Tackling Gender-Based Violence in Afghanistan

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Activists say their major achievement to date is making women aware that they do have rights.

Anar Gul, 16, wept as she waited outside the Afghan ministry of women’s affairs in Kabul with her parents.

Swathed in a blue burqa, she told the painful story of her marriage two months earlier in her home province of Bamian in central Afghanistan.

Soon after the wedding, her husband began inviting other men to the house and charged them money to have sex with her.

“When I refused, he would beat me up,” she said. “Sometimes he would threaten me with a knife or a pistol. Finally, I had to escape from Bamian to Kabul.”

Anar Gul wants the woman’s affairs ministry to help her divorce her husband.

Through tears, she said, “If they won’t help me get a divorce, if that man takes me back, or if the government sends me back to that hell, I will commit suicide.”

Anar Gul’s mother added, “Although we know that the government doesn’t care and that no one heeds the voices of the poor unless they have money or connections, we have still come to the ministry to see whether there’s anyone sympathetic to us and our daughter, so that she can get divorced from that shoddy man.”

Although women have had increased access to education and employment and greater legal protection since the collapse of the Taliban regime in 2001, they are still vulnerable to a wide range of abuses in practice.

Women’s rights advocates say the biggest single success has been introducing the concept of gender-based violence to Afghan society.

“The best achievement of the past 13 years is that the term ‘violence’ [against women] was introduced in Afghanistan. Before that, it did not exist, and all kinds of cruelty against women were regarded as lawful,” Afghan parliamentarian Shukria Barakzai said.

The reported rate of violence against women is rising. The Afghanistan Independent Human Rights Commission (AIHRC) recorded 228 cases of abuse against women in April and May, a significantly higher rate than over the past solar year ending April 2014, when there were a total of 997 cases.

Barakzai notes that the rising numbers may reflect an increased willingness to report crimes as women become more aware of their rights.

“It means that women can now raise their voices, record [complaints] and seek adjudication, which was unimaginable 13 years ago,” she said. “Isn’t the idea that people report and demand justice an achievement?”

Barakzai said that while many people remained reluctant to seek help from government institutions, violence against women was now at least an issue that was discussed within family groups and communities.

She said the credit for these advances should go to Afghan women’s rights institutions, but added that more needed to be done.

“Violence is a fundamental principle in our society. In order to eradicate it, we need political commitment, a new culture, education, a good economy, and the rule of law,” she said.

Maleka, head of the women’s section in the AIHRC regional office in Herat province, agreed that that it had been an achievement just to introduce the concept of gender-based violence into public discourse.

“Women’s level of awareness has risen in the provinces and districts. They apply to the government and to women’s rights institutions and they raise their voices. They report [abuses], which never happened in the past,” she said. “Women used to accept all kinds of cruelty against them. They believed that whatever men did to them was the lawful right of man, but now they think differently.”

In Maleka’s view, the factors contributing to violence include poverty, illiteracy, cultural tradition, drug...
addiction, and pure ignorance.

She noted that it was hard to gather solid statistics on the incidence of abuse.

The government of outgoing president Hamed Karzai has repeatedly been accused of failing to tackle these issues in a robust manner.

In a speech to mark International Women's Day on March 8 this year, Karzai claimed there had been major advances in women's rights over the last decade, although he admitted that problems remained. (Women's Day Speech by Afghan President Falls Flat)

Karzai's critics say that beyond the talk, he has signally failed to bring about substantive change on women's rights. A case in point is a law against violence against women, which although passed by presidential decree in 2009, was rejected by parliament in May 2013 after a 15-minute debate, and has since been shelved. (See also Afghan Women Face Growing Threats.)

Parwin Rahimi, head of the women's support section at the AIHRC, said the institution had come across many cases in which women did not approach state agencies because they mistrusted them or feared they would be subject to further abuse.

“When a woman goes to the police to complain about a case of violence against her, the police [by their treatment] unfortunately commit a second act of violence against her. Sometimes women are even sexually abused by the police,” Rahimi said.

She noted that the judicial system allowed many abusers to slip through the net.

“Criminals avoid punishment for a variety of reasons – their connections, legal impunity, and payment of bribes. This encourages others to commit violence against women,” she said.

Her colleague in Herat, Maleka, agreed.

“In such cases, the worst negligence and weakness is shown by the police. We have many examples where the police have released perpetrators of violence against women because the individuals enjoy impunity, because of collusion, and in exchange for money.”

Afghan courts are liable to see women as offenders rather than victims. Although there is no written law to that effect, judges routinely jail women for the “immoral” act of running away from parents or husbands – including when it is to escape abuse. (See Inside Kabul Women's Jail, for cases of this kind.)

An interior ministry spokesman in Kabul was unavailable for an interview on these matters, but in the past the ministry has denied that the police fail to act against gender violence.

Many rights activists are just as unhappy with the women’s affairs ministry.

Fatana Gailani, chairwoman of the Afghanistan Women’s Network, describes it as “a very weak agency”.

“Although it calls itself a policy-making body, it has neither a programme nor a plan to ensure women’s welfare and rights,” she said. “The Afghan government and the international community have forced women to put up with this weak ministry, which has secured no achievements for women, and instead increased their problems.”

In practical terms, Gailani said, “The ministry of women’s affairs is unable to pursue cases of violence against women. Perpetrators are released because of corruption within legal and judicial institutions, and the ministry is unaware of it.”

Rahimi alleged that the ministry appointed regional heads on the basis of “connections rather than merit”.

“These individuals have held sway in their posts for years, as if they inherited them. They have colluded with the local powerbrokers and the government. They are unable to uncover crimes which these individuals commit against women, or to take action against them,” she said. “Nor does the government monitor the ministry properly.”

The ministry’s legal affairs director, Aziza Adalatkhwua, defended its record and denied negligence and wrongdoing.

“The ministry of women’s affairs has defended rights within the bounds of its lawful ability and authority,” Adalatkhwua said. “It has resolved many cases and referred others that it could not resolve to other relevant agencies.”

Acknowledging the rise in recorded violence against women, Adalatkhwua said that although the department’s focus was on policy-making, it had also taken effective action on a case-by-case basis.
“Some 3,507 cases of violence against women were recorded at the ministry over the last solar year,” she said. “The ministry looked into 2,866 of them, and resolved 639.”

Afghanistan’s prosecution service also denies that it is inert. Basir Azizi, a spokesman for the Attorney-General’s office, noted that it had recorded 8,000 cases of violence against women in recent years.

“In cases involving violence against women, some individuals have been sentenced to execution, others have been sentenced to prison terms of up to 20 years,” he said.

As for claims that suspects escaped prosecution, he said, “There are some cases where the evidence is insufficient, or where the claims are baseless. When there is no evidence, the Attorney General’s Office has the authority to release individuals.”

Azizi said the Attorney-General’s Office had set up a special department to handle violence against women, and most of its staff were female.

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