

In the Name of God, the Most Merciful, the Most Kind



February 27, 2016

Human Rights Remain Neglected

Disturbed largely by insecurity and instability, Afghan government has not been able to concentrate much on the issues of human rights in Afghanistan; not even as much as necessary. It now seems that the government, on certain occasions, has even neglected the issues pertaining to human rights, which has led to different sorts of violation around the country. Though soon after its formation National Unity Government (NUG) promised to take tangible measures regarding the human rights issues in the country; there has not been any action taken to convert the promises into actions.

It is because of the continuous indifference of the government and other authorities that the annual report by Amnesty International (AI) has revealed widespread human rights violations in 2015 and the organization has voiced its deep concerns over the situation in Afghanistan as hundreds of civilians have been killed or wounded, thousands of cases of violence against women have been registered and other crimes have also considerably increased.

The report states that insecurity, civilian casualties, violence against women and other criminal activities have considerably increased in Afghanistan and the Afghan government has failed to fight crime and bring criminals to justice. Salil Shetty, Secretary General of Amnesty International, has said in a statement, "Human rights have been treated as if it's some kind of add-on whereas from an Amnesty International perspective, human rights is an absolute necessity, it's a fundamental prerequisite."

Afghanistan needs to play a tremendous role in the area of human rights because of the basic reason that there have been evident violations of human rights on Afghan soil and they have even continued after so much emphasis and efforts. Even today there are many example of clear violation of human rights throughout the country and they make the headlines in the national and international media, while there are many that go unrecorded. Looking at the plight of human rights in Afghan society, it is really important that the Afghan government must do something more than promises and commitments.

The instability and disorder in the country, though, have influenced all the strata of society; they have affected the weaker strata the most and unfortunately women form one of the same strata. They bear the brunt of the conflicts and war and have to give sacrifices in different ways. The same can be observed in Afghanistan. Decades of conflicts and wars have influenced them to a large extent and today, when there has been some sort of development in different fields of life, there is still margin of considerable development regarding the emancipation of women.

Afghan society is still tribal to certain extent and there are still tribal values and extremist religious practices that discriminate women to a large extent. Though the situation has now improved, Taliban's era depicted the worst display of treatment of women. Violence was, then, very common against them and they suffered the worst consequences of display of extremist religious practices. They were beaten in public, stoned to death and even shot in the marketplace. They were enslaved in their abodes and were not considered anything more than a commodity.

After the involvement of international community in Afghanistan, the situation has improved but as the international troops are in the process of leaving the country, there are concerns regarding worsening of situation. Many intellectuals believe that the situation may get worse regarding the rights of women and the country may face a setback in this regard. Women themselves also fear the situation and the rebirth of Taliban type social practices towards them.

The authoritative institutions and individuals in the society are also not doing much in this regard. There are just promises while in reality there are no practical measures. Even the lawmakers are not ready to take action in this regard. It is unfortunate to note that Afghan authorities and many important personalities themselves have favored the recommendations and suggestions to limit the participation of women in social and political lives. As most of these authorities are themselves nourished in an extremist patriarchal society and do not have much consideration regarding the role and empowerment of women and consider it against their tribal values that they come out of their houses, they would never follow a movement to save women from violence and make them achieve their due place in Afghan society.

It is really important that government must not support the discriminatory ideas against the women. If it itself encourages the intentions that may undermine the rights of women, it would be very difficult to expect the same from common people. Moreover, the international community in this regard can also play an important role. Though it has mentioned on almost all the important occasions that human rights, especially women rights, have to be given top priority by the Afghan government if it wills to have the support of major countries, it has not been able to make Afghan government pursue a really practical and comprehensive strategy regarding the issue, which is the only solution for preserving the women rights and dignity to a certain extent in Afghan society. If given their due rights, Afghan women have all the potential and prudence to inspire the world with their abilities and prove that they are not inferior to men at all.



Which Militant Groups Will be Included in Peace Talks?

By Abdul Ahad Bahrami

The first face-to-face talks between the Afghan government and the Taliban are to take place in early March in Islamabad. A statement released on Tuesday at the conclusion of the fourth meeting of the Quadrilateral Coordination Group in Kabul said that the participants are asking groups of Taliban and other militant groups to introduce their representatives for participating in the first direct peace talks with the Afghan government. The group has also agreed in its Kabul meeting to form a working group of Afghanistan and Pakistan to talk and garner endorsement of the two countries' religious scholars in both countries in support of Afghanistan's peace efforts. The announcement of the timing for the start of direct peace talks between the Afghan government and the militant groups is coming after the four-way coordination group established a roadmap for the peace process.

