

## **Draft notes from the 4<sup>th</sup> “Discussion Meeting on the Elimination of Violence Against Women in Afghanistan”**

Hosted by UNIFEM, Wednesday June 9<sup>th</sup>, 2004

The meeting was moderated by Helen Brereton and by Najia Zewari of UNIFEM Afghanistan. *Please see attached sheet for the list of participants.* There were two items on the agenda; research coordination follow up and justice issues and violence against women (VAW).

### **1. VAW Research Coordination**

At the last meeting we heard several presentations by organizations conducting or planning to conduct research on VAW. We now know there is a diversity of projects proposed or actively pursued right now. Over the past few meetings we identified the need for *research coordination* to ensure (i) there is no overlap, thereby duplicating resources; (ii) that the results are not contradictory which could have a negative impact for Afghanistan and; (iii) we have a common understanding and usage of language ie What do we mean by VAW? What is the definition in Afghanistan?

The question posed to the meeting was - *How to move forward to ensure our research efforts are coordinated and a common language is used?* Several speakers asked if there is an Afghan organization that could take the lead on coordinating these research efforts. Are organizations prepared to work together? Is there one place people can assess the existing research materials on VAW? The following action points were agreed;

- The Afghan Independence Human Rights Commission (AIHRC) in partnership with the Ministry of Women’s Affairs (MOWA) will take the lead on coordinating dialogue and coordination on research.
- This ‘research sub group’, chaired by AIHRC, would that report back to the main discussion forum.
- For the time being UNIFEM will remain as the overall moderator and the contact point for the general meetings.
- All organizations conducting research are ready to coordinate and their participation in the meetings will be proof of this.

*AIHRC will announce a meeting on research coordination before the next main forum (ie before June 30<sup>th</sup>).*

### **2. Legal/Justice Issues and VAW**

The moderator invited speakers from Afghan justice institutions and civil society practitioners to speak to the following questions:

- What are the key issues facing women in accessing the justice system?
- What action do you think should be taken in the short and long term?

*Lack of rights awareness, knowledge of the ways to access justice and literacy* - Most women are illiterate and have no idea of their rights. They don’t know about their rights in Islam and have no exposure to Afghan laws and international law. They are also unaware of the justice system in their country and the practical steps they would take if they want to access justice.

*Unawareness of the officials about the laws and lack of the implementation of the laws* - The problem is not the laws itself, it's the lack of implementation of them. Justice and police officials are unaware of the laws and how they are to be implemented. It was also pointed out that while this is true, there are still some gaps in the law with respect to women's rights.

*Unfair treatment in the justice system based on the moral judgment of the female client* - When women do actually access the formal justice system they are treated badly. An example was provided - a case of violence against woman was registered; after the inquiry the officials 'came to know' that the girl was not virgin. From that point on the officials paid no attention to the violence aspect of the case because the women had bad morals. The case was violence case not a moral crime case so and it should be dealt with from its violence perspective not from a moral perspective. Whatever her moral is, she has been the target of violence and wants justice.

*Armed people & security* - From the cases which were presented by some participants, it was noticed that another reason for violence against women is due to intimidation by armed men. Violence is committed on the women by the armed men and the women complain and seek justice they are black mailed and intimidated by the armed men.

*Lack of coordination among the Family Court and the shelters for women and unfair advice by justice personnel to women* - There is a lack of coordination among the Family Court and service providers (such as the Shelters in Kabul) for women. It is commonplace for women who suffer from violence and seek help from authorities are frowned upon and told to return to their abusive families. A case was given where a violence case was referred to the Family Court and the Legal Department of MOWA. After the talking to the woman the officials persuaded the woman to go to her husband's house although they knew she was a target of violence in her family. There is a fear that if the woman is divorced, she will not have a respect in society and place to live.

*Insufficient women judges* - The number of the women judges is too low. More women are needed to deal with women's cases. If the judges are of the same sex, they can understand the feelings of the other women well and their clients can easily discuss with the women judges rather than with the men judges. If the problems are understood well, then a just judgment will be made.

*Man-lord society and "disliked customs"* - In Afghanistan the man-lord system has been practiced for centuries and women have suffered from violence for centuries also. The customs have been mostly violent to them. e.g., BAD "exchange of the girl for many reasons", marriages in the early age or before birth, force marriages, marriage of the widows with any of the husband family member, etc. It has affected the thoughts of the women and they also think that men are the superiors of the society and should be respected. They ignore the fact that they are also human like men and have their own rights as men do. Women are the target of violence in families and by society and they think of violence against women is the right of the men. This happens even though Islam and the laws of the country say otherwise. Everyone is independent to live in a violence free environment.

## **Suggested Solutions**

*Training and Awareness raising for women* - There should be a major awareness raising programs on women's rights, literacy programs and the ways to access the justice system.

*Disarmament* - Till the armed people exist in the society the violence will not be vanished.

*Support and training for the Family Court & other officials* - the court and enforcement officials need training and sensitization on how to deal with these cases. More female staff need to be recruited. The

courts need to be aware of all the existing services available for women. The subject of “social protection services for women” (e.g Shelters, psycho-social counseling, legal aid) should be the subject of another meeting.

*Training and support for the police and other law enforcement agencies.* For example, MoI staff need training in women’s rights and what is violence and how to deal with it.

*Definition of violence by the government/Justice sector* - The legislative bodies should define violence against women. In some laws if there is anything about violence against women as a crime, there is no punishment for the crime. If it violence is defined by the legislative body and a punishment given, then laws would be implemented legally in the country.

*Complaint boxes all over the country* - There should be complaint boxes, either by the AIHRC or the Ministry of Women’s Affairs, in all the parts of the country as the women will not enter the Justice departments. This could be a good way to gather the problems of the women of the country and take steps to end to their issues.

### **3. Other discussion points**

*Presentation by Ministry of Public Health* - A representative of the Ministry of Public Health wants to make a presentation on “*Maternal Death, A Social Injustice in Afghanistan*”. She said violence against women is a health issue. It was suggested that the subject of VAW and health would be the subject of the next meeting.

*Library on women’s rights* - Maliha Zulfeqar is opening a library on women’s rights. Any one interested in the women’s rights books can get from there.

*Funding* - The Asia Foundation announced that there will be a presentation (it was held on June 09) on the “Justice Grants Programme” which is inviting applications for grants (under \$20,000) and the Foundation is interested in women’s access to justice.

### **4. Next Meeting**

***Wednesday June 30<sup>th</sup>, 2004, 2-4pm in the UNDP conference room.***

The VAW and Justice session will continue at the next meeting. UNIFEM will again invite MoJ, JRC, Family Court. Others are asked to invite relevant people also. The next meeting would specially address what is happening (i) legal education; (ii) legal aid; (iii) the law reform agenda

*Proposed Agenda:*

1. Continuation of Justice discussion and identification of next steps
2. Update on Research Coordination

Other noted agenda topics identified for future meetings -

- VAW and Education
- VAW and Health
- Social Protection Service for women.

*Notes prepared by Maryam Shamal, Programme Assistant, UNIFEM, June 14, 2004*

**UNITED NATIONS DEVELOPMENT FUND FOR WOMEN  
ATTENDANCE SHEET OF GENDER BASED VIOLENCE IN AFGHANISTAN DISCUSSION**

**DATE: June 9th 2004**

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