

## **Draft notes from the 5<sup>th</sup> “Discussion Meeting on the Elimination of Violence against Women in Afghanistan”**

Hosted by UNIFEM, Wednesday June 30<sup>th</sup>, 2004

*Please see attached sheet for the list of participants.*

### **1. Background:**

Violence against women is not an issue which women have been facing during the 23 years of war, but it has been the issue in the history of Afghanistan. Therefore, UNIFEM has taken the initiative to invite the people from different Governmental and Civil Society organs to find out the causes of violence against women and solutions for these problems so that violence against women is ended in Afghanistan. In the previous meetings the research on VAW by different Organizations was discussed as well as some of the problems faced by women in the justice system. Therefore, to follow up the previous meetings, the 5<sup>th</sup> meeting was held, moderated by Carolyn McCool the Acting Director and Najia Zewari of UNIFEM Afghanistan. There were two items on the agenda; Continuation of the Justice discussion and identification of next steps and update on research coordination.

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

Some other issues were also recognized at the meeting:

*Lack of professionals in the Justice System and counseling centers:*

Problem that women are facing is the lack of professionals in the justice system. Also the social workers and the ones giving advice in the counseling centers are not professionals and this adds to women's problems rather than solving them.

*Security of Judges:*

In Afghanistan and at this time mostly the feeling of insecurity exists among the people. This also goes to the issue raised in the previous meeting about the armed people. As long as there are armed people, the judges will not be able to make just decisions in the courts. Women judges are feeling more insecure.

*Lack of shelters:*

Some women released from prison have no place in society or at home. They face too many problems when they are back to society.

*Decisions made in favor of men in the courts:*

Another issue for which the women have been suffering in the courts is that in a case involving a woman and a man, the decision is made in favor of the man. An example was given that the father in-law of a woman had raped her and when case went to the court, the woman was put in jail and the father-in-law was set free, although he was the criminal and had to be put in jail.

### **3. Suggested solutions:**

There were some suggestions which were made to end the problems faced by women in the justice system. Following are some solutions coming out of the discussions in the meeting, in addition to those suggested in the previous meeting:

*Shelters and houses of correction*

To make the life easier for women who are released from prison, there is need of more shelters. For women who are not of good morality, there should be a house of correction, a department that provides them with education, assistance, legal aid, and a barrister to fight case in court.

*Program to help lonely women late at night:*

It was suggested that a program should start in the country to secure the women who walk alone on the streets late at night. They should not be considered immoral and should not be attacked.

*Establishment of VAW department in Ministry of Interior (MoI):*

It was suggested by General Aziza of MoI, that if there is fund for the department of VAW, she will suggest its establishment in the structure of the Ministry of Interior.

*Establishment of counseling centers:*

There should be counseling centers for vulnerable women where they can get advice from judges and lawyers. There should be professionals in the counseling centers. Those who have been released from jail, could be educated in these centers.

#### **4. Other discussion points**

*Presentation by the Head of the Family Court:*

The Head of the Family Court, Hamida Panjsheri, gave a brief speech on the history of the family court in the country, the present family court and the need for the establishment of the Family Court. There was a family court in the structure of the Supreme Court, but it was dissolved. Then on the basis of the request of the people, judges and the international community, it was decided that it should be reestablished. It was reestablished in 1382 (2003) and is now working actively. She gave the reasons on the need for the Family Court:

1. Respect for families: if family cases are dealt with at other courts, everyone will be aware of the problem of that family. If the case is heard at the family courts, it would be better for those facing the family problems.
2. As the other courts are general and there are all kinds of cases, special attention is not paid to the family cases. Family cases take too long to be completed at the other courts while in the family courts they end in a short time.
3. In the family court, there are more women Judges and the women having family problems can talk to the women judges freely while they can not do so at the other courts with the male judges. Therefore, the judges can become aware of the realities of the case and make the right and just decisions.

She also mentioned that judges are feeling insecure when they judge a case, but they perform their work professionally and are not afraid of the insecurity.

*National Program Priorities- allocated budget for Gender:*

There are seven NPPs and one of them is the Rule of Law. The point was raised by Tamim from the Canadian Embassy that there has been no budget allocated for gender issues in the Rule of Law program. There was an objection as why UNFIEM, AGG members and the Italian Embassy were not in the picture. Palwasha Hassan is going to forward the mail about this issue and Carlota is to follow up with the Budget Committee of the Ministry of Finance.

*Recent case of violence against a woman by police:*

Most of the discussions took place on the case of a woman who was raped by 12 policemen in Shahr e Naw Park. The MoWA, AIHRC, the Attorney General office, Medica Mondiale all were presenting their views about that case. It was said that woman herself was not of good morality and she had been to prison many times. Medica Mondiale said that they had taken this woman out of jail twice. Besides this, some of the participants said that this was not time to think of her morality, but we have to look at the violence aspect of this case. Immorality is also the result of the wars in the country, otherwise no woman wants to be homeless and to walk here and there without any reason and to commit immoral acts.

#### **5. Research coordination:**

As the time for the meeting was over, there was no time for an update of the research coordination by sub-group. The topic will be covered in the next meeting.

#### **6. Next Meeting**

*Wednesday June 14<sup>th</sup>, 2004, 2-4pm in the UNDP conference room.*

The VAW and Justice session will continue at the next meeting in order to find out solutions to the recognized issues. UNIFEM will again invite MoJ, JRC and Family Court. Others were asked to invite relevant people also.

#### **7. Proposed Agenda:**

1. VAW and Education
2. Update on Research Coordination
3. How to begin to think of the Solutions?

Other noted agenda topics identified for future meetings:

- VAW and Health
- Social Protection Service for women.

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