There is no response from the Taliban so far over the timing of the first peace meeting set by the quadrilateral coordination group. It is not clear whether Taliban will come forward and participate in the first face-to-face talks with the Afghan government. The Taliban have not been involved in the four-way talks to establish a roadmap for peace negotiations. However, Pakistan, who is believed to have considerable influence over the Taliban, has been playing the role of key facilitator in the talks for preparing a plan for peace negotiations between the Afghan government and the Taliban factions.

One of the major objectives of the four-nation coordination group was to specify and outline responsibilities of every country for preparing the ground for peace negotiations. Therefore, it could be assumed that the governments of Afghanistan and Pakistan have made contacts with the Taliban and other militant groups through the Afghan High Peace Council and other unofficial channels established in the past years of peace efforts of the Afghanistan government. However, there are different militant groups operating under or out of the Taliban umbrella group. It is assumed that the Afghan and Pakistani governments have made contacts with the main Taliban faction over the resumption of peace talks. The four-nation initiative must be waiting now for the main Taliban faction led by Mullah Mansoor to confirm for participation in the upcoming peace meeting.

Regarding the rest of the militant groups, the fact is that they are not regarded as a side in the peace talks that would soon start. If the main Taliban faction agrees to come to the table of negotiation, absence of the rest of the militant groups would not fail the plan to hold the first peace meeting within next two weeks. Haqqani network is part of the main Taliban faction. Hekmatyar group has been unstable over time regarding its approach to talk with the Afghan government. This time, the Afghan government expects the group to participate in the talks from the beginning; however, if it does not, Kabul and Islamabad would continue efforts to persuade it to participate in the next round of the talks.

There is a Taliban faction who has drawn much attention and gained publicity since the split of the group after announcement of the death of the Taliban founder and former leader Mullah Omar. The faction led by Mullah Rassoul is officially regarded as a rival group to the faction led by Mullah Akhtar Mansoor. Many believe that the split of the Taliban into two rival groups would make the peace process further difficult and complicated. However, the fact is that when it comes to the numerous Taliban groups, the group does not have a place in the calculations of peace. The faction has been pounded hard by Mullah Mansoor faction and many of its key members have rejoined the Mansoor faction. The name of Mullah Rassoul's faction has been used by politicians and the media magnifying the split of the Taliban group.

Mullah Rassoul's faction will remain a point in the process of peace talks. It seems that the Afghan and Pakistani governments may purposefully leave the group out of the peace talks as, on one hand, it is not so much powerful, and on the other hand, both Pakistan and the Taliban are opposing it. In addition, the Afghan government predicts a successful process of peace talks with the Taliban to alienate some hard-line militant groups. Those groups would be branded as pro-violence groups who deserve to be pounded militarily. In other words, there have been efforts – as there might be in the future – to differentiate the militants into good and bad groups. For this and for other reasons mentioned, it is highly likely that the Taliban faction led by Mullah Rassoul be left out of the peace negotiations. However, the risk remains that if the peace negotiations lose consensus of key stakeholders, the faction led by Mullah Rassoul as well as other groups could be used by external parties to sabotage the peace process.

Other groups such as the Islamic Movement of Uzbekistan, Al-Qaeda and the Islamic State would not be included in the process as the Afghan government considers them as non-Afghan extremist groups who must be crashed militarily. In the meantime, the agendas and ambitions of the mentioned groups differ from those of the Afghan militant groups. These groups seek global jihad and have ambitions far beyond the borders of Afghanistan. Therefore, talking peace with those groups is practically impossible as they not only seek jihad in Afghanistan but they aim to Afghanistan as their safe havens for expanding their operations in regional countries.

The Taliban have not responded to the timing set for the first peace meeting. A Taliban spokesman has declined to comment over the announced date for direct peace talks. The group has set preconditions for coming to the table of negotiations. Afghanistan and its regional and international backers do not seem to be ready to meet the Taliban's stated preconditions in a short term. The Taliban have in recent years signaled their readiness for talks. There may delays from the Taliban side to come to the table of negotiations, but most probably they will come to the talks.

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The End of Cross-Border Surrogacy?

By Donna Dickenson

The global trade in babies born through commercial surrogacy is slowly being shut down. India, Nepal, Thailand, and Mexico have introduced measures that would limit or ban foreigners from hiring locals as surrogate mothers. Cambodia and Malaysia look likely to follow suit.

