



Violence Against Women In Afghanistan

Biannual report
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Introduction

Although there have been significant improvements in women rights issues, observations and findings from field research carried out by the Afghanistan Independent Human Rights Commission (AIHRC) are alarming. More than 3'000 instances of violence were registered by AIHRC in the first six months of the current Afghan year, which began on March 21, 2012 (hereafter, referred to as current year). However, the massive amount of cases is not only indicating widespread violence against women, but also manifesting a greater awareness of women's rights that led to more reported cases and instances.¹

Violence against women is considered a widespread and undeniable reality in Afghanistan's society. The present report covers different types of violence against women in the first 6 months of the current year. Besides statistical information the report also presents illustrative cases of violence that tell a horrendous reality.

3331 instances of violence were recorded and classified into four different types of violence, namely physical, verbal and psychological, economic and sexual violence. Some of the instances could not be assigned to one of these types and were regrouped under the category 'other instances of violence'. The data shows that 1051 individuals have experienced violence in the covered 6 months; all of them experienced at least 2 types of violence. The gap between the number of victims and instances is, hence, due to the fact that in many cases a woman has experienced more than one particular kind of violence. Despite tremendous efforts by the AIHRC the presented data still underestimates the real number of cases of violence against women. This is due to various reasons that are often in relation to harmful traditional practices and, in particular, women's fear to face continued violence when reporting the acts of violence.

Physical violence is the most common form of violence against women in Afghanistan. This includes various violent acts, such as beating, slapping, burning, poisoning, pulling out hair, amputating and other harmful acts that were perpetrated against women. Out of 3331 instances of violence 889 have

¹With instances we refer here not to the number of individual cases, but to the number of violent acts that were experienced by women. It was often the case that one woman had experienced several instances of violence.

involved physical violence. Physical violence was, therefore, apparent in more than 25% of all reported cases. Mass media have covered the most terrifying acts of violence that were brought to light during the period of investigation.

According to the collected data, verbal and psychological violence was the second most common form of violence. This kind of violence includes bad language, playing a prank or mocking, the threat to remarry or take another wife, insulting for not having children, or the threat to leave, rape or kill. Thus, out of 3331 instances of violence, 808 incidences were due to verbal and physical violence. Although the report shows that this is a very widespread form of violence, it is in many occasions not socially perceived as a violent behaviour and is often only reported in relation with other types of violence.

Economic violence constituted the third most reported type of violence against women. This form of violence results in socio-economic damages on women and deprives them of their free will, decision making power and employment opportunity. It makes them dependent on men, their husband in particular. Dependency and lack of participation in family decisions-making subjects women to a subordinated position and can further lead to physical violence, sexual exploitation and other kinds of violence. Economic violence includes the lack of provision of alimony, prevention of employment, selling women's precious materials without their consent/ permission, taking away their salary by husbands and other men in the family, lack of inheritance, lack of participation in family decision-making and the like. This report covers 715 instances of economic violence.

The amount of sexual violence reported is also alarming. It includes forced sexual intercourse, forced prostitution, forced pregnancy, forced abortion, demands for illegitimate sexual acts (abnormal sexual behaviour that can have detrimental effects on women), husband's extramarital relations, sexual insults and humiliations and forced watching of pornographic films. Out of 3331 instances, 256 instances included sexual violence.

However, violence against women is not limited to the above-mentioned classifications. Quite the contrary, 663 other instances have been perpetrated against women, such as the prevention from education, bad and bad marriages, forced marriages and forced divorce, early marriages, the prevention from visiting relatives, lack of freedom to choose their spouse, high dowries and the expulsion from home.

Although, in Afghanistan, women have made significant political, economic, and educational gains since 2001, the situation remains precarious. While numerous cases have been registered in the capital due to a better awareness of women rights, continued efforts of women activists and human rights institution across the country, and in particular in rural areas is highly required.

1. Background

a. Background of the report

The political and social transitions in Afghanistan pose numerous challenges for women. It is clear that violence against women is one of the most serious issues that not only violates the basic human rights of women but also obstructs women's development and the realization of their rights.

Although news about and programmes against violence against women are increasing, there is a lack in research based on extensive field observation on violence against women, its causes and consequences. AIHRC periodically releases reports on the situation of women rights trying to fill this gap and to contribute, additionally, to a broader awareness of women rights by both women and men.

Since its foundation, the protection and promotion of women's rights is one of the key priorities of AIHRC's work. It is the commission's mandate (as set out by Afghanistan's constitution) to report cases of violence against women, to provide the government and civil society groups with recommendations for providing social services and to promote and protect the rights of women.

b. Scope of the report (objectives)

The report is intended to provide a realistic and accurate picture of violence against women perpetrated in the first 6 months of the current year. In addition to statistical data, it also provides some further observations and illustrative cases and questions the causes and measures in place in order to help relevant authorities, women's rights activists and human rights organizations adopt effective policies and programmes to continue their efforts to combat the occurrences of violence against women.

This report starts with providing an overview on the legal framework at the international and national level by mentioning relevant human rights obligations and analysing briefly their compatibility. The paper then continues by identifying the different kind of violence that have been observed and classifies them in 5 main types of violence, including physical violence, sexual violence, verbal and psychological violence, economic violence and other instances of violence. It further analyses these different kinds of violence more in detail by providing fresh statistical data and illustrative cases. In additional steps it portrays the geographical distribution of violence and takes a closer look at its perpetrators. It shows that violence often takes places within the family having destructive and dramatic implications. The report also draws attention on the fact that many violent acts against women are not followed-up

adequately but are often neglected in Afghanistan's patriarchal society. The report closes with some recommendations and a general summary of the current situation.

c. Methodology

AIHRC staff members in different provincial offices have collected the presented data over the first 6 months of the current year, including quantitative and qualitative data, as statistics, explanatory cases, pictures, observations and interviews. However, despite this enormous effort, it has still not been possible to cover all the cases of violence perpetrated against women. The cases and statistical information gathered and presented in this report were mostly collected from victims themselves and / or relatives of the victims who approached the AIHRC offices and staff to get their complaints recorded, from regular observations by AIHRC's staff and by covering the cases publicised in the media.

d. Constraints

Although efforts by the Commission were unremitting, many obstacles were faced. Truly a main problem in gathering the data was the lack of security that resulted in the inaccessibility of certain areas. Additionally, embedded traditionalism and widespread customs in many parts of Afghanistan do not allow women to talk freely about violence they have endured. Such practices prevent an accurate study as women are considered as a property or object of men and intervention into private space is not allowed. As a result AIHRC members were not able to pose questions directly to the affected people and the collection of cases was only partially feasible. Moreover, armed groups such as the Taliban hampered AIHRC's activities and it was sometimes impossible to collect data and conduct interviews. A further obstacle consisted in the limitation of time and transport facilities, which made it difficult to visit remote places on a regular basis.

