced many women to stay in their homes. Similarly, during the

bans on education for girls, women could not work and their social presence was restricted, which led to complete imprisonment, whereby women and girls could not receive education, access public services, or go to the doctor. They simply disappeared from society.

What Afghan women gained so far

To focus on the past 13 years, women have strived, improved, and fought to regain certain rights and roles in society. Today, Afghanistan's Constitution is considered one of the most modern in the region. The reason that the Afghanistan Constitution respects equality between men and women and obliges the Afghan government to respect gender mainstreaming is the active participation and contribution of women participants in the national gathering of the "Constitutional Jirga" (a gathering of Afghans from across the country to discuss issues related to the country's national interests, provide support, and advise the president on decisions and provide key recommendations for the government).³ The quota system guarantees women's political participation. Currently, 27 percent of the lower house and upper house of parliament are women. This has provided an opportunity for women to contribute equally with men in terms of roles and responsibilities.⁴ According to the World Bank, the number of girls with access to primary and higher education has risen from 5,000 in 2001 to 2.9 million in 2012. Women and girls are seeking higher education in government and private universities – this has helped

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women tremendously when seeking jobs in government ministries, civil society, the private sector, administrative roles, human resources, financial management, or when running own local NGOs or small or large businesses. This helps to make them independent and economically empowered.

There are certain laws and policies that favor women's economic, political, social, and cultural participation and roles. The National Action Plan⁵ for Women of Afghanistan, a 10-year plan, is a rich document with a framework leading toward women's empowerment in the government sector. The Elimination of Violence against Women law is the first law in Afghanistan to discuss violence against women as a social constraint rather than as a family issue. Currently, hundreds of women are victims of violence, particularly those living in women's shelters, and they are benefiting from this law in which women living in shelters receive legal support. Similarly, with the increase in awareness of women in communities using this law, they have the confidence to approach police family response units, the Afghanistan Independent Human Rights Commission, and women's organizations to seek support. The recent launch of Afghanistan's first National Action Plan in the United Nations Security Council resolution 1325 on women, peace, and security is an important step toward improving women's roles in the security sector, peace processes, and in ending violence against women.

Women find reliance within a relatively strong movement by joining women's networks, associations, and organizations. There are strong lobbying and advocacy-focused organizations such as the Afghan Women's Network, which has 127 women-led organizations and 3,000 individual women as well as women's organizations working in the fields of service delivery, awareness-raising, coordination, and capacity-building for other women at the grassroots level.

Fragility of gains and ongoing challenges

Despite progress, women across Afghanistan still face massive challenges, including discrimination in access to education, health services, political engagement, the right to a choice in marriage, and even in naming newborn babies. There is a lack of

participation and there are fewer women in decision-making roles and law positions and too little policy implementation to support women's empowerment. In a conservative and diverse country such as Afghanistan, where living conditions differ from province to province and province to district, women's active engagement in society is seen as a huge challenge. With the exception of Kabul and some of the bigger cities, what is missing is a women's movement, active engagement, decision-making roles, and sitting around a table with men to discuss provincial, regional, and national issues. Recent government discussions over the political situation in the country, increased threats, instability, and financial constraints were mostly with men who are either formal members of warlord groups or influential figures. The reason for this lack of women is the lack of political will to invite them and give them the space in political and national discussions and decisions at the subnational level. There are also the conservative elements such as former warlords, religious scholars, and conservative representatives within parliament and other groups that limit women's participation and engagement. The interventions of international stakeholders have been limited to those women who speak English and have access to email and communication technology. This is another reason policy dialogue at the international level does not include women across Afghanistan but only women who live in Kabul and some other cities. In most parts of the country, men believe women do not have a strong sense of decision-making, and thus it does not

In most parts of the country, men believe women do not have a strong sense of decision-making, and thus it does not make sense for them to vote during elections.

make sense for them to vote during elections. I know places where women work in secret to contribute to the finances of their families, but even their close family members are not aware of their jobs as NGO employees, teachers, nurses, and doctors. This is because it is a matter of shame to allow women to work with men or in society. These people are uneducated; they follow culturally negative norms and practices; they believe women are property; they think they own women and that any decision con-

cerning women should be made by them; or they are unaware of the benefits a woman can bring in becoming economically sustainable. The negative cultural norms and negative practices also come from people born in Afghanistan. In most parts of the country, even a younger brother makes decisions over his sister's education, social participation, and even marriage because he is the future supporter of the family.

