



## **Afghanistan Independent Human Rights Commission (AIHRC)**

### **Summary of Findings**

#### **Report on violence against women**

Violence against women is one of the most serious human rights issues in Afghanistan. These violence is imposed on women in various forms which are sometimes very harsh and brutal. Physical, sexual, economic, verbal and psychological violence are the most common types of violence recorded in the AIHRC's database, that one way or another are connected to harmful customs and traditions.

During the year 2014 more than 2026 complainants visited different offices of the AIHRC to register their cases of violence against women. The number of complainants visited the AIHRC's Offices in 1392 amounted to 2159 persons while this figure was reportedly 1750 cases in 1391. Therefore, the number of complainants in 2014 compared to the year 1392 decreased by 6.3 percent, but, when compared to that of the year 1391 it shows a 15.8 percent increase.

But, the total number of cases of violence against women obtained from the registered cases of the complainants in 2014 amounts to 4873 cases. This figure reportedly amounted to 6611 cases in 1392, and to 5701 cases in 1391. Reduction in the number of violence-related cases during the years covered by this report, as mentioned is due to changes brought in the format of the registration forms of violence against women, prepared by the AIHRC.

The most widespread and common type of violence against women is physical violence, especially beating. Out of the registered figures of violence against women in 2014 almost 1468 cases which make up 30.1 percent of the registered cases of violence against women are related to physical violence. A total of 412 other cases which cover 8.5 percent of all cases of violence against women occurred during this period are related to different types of sexual violence while 1482 cases which make up 30.4 percent of all the registered cases of violence against women are related to verbal and psychological violence. Similarly, 1024 cases which make up 21 percent of all cases of violence against women are related to economic violence against women. The remaining 487 cases which included 10 percent of the registered cases are related to other types of violence against women.

Physical violence occurs in various forms. The cases of violence against women show that sometimes they are imposed in a very harsh and brutal way. The statistic of physical violence shows that out of 1468 cases of physical violence against women 1290 cases are beatings in different ways. It covers 88 percent of physical violence against women.

Injuries include 87 cases and 38 other cases are related to forced labor, 19 cases have resulted in the killing of women. Setting women on fire is another type of physical violence that include 13 cases. In 11 cases body-members of the victims were cut.

One of the shocking types of physical violence that led to murder of women is honor killing perpetrated with a justification of preserving family honor. During a national inquiry launched by the AIHRC in this regard, 243 cases of honor killing were documented which had occurred since the beginning of 1390 till the end of Saur 1392. The AIHRC also documented 120 cases of honor killing in 1392 most of which had occurred in Herrat, Ningarhar and Paktia provinces.

The AIHRC documented a total of 162 incidents of killing women in 2014 out of which 92 cases were related to honor killing and 70 cases were related to other types of killing. The areas under the coverage of Herrat regional office witnessed the most incidents of honor killing in 2014. Out of 92 cases of honor killing, 44 cases occurred in Herrat province. After Herrat, provinces of Balkh, Kandahar and Paktia each witnessed 14, 13 and 9 incidents respectively. Jalalabad, Fariab, Helmand, Konduz and Urozgan also witnessed such incidents of honor killing.

Sexual violence against women is another serious problem in Afghanistan. A large number of girls and women fall victims of this crime every year. Sexual violence is considered as a taboo in Afghan society; therefore, it is usually kept secret. For this reason most incidents of sexual violence remain unreported, though around 412 cases of sexual violence have been registered by different offices of the AIHRC in 2014 which cover 8.5 percent of the case of violence against women. In 1392 also, 453 cases of sexual violence against women have been recorded which make up 7 percent of all cases of violence against women during that year.

Sexual violence are perpetrated in various types such as sexual assaults, unusual sexual relations, sexual insults and humiliation, forced prostitution, forced abortion and etc.

Sexual assault is the most serious and disturbing type of sexual violence in Afghanistan. Most incidents of sexual assault are usually combined with other types of violence which result in killing of the victims. The recorded statistic of violence against women in 2014 including 54 cases of sexual violence are differentiated from other types of sexual violence against women. If forced sexual intercourses and forced sodomy are counted as sexual violence, then the total cases of sexual violence amounts to 179 cases in 2014. This figure makes up more than 43 percent of all cases of sexual violence which is an appalling figure.