Despite these great efforts were made by AIHRC to collect cases from all provinces to the maximum extent possible, the above-mentioned obstacles made an all-encompassing research impossible and the actual number of victims is, therefore, expected to be much higher.

2. Relevant women rights provisions and international laws

a. International laws

The Afghan Government is bound to its international human rights obligations and is obliged to ensure that women have equal rights and equal protection of the law.² As such Afghanistan is required to enact or amend their national law to ensure their compatibility with these universal human rights values and women's human dignity.

Adopted by the United Nations in 1993, the Declaration on the Elimination of Violence against Women defines 'violence against women' and warns against widespread violence in all spheres of the society. Article 1 of the Declaration specifies:

'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.'³

Furthermore, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified by the Afghan State in 2003 that mentions discrimination as one of the factors of violence against women has required the Afghan government to respect the equality of men and women. Article 1 of the Convention reads:

'For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and

²Afghanistan is party to the Universal Declaration on Human Rights, the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child.

³Declaration on the Elimination of Violence against Women, Art. 1, Proclaimed by General Assembly resolution 48/104 of 20 December 1993, available at: <http://www2.ohchr.org/english/law/eliminationvaw.htm#wp1009444>, (accessed on 02.12.2012)

fundamental freedoms in the political, economic, social, cultural, civil or any other field.’⁴

Additionally, Afghanistan is subjected to the Statute of the International Criminal Court, which considers discrimination against women, rape, forced prostitution, sexual slavery, forced pregnancy and forced sterilization a crime against humanity if perpetrated on a widespread or systematic scale.⁵ This implies that the government of Afghanistan has the obligation to adopt and implement a policy to combat violence against women in its legal, judicial and executive dimensions and seeks to ensure the prevention of violence against women.

However, Afghanistan’s legal system and procedure often conflict with Afghanistan’s international human rights obligations. Cases of extreme abuse and appalling violence have sparked recently national and international outrage. The torture and rape of a young woman, LalBibi, by Afghan Local Police (ALP) and the public execution of a young woman, Najiba, have once again focused international attention on the continuing and urgent need to protect women’s and girls’ rights as the world redefines its role in Afghanistan, and as the Government of Afghanistan moves forward in transition.⁶

b. National laws

Considerable reforms have been made in Afghanistan’s legal system in the past years. Worth to mention is the Constitution of Afghanistan⁷ itself and the ratification of the Law on Elimination of Violence against Women (EVAW) in 2009 as major achievement, defining violence as a major crime.⁸ The Constitution of the Islamic Republic of Afghanistan (2004) sets out the legal framework for the protection and advancement of human rights, including women’s rights. While giving a central role to Islam, it recognises the need to eliminate traditions that are contrary to Islam.

Article 7

⁴CEDAW, Art. 1, available at: <http://www.unic-ir.org/hr/convenation-women.htm>, accessed on 26.11.2012).

⁵Rome Statute of the International Criminal Court, Art. 7, available at: <http://untreaty.un.org/cod/icc/statute/rome.htm>, (accessed on 02.12.2012).

⁶Bachelet, Michelle (Under-Secretary-General and Executive Director of UN Women), (13 July 2012) ‘UN Women condemns violence against Afghan women and calls for justice’, statement, (online), available at: <http://www.unwomen.org/2012/07/un-women-condemns-violence-against-afghan-women-and-calls-for-justice/>, (accessed on 29.11.2011).

⁷Constitution of Afghanistan (2004), available at: [http://www.aihrc.org.af/media/files/Laws/afghan_constituion\(1\).pdf](http://www.aihrc.org.af/media/files/Laws/afghan_constituion(1).pdf) (accessed on 01.12.2012).

⁸Law on Elimination of Violence Against Women (2009), Art. 6, available at: <http://sgdatabase.unwomen.org/uploads/EVAW%20law%20-%202009.pdf>, (accessed on 26.11.2012).

The state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.

Article 22

Any kind of discrimination and privilege between the citizens of Afghanistan are prohibited. The citizens of Afghanistan - whether man or woman - have equal rights and duties before the law.

Article 54

The state adopts necessary measures to ensure physical and psychological well being of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam.

Article 130

When there is no provision in the Constitution or other laws regarding ruling on an issue, the courts' decisions shall be within the limits of this Constitution in accord with the Hanafi jurisprudence and in a way to serve justice in the best possible manner.

The Law on Elimination of Violence against Women (EVAW), enacted in August 2009 in accordance with the Constitution of Afghanistan, is a significant step towards ending violence against women. While maintaining Sharia law, it aims at protecting women from customs, traditions and practices causing violence against women, such as bad, badal, high dowry and alike and calls for raising public awareness and prosecuting perpetrators of violence against women.

Article 5 lists 22 acts, the commission of which is considered as violence against women, including, 1) rape, 2) forcing into compulsory prostitution, 3) recording the identity of the victim and publicizing the identity of the victim, 4) setting into flames, spraying chemicals or other dangerous substances, 5) forcing into self-immolation or suicide or using poison or other dangerous substances, 6) causing injury or disability, 7) battery and laceration, 8) selling of women for the purpose of marriage, 9) bad (retribution of a woman for a murder, to restore peace etc...), 10) forcing into compulsory marriage, 11) prohibiting from the right of marriage, 12) marriage before the legal age, 13) abusing, humiliating, intimidating, 14) harassment and persecution, 15) forced isolation, 16) not feeding, 17) dispossessing from inheritance, 18) refusing to pay the dowry, 19) prohibiting to access personal property, 20) deterring from education and work, 21) forced labour, 22) marrying more than one wife without the observance of Article 86 of Civil Code and 23) denial of relationship.

This law obliges the government and respective institutions to register obtained complaint and to act based upon provisions of the law taking protective and preventive measures in favour of the victim. However, the way to a successful implementation seems still a long one, as many parts are only

vaguely formulated or defined and shortfalls are numerous. For example, the law does not define crimes, such as rape, clearly and does not criminalize 'honour' crimes. Moreover, article 39 of the Law subjects the handling of cases and the prosecution of the perpetrator of violence to the complaint by the victim or her legal representative. Victims are, consequently, required to file a complaint before State institutions will take action. Traditional practices, family pressure, fear of revenge, lack of awareness or inaccessibility hinder often women to register their case. The government is in this case not obliged to investigate or prosecute a crime of violence against women.

If effectively implemented, the EVAW law can serve as a strong tool to protect women's rights and to prevent violence against women. It is important to raise awareness of the use of the existence of this law and to pressure the legal and judicial system to ensure its implementation. Many women's rights institutions and networks in Afghanistan contribute effectively to the establishment of justice, the realization and protection of women's rights and have created a mechanism that plays a significant role in reducing violence, establishing justice, realizing women's rights, as well as monitoring government's policies.