The increasing levels of insecurity are severely affecting working women across Afghanistan. In a consultation workshop held between women provincial council candidates and women's organizations, it was found that in 2014 presidential and provincial council elections, women provincial council candidates faced challenges of getting access to security and protection support in remote provinces and districts. This negatively affected the number of votes they received; however, men were found to have

Working women such as government officials, members of parliament, police women, and women activists have been attacked, abducted, and even killed during the past few years.

had their own protection mechanisms and – in some parts of the country – the support of the local government. Working women such as government officials, members of parliament, police women, and women activists have been attacked, abducted, and even killed during the past few years. This has already created a fear among working women. Some of them have reduced their engagement, others have fled the city and country, and some have been pushed by family members to discontinue their engagement for the sake of the family's safety.

The recent horrific torture and murder of 27-year-old Farkhunda on March 19, 2015,⁶ one day before the Nowruz (Persian New Year's Day) due to a false accusation of burning the Quran, was a heart-wrenching and shocking incident in the history of Afghanistan and the lives of Afghan women. Hundreds of men listened to false accusation of a Shrine mob and started beating, dishonoring, killing, and finally burning Farkhunda in the presence of dozens of policemen, who stood and watched the incident happen. The trial and appeals courts further failed to prove that there is a fair and just justice sector that believes in

delivering justice to a victim such as Farkhunda, whose murder was documented and shared through social media across the globe.

Farkhunda's brutal murder is a clear indication of the claims that many of the "local men" are violent, they do not believe in rule of law and justice, and thus killing a woman for them was a victory in the name of protecting religion and the Quran. The incident brought to light the growing gap between women's rights activities and religious institutions. An influential religious scholar from one of the central mosques in Kabul warned the Afghan government against prosecuting perpetrators as well as against any remarks being made by government officials and members of parliament concerning the incident. In such a circumstance, women activists have had to challenge a lack of access to justice. For instance, women activists who followed the court trial had to struggle every day and argue with security officials at the gate to enter the court to observe and monitor the trial. The appeals court's secret discussions and decision were a clear indication that the authorities wanted to avoid participation and monitoring by women activists and civil society representatives. The court's decisions clearly explain that justice in Afghanistan is corrupt, unjust, and not friendly to women. If justice did not support Farkhunda's family after all the documentation, protests, and advocacy, a normal woman with legal issues will never be supported.⁷

The Afghan National Unity Government took a historic step by introducing a woman judge for membership to the Supreme Court High Council. Unfortunately, Anisa Rasuli⁸ failed to get the needed votes of confidence from the members of parliament. Her failure is not because she is weak, does not have the needed capacity and expertise, or cannot take the role, it is because the Afghan parliament, a democratic structure, is actually full of conservative elements that do not believe in women's empowerment. Unfortunately, the women members of parliament also failed to take their stand for women's empowerment. More than 20 of them did not attend the assembly, and some of those present did not vote in favor of Rasuli. Although the political will of Afghan leadership is encouraging, women suffer at the lower stages for obvious reasons and women cannot be equal.

Since 2010, when the National Peace Consultative Jirga for the start of the peace

process took place, women advocated for their participation in the peace process in Afghanistan. Women demanded a seat at the table to put forward women's needs such as: ensuring that the 14 years of gains by women were kept; women's presence, participation, and decision-making roles were guaranteed and increase further; and women's access to education, health, political participation, social presence, economic engagement, and contribution on both sides of the peace process to ensure women's rights are not negotiated. In the recent launch of the Afghanistan Nation Action Plan on Women, Peace and Security, the president of Afghanistan ambitiously announced to increase women's roles in government bodies, security forces, and the peace process.⁹ However, the first formal peace negotiations between the Afghan government and the Taliban took place in early July 2015. The delegation from the Afghan government consisted only of men.¹⁰ This shows a gap between the statements made by Afghan leaders and actual actions. If women are not invited to sit in future formal negotiations, it will clearly show that these negotiations are not transparent and inclusive. It could reverse women's past achievements and future progress.

The future

For many women in Afghanistan, including me, the future is important. A hopeful future for women is only possible when I see qualified women experts leading Afghanistan's Supreme Court and key ministries, such as Justice, Interior, and Foreign Affairs. It is important to ask for women's participation and engage them at the provincial levels by providing them with the political resources for support. All working women can contribute positively and actively only when they and their families feel secure. The Afghan government and its international supporters should expand their support by establishing a protection mechanism to address the prevention of risks as well as provide the necessary security and other needed support, such as when a woman or her family member is attacked. Providing immediate threat prevention and protection support, relocation opportunities, and security training support will assure Afghan women that their contributions are valued and that the leadership and the system need their contributions equally as much as those of men.

