



# **Violence against Women in Afghanistan**

(The first six months of the year- 1392)

Written and Edited by Mohammad Hussain Saramad and Latifa Sultani

## **Introduction**

Violence against women is one of the most serious human rights issues in Afghanistan. Although important achievements have been made in different areas of such as education for women and girls, health and participation of women in civil and political activities during the last decade, deep- rooted cultural and social issues still exist against realization of and their freedom in many parts of our country. Violence against women is one of the serious violations.

During the first half of the current year, 4154 cases of violence against women have been registered by 1179 complainants referred to different office of the AIHRC. Therefore, 1179 women have suffered from one or other forms of violence against women during the first six months in 1392. Usually the victims are faced with more than one form of violence at the same time. For this reason the number of violations is higher than the number of complainants.

The above-mentioned figure shows about a 25 percent increase in the number of cases of violence against women that were registered in different offices of the AIHRC during the first half of last year. This figure indicates that the situation of in the country is terrible. The increased number of such cases registered in different offices of the AIHRC can imply several meanings. It may mean a high level of public trust on the Commission or it can be interpreted as weak rule of law and corruption in the justice and judicial system or limited access of women to justice. Anyway, the high level of violence against women indicates an appalling and shocking condition of in the country.

This report depicts various forms of violence against women in the country and it is prepared on the basis of registered cases of violence against women during the first six months of the current year. Violence occurs in different forms and some of them are so savage that even resulting in the death of a victim. This report classifies violence against women into five categories of physical, sexual, verbal and psychological, economic and other types of violence and their exact figures and level of occurrences will be discussed in the report.

In addition, effort has been made to compare the situation of violence against women occurred during the first six months of the two recent years. At the end of each section a case study is presented.

We hope that this report can present a clearer picture of violence against women and be helpful for planning and development of effective strategies to combat violence against women.

## **Part I**

### **General Concepts**

#### **1. Preamble:**

One of the main objectives of the AIHRC is the promotion and protection of in the country. Obviously, violence against women, as a serious problem against women's rights, is one of the central issues in Unit of the AIHRC. The AIHRC has a special database for collecting and registering of the cases of violence against women based on which this report prepared.

The AIHRC receives the cases of violence against women through its regional and provincial offices and after precise evaluation refers them to related justice and judicial organs for legal proceedings. To protect the rights of victims, the AIHRC follows up the cases till its final stage. Due to the case's nature, the AIHRC provides legal consultations to victims or complainants and makes necessary efforts for the settlement of their cases. If necessary the AIHRC introduces the victims to Lawyers Association or other legal aid organs to protect their rights.<sup>1</sup>

In addition, through the launching of training and public awareness programs, the AIHRC endeavors to uproot the causes of violence against women in the society and bring positive changes in public behavior regarding the rights of women. To achieve this goal, are disseminated in schools, universities, teacher training collages and military training centers. Consistent efforts have been made to bring positive changes in public behavior and ultimately reduce violence against women. Through the establishment of advocacy networks and joint innovative activities together with the state and civil society institutions, the Women Rights Unit has made efforts to participate in the legislative process and put forward fruitful recommendations for promotion of women's rights. On the other hand, the Unit has regular monitoring on female detention centers and women safe shelters to evaluate the situation in these centers.<sup>2</sup>

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<sup>1</sup> - AIRHC, Factors and gournds for rape and honor killing in Afghanistan (National Inquiry Report) published in 1392 page. 10

<sup>2</sup> -ibid

Similarly, the AIHRC is making efforts to present a more precise picture of situation in the country through the preparation and publication of research reports on women's rights. In the recent years, the AIHRC has prepared and published many research reports on women's rights and presented specific recommendations to the state of Afghanistan, national and international organizations for improvement of women's rights situation. A number of the published reports are including: Situation of Widows Rights in the Country, Situation of Working Women in Afghanistan, Situation of Young Women in the Family, Situation of Addicted Women in Afghanistan, Domestic Violence against Women, The Causes of Women Suicide in the South-west Zone, Evaluation of the Causes and Reasons of Women and Children Trafficking in Afghanistan, Situation of Women Participation and Presence in General Areas of Political Activities in Afghanistan, Evaluation of the Causes and Reasons for Sexual Assaults and Honor Killings in Afghanistan ( National Inquiry Report). Special reports on violence against women in Afghanistan prepared and published annually are also part of these activities.<sup>3</sup>

In addition, other Units of the AIHRC also pay keen attention to the rights of women. Therefore, women as the most vulnerable group in the society have always been under special attention by the AIHRC. This special attention is reflected in the reports on Human Rights Situation in Afghanistan, Situation of Children in Afghanistan, Economic and Social Rights Situation in Afghanistan and other reports prepared and published by the AIHRC.

## **2. Scope of this Report:**

The present report analyzes and evaluates the cases of violence against women occurred in the first six months in 1392 in order to present a clear picture of violence against women in our country.

This report is based on 4154 cases of violence against women obtained from 1179 complainants. These cases have been received from 27 provinces of our country registered by regional and provincial offices of the AIHRC.

It is clear that violence against women is a common fact all over the country, but due to restrictions and various problems, cases of violence against women have been recorded from 27 provinces of our country.

In this report cases of violence against women have been classified into five categories to be evaluated:

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<sup>3</sup> - ibid

1. Physical violence
2. Sexual violence
3. Verbal and psychological violence
4. Economic violence
5. Other forms of violence

Each of the above categories together with their statistic has been evaluated precisely and then sub-categories of each form of violence against women together with their statistic and level of their occurrences have been discussed separately. To present a clear picture of the issues under discussion, efforts have been made to present examples of violence against women in the text of this report. These cases depict an appalling and shocking situation of violence against women in the country.

Similarly this report has an overview on legal bases about protection and the state's commitments to struggle against violence against women.

At the end of this report, a summary and recommendations for improvement of the situation has been presented.

### **3. Methodology**

The outputs of this report have been collected by the staff of regional provincial offices through utilization of special forms prepared on violence against women during the first 6 months of 1392.

These outputs are the base of descriptions and statistical analyses of this report. Similarly, details of the cases of violence against women and observations by the Commission's staff are other sources of this report.

However, this report cannot include all cases of violence against women in the country. This report only covers the cases and data recorded by the Commission's offices.

There are many changeless which prevent access to all cases of violence against women. Some of these challenges are security issues and limitations, lack of women's access to the Commission's offices, most of the violations against women are considered normal in the society, cultural and traditional restrictions against women is another issue preventing their access to protective organs.

#### **4. Legal basis for protection of women's rights and combating violence against women**

Protecting and fighting violence against them are based on the clear legal and legislative supports and protection. These protections have been stipulated both in the national laws and in the intentional instruments. They are discussed here in brief:

##### **A. The international human rights instruments**

Base on Article 7 of the Afghanistan Constitution, the Afghan government is bound to follow the UN Charter, the inter-states treaties, the international conventions to which Afghanistan is a signatory and the Universal Human Rights Declaration.<sup>4</sup> Some of the most important instruments to which Afghanistan has joined are: the Universal Human Rights Declaration, the International Covenant on Social and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on Elimination all Forms of Racial Discriminations, the Convention on Elimination of all Forms of Discriminations against Women, the Declaration of Elimination of Violence against Women, the Convention on Elimination of Torture and other Oppressive, Inhuman and Degrading Treatments and the Child Rights Convention.