Although the legal framework and, to some extent, state protection offered to women have improved, these gains are on the whole modest and reversible, and some are mostly of a formal nature. They often conflict with traditional, cultural and religious attitudes. The National Ulema Council statement earlier this year declaring that women are secondary to men and that violence against women is, up to a point, ordained by Sharia is just one of the obvious signs.⁹

Meanwhile, Afghanistan's ratification without reservations of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as early as in 2003 seemed to be mainly an action to satisfy donors or a result of their direct pressure.¹⁰

c. Sharia Law, traditional practices and patriarchal culture

In Afghanistan, local justice involves a fusion of Islamic and customary law that responds to and reflects the endemic cultures of war.¹¹ For the overwhelming majority of Afghans, Islam is a central component of identity and Islamic laws are a central element of this Islamic identity. Religious law has considerable and growing influence in the areas of family law, inheritance, criminal law and individual rights.¹²

⁹Official declaration by the National Ulema Council of Afghanistan, 02.03.2012.

¹⁰C. Farhoumand-Sims (2009) "CEDAW and Afghanistan", *Journal of International Women's Studies*, vol 11, no. 1.

¹¹Drumbl, M. (2004) 'Rights, Culture, and Crime: The Role of Rule of Law for Women of Afghanistan', *Columbia Journal of Transnational Law*, Washington & Lee Public Law and Legal Theory Research Paper Series, Working Paper No. 03-15, p. 107.

¹²Rosen, L. (2000), *The Justice of Islam*, New York, Oxford University Press, pp. 80–82, 168–69.

A historical view of women's situation in Afghanistan reveals that women have rarely been a part of political, social and economic decision-making processes. During the Taliban period, which was infamous for its brutality, extremism and misogyny, women were subject to gender crimes and sexual violence. Although the Taliban institutionalized gender apartheid, discrimination and violence against women was also existed prior to the rise of the Taliban and was used as a weapon of war by all parties of Afghanistan's conflict. To varying extents, almost every political, ethnic, or religious group in Afghanistan has been implicated in violence, both as victim and perpetrator.¹³ The private behaviour and life of Afghanistan's kings and political leaders show a dark picture of women's life. Although little research has been done on women's situation in Afghanistan's contemporary history, various indicators such as polygamy, the women of haramsara, taking women as booty in war, bad and badal marriages, objectification and instrumentalisation of women and suchlike reveal structural violence against women throughout Afghanistan's history.

The reality of life for today's Afghan women remains one of segregation and struggle within a climate of fear. Afghanistan's entrenched traditional and customary practices constitute one of the strongest sources of violence. Afghanistan's dominant traditions have caused women to perceive unequal family and societal relationships as a natural and immutable condition and prevent them from reporting on-going violence to the relevant authorities. Additionally, violence of the past has not yet been properly reappraised and perpetrators have not been hold accountable. This contributes to a climate of impunity. Many girls and women are not willing to report violence against them in the family and society to the police and other relevant authorities. The entirety of violence in the family and society is therefore higher then portrayed in this report.

¹³Drumbl, M. (2004) ,*op. Cit.*, p. 108.

3. Findings

a. Different types of violence

Violence against women in Afghanistan occurs in various forms. As already mentioned above, the most common types collected and recorded during the period of this report are physical, sexual, economic and verbal and psychological violence. According to our findings 1051 women suffered from different types of violence. These types of violence experienced by those women exceed 3331 instances. The difference between actual cases (individuals) and statistical instances emanates from the fact that many women experienced two to three different types of violence.

During the covered 6 months, a total of 889 instances of physical violence, 808 instances of verbal and psychological violence, 715 instances of economic violence, 256 instances of sexual violence and 663 instances that could not be classified in one of these groups, were reported.

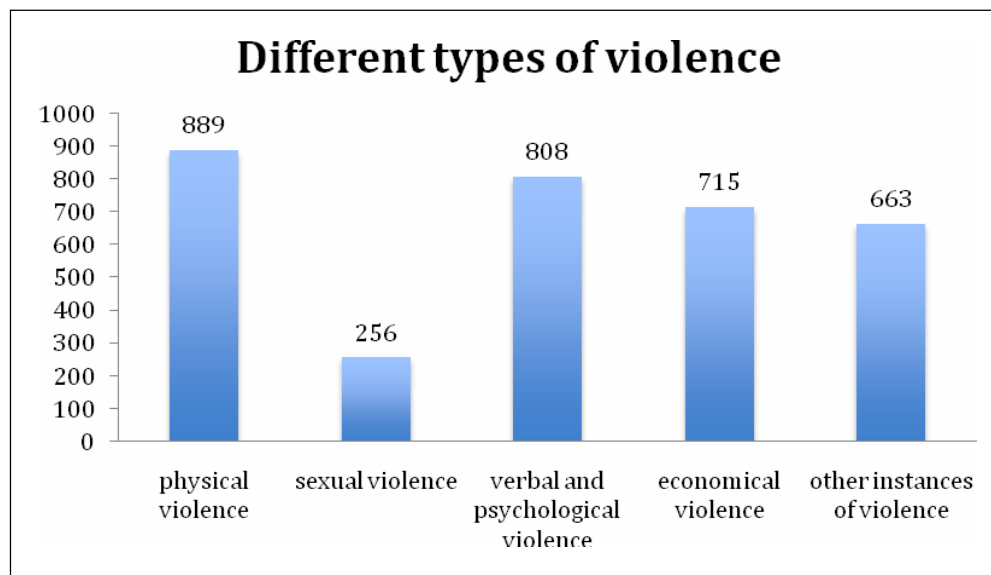


Figure 1: Different Types of Violence

The following subchapters will deal with these different types of violence more in detail and present illustrative cases for each of them. Furthermore the report will have a closer look at the perpetrators of these crimes, the geographical distribution and the consequences they caused.

i. Physical violence

According to AIHRC's research, the predominated violence against women is physical violence. During the covered period, 889¹⁴ instances of physical violence have been recorded. Among many instances of physical violence,

¹⁴ Two answers were unclear, so they were not counted, analyzed and illustrated in figure No 2.

kicking(407), slapping (129) and beating with wire (105)were the most common acts of physical violence. Moreover, pulling out hair (78), using a knife (41) and beating with stick are further common instances of physical violence happened during the covered period of this report. Pushing (26), burning (20), using stones or soil (16), usinga weapon (11), beating with a gun butt (4), amputation (2), poisoning (2), spraying acid (2) and other instances (19) are other kinds of physical violence perpetrated against women during the six months covered by this report. The below chart indicates the illustrative reality of different instances of physical violence.