In an industry in which the conventional wisdom has long dismissed efforts to "buck the market," this is a surprising – and welcome – development. Uncritical proponents of biotechnology tend to celebrate the fact that technological breakthroughs have outpaced government regulations, arguing that this has allowed science to progress unfettered. But the determination of countries that have historically been centers of commercial surrogacy to stop the practice underscores the naiveté of that position.

It is no coincidence that the countries cracking down on cross-border surrogacy are those in which the practice takes place. The argument that all parties – surrogate mothers, babies, and commissioning parents – benefit from the transaction has not withstood scrutiny.

Consider India, where the surrogacy industry is valued at \$400 million per year; until recently, some 3,000 fertility clinics were operating in the country. And yet, as worries have mounted that commercial surrogacy leads to human trafficking and the exploitation of women, India's authorities have concluded that the ethical concerns outweigh the economic benefits.

India has yet to finalize its anti-surrogacy legislation. But the way the debate has evolved since the first bill was proposed in 2008 illustrates the rapid change in how the practice is viewed. The earliest drafts of the legislation actually encouraged commercial surrogacy, mandating that mothers employed as surrogates surrender their babies. Given that under common law, the woman who bears a child is legally its mother, this provision would have been radically pro-surrogacy. Since then, however, the focus of the discussion has shifted, as unsavory – and sometimes bizarre – aspects of the trade have come to light. For example, in one case, Germany – where surrogacy is illegal – refused to accept twin children of a German father born to an Indian surrogate, while India demurred at giving the father an exit visa so that he could remove the children.

In October 2015, India's Ministry of Health and Family Welfare, under pressure from the country's Supreme Court, declared that international commercial surrogacy was unconstitutional. The Council for Medical Research sent out a notification to all clinics, instructing them not to "entertain" foreign couples – including non-resident Indian citizens and people of Indian origin. The next month, the Department of Health Research banned the importation of embryos to be implanted into surrogate mothers, making the procedure nearly impossible. To be sure, India is not the only country involved in cross-border surrogacy. Indeed, Indian regulations limiting surrogacy services to heterosexual couples who have been married for at least two years had already caused some of the trade to relocate,

most notably to Thailand.

But there, too, attitudes have been shifting, especially after an Australian couple refused to take responsibility for a baby born through surrogacy who was diagnosed with Down Syndrome. The couple did take the boy's twin sister, however, making it clear that what they had paid for was not the "service" provided by the mother, but the children themselves – or rather, just the one who met their requirements. As a result, it has become harder to deny that cross-border surrogacy is akin to selling babies.

In August 2015, Thailand restricted surrogacy to couples in which at least one partner holds Thai nationality. Offenses under the law are punishable by up to ten years in prison – for the surrogate and commissioning parents alike. As in India, surrogacy touched a deep nerve in Thailand, where some see it as neo-colonialist exploitation, with babies as the raw commodities being extracted for the benefit of Westerners. "This law aims to stop Thai women's wombs from becoming the world's womb," was how Wanlop Tankananurak, a member of Thailand's National Legislative Assembly, put it.

By November 2015, about a dozen Indian and Thai clinics had shifted operations to Phnom Penh. That development might at first seem to support the argument that the trade can never be stamped out – only relocated. But, so far, the number of clinics that have set up shop in Cambodia is small. And some reports indicate that Cambodia's interior ministry intends to treat commercial surrogacy as human trafficking, with a potential prison sentence.

Nepal, too, has declared a moratorium on surrogacy, after some in the country denounced the practice as exploitative. In April 2015, after an earthquake struck Kathmandu, Israel evacuated 26 babies born through surrogacy, but left their mothers – most of whom had crossed over from India – stranded in a disaster zone.

Malaysia also seems on track to ban the practice. And in Mexico, the state of Tabasco, the only jurisdiction in the country where surrogacy is legal, has restricted it to Mexican heterosexual married couples in which the wife is infertile. During the legislative debate, Deputy Veronica Perez Rojas denounced surrogacy as a "new form of exploitation of women and trafficking."

There is the risk, of course, that the ongoing international clamp-down will drive commercial surrogacy underground. But that risk only underscores the need for clear and strict legislation. Even if some would-be parents are willing to break the law, the vast majority will be deterred by the penalties, including the risk that they will not be allowed to keep the baby or that they will be unable to obtain an exit visa for it. The pro-surrogacy camp emphasizes the benefits of the practice, which include increased reproductive choice and the accommodation of sexual pluralism. But while these may be genuine and important considerations, they cannot be placed above the need to prevent the exploitation of some of the world's most vulnerable women. (Courtesy Project Syndicate)

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