There are specific provisions in the mentioned instruments for protection of women's rights and elimination of discrimination and violence against them. For example, the Convention on Elimination of all Forms of Discriminations against Women has emphasized on elimination of discrimination against women, taking measures for protection of their rights, ensuring equality of men and women and elimination of violence against women. These activities have been termed as legal responsibilities of the member countries.<sup>5</sup> The second Article of this convention stipulates:

“States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

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<sup>4</sup> The Afghanistan Constitution (1382), Article 7

<sup>5</sup> The AIHRC, p-27

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g) To repeal all national penal provisions which constitute discrimination against women.<sup>6</sup>

In addition, Article 1 of the Declaration on Elimination of Violence against Women has defined violence against women, which says: “For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>7</sup>

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<sup>6</sup> UN General Assembly, the Convention on Elimination of all Forms of Discriminations against Women, (1979), Article 2

<sup>7</sup> UN General Assembly, the Convention on Elimination of Violence against Women, (1977), Article 1

Article 2 of this declaration has highlighted some forms of violence against women as follows:

“Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”<sup>8</sup>

Article 4 of this declaration has emphasized on the responsibilities of the member state in tackling the phenomenon of violence against women. The initial part of the Article states: “States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should”<sup>9</sup>

Apart from these, the Convention on Economic, Social and Cultural Rights and the Convention on Social and Political Rights have also emphasized on protecting women’s rights. Some other instruments that have laid the same emphasis are:

- The Universal Human Rights Declaration, ratified by the UN General Assembly (Dec.10<sup>th</sup> / Qaws 19<sup>th</sup>)
- The 4<sup>th</sup> Geneva Conventions (Aug 12<sup>th</sup> 1949) on Protection of Civilian Persons in Time of War and their attached protocols 1977;
- The Convention on Elimination of Trafficking in Human and Sexual Exploitation, ratified by the UN General assembly (Mar 21<sup>st</sup> 1950 – Afghanistan joined it on May 21<sup>st</sup> 1985)

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<sup>8</sup> Ibid, Article 2

<sup>9</sup> Ibid, Article 4

- The Treaty for Women’s Political Rights (Mar 31<sup>st</sup> 1953 / enacted on Jul 7<sup>th</sup> 1954)
- The **Declaration on the Protection of Women and Children in Emergency and Armed Conflict**, the UN General assembly, (Resolution 3318 (29) dated Dec 14<sup>th</sup> 1974)
- Beijing International Conference Statement (Sep 1995)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified by the UN General Assembly (Dec 2000)<sup>10</sup>

## **B. The National Laws**

One of Afghanistan’s important achievements in the last 10 years or so is the establishment of legal supports for human right and in its national laws. The Afghan Constitution has emphasized on in several Articles and has bound the government to make and carry out programs fruitful for women’ rights. Article 7 of the Constitution has urged the government to follow the international instruments and treaties that have been signed or ratified by it. These commitments include international conventions and treaties protecting such as the Convention on Elimination of all Forms of Discriminations against Women, the Declaration on Elimination of Violence against Women, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights.<sup>11</sup> Article 7 (1) of the Constitution states: “The state shall observe the United Nations Charter, inter-state agreements, as well as the international treaties to which Afghanistan is a signatory and the Universal Declaration of Human Rights.”<sup>12</sup> Article 22 has clearly stipulates gender equality and any forms of discriminations among the country’s citizens have been termed illegal. “Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.”<sup>13</sup>

Article 54 of the Constitution also put emphasis on protecting family especially protection of child and mother: “Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and

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<sup>10</sup> The AIHRC, p-28 & 29

<sup>11</sup> Ibid, p-23

<sup>12</sup> Afghanistan Constitution (1382), Article 7

<sup>13</sup> Ibid, Article 22

mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.”<sup>14</sup>

Another very important instrument is the Law on Elimination of Violence against Women which was adopted in 2009. However, this law is still facing by traditional challenges in the society; it was opposed severely by the parliament last year. The law, nonetheless, is counted as an important base for prevention of violence against women.

The objectives in Article 2 of this law are namely ensuring women’s legal rights and their dignity, protecting families and fighting against customs, traditions and practices causing violence against women, protecting victims of violence, prevention of violence against women, raising public awareness about violence against women and prosecuting perpetrators of violence against women.<sup>15</sup>

Article 3 of this law has defined violence against women stating that whatever act which causes “harm to the individual’s character, emotion, body or property” are considered as violence against women. Article 5 of the law also specified important instances of violence against women as: 1) Rape, 2) Forcing into prostitution, 3) Recording and publicizing the identity of the victims, 4) Burning, throwing acid and other toxic materials, 5) forcing into self-emulation, suicide or use of poison or other toxics, 6) injuring or disabling, 7) beating and tearing, 8) sale of women for marriage, 9) giving bad, 10) forcing to marriage, 11) prevention from getting married, 12) marrying an under-age, 13) mistreatment, humiliation and threatening, 14) annoying and harassing, 15) forced isolation, 16) not providing alimony, 17) deriving from inheritance, 18) not paying Mahria, 19) disallowing access to personal belongings, 20) disallowing education and work, 21) harsh labor, 22) marrying more than one wife without considering Article 87 of the Civil Law and 23) disallowing connections with friends.<sup>16</sup>

Article 15 of this law has established the High Commission on Elimination of Violence against Women which is authoresses to investigate, carry out awareness raising programs, ensure cooperation among institutions working against violence, recommend amendments and legislation of laws that are effective and so on.

Article 8 to 15 of the said law have introduced the institutions protecting women against violence and has highlighted each and everyone’s responsibilities in connection with the elimination of violence against women. Chapter 3 of this law has highlighted issues pertaining penal codes for crimes of violence against women.

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<sup>14</sup> Ibid. Article 54

<sup>15</sup> The Law on Elimination of Violence against Women (1388), Article 2

<sup>16</sup> Ibid, Article 5

Article 43 is one of the most important Articles in this law which stipulates that in case the provisions of this law are not in line with the rest of common laws in the country, the provisions of this law are preferred.<sup>17</sup>

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<sup>17</sup> The AIHRC, the Factors and grounds for rape and honor killing in Afghanistan (National Investigation Report), published in 1392, p-25

## **Part II**

### **Analysis of the Data on Violence against Women**

#### **1. Different Forms of Violence**

Based on statistical findings by the AIHRC, various forms of violence against women exist in Afghanistan. The most common forms of violence registered in the database of the AIHRC include different forms of physical, sexual, economic, verbal and other types of violence related in one or another way to harmful traditions and customs.

In fact the number of complainants referred to the AIHRC individually to register the cases of violence against women differs from the number of registered cases, because each victim complains about many types of violence. Therefore, the number of cases of violence against women becomes higher than the number of complainants.

During the first half of the current year 1179 complainants referred to different offices of the AIHRC to register their cases. The cases of violence against women registered by different offices of the AIHRC in 1371 exceeded 1027 cases. Comparison of these two figures shows an approximately 15 percent increase.

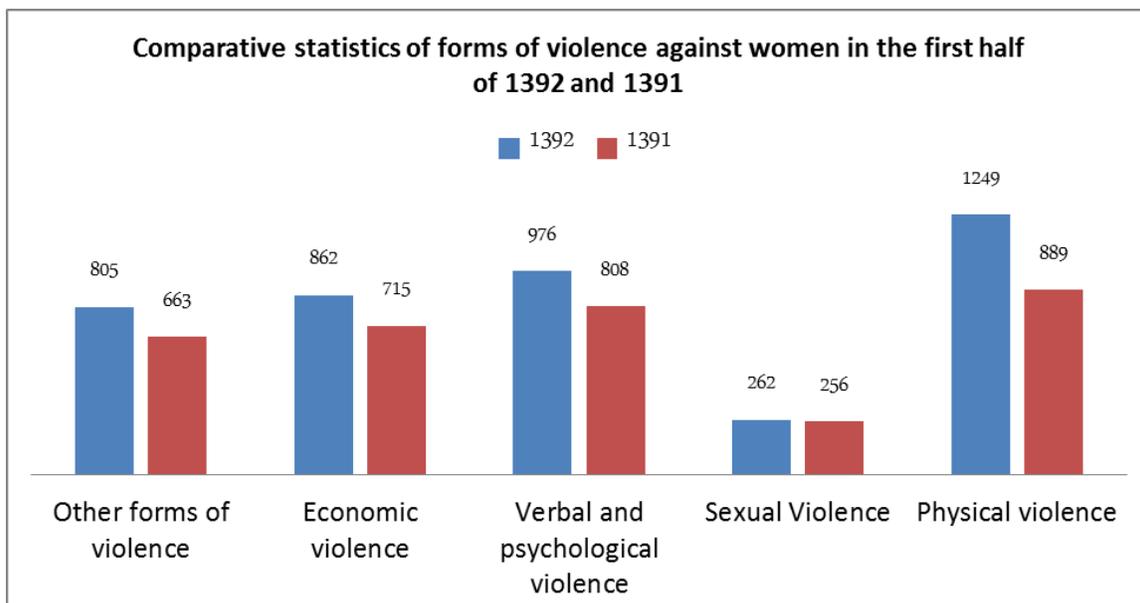
Similarly the total number of different forms of violence against women obtained from registered cases during the first six months of the year 1392 exceeds 4154 cases. While this figure reached 3331 cases during the first six months of the year 1391. An overview of the differences between these two figures indicates that violence against women during the first six months of the current year in comparison to the first six months of last year has increased 24.7 percent which is very concerning.