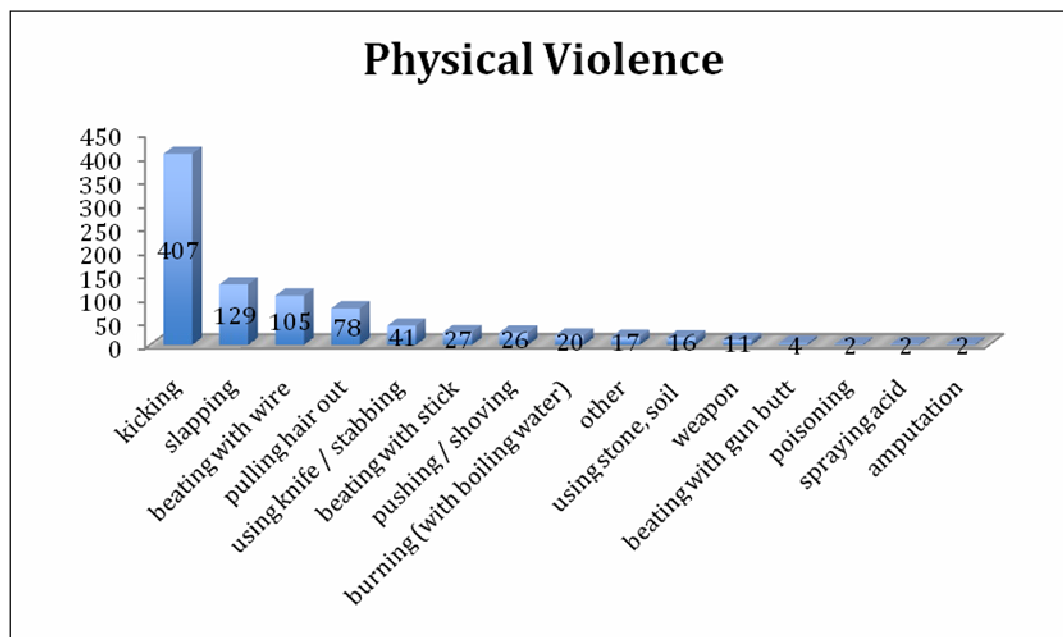


Figure 2: Physical Violence

In addition, women were also heavily affected by the ongoing armed conflict. Many women and children have lost their lives in suicide attacks, explosions of roadside bombs and air strikes. A recent AIHRC report states that 150 women and 821 children were seriously injured or killed by pro- and anti-governmental forces in the first 6 months of the current year (compared to 1930 male victims).¹⁵

Case 1

“A Woman from Paktia province was killed by her husband. A police officer informed AIHRC’s monitoring staff that the perpetrator was working as policemenduring the time of the incidence and that they got married in 1990 andhad a child as well. The officer said that the incidence happened at 10 pm, while the perpetrator was cleaning his weapon. It is still not clear whether he had the intention to kill his wife or if it happened accidentally. The case is currently under police investigation.”

¹⁵AIHRC Report on Civilian Casualties 1391, accessible via www.aihrc.org.af

Case 2

“A 20 years old girl living in Khost province had fallen in love with a boy from the same village. One day when the boy came to meet her at her home, they were seen by one of the girl’s family member. Consequently, the girl’s family member shot them both dead. AIHRC’s monitoring staff referred to the police, which confirmed that the case is under investigation in order to find the perpetrator. “



ii. Sexual violence

Sexual violence is a common but socially and culturally hidden form of violence against women. Though, talking about and enlarging upon sexual violence is a taboo in Afghanistan traditional society. However, an increase in reported cases was observed over the last years. The recorded data by AIHRC shows that 256 instances of sexual violence during the first six months of current year. Sexual violence was experienced in many ways, such as forced sexual violence (71), demand for illegal sex / anal sex (62) and acts of sexual insult / humiliation (50). Forced prostitution (18), extramarital affair (27), forced abortion (8), forcing to watch pornographic movies (1) and other ways of sexual violence (16) are other kinds of violence perpetrated against women. Sexual violence, specifically in traditional societies like Afghanistan has many social, cultural and economic consequences. Raped women face new hardships, not just from the direct physical injuries but also from the psychological impact which increases by the risk of being infected by HIV/AIDS or having an unwanted pregnancy. The stigma attached to rape threatens women who speak out about the abuses to be abandoned by their husbands, ostracized by the community, left with no economic assets or income and puts her at risk of further human rights violations and deteriorated health.¹⁶

¹⁶Söderberg Jacobson, Agneta (2009) ‘Security on Whose Terms? If Men and Women Were Equal. Introduction’, *Kvinna till Kvinna Report*, Women’s Empowerment Projects: 6-16, p. 43.

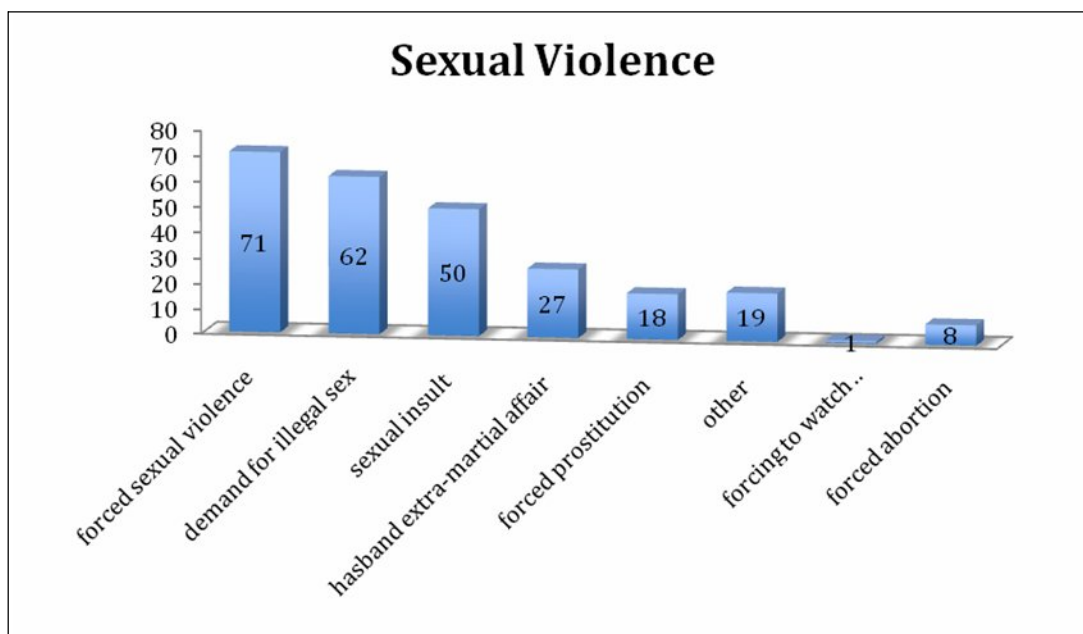


Figure 3: Sexual Violence

Case 1

“A woman in Bamyan province was raped by three men while her husband was away shepherding in a remote area. The woman was kidnapped by these men on her way back from “Naiak Bazar” located in Yakawlang, a district of Bamyan. She was pulled by force in a red car and subsequently raped.”