If forced sexual intercourse and forced sodomy are considered as sexual assault, 139 cases of sexual violence are titled as sexual assaults in 1392 which make up 30.7 percent of all cases of sexual violence against women during that year. In 1391 the number of sexual assaults

reached 109 cases which make up 27 percent of all the cases of violence against women. The comparison of the figures of sexual assaults on women during these three years shows an increasing trend of sexual assaults.

Out of the figures of sexual violence in 2014, in addition to cases of sexual assault, 75 cases of sexual harassment have been reported. 36 cases of forced prostitution and 67 cases of husbands' illegitimate relations with other women have been recorded by different offices of the AIHRC.

Forced abortion constitute 24 cases of violence against women in 2014 and 12 other cases are related to forced watching of pornographic images and videos, while 10 cases are related to forced pregnancy.

Verbal and psychological violence also is a common type of violence against women which is less considered as a violence, though it has negative consequences on the mind of the victims. Humiliation, insult and intimidation are the common types of such violence which exerts serious impacts on the spirit and mental character of women.

Verbal and psychological violence against women can be perpetrated inside the family or in public places in the form of harassment on the streets and put women in difficult and dangerous situation.

More than 1482 cases of verbal and psychological violence have been recorded at the AIHRC in 2014. This figure make up 30.4 percent of the total violence recorded in this year. 1672 cases of verbal and psychological violence have been recorded in 1392 as well, which include more than 25.3 percent of the total cases of violence against women in that year.

The recorded cases of this type of violence are also very less than the extent that actually occur, but most of women bear them due to different reasons, and avoid revealing them. These reasons may be due to fear of the consequences, or because it is considered as a normal and natural issue, or because of women's lack of access to protecting authorities.

Out of the total cases of verbal and psychological violence in the year under coverage, 868 cases are insulting, degrading, and intimidation, which make up 59 percent of the total cases of verbal and psychological violence. This statistics indicate that insulting and degrading women are prevalent issues. In 1392, in 708 cases of verbal and psychological violence include mockery, degrading remarks, such as abusive words against women.

Out of all verbal and psychological violence in the year under coverage, nearly 12.3 percent of the cases, which include 182 cases, have been the cases in which women are threatened with murder. In 144 of such cases women have been accused of bad behavior and personality. Women have been degraded or insulted for not bearing child or boy child in the other 35 cases. Insulting due to disability and other issues have also been part of verbal and psychological violence against women in 2014.

The above statistics is indicative of abusive verbal and psychological atmosphere against women, which make the peaceful and quiet life very difficult for them.

Economic violence is another type of violence against women. This violence also take place in different ways. The AIHRC's statistics show that more than 1024 cases of economic violence against women have been recorded at the AIHRC offices throughout 2014.

This figure constitutes 21 percent of the total cases of violence against women in the mentioned year. 1340 cases of economic violence have been recorded at the AIHRC offices in 1392 as well, which included 20.3 percent of the total cases of violence against women in the period in question.

Lack of provision of alimony make up the highest figure amongst different types of economic violence. This figure includes 827 cases, which nearly make up 81 percent of the total cases of economic violence. This figure represents the extreme restriction of women access to alimony, and in many cases, whenever women ask for their rights, men resort to intense misbehavior and verbal violence against women.

Violence against women are not limited to the above violence. Based on the AIHRC's database, in addition to the above types of violence against women, around 487 other cases have also been recorded at the AIHRC offices. Based on the data for 2014 regarding violence against women, out of a total of 487 cases, 123 cases are related to prohibition of selection of spouse, 99 cases are cases of forced engagement, 83 cases are cases of polygamy, 39 cases are cases of prevention from the right to education, 18 cases are cases of lack of access to health services, 10 cases are cases of buying and selling women under the pretext of marriage, 8 cases are cases of negation of relationship, 5 cases are cases of giving away as Bad, 5 cases are cases of prevention from civil and political activities, 1 case is forced use of narcotics, and 1 case is mentioned to be a case of trafficking in person.

Violence against women is followed by unpleasant social, economic and cultural consequences in women's life in Afghanistan. These violence negatively affect women's health, social status and dignity, life situation and welfare, and prevent them from development and growth, and will lead to their isolation.