Out of the total number of cases of violence against women committed during the first six months of the year 1392, 1249 cases making 30.1 percent of all cases are related to physical violence. Another 262 cases constituting 6.3 percent of total cases are related to various forms of sexual violence, while 976 cases making 23.5 percent of all cases are related to verbal and psychological violence. Similarly, 862 cases consisting 20.8 percent of all cases of violence against women are

related to economic violence. The remaining 805 cases constituting 19.4 percent are related to other types of violence against women.

The following table shows the total figure of various forms of violence against women during the first six months of the years 1392 and 1391 in a comparative way:

Forms of violence	Number of Cases		The percentage of the total cases occurred in the relevant year	
	1392	1391	1392	1391
Physical violence	1249	889	30.1%	26.7%
Sexual violence	262	256	6.3%	7.7%
Verbal and psychological violence	976	808	23.5%	24.3%
Economic violence	862	715	20.8%	21.5%
Other forms violence	805	663	19.4%	19.9%



The above table and graph show that various forms of violence against women have been increased during the first half of the current year. This eye-catching increase in violence against women probably emanates from various factors such as limited access of women to justice and judicial organs, non-judicial prosecutions, the weak role of law and widespread insecurity in different parts of our country. Similarly, this increase in the number of registered cases is probably due to public trust on the AIHRC that women bring their cases to the Commission's offices for registration. Anyway, this figure presents a concerning situation of violence against women in the country.

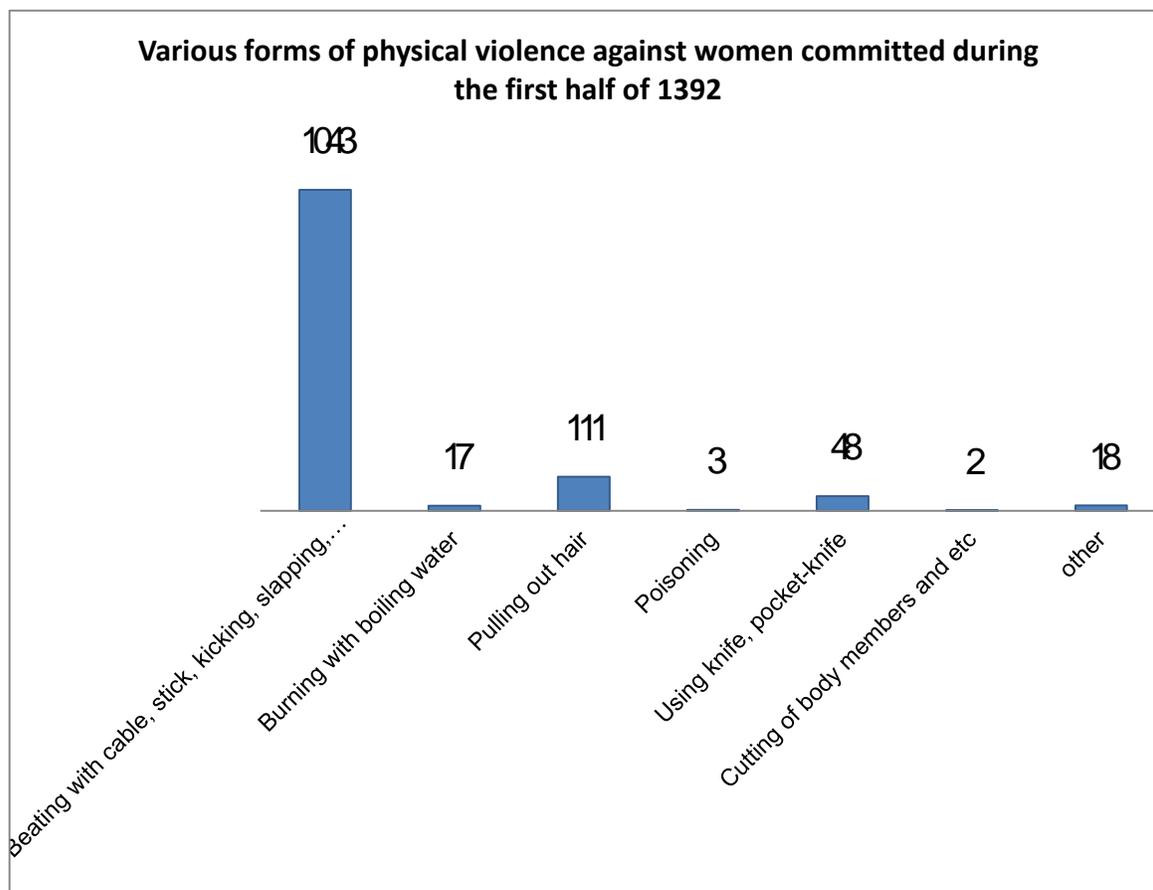
Different forms of violence against women, offenders, geographical locations and outcomes will be evaluated in subsequent sections of this report.

### **1.1-Physical Violence**

Based on statistical findings of the AIHRC, the most widespread form of violence against women is physical violence. As mentioned above, 1249 cases of violence against women were registered by the AIHRC during the first half of the current year out of which 30.1 percent is physical violence against women. This figure reached 889 cases during the first half of last year out of which 26.7 percent of them are related to physical violence against women. Comparison of these two figures shows that the percentage of physical violence against women during the first half of this year has increased 40 percent.

Given that physical violence against women is the clearest and the most serious violence against women, this level of increase is very concerning, especially when it is witnessed that out of 1249 cases of physical violence against women, 1050 cases relate to beating, kicking, slapping, hitting with stones, 17 cases include burning with boiling water, 11 cases relate to pulling out hair and 3 cases of poisoning. Similarly 48 other cases of violence were committed by using of knife, pocket-knife and weapons. Also 2 cases related to cutting of body members. The other 18 cases related to other forms of violence against women which were perpetrated during this six reporting month

The following chart shows various forms of physical violence against women at the country level:



The above mentioned figure shows that beating of women is a common form of violence against women which is very shocking. But the most violent and most savage violence against women such as burning, poisoning, stabbing with a knife or firing weapons and even cutting body members mentioned in the above figure depicts the horrible situation of physical violence against women. In most cases, it can result in death of the victim.

A shocking form of physical violence which results in the death of women is honor killing. During the national inquiry program conducted by the AIHRC on sexual assaults and honor killings during last year, it was found out that the killing of women under pretext of saving honor is one of the most serious violence against women which takes the life of the victim. During the said inquiry, 243 cases of honor killing were documented which perpetrated since beginning of 1390 till end of Saur 1392<sup>18</sup>.