Case 2

“A first grade, seven years old age girl, who was coming back from school was forcibly kidnapped and raped by an jinrikisha driver in Nimroz province. After the incidence, the child was abandoned by the perpetrator in a ruined and remote building. A passenger who became attentive by the child’s crying, found him alone in the ruined building and took her home. When her mother saw their child in that situation, she immediately took her to a midwife doctor. After technical investigation, the doctor confirmed that the child has been raped.”

iii. Verbal and psychological violence

A common type of violence, that is rarely recognised as such, is verbal and psychological violence. Insulting and threatening, however, can seriously affect women’s personality and psychology and have drastic consequence in their personal and social life. Humiliating and degrading behaviours against women occur in all spheres of society, inside the family as well as in public spaces, and put the women in a dangerous subjected position. Observations show that continued verbal and psychological violence can result in self-immolation and other drastic outcomes. 808 instances have been reported by the AIHRC staff during the covered period, including insulting and humiliating (259), condemning women’s personality or behaviour (185), threats to kill (154), threats to divorce and taking the child (53), threats to abandon (48), insulting for not having a child (25), threats to expulse from home (23), threats to

remarry or take another wife (21), playing a prank or mocking (17), threats to rape her relatives (15), insulting for not having more children (1) and 7 other cases of verbal and psychological violence. Due to the low recognition of the occurrence of verbal and psychological violence the actually expected number exceeds the statistical number by many times and only a small number of cases become public.

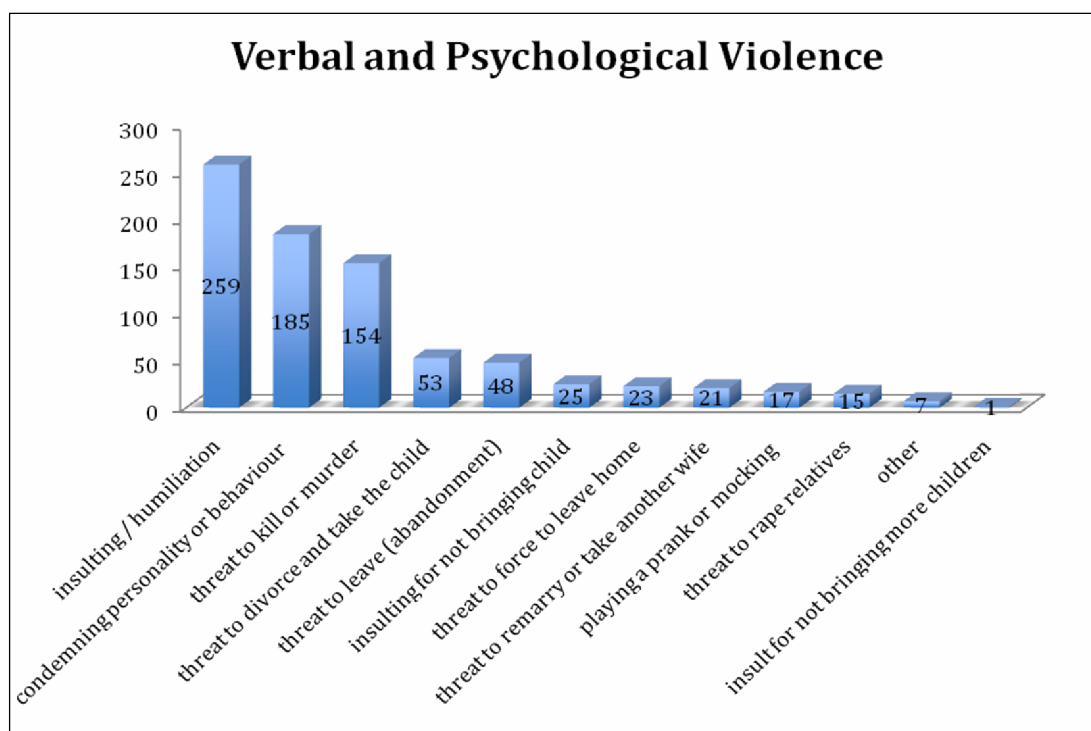


Figure 4: Verbal and Psychological Violence

Case 1

“I got married 27 years ago, then my husband was killed after my third child. Since then I have taken care of my children and fed them, but now they are regularly beating and insulting me. They not only denounce and humiliated me, they also beat me. They have hanged me many times in order to kill me, and have now taken my mobile, with which I had documented their violence. Now I want to find a place and leave my home, so that I don’t have to live anymore with my sons.”

Case 2

“I got married 8 years ago, since then my husband regularly insulated and humiliated me. Additionally, my husband beat me constantly, when I denied his desires and asked him to live with our children and me rather than with his father and mother. That was the reason why he abandoned us. For nearly two years I haven’t heart anything from him and he has not paid our expenses or food four me and my children.”



iv. Economic violence

Economic dependency on their husbands and men in the family put women in a subordinated position. This often excludes women from the decision-making regarding to family issues and men impose their will on women without taking into consideration their consent. Economic violence against women occurs in many different forms and takes a severe appearance due to harmful traditions and practices prevailing in Afghanistan's society. The data collected by AHIRC during the first 6 months of the current year counts a total of 715 registered cases. 61.4% mention the deprivation of paying alimony. In many cases if women demand their rights, men resort to force and violence. The available facts also include 190 incidences of lack of authority at home, the deprivation from inheritance (22), the selling of valuable belongings (21), the prevention from work (16), taking away women's salary (10) and 17 other cases of economic violence.

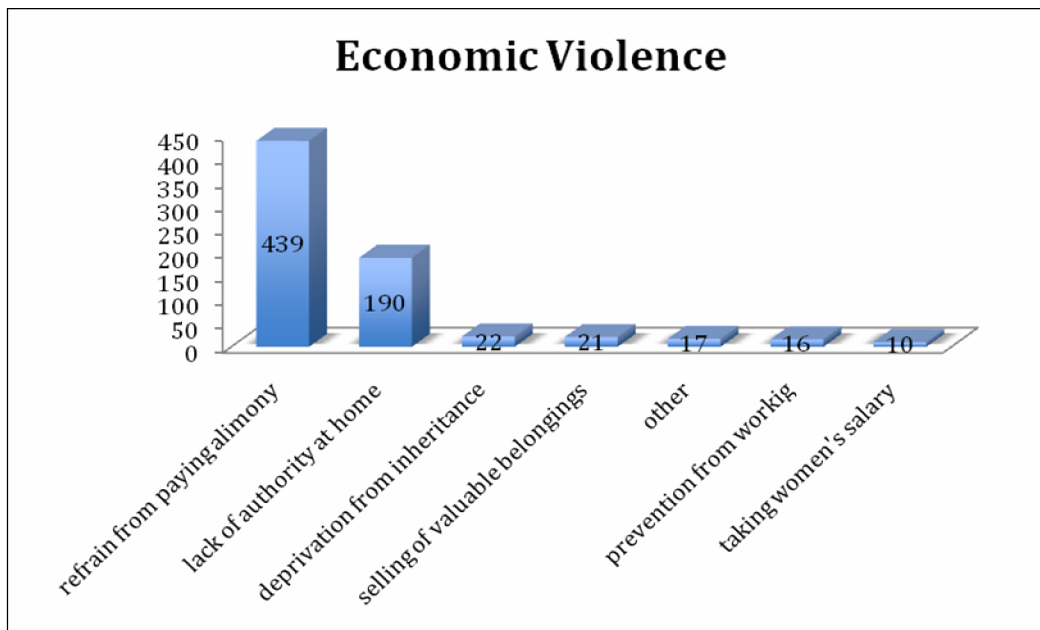


Figure 5: Economic Violence

Case 1

“I got married two years ago. Since then, my husband, his mother and his brother have continuously beaten me. While my mother-in law beats me, neither my husband nor other members of the family stop her from doing so. Moreover, my husband does not pay me alimony and other relevant expense. It is 20 days that he is missing and nobody knows where he has gone. Though, I referred to the village council, but their answer was that I wasn’t allowed to divorce. I’m now living abandoned at my father’s place.”