The AIHRC's database in 2014 indicates that 35.3 percent of such violence resulted in psychological harms and problems for the victims. This figure shows the high level of psychological harms of violence against women.

Violence against women ruins family foundation. According to the AIHRC's statistics; unknown fate, asking for separation, leaving home, and escaping away from home each make up 24.1, 13.5, 7.7 and 6.7 percent of the consequences of violence against women respectively.

Likewise, asking for separation, running away from home, unknown destiny and separation have been the consequences of 16.7, 8.4, 5.9 and 3.2 percent of the cases of violence against

women in 1392 respectively. These figures clearly show that violence against women in the family will result in the collapse of the family.

Injury, attempt to suicide, suicide, self immolation, murder, limb fracture, limb disability, begging, job abandonment, affection by sexual diseases, attempt to self immolation, leaving school, pregnancy (as a result of sexual assault), resorting to prostitution etc. have also been referred to as part of the consequences of violence against women.

These violence have resulted in the murder, self immolation or suicide of the victim in 96 cases. Likewise, 103 cases of such issues resulted in death, murder or suicide of the victim in 1392 as well.

These statistics are appalling, disclosing the pitiable situation of violence against women.

However, violence against women is a problem, which is rooted in the culture and traditions of society, and it is prevalent at the society level, but violence against women is very common within households, too. The recorded data and information at the AIHRC's regional and provincial offices clearly show that domestic violence is the most prevalent and the most common type of violence against women.

Out of the total statistics in 2014, and out of a total of 4873 cases, 4766 cases (nearly 97.8 percent) have been perpetrated within the households. Likewise, in 1392 also 98 percent of the cases were perpetrated within the households.

Out of other remaining cases, 38 cases have been committed on streets, 24 cases at work place, office and hospital, 3 cases have been committed in educational center, school or university, and 8 cases have been perpetrated in detention center or prison. Likewise, 34 cases have not been specified.

One of the main problems for women is street harassment. However, no accurate research has been conducted in this regard, but the overall overview to the situation indicates that street harassment take place mainly in the cities. But, since the general understanding of violence against women is the severe forms of violence, so these kind of violence are not considered seriously as violence, and are not recorded at the responsible authorities and organs.

Based on the above information, men commit the majority of violence against women. But, in many cases women also commit violence against women. Women violence against women indicates that this problem has its root in the culture and tradition of the society.

The AIHRC's data in 2014 show that 88.7 percent of violence against women has perpetrated by men. While women have been responsible for 9.9 percent of such cases.

Usually illiteracy is mentioned as a factor of violence against women. Research shows that violence against women is more prevalent among illiterate or low-literate people.

The AIHRC's data in 2014 also confirm this issue. It highlights that in 2014, 52 percent of violence against women have been committed by illiterate people. Therefore, illiteracy can be considered as a significant factor in prevalence of violence against women.

This data show that people with low level of education also have engaged in committing of violence against women. Based on these data, 19 percent of the perpetrators have had a primary or secondary education, and to same amount have attended up to the level of high school.

Addiction and narcotics can be talk about as a factor of violence against women. The AIHRC's data for 2014 in the area of violence against women indicate that the perpetrators of more than 21 percent of cases of violence against women have been addicted people. About 57 percent of them have not been addicted.

Since the statistical society of addicts are less than that of non-addicts, the role of 21 percent of addicted people in violence against women is very substantial. Thus, addiction can be mentioned as a factor of violence against women. Therefore, the spread of addiction can lead to the increase of violence against women.

Violence against women is contributed by multiple factors. Some of these factors have root in the cultural and social structures, and a number of other factors arising from legal disorders, weak rule of law and corruption in judicial system of the country. Based on the findings of the AIHRC's research on the causes and contexts of sexual assaults and honor killing, the most important causes of violence against women can be listed as follows:

- Failure to deal decisively with the perpetrators and continuation of the culture of impunity,
- Corruption and abuse of duty and positions,
- Interference of influential people in the investigation, and resolving of cases of violence against women by unofficial sources,
- Concealing the crime and lack of victims referral to judicial authorities due to fear of and mistrust on government organs,
- Lack of coordination between the appropriate judicial authorities (especially the police, prosecutors and courts),