Here are some cases of physical violence against women;

<sup>18</sup> Refer to: the AIHRC, causes and grounds for sexual assaults and honor killings in Afghanistan ( National inquiry report) published in 1392

### **Case 1:**

The victim narrates the case as follows, “I am a woman and married 11 years ago. I have a son and a daughter. My husband is addicted for 4 years and doesn’t work. He always beats me and demands money. He doesn’t pay for my alimony. My brothers pay for all our expenses and if they don’t pay he beats me. I wanted to take him to a hospital, but he escaped. I do not want to live with him anymore. I want to get divorced and in exchange of my dowry, I want to have my children.”

### **Case 2:**

The victim says about her case, “I got married with..... son of..... 11 years ago and we have six children. My husband and his other family members always beat me. My husband is an addicted person and sexually harasses me. He makes various kinds of accusations. Now I am pregnant and he claims that this infant is not his. He kicked me and my six children out of the home. It is five months that I am living with my parents. I hope you can help me and my children.”

### **Case 3:**

A 17 yea old girl, name..... daughter of..... a resident of one of the provinces of the country, knew about illegal relation of his brother’s wife, named..... with a man named..... son of..... So she was killed by these two persons. Then the perpetrators intended to claim this incident as a suicide, but during a police investigation the perpetrators confessed to their crime. One of the perpetrators named.... Hanged himself in the police custody.

## **1.2-Sexual Violence**

Sexual violence is one of the most serious problems of women at the country level. A large number of women and girls become victims of this painful violence. In spite of the fact that the existing figure of sexual violence is very concerning and cases of such violence have repeatedly been issued through the media, but they do not depict the real number of such cases. Due to the nature of sexual issues as a taboo in Afghan traditional society, therefore, addressing of these problems has been considered odious in the society. In addition, this problem is related to a family or tribe’s honor and prestige. Therefore, its publication is prevented and usually kept as a secret. For this reason a large number of sexual violence against women are not registered to be followed up.

In spite of these limitations, 262 cases of sexual violence against women have been registered in different offices of the AIHRC during the first half of the current year. This figure constitutes 6.3 percent of total violations against women during the said period. This figure exceeded 256 cases of sexual violence against women during the first half of last year.

Sexual violence against women is committed in various forms such as sexual assaults, illegitimate sexual affair/ sodomy, sexual degradation and ill-treatment, forced prostitution, forced abortion and etc. Sexual assault is considered a very serious and concerning sexual violence against women in Afghanistan. Out of the total figure of sexual violence cases, 81 percent of them are cases of sexual assaults which comprise 31 percent of total cases of violence against women. The national inquiry conducted by the AIHRC on sexual assaults and honor killings during the last year, also registered 163 cases of sexual assaults which had occurred since the beginning of 1390 till 1392.<sup>19</sup>

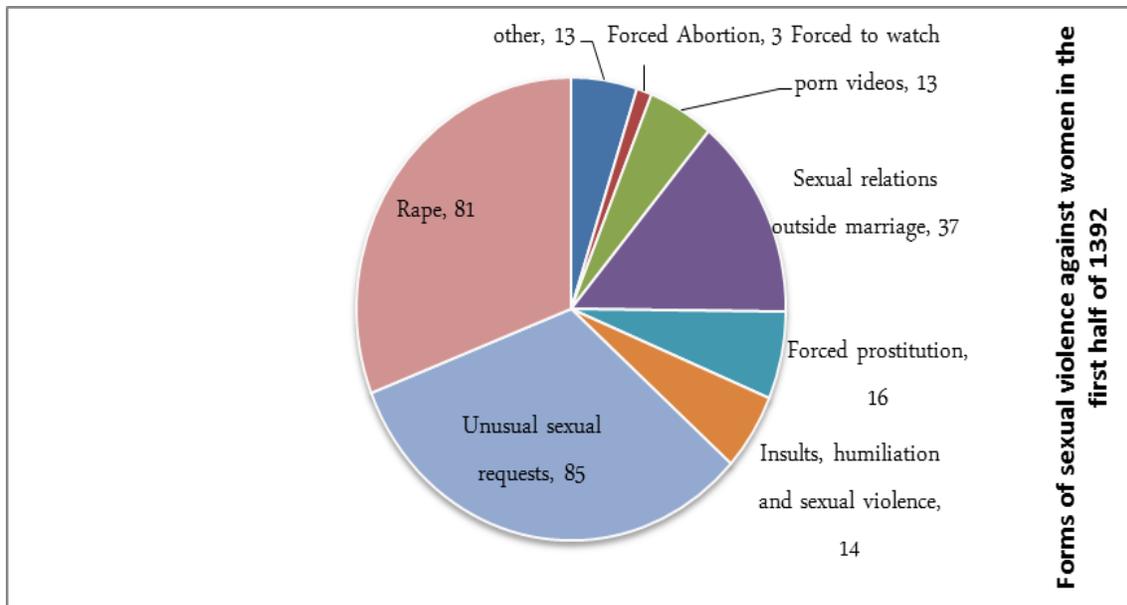
In addition to sexual assaults, other cases of sexual violence registered during the first half of the current year, include 85 cases of sodomy, 14 cases of sexual degradation and insults, 16 cases of forced prostitution, 37 cases of outside marriage sexual relations, 3 cases of forced abortion, 13 cases of forced watching of pornographic films and other forms of sexual violence cases.

Sexual violence against women has negative and painful social, cultural and economic impacts on women in Afghanistan. In spite of physical injuries, women who are victims of sexual violations face with other problems such as psychological problems, AIDS, and unwanted pregnancy. In addition, sexual violence against women violates human dignity and prestige of women and even takes away their freedom of living in the society. Therefore, the victims who raise their voice about sexual assault would be faced with other threats such as disgrace, abandonment, deprivation of social and economic rights which result in further violation of their other rights. This issue is also limited women's access to justice.

The following chart shows various forms of sexual violence against women at the country level:

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<sup>19</sup> - the AIHRC, causes and grounds of sexual assaults and honor killings in Afghanistan ( National inquiry report) published in 1392, page 38



Following is a case of sexual violence against women:

**Case:**

“A seven-year-old girl, a first grade student, on the way back from school was first abducted and then raped by a Regsha driver in one of the provinces of the country. After committing the crime, the child was left in a ruin. A passerby passing by the ruin heard the girl’s cry and took him to his home. When her mother came and saw her child in that situation, she took her immediately to a midwife doctor. After the examination the doctor confirmed that the child was raped.”

**3.1-Verbal and psychological violence:**

Verbal and psychological violence against women is also a common issue that less attention is paid to, as violence. This form of violence has also a negative impact on the mental health of victim women. Humiliation, insults and threats are the common forms of such violence that could have a serious effect on the character and spirit of women and leave adverse consequences on social and personal life of them, and finally encounter them with discouragement, isolation, frustration, anxiety and stress, and even make them feel hatred against others. In this situation they would become more vulnerable against the challenges, constraints and difficulties of life. Evidences show that verbal and psychological violence can even lead to suicide, self-immolation and dangerous ganglia in women's lives.