Case 2

“I got married three months ago. Before getting married, my husband had another wife and two children with her. Thus, my husband was not able to provide alimony for me. When I ask him to pay my expenses, he beat me. One week ago he left Kabul and abandoned me with his two children. Apparently he went to another province.”

Case 3

“I was involved in a legal strife with two persons from my village. The reason of our argument was that they wanted to build a house on my land and I was trying to prevent them from doing so, because my husband was absent. While he was in Iran, I did not allow them to build a house on my land. So they beat me a lot and tried to rape me when people around prevented them from doing so. They tried to beat me again, but a person from our village intervened. I’ve now referred my case to an elementary court in my district in Ghazni province.”

v. Other instances of violence

Violence against women is not limited to the aforementioned boundaries, but there are other forms and types of violence imposed on women. 661 instances¹⁷ have been registered during the period of investigation, including prevention from education (22), badal (30), bad (6), prevention from visiting relatives (7), lack of freedom to choose their spouse (73), forced marriage (103), forced divorce (34), early marriage (65), taking high dowry (81), expulsion from home (187) and others (53).

Due to the widespread occurrence of these types of violence against women in the society, there is less social and cultural reaction against them. These types of violence are often considered ordinary or normal and are accepted as common practices. As the presented data shows, forced and early marriage, expulsion from home or receiving high dowries occur frequently in Afghanistan and are rarely considered as violence against women. In reality, however, these practices have far-reaching negative impacts on women’s life, personality,

¹⁷ Two answers were unclear, so they were not counted, and illustrated in this part.

health and social and economic conditions. Early marriages, for example, have devastating physical and psychological impacts on young girls. Harmful traditional practices and customs are the main reasons for the continuation of these forms of violence.

However, the category of “other instances” contains many kinds of violence happened against women during the first 6 months of 1391, but along with many categories and instances, honor killing and rape is very alerting. During the covered period of the report, 32 instances of rape and more than 60 instances of honor killing have been collected and reported by AIHRC. This record is not classified in the five categories of violence. Whereas, they required an independent research, thus AIHRC already started a national inquiry which the details will come in another report. Considering the coming years of unclear prospect of peace and stability, this news is really warning for women in Afghanistan.

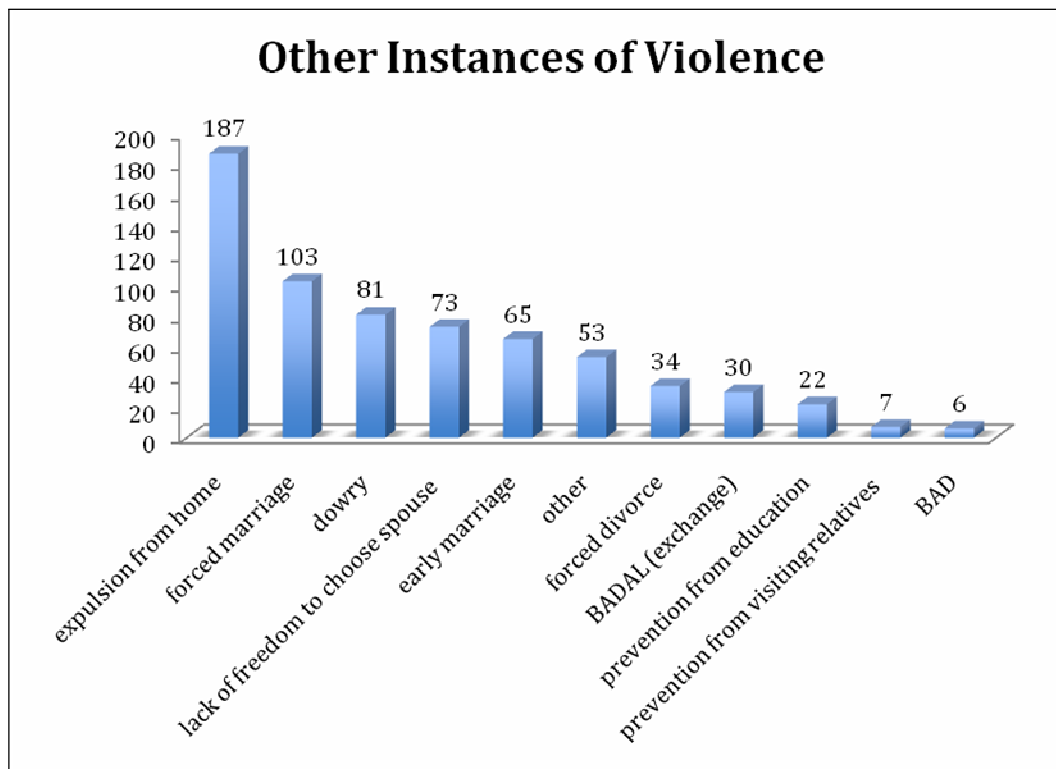


Figure 6 Other Instances of Violence

Case

“A 15 year old girl reports about her experience of being raped, beaten and lashed in a quite secure and educated district in Ghazni province: “One day in the month of Ramadan, I went to a tailor’s shop where both the tailor and his assistant were present. After a while, the tailor asked his assistant to go out and bring something from the bazar for him. When the assistant left the shop, the tailor took my hands and brought me to the closet. He asked me to have sex with him while I denied and tried to shout, but his palm was faster. He put it on

my mouth and forcedly raped me. He then threatened me not to disclose the case.

Days later, around four pm, I went with my younger sister to our lands to collect some almonds, where suddenly a villager beat me with a long stick and took me to my paternal uncle's house. I saw around 50 men from my village gathered in the house. They beat me as well and asked me with whom I have had a relation. After continued beating and under the pain I felt, I finally admitted that a tailor raped me.

