

Afghan Women's Network
Quarterly Monitoring Report on
Elimination of Violence against
Women Law Implementation
In Afghanistan

April 2012



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Executive Summary

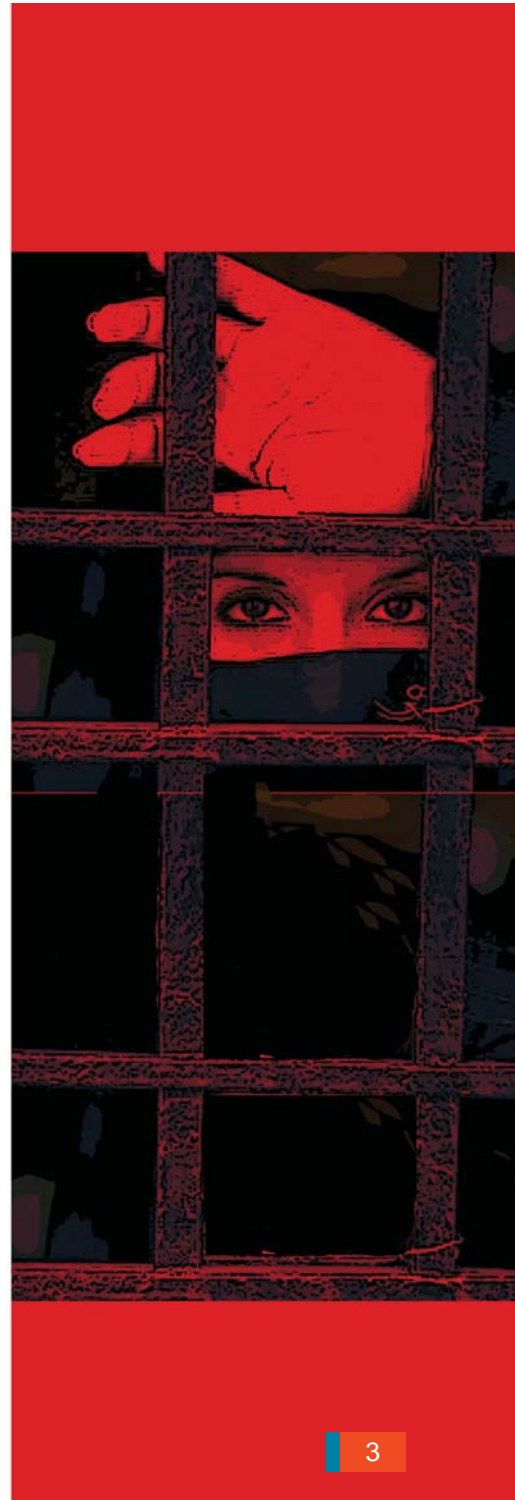
For the first time in Afghanistan, there is legislation on Elimination of Violence against Women (EVAW) that came into effect in August 2009. AWN's first initiative is a three-year evidence-based research on the implementation and enforcement of EVAW legislation and its ability to combat violence against women in Afghanistan.

Afghan Women's Network has documented how various interventions by national and international organizations have helped to strengthen Afghanistan's response to tackle violence against women by producing this briefing paper. Interventions such as capacity building for law enforcement agencies (police, attorney general, and judiciary), legal aid to the victims of violence and women at risk, public awareness campaigns as well as lobbying for effective governance mechanisms to combat violence and prevent further perpetration. AWN have used surveys, interviews, group-discussions and observation methods in the province of Kabul to assess the national government's attitude towards the EVAW and its ability and willingness to enforce and implement it. Using this initiative, AWN has created a monitoring system to track the progress of the effectiveness and implementation of the law on a year-by-year basis.

Purpose

The purpose of this Quarterly Monitoring Report is to bring the status of implementation of Elimination of Violence against Women Law to the notice of the relevant policy makers from the government of Afghanistan as well as International Community who are supporting this. For this purpose, AWN identified key relevant government institutions that have a direct role in implementation of EVAW Law. After identification, rounds of technical training to explain the EVAW Law, its importance and implementation.

To ensure that these responsible personnel are using the EVAW Law in its best matter and are responsive to women victims, AWN established a monitoring committee who oversee the implementation.



Background on Violence against Women in Afghanistan

Recently Violence against Women in Afghanistan have become on the routine practice. There are number of violence practiced against women which are verbal, economical, physical, mental, sexual and legal violence. The major reasons behind these are lack of awareness on women and men rights from religion point of view, illiteracy, forces marriages, and lack of law implementation towards the perpetrators of violators from the government relevant institutions, lack of women's outreach to the legal and justice institutions, negative cultural and traditional practices such as exchange of girls for the crimes committed by the male members of her family etc.

These factors of violence against women have huge negative impact on women and their social environment. In most of the cases women commit to suicide, self immolation, low physical and mental status etc. These factors also pressurize women to commit certain actions such as killing of their husbands and running away from home.

The violence against women law was drafted in 2004 and with huge efforts of Ministry of Women's Affairs and Women's Organizations particularly AWN was passed through a presidential decree in 2009. Afghanistan for the first time has produced a law that considers domestic violence a social issue but not family matter.

Elimination of Violence against Women Law Implementation

In order to find out the level of implementation of Elimination of Violence against Women Law, AWN conducted a survey with number of key government institutions. The purpose of this survey was to identify how regularly EAW Law is being used to help women victims of violence. This was also done to find out the needs of the key personnel for using EAW Law in a better manner. It was also done to note down number of key challenges these institutions might have for implementation of EAW Law.