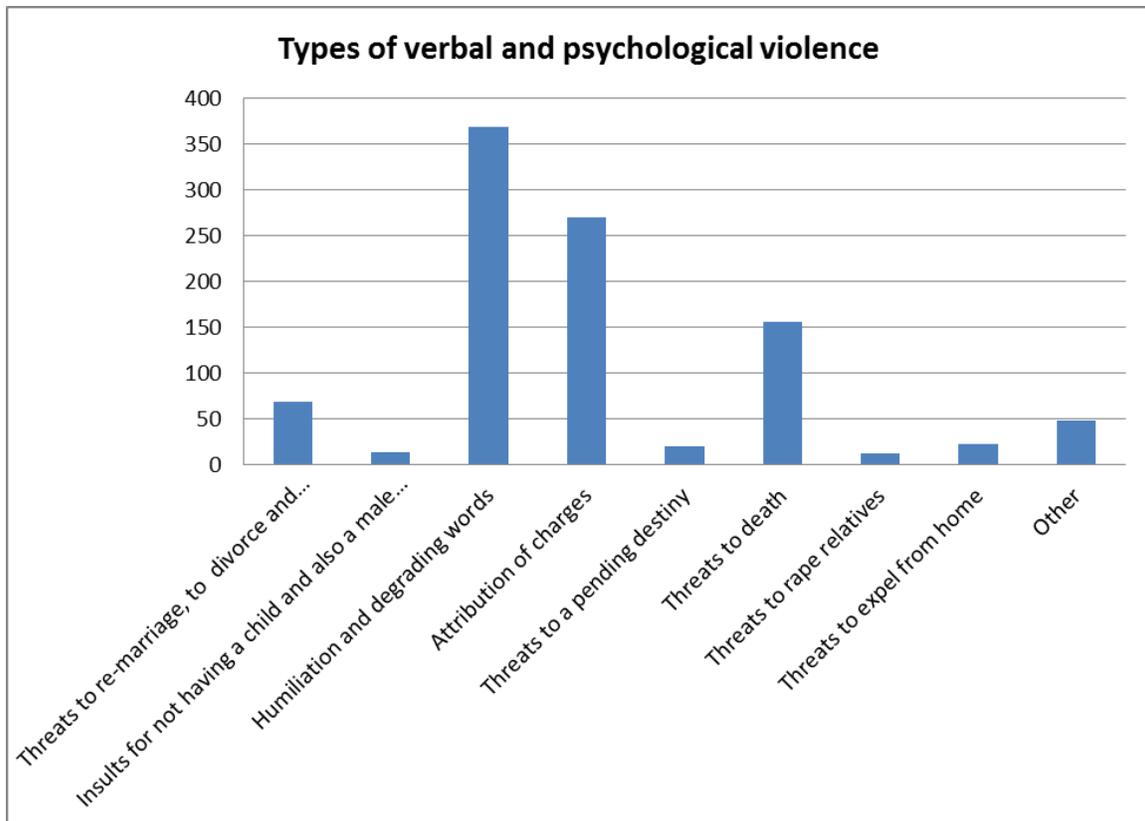
Verbal and psychological violence against women can happen within the family and in the local community in the form of street harassment, and put women in a dangerous and difficult situation.

The AIHRC's database has recorded 976 cases of verbal and psychological violence taken place against women in the first six months of the current year. It constitutes 23.5% of all cases of violence against women within the mentioned period. The figure was 808 cases in the first half of last year. The comparison of these two figures represents an increase of 20.8 percent of verbal violence in the first half of the current year.

Cases of this form of violence against women recorded with the AIHRC are much less than the number of cases really has taken place. Because, most women can tolerate it for various reasons and shall refrain from disclosing it. The reasons may include fear of its consequences, consideration of it as a common or normal issue, or lack of access to supporting organs.

Out of all the cases of verbal and psychological violence taken place in the first half of this year, 69 cases are identified as threat of remarriage or divorce by the spouse, humiliation and insults (368 cases), cases relating to attribution of charges (270 cases), threat to a pending destiny (20 cases), threat to murder (156 cases), rape committed by relatives (12 case), threat to expulsion from home (23 cases), other cases of verbal and psychological violence against women (49 cases) have been recorded.

The following chart shows the forms of verbal and psychological violence against women in the country.



Below is an example of verbal and psychological violence :

**Case:**

I got married 20 years age, and after my second child was born my husband was killed. Since then I have been taking care of my children. But my husband's family would always beat me and insult me. They tried several times to kill me because they wanted to grab my husband's inheritance. I want to leave home and find a place of residence. I do not want to live with my sons any longer".

**4.1- Economic violence:**

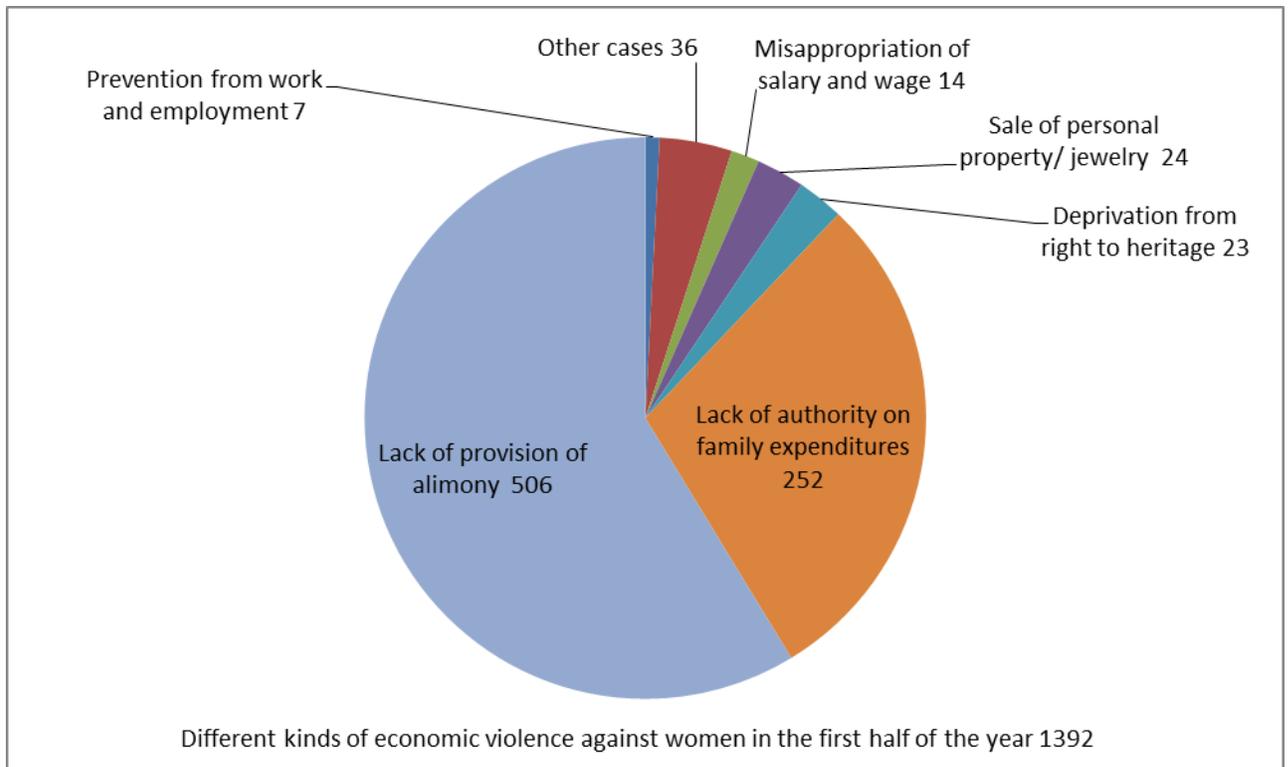
Lack of economic autonomy of women in a family environment and their dependency on their husband caused women in the family environment as well as at the social level enjoy a lower status compared to men. On the other hand this issue has caused women to stay away from decision making positions regarding family affairs. Their will has not been considered in decisions taken for the family affairs. Economic violence against women occurs in different forms and based on the traditions dominant in the societies of Afghanistan, it appears with all its intensity.

The statistical findings of the AIHRC indicate that during the first 6 months of the current year, around 862 cases of economic violence are recorded in the commission's offices that constitutes 21.5 percent of the total cases of violence against women in the mentioned period of time. In the first half of the previous year this figure had reached to 715 cases. Comparison of these two figures indicates that violence against women in the first half of the current year had an increment of 20.5 percent.

Out of all the above cases which are recorded as economic violence in the database of the commission, 506 cases of them relate to the deprivation of women from receiving alimony. This figure amounts to more than 58.7 percent of all the cases of economic violence against women which indicates the high deprivation of women from access to alimony. In most of the cases, when women ask for their rights, men resort to verbal violence against them as well.