Thereafter, the district governor and other district officials heard about my case and put the perpetrator in a detention centre, but only for one night. Then, the villagers selected a representative and sent him to the district governor to ask not to put the case forward and to avoid an official process. They urged the governor to release the perpetrator and to send the case back to the villagers for resolving and taking the final decision. The decision makers were elders and clergies who finally convinced the governor to release the perpetrator. Consequently, after the perpetrator was released, the clergies and elders decided to have a large meeting in order to make a decision and to finalise my case. For days later, four clergy asked me to answer their questions, which lasted about 15 minutes. I told them that the tailor raped me, but they did not accept my answer and said that my claim was not reliable. They finally decided to lash me 100 times, while the perpetrator was released because of his denying. I rejected their decision and said that I would appeal for an official due process. But they did not let me go. Hours later they took me to "Bidak" desert in order to lash me. Many men and women were watching the scene from their roof and the peaks of the surrounding hills. They forced me to rest on the ground, then one of the famous commanders ordered to lash me 100 times, but he lashed me one more (101)."

b. Geographical distribution

The documentation of the geographical distribution of violence is influenced by many factors, such as availability and access to women, security issues or awareness of women rights. The reported data shows that most of the cases took place in Kabul. However this is not due to the fact that Kabul is an exceptionally dangerous place for women. On the contrary, a better awareness of women rights, the accessibility of human rights and women's rights organisations lead to a higher report of cases.

In some provinces like (Nuristan, Kunar, Paktika and so forth) data collection was limited either security reasons or the inaccessibility of women due to traditional customs in these provinces. The collected information is by no means sufficient and the expected number of cases exceeds the statistical results by far.

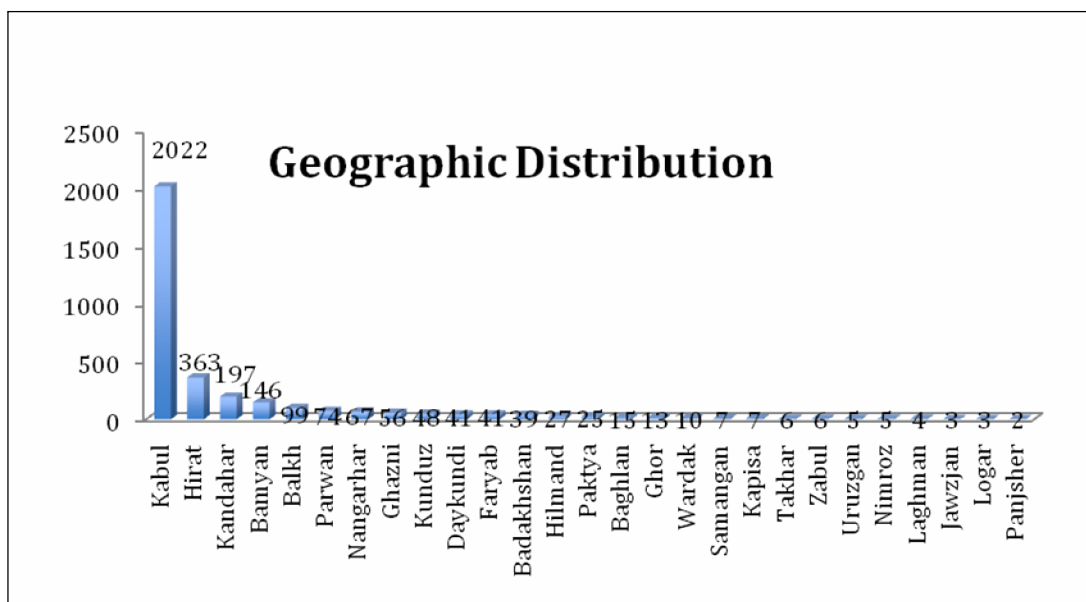


Figure 7: Geographic Distribution

c. Perpetrators and place of violence

The findings and information collected by regional and provincial offices of the AIHCR clearly show that acts of violence take almost exclusively place within the victim's own family, making 90% of all reported cases. Against general opinion, the findings of this report show that those family members who are the closest to the victim are the main perpetrators of violence. On the long list with perpetrators, the victims' husbands take the first place with 2329 reported cases, followed by father (182), parent (152), fiancé (114), brother (98), brother in law (92), mother (49), sister in law (husband's sister) (35), victim's sons (31), paternal uncle (23), maternal uncle (17), sister (12), teacher (8) and others. In other words, the victims' husbands commit 70.1% of all violent acts. This appalling figure reveals a bitter reality of domestic violence that often remains in the dark of family structures.



Besides close family members, other people have perpetrated violence against women. This group encompasses unidentified people in the streets and other

public places, taxi and bus drivers, people at work, teachers, clergy and other people that are not part of the victim's family.

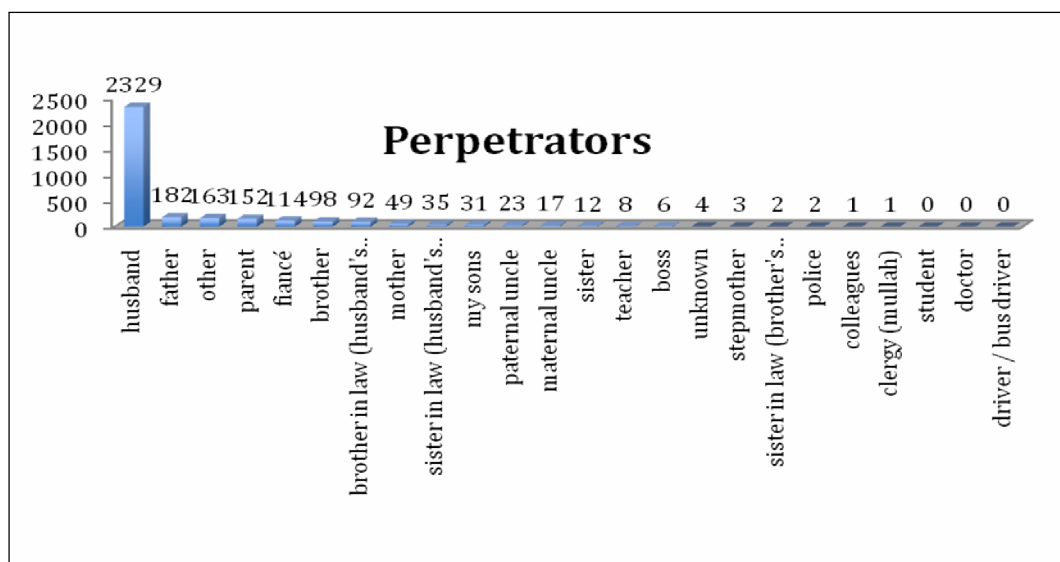


Figure 8: Perpetrators

d. Consequences

All of the presented forms of violence perpetuate the subordination of women and the unequal distribution of power between women and men. This involves consequences on women's health and well-being, carries a heavy human and economic cost, hinders development and can also lead to displacement.¹⁸ As violence against women in Afghanistan appears in many different forms, also its consequences are various and widespread. Violence against women can result in both physical injury and harm and has as well psychological consequences. The figures for mental or psychological damage are distressing, portraying that mental disability is with 1371 reported instances at considerable distance from other serious consequences. In 61 cases perpetrated violence led to physical disabilities, 129 cases provoked injuries and 4 limbs fractures were reported. In a total of 15 cases, death was the result of violence. 35 victims committed self-immolation and in a total of 70 incidences women attempted suicide. These numbers are appalling and reveal the darkest consequences of violence against women. In addition to physical and psychological harms, violence against women inflicts irreparable damages on the social and economical situation of women in the society. Demand for divorce (597), divorce (299), escaping from home (356), begging (9), HIV infection (5), limbs fracture (4), prostitution (2) and drug addiction (1) are other observed outcomes.