- Limited access of women to justice (courts, violence-related attorney, female detention centers and defense lawyers),
- The existence of illegal weapons and illegal armed groups,
- Lack of security and weak rule of law in the district and provincial governments,
- Lack of support for victims of violence against women,
- Negative attitudes toward women in a patriarchal traditions of society,
- Prescribing of violence against women in a negative attitudes towards women and patterns of violence-making,
- Sex-dominant attitudes towards women,
- Concealment of cases of rape and honor killings due to traditional sensitivities,
- Normalization of violence against women
- Illiteracy and low level of public awareness
- Traditional patterns of marriage in Afghanistan,
- Poverty and unemployment
- Increasing of drug addiction

The level of investigation of the cases of violence against women has been limited and, as noted above, one of the causes of violence against women is known to be the lack of handling of such cases. The enforcement of the Law on the Elimination of Violence against Women would be the most effective way to fight violence against women.

Based on the written information sent by the Afghanistan General Attorney Office to the AIHRC. "Attorney Office fighting Violence against Women has received registered 965 cases, since the beginning of 1393 until 8 Dalw this year. Out of which 57 case after proceedings have been completely finalized. 186 cases have been referred to the primary court in Kabul, 25 cases have been followed up in the Court of Appeals, and 155 cases have been kept with this Office because the plaintiffs have not refereed to the court for further proceedings. 134 cases have been maintained due to cancellation of the cases by the victims (women), in accordance with the paragraph 2 of Article 39 of the Law on Elimination of Violence against Women. 170 case is under work of Investigation Committee, and other cases, due to lack of jurisdiction over them, have been sent to the concerned authorities.

Attorney General has written in its letter that "the offenders whose cases have been prosecuted in the court, based on their crimes, have been sentenced to punishment ranging from a fine of 60000 Afs up to twenty years in prison and capital punishment. But, the report of Attorney General does not explain that how many people have been punished for committing violence against women and the type of punishment and number of offenders have not been mentioned in the report of the Attorney General.

The Afghanistan Supreme Court also has sent an information to the AIHRC:

“Based on the report received, since the beginning of 1393 until the end of the third quarter of this year, from the central and provincial courts, a total of 805 cases of violence against women have been addressed and the verdicts have been issued, out of which 259 cases have been reported under the name of rape and 546 cases under name of violence against women.

The letter of Supreme Court does not carry other information. Therefore, it is unclear how many cases of violence against women have been referred to this organ from other relevant offices. These cases are related to which provinces, how many people have been punished for the crime of violence against women and what kind of punishment is given to them.

In 1392, Courts of Afghanistan had addressed 429 cases of violence against women, out of which 116 cases were involving cases of sexual assault. The rest of the cases, were cases of beatings, harassment, threats, sales, forced marriage, wounding and murdering.

The result of this report requires serious attention of the responsible authorities. And fighting them requires a detailed plan for serious fight against violence within the families. Therefore, the government should in accordance to its legal obligations, which are enshrined in international human rights instruments and domestic legislation, take effective and practical measures to improve the situation of women's rights in the country.

### **Recommendations:**

- Enhancement of public knowledge and awareness of the social and individual rights and privileges of the citizens, in particular the legal status and position of women in the family and social relationships by developing and implementing an extensive and persistent education programs by the Ministry of Education, Higher Education, Haj and Religious Affairs, Justice, Women Affairs and other related ministries;
- Creation of opportunities and income generation grounds for women to ensure financial independency of women and remove their absolute financial dependency on male members of the family;
- Creation of administrative opportunities for women at high administrative levels of national and private institutions and their involvement in the decision makings and planning at high national levels to ensure permanent role of women in social life.



- Developing effective strategies to fight against prevalent harmful traditions and customs that affects human rights of women and contributes perpetuation of patriarchal culture in the country.
- Devising and implementing an effective program for the treatment of persons addicted to narcotics and fight against addiction as an contributing factor of violence against women;
- Providing sound, committed and professional capacities in the justice system of the country with a goal to eliminate culture of impunity and fight seriously against those who continue to support the culture of impunity;
- Expansion of Special Attorney Offices to Fight against Violence, and increase in the number of staff of these office in all provinces and also making registration of marriages and use of marriage certificate 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 patterns of violence such as rape and honor killings in the national 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.