Lack of authority on the family expenditures is another form of economic violence that includes 252 cases. Deprivation from right to heritage also includes 23 cases. Selling of precious properties specially jewelries also allotted 24 cases to itself. Prevention from work and employment of women includes 7 cases and misappropriation of their salary and wages include 14 cases. The other 36 cases constitute other forms of economic violence that have not been mentioned explicitly.

The following chart shows different kinds of economic violence against women at the country level



A case of economic violence against women is written below as an instance:

**The case:**

« I got married four years ago. I was 15 when I got married. My father forced me to get married to a man who was already married and had 2 children. Therefore, my husband was not able to provide me with alimony. When I was asking him to pay for the expenses, he used to beat me up. A week ago he left this place, and left me and his 2 children alone behind with no clear future. Now I have no idea where he has gone. Please help me. »

**5.1- Other cases of violence:**

Violence against women in Afghanistan is not only limited to the aforementioned ways, there are other kinds of violence as well that its roots can be sought in culture and cultural patterns of society. The right to education, right to marriage and right to have access to health facilities are the basic rights of individuals that still eligible women and children are deprived of these rights due to some reasons.

Also many eligible girls cannot go to school. A high percentage of mothers lose their lives while giving birth to their baby. These unpleasant cultural patterns have paved the way for early marriages such as Bad and Exchange marriages which all are happening by force. Lack of consideration of legal age for marriage are often

originated from the dominating character of undesirable traditions and customs that has put children especially girls in a difficult situation and resulted in many negative consequences.

They take away from them the tranquility and leisure of childhood and prevents them from education. Children remain mentally and physically underdeveloped due to early matrimonial life and early pregnancy. And even they face mental, psychic and physical problems that affect some of them till the end of their life.

The commission's research indicated that nowadays honor killings, ascending trend of divorce, unwilling and child marriages are the main factor for running away from home. Jergas and tribal councils have a key role in the continuation of these abnormalities that are often dominated by men and women have no role in decision making in these Jergas. Also lack of proper monitoring by the government over these programs and prevention of illegal judgments pave the way for abusing women and children's rights at the country level.

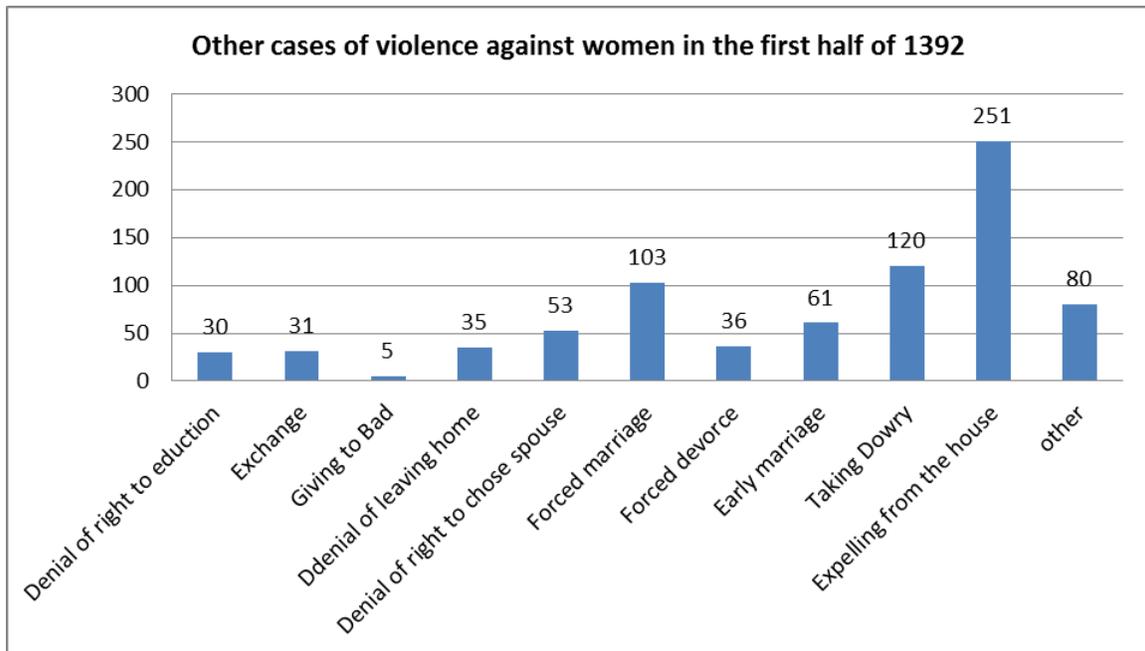
The recorded statistics on violence against women in the database of the AIHRC in the first 6 months of the current year in addition to the aforementioned forms of violence against women, includes 805 more cases including violence relating to expulsion from home forced marriages, child marriages, denial of the right to choose a spouse, giving as Bad and exchange marriages, denial of the right to education etc.

Out of the total 805 cases which have been mentioned, 30 cases are related to denial of the right to education, 31 cases are related to exchange marriages, 5 cases are related to giving as Bad, 35 cases are related to prevention from going outside of the home, 53 cases are related to deprivation from the right to choose spouse, 103 cases are related to forced marriages, 120 cases are related to heavy dowries, and 251 cases are related to expulsion from home. The remaining 80 cases are yet to be clarified and which is mentioned as "other cases".

The above figures indicate the high figure of child and forced marriages, forced divorces, Bad and exchange marriages, expulsion from home, denial of the right to choose a spouse, prohibition from right to education etc.

In the first half of the previous year, 661 cases out of the total number of these cases have been recorded with the AIHRC offices that the comparison of these figures indicates nearly a 22 percent increase in the current year than the previous year.

The below chart shows the detailed description of the cases of violence against women:



**Case:**

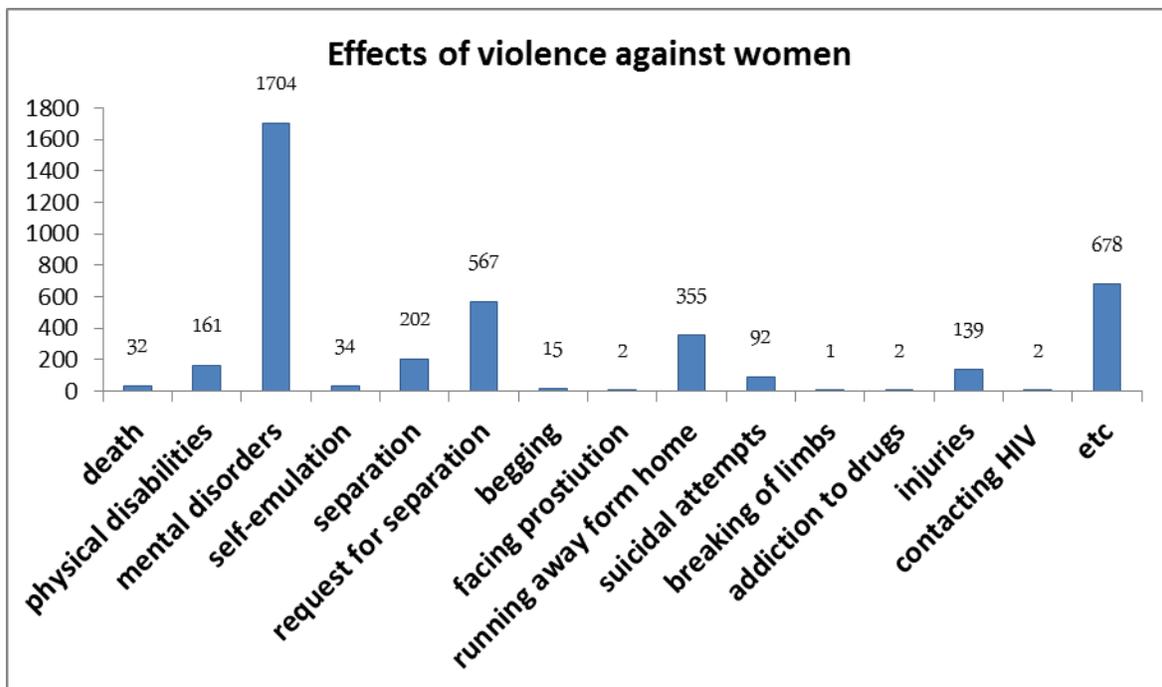
A victim in a province narrates the story as such: « when I was a 12 year old child, a year ago my father engaged me for 500000 Afs to a 45 year old man who is a Mulla Imam in a mosque without informing my mother. When I told my father why he sold me like an animal, he told me not to say any word and do not defend myself or else he would kill me. My father said that what has happened was at a time when I was not in a good mood and if you run on my nerves again, I will kill you. Now I under the pretext of an invitation I have run away from home and come to my grandmother’s home. 2 days back my father said if I don’t return back home, he would bring me back with the help of police and would hand me over to my fiancé. Due to improper deeds of my father, several times I have attempted suicide. I hope the AIHRC help me out of this problem. »