¹⁸UNSG (2006) 'In depth study on all form of violence against women', A/61/122/Add.1, p.48.

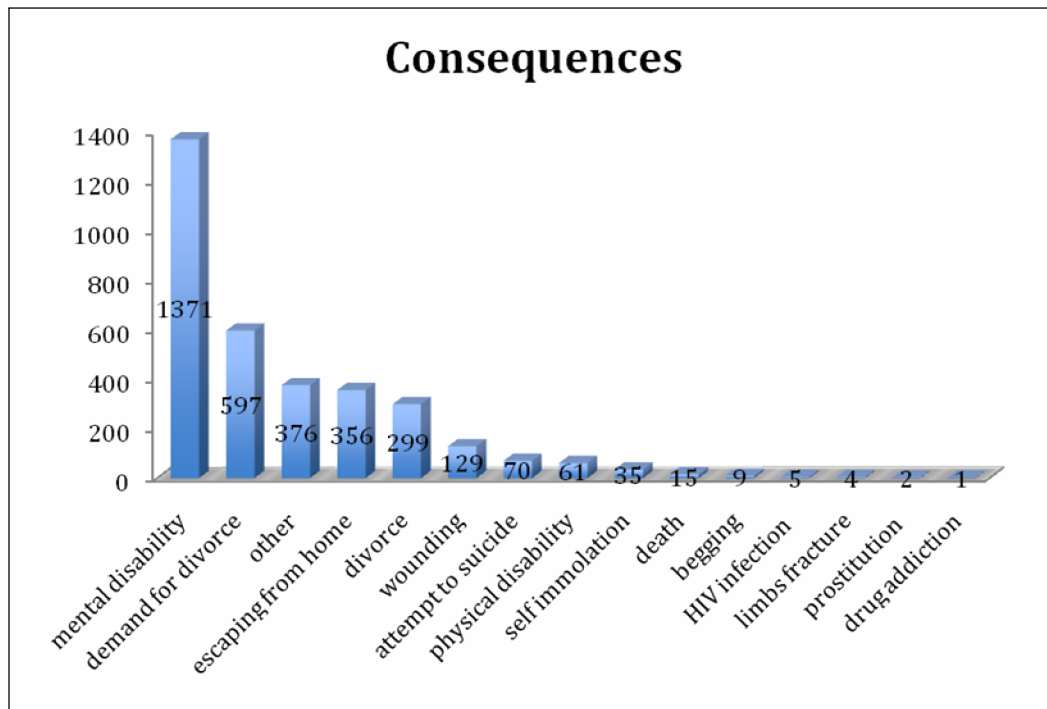


Figure 9: Consequences

Conclusion

As it has been showed by this and earlier reports, violence against women is a widespread phenomenon in Afghanistan. Despite the improvement of the legal framework and the implementation of many gender sensitive projects, the reality of today's Afghan women remains highly precarious and alarming and is often dominated by traditional customs, practices and beliefs. The collected data, presented in this reports, points clearly to an increase of the number of female victims of violence perpetrated against them. While 1544 women have undergone different types of violence in the year 1390 (2011 / 2012) according to AIHRC's database, already 1051 women experienced 3331 instances of violence in the first 6 months of the current year. Despite unremitting efforts by the AIHRC staff in collecting and gathering cases of violence, it was not possible to report the actual number of violence against women. This is due to various reasons that often relate to insecurity, inaccessibility and traditional practices that remain dominant in many regions and parts of the society. Thus the real number of victims is expected to exceed the presented number by far. The life of Afghanistan's women remains after several years one of segregation, fear and lack of educational and professional opportunities.

The present report showed that violence against women is perpetrated in many different forms and that 90% of the cases takes place within the victim's own family. Perpetrators are mostly men, in particular the victim's husband, father or other close relatives.

The report presented 5 different types of violence and illustrative cases placed special emphasis on particular situations. Violence, here, has been classified into physical, sexual, verbal and psychological, economical and other instances of violence. Although women often experience a combination of at least two of these types of violence, physical violence has been the most reported among them, including beating, injuring, burning, poisoning and amputating. Out off 3331 available instances 889 have involved physical violence. Physical violence was, therefore, apparent in more then 25% of the instances. Mass media have also covered the most terrifying acts of violence that were brought to light during the period of investigation.

Verbal and psychological violence is with 808 incidences a widespread phenomenon that often does not get enough attention from Afghanistan's civil

society and public institutions. Including violent acts, such as bad language, playing a prank or mocking, threats to remarry or to take another wife, to leave, rape or even kill them. Continued verbal and psychological violence put women under high emotional pressure and have drastic consequences for their personal and social life that can result in self-immolation and other dreadful outcomes.

Economic violence was with 715 instances the third most reported type of violence against women, depriving them of their free will, decision-making power and employment opportunity and making them dependent on men, their husband in particular. Dependency and lack of participation in family decisions-making subjects women to a subordinated position and can lead to physical violence, sexual exploitation and other kinds of violence.

The amount of reported sexual violence is also alarming. The 256 reported instances include forced sexual intercourse, forced prostitution, forced pregnancy, forced abortion, demands for illegitimate sexual acts (abnormal sexual behaviour that can have detrimental effects on women), husband's extramarital relations, sexual insults and humiliations and forced watching of pornographic films.

However, the report showed that violence against women is not limited to these classifications. On the contrary, many other kinds of violence have been perpetrated against women that include the prevention from education, bad and bad marriages, forced marriages and forced divorce, early marriages, the prevention from visiting relatives, lack of freedom to choose their spouse, high dowries and the expulsion from home. Due to the continued existence of traditional practices, these forms of violence are repeatedly imposed on women and are often not recognised as such by the public.

Women make around 50% of Afghanistan's society and contribute enormously to its functioning. By segregating and paralysing one part of this population, its capacities cannot be exhausted thoroughly and social and economic development, as well as Afghanistan's peace prospects will be hardly achievable. The legal structures to combat effectively violence against women have been drawn up in the last year, yet their implementation remains weak and gains are rather modest. For this reason a combined effort by national and international women and human rights activists, civil society organisations and related state organs is needed to raise awareness among Afghanistan's large population, to report and monitor women's rights violations and to follow-up committed crimes effectively.

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