There is a need to pay serious attention toward improving the judiciary sector in Afghanistan. The Afghan government and international supporters should conduct an immediate exercise to evaluate the amount of money spent in the sector, the impacts, the lessons learned, and then find better ways to improve this sector. The Afghan president, as head of state, should monitor the work of the justice sector, the courts, judges, and legal service providers accused of corruption, misuse of power, and lack of transparency in their work. The president can do this by assigning special independent monitoring forums/committees that can report back the challenges and provide the needed recommendations for tackling them. The justice sector needs to specifically focus on methods and means for becoming women-friendly. Women across Afghanistan should be able to access and trust the judiciary systems, fight for their rights, and be supported. The Supreme Court of Afghanistan should reconsider Farkhunda's case and the initial decisions of the appeals court.

The Supreme Court should note that both trials were not sufficient for making quick and easy decisions about 49 citizens and police officers accused of Farkhunda's murder. This is the last chance for the Supreme Court and the Afghan president to prove to the women of Afghanistan, its citizens, and the world that Afghanistan is a country with a strong judiciary system that ensures fair and transparent justice that supports women in particular.

The Afghan government and its international supporters should reconsider their programs and support for the Afghan National Security Forces, particularly the police. The Afghan police need to understand the values of human rights and women's rights. The Afghan police need to distinguish between responsibilities and perform those to protect and support citizens. The leadership of the Ministry of the Interior in particular should focus on assigning well-informed gender- and human-rights-sensitized senior officials to key leadership positions, such as Kabul Police Chief, District Police Chief, and Province Police Chief, as a means of guaranteeing the rights of citizens – particularly women – and to prevent incidents that can damage the citizens' perceptions of the police. The international donors supporting the police in Afghanistan should apply political pressure and condition their funding according

to measures that impact behavior – of the police in particular.

The Afghan government and international supporters who believe that Afghanistan's stability is only possible with a peace process should include efforts for women's inclusion in this process. For me and many women like me, a peace process will be fair, transparent, and inclusive when 50 percent of the representatives around the negotiation table are women and they are given space and opportunity to share their frustrations and demands and are accepted where we are today. International actors who observe the peace process between the two parties should prove their political leaders' statements that they are in Afghanistan mainly to support women's rights and human rights. This is possible when they lobby and call on both parties to open up the space for women.

In conclusion, Afghan women have come a long way. They are not the illiterate and uninformed women of 2001. They have the potential, enthusiasm, and willingness to contribute to the development of Afghanistan. The Afghan government should further expand its attention toward women's participation and contributions nationally. The international community should continue consulting women leaders and activists in Afghanistan to find better and improved opportunities to support women's rights in Afghanistan. Afghan women are no longer victims; look at them as change-makers and leaders. If they can be influential family members and raise sensible citizens of the country, they can definitely contribute and prove their roles in the development of Afghanistan. Women and men should be provided equal opportunities and platforms to work together to fight against discrimination and inequality in Afghan society. ■■■

¹ <http://www.pbs.org/wnet/women-war-and-peace/uncategorized/timeline-of-womens-rights-in-afghanistan/>

² <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN016657.pdf>

³ <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN016657.pdf>

⁴ <http://www.quotaproject.org/uid/countryview.cfm?country=4>

⁵ <http://mfa.gov.af/Content/files/English%20NAP%206.pdf>

⁶ Afghanistan celebrates its New Year holiday on March 21 each year: <http://www.nbcnews.com/news/world/afghanistan-springs-new-year-n59186>

⁷ <http://www.theguardian.com/world/2015/jul/02/fark-hunda-murder-afghan-court-cancels-death-sentences>

⁸ <http://www.ibtimes.co.in/exclusive-women-mps-fail-anisa-rasooli-afghan-parliament-rejects-her-first-female-supreme-court-638705>

⁹ <https://twitter.com/DHRWIA>

¹⁰ <https://www.facebook.com/mfa.afghanistan/posts/908226059235375>

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*«If I hadn't been true to
my real identity and kept
struggling, I would not
have succeeded like I did
today.»*

Sou Sotheavy, Founder of the Cambodia Network
Men Women Development (CNMWD)