**2. Implications and consequences of violence:**

Violence against women terribly affects their health, social status and reverence, living conditions and welfare. Furthermore, violence prevents their development and subjects them to seclusion. Since violence against women in Afghanistan manifests itself in various ways, its impacts are also widespread and varied. The violence in question causes not only physical injuries but also emotional impacts.

The figures showing mental or psychological damages caused by violence are very upsetting. For example, there are 1704 instances of mental or psychological disorders in the first 6 months of 1392 alone. In 161 incidents, violence has caused physical disabilities; in 139 incidents, it has caused injuries and in one incident, it has caused the breaking of limbs. All in all, there have been 32 instances of death of the victims, 34 instances of self-immolation and 92 instances of suicidal attempts. These figures cause deep concerns and reveal the terrible outcomes of violence against women.

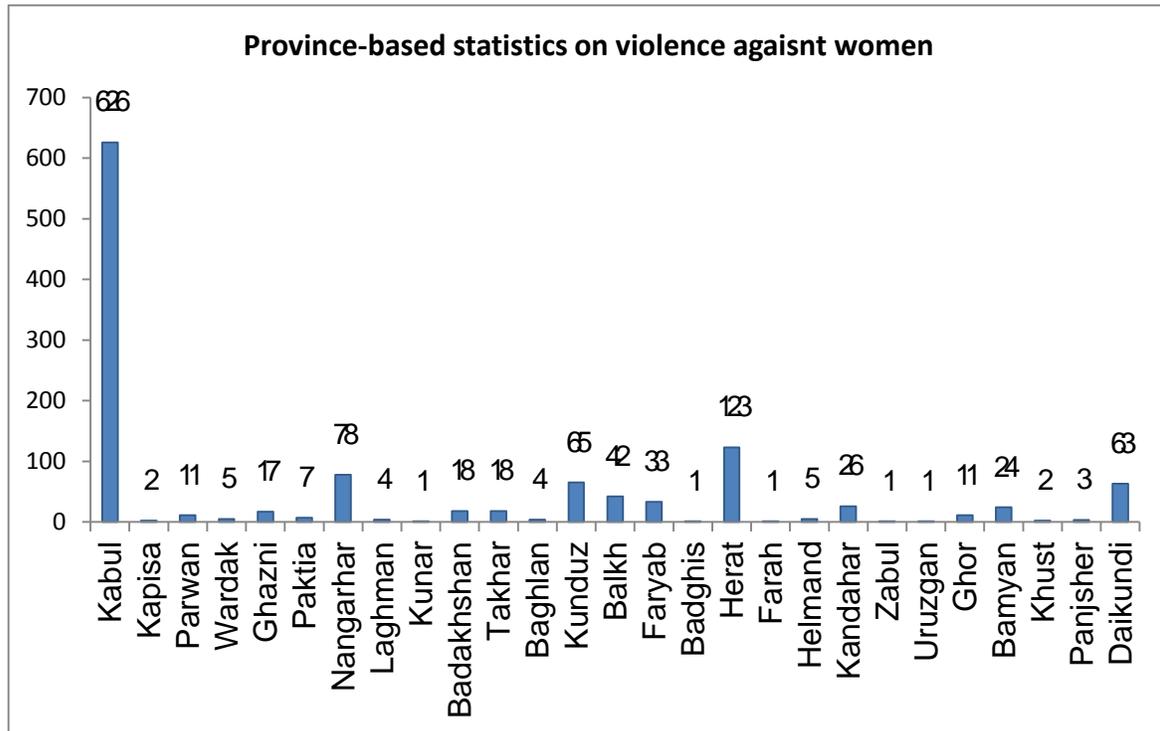
Apart from causing physical and mental harms, violence against women also causes irreparable harms to the women’s social and economic situation in the society. 567 requests for separation, 202 instances of divorce, 300 instances of running away from home, 2 cases of HIV positive, 1 case of breaking limbs, 2 cases of prostitution, 2 cases of drug addiction and other such acts amounting to 678 instances that have been reported - all showing clear impacts of violence against women.



### 3. Geographical divisions of violence against women

Based on geographical divisions, several factors have their roles in documenting cases of violence against women. These factors are women’s accessibility to protective institutions and justice and judicial organs, the prevailing social norms

and patterns faced by women and women’s security and awareness about their rights. Number of registered cases pertaining violence against women is more in safe provinces, city centers and areas where it is easy to have access to protective organs. However, these figures cannot represent the exact situation of violence against women in the provinces. Thus, the figures and data registered with the AIHRC show that most such cases have happened in Kabul.



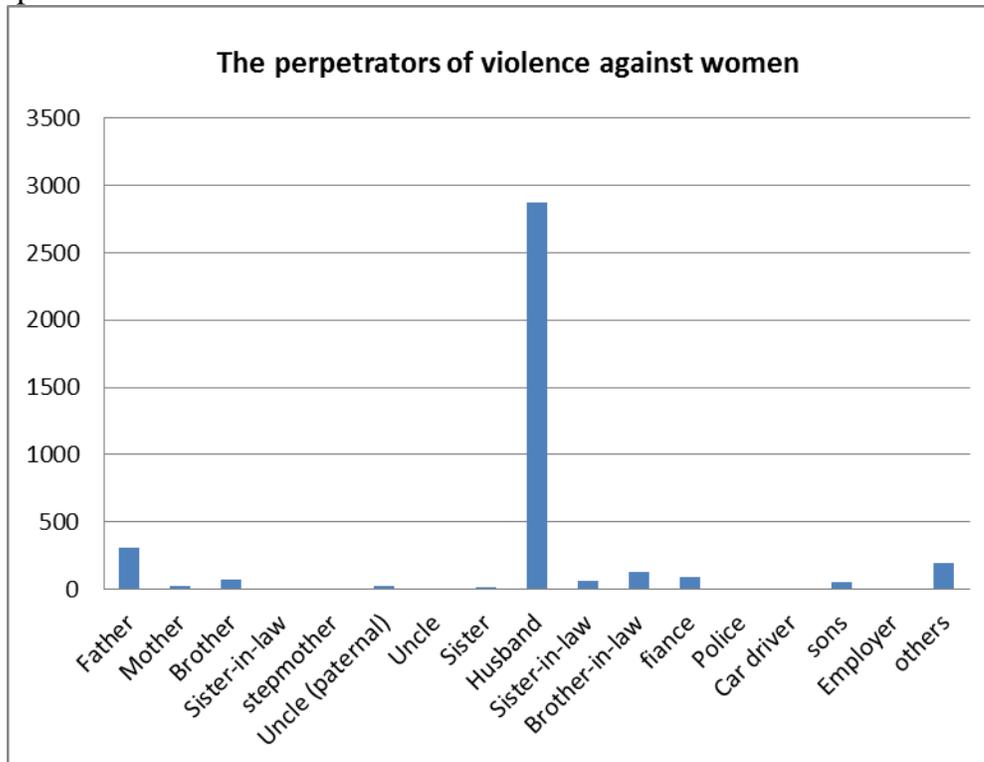
#### 4. Perpetrators and place of violence against women

The data and information registered with AIHRC’s regional and provincial offices clearly indicate that 3917 instances (94.3%) of all forms violence against women have happened in the victims’ homes.