The following government institutions were involved for the survey:

Ministry of Women's Affairs

Gender, Human Rights and Child Rights Department/ Ministry of Interior

Ministry of Justice

Supreme Court

Special Unit on EAW with Attorney General Office

Family Response Units/ Ministry of Interior- Six Districts of Kabul

Lawyers dealing with Violence against Women

Ministry of Defence/ Gender Department

The findings of the survey have clearly shown that the EAW Law implementation is extremely weak. The reason for this is lack of enough understanding on the specific articles of this law to assist women victims of violence. The findings also stated that there is a very low awareness on existence of EAW Law in Afghanistan.

Capacity Development on EAW Law

Personnel of key government ministries tackling with the cases of violence against women and are using the EAW Law or are mandated to use this law were invited to a technical training workshop organized by AWN. The participants were from:

Ministry of Women's Affairs
Gender, Human Rights and Child Rights Department/
Ministry of Interior
Ministry of Justice
Supreme Court
Special Unit on EAW with Attorney General Office
Family Response Units/ Ministry of Interior- Six Districts of Kabul
Lawyers dealing with Violence against Women
Ministry of Defence/ Gender Department



At the end of the training there was an impact assessment survey done by AWN Trainer. The participants answer to this assessment was their ability to focus directly on EAW law as well as the change in their behaviour towards receiving women victims and supporting them.

Establishment of EAW Law Implementation Monitoring Committee

After the successful completion of the EAW Law Technical Training, AWN established an EAW Implementation Monitoring Committee. The members of this committee are AWN NGO Members overseeing the women shelters, AWN Members using EAW Law for awareness raising at the community level and AWN Individual members with legal background. The EAW Law Implementation Monitoring Committee meets every month to discuss the violence against women, EAW Law implementation and bring their own monitoring studies from the areas they work.

EAW Law Implementation Monitoring Results

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against women, EAW Law implementation and bring their own monitoring studies from the areas they work.

During the first quarter, the monitoring report on EAW Law Implementation, following issues were noticed:

1. Number of cases of violence against women in Ministry of Women's Affairs is been looked after. Four cases are under revision and five cases of violence against women are being resolved through informal mediation among the victim and her family. During the monitoring period it was also noticed that cases of violence against women are not taking under consideration in its proper manner in this ministry. The violence against women has clarified the role of MOWA as an institution who over the prevention and support to the victims of violence through other organizations. MOWA also do not register the cases of violence against women directly, support the women victims to raise their awareness on their rights and in case of need send them to the needed courts.
2. In the EAW Special Unit within Attorney General Office, it was noticed that eleven cases of violence against women has been resolved informally through mediations. It was also noticed that the data on the cases of violence against women is not clear. In this unit majority of women victims who approach them are advised to understand the situation and informal mediation is used to solve their problems. This is done without a strong guarantee from the family/ husband of women victim and could be risky for the women victim.
3. The Kabul Central Office Legal department is one the other institutions where cases of violence against women has to be resolved through legal way by implementation of law however it was noticed that majority of cases are solved through informal mediation method. The results in lack of proper investigation and guarantee that such violence will not be repeated and sometimes could become risky for women who join back the family.
4. Within the Ministry of Interior/ Family Response Units it was noticed that majority of cases are solved informally with lack of a strong guarantee. This is because most of the police do not have enough education and are not technical towards understanding the important articles of EAW Law and its implementation.

5. In the overall monitoring process, it was noticed that there is a huge gap on awareness and understanding how to approach ERAW Law and implement it in effective way to help women victims of violence.

Case Studies brought to the ERAW Law Implementation Monitoring Committee

During this quarter number of cases was also brought to the attention of the ERAW Law Implementation Monitoring Committee. These cases were an example of lack of implementation of ERAW Law or on the impact of the training provided by AWN on ERAW Law to the relevant personnel of key institutions dealing with violence against women.

Case # 1:

Bibi Gul is a women victim who has faced every second of her life with extreme violence. She is from Helmand province and currently lives there Bibi Gul's case was referred by the Afghanistan Independent Human Rights Commissions. Bibi Gul's story is related to the Badal (exchange of girls) cases where her father married her in the age of 14 to a 45 years old man named Amanullah and in exchange engage the two years old daughter of Amanullah to their son. When Amanullah's two years daughter reaches the marriage age, Bibi Gul's family reach out to Amanullah to organize the marriage ceremony of the engaged couple. Amanullah forces his daughter to reject the her Nikkah (official marriage agreement) with Lal Bibi's brother in front the influential religious leaders due to the fact that he has taken 400, 000 Afghanis from his first wife counsin for marry her. In this case there are several victims. A 14 years old girl forced to marry a 45 years old man, a two years old girl engaged to a 18 years old boy.

After the force marriage Bibi Gul was forced to beg on the streets where her husband and his first wife were beating her severally to do so. After the refusal of the marriage by Amanullah's daughter and due to the huge violence against Bibi Gul, she went with her father and mother to Helmand. Her husband has registered a case against her and her family accusing them for the kidnap and theft of 200, 000 Pak Ruppes. Bibi Gul and her mother lives on one of the shelters at the moment where as her father is under police custody.

After the recruitment of defence lawyer, it was proved that Bibi Gul was not kidnapped by her family but had gone with them by her own well. It was also proved that the 200, 000 Pak Ruppes belonged to Bibi Gul's family who wanted to organize the marriage ceremony of their son and Bibi Gul's step-daughter. The step daughter was also asked to come to the court and share how her father forced her to reject marrying Bibi Gul's brother.

As per the ERAW Law awareness, Bibi Guls husband was punished, her father was released from the detention center and her step daughter and brother's marriage took place. One of the reasons of the follow up and resolution of this case has been monitoring done by AWN ERAW Law Monitoring Committee to found out that the implementation of ERAW Law has started by the relevant institutions at the current stage.