Out of the rest, 17 instances have happened in workplaces, 3 instances in schools, 3 instances in universities, 1 instance in a tuition center, 2 instances in detentions, 25 instances in the streets and 1 instance at the employer’s house. The other 25 instances have not been clarified.

Unlike what is commonly believed, the findings in the report show that the perpetrators for the majority of the violence are mostly close relatives and family members. In the long list of perpetrators within the boundaries of the houses, it is shown that 2876 of the incidents have been committed by the husbands, 306 by fathers, 27 by mothers, 94 by fiancés, 71 by brothers, 128 by the husbands’

brothers, 60 by the husbands' sisters, 53 by sons, 29 by the (paternal) uncles, 7 by the (maternal) uncles, 19 by the sisters, 8 by the police, 8 by the step-mothers and the other 195 by others. The table below shows the number and kinship of the perpetrators.

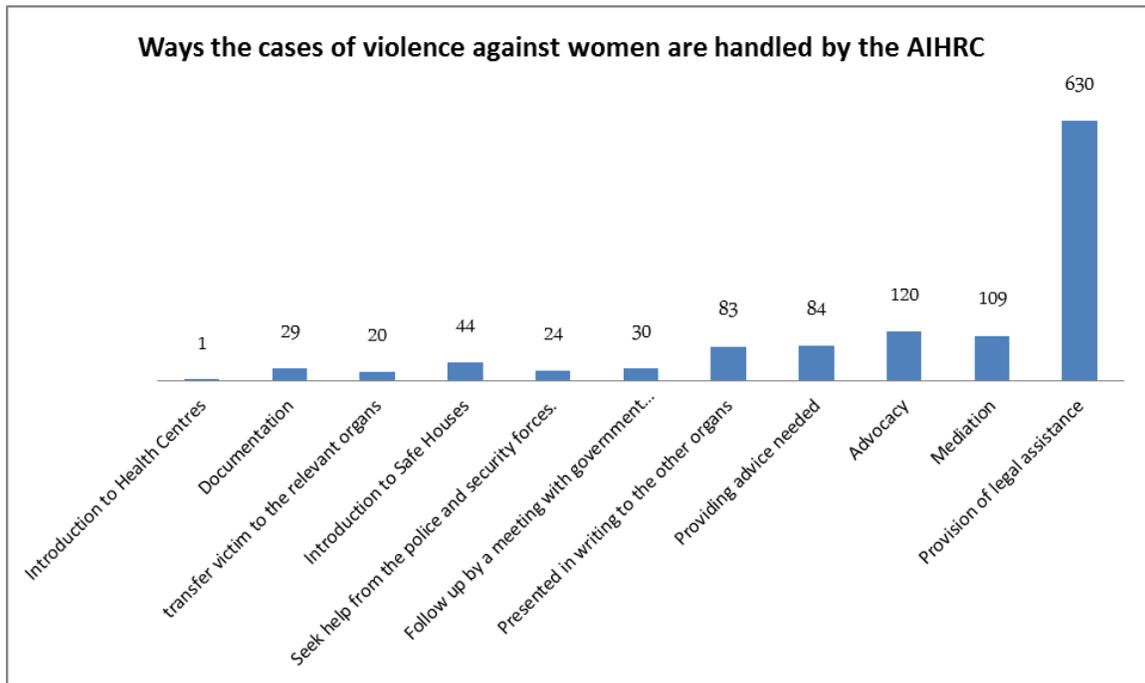


The figures above show that the family, which should be a safe and a comfortable environment, is not safe for women. Rather, it makes women face varied forms of violence. The statistics are significant of the fact that violence against women is as natural and normal showing the high level of insecurity and vulnerability of women in the Afghan society.

## 5. How the AIHRC handles the cases

The findings show that protecting the victims by the AIHRC is not just registering their cases, but it is also the objective of its action plan to run advocacy campaigns in order to ensure justice and protect the victims. The AIHRC's database shows that legal assistance has been availed for 630 cases. Afterwards, 109 cases have been resolved through meddling; 120 cases have been advocated for; 83 cases have been introduced to other relevant organs via official correspondence; 30 cases have been shared with the government authorities; in 24 cases the police and security forces were called for assistance; in 44 cases the victims were introduced to women's shelters; 20 cases were transferred to their relevant organs; 29 cases have been documented; 1 case was introduced to the medical centers and 84 cases were provided with necessary consultations.

The mentioned actions taken are shown in table below:



## **Part III**

### **Conclusion and Recommendations**

#### **1. Conclusion:**

As shown in this report the recorded statistics on violence against women during the first six months of the current year has reached a shocking number of 4154 cases.

This figure indicates an increase of nearly 25 percent compared to the number of violence against women recorded in the first six months of the previous year. However, this increase could be due to increased public confidence in the AIHRC's offices, but can be caused by other factors such as increased violence against women and the public's distrust of judicial authorities as well.

In any way, this high figure of violence against women in the first half of this year is very shocking and a matter to be pondered upon. Especially when we see that over 30% of the figures are physical violence, especially beating, slapping, kicking and throwing stones, the issue becomes more and more worrying because physical violence against women is the naked (harsh) form of violence against women.

Also, 6.3 percent of all cases of violence against women have been sexual violence, and 81 cases out of 262 cases have been recorded as rape cases. These figures show that violence against women in the country is at its shocking state.

The even more shocking issue in this report is that the highest rate of violence, 94.3% of all cases of violence against women, has taken place by the family members of the woman. The results of this report show that the husbands of the women are the most violent person against the women. This means that women in the family lose their safety against violence.

The result of this report implies that the responsible organs must pay serious attention to the issue and fighting against it requires precise plans and programs of fighting violence against women.

Therefore, the government of Afghanistan should take practical and effective measures to improve the situation of women's rights in the country based on its

legal obligations stipulated in international human rights documents as well as in the domestic laws. The AIHRC given the existing problems in the area of women's rights, presents the following recommendations for the improvement of the living situation of women in Afghanistan.

## **2. Recommendations**

- Raising public awareness of the rights and social privileges of citizens. In particular, the legal status of women in the family and society by developing and implementing programs and extensive continuous education by the Ministry of Education, Higher Education, Hajj and Religious Affairs, Justice, Women's Affairs and other sectoral ministries;
- Creation of job opportunities and income generation works for women to ensure financial independence and eliminate severe financial dependency of women to men.
- Creation of administrative opportunities for women in the high levels of public and private agencies and institutions. And involving them in decision making, macroeconomic national policy in order to ensure the permanent guarantees for the protection of women's role in public life;
- Creation of effective strategies to combat superstitious traditions harming women's human rights, contributing continuation of patriarchal culture;
- Assuring appropriate, committed and expert capacities in the judicial system to eliminate the culture of impunity, and serious fight against those who continue to support impunity;
- Expansion of special attorney offices to fight violence against women, and increasing of the staff of these offices in all provinces, and making registration of marriage and the use of marriage contracts compulsory in the country,
- Ratification of the Law on Elimination of Violence Against Women and the practical implementation of this Law;
- Modifying and revising of some of the provisions of the laws that are in conflict with the values of human rights especially women's rights;

- Criminalization of some examples of violence such as rape and honor killings in the laws specifically in the Law on Elimination of Violence against Women and criminal law;
- Raising Police's and security forces' awareness and knowledge of human rights standards to promote a spirit of responsibility and respect for human rights;
- Ratification and signing of the Palermo Protocol on human trafficking, to fight human trafficking especially trafficking of women and sexual exploitation of women;
- Providing facilities for women's access to justice and judicial authorities at central and provincial levels to enhance the enjoyment of legal protection of women victims of violence.