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Violence against women in Afghanistan



Violence against women In Afghanistan



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Report Summary:

Violence against women is one of serious social problems all over the world. Following children, women constitute the biggest victims of domestic and family violence and many of these violent activities remain unpunished. In Germany, at least one out of each four women has experienced in her life domestic and family violence minimum once a year. In Ethiopia, approximately 50% of women have been the victims of violence. In Uganda, 70% of men think that physical violence against women is the legal way of settlement of disputes. In Russia, 17,000 women lose their lives annually because of family and domestic violence. In addition, research shows that worldwide the death figure of women at houses is by far higher than the death figure of women because of wars and natural disasters. In today's world in which a lots of resources are spent to find ways of fighting terrorism, the biggest enemy of women and children is living inside their own houses and victimize them every day. Violence against women is one of the most widespread types of violence that violates human rights. In many parts of the world, this action is tolerated and ignored under different names such as culture and religion. Domestic violence or violence against women within families since it is considered the origin and basis of other types of violence against women in their access to education, health facilities, employment, political participation and others has been more important and considerable. There are many reports in terms of this type of violence throughout the world. But, it has to be taken into account that violence against women is not only taking place within families and by members of their own families, but also it is taking place in all spheres of women's social life. Nevertheless, important issue is this that violence against women does not pertain to the existence of human beings and can be stopped and therefore understanding of violence and finding its roots is of special importance.

Nevertheless, international community has done extensive efforts for ensuring women's rights and inclusion of women's rights as an undividable element of human rights. Multiple efforts have been done in the areas of interpretation of international instruments and treaties on the basis of gender equality including approval of Convention of Elimination of all forms of violence against women approved in 1981, Declaration of Elimination of Violence against women

approved in 1993,employment of special reporter of United Nations for reporting and monitoring of cases of violence against women in 1994, and Platform for Action of United Nations Fourth Women's Conference approved 1995.

In spite of carrying out all these efforts, violence against women is still one of the main challenges towards full implementation of human rights.

“Violence against women leaves its gruesome and awkward punch over all continents, countries, and cultures.”¹

Violence against women is a technical term that is usually referred to those violent activities, which are committed in particular against women.

Definition of violence:

Violence against women and girls includes physical, sexual, psychological, and economic types of violence, which is usually called gender-based violence because if this type of violence is a set of actions that if they are committed instead of women against civil servants, neighbours, or any other person of the society, in that case they must be punishable. Usually, this type of violence is committed against women within family environment and by her family members².

In the world, at least one out of every three women during her lifetime comes under beating, sexual abuse, or other types of violence. In many circumstances, the committer of violence is one of her own family member or her close relative. Gender- based violence is increasing day by day and is considered one of the main concerns in the area of public health and violation of human rights.

¹ <http://endviolence.un.org/press.shtml> speech of Banki Moon, General Secretary of the United Nations in inauguration of campaign of elimination of violence against women-February 2008

² <http://www.infoforhealth.org/pr/111edsum.shtml>

Universal declaration of prohibition of all forms of discrimination against women is the first instrument of human rights in which the issue of violence against women has been mentioned clearly and specifically. This declaration emphasizes that violence against women impairs women's human rights and is an impediment for having access to basic human freedoms³.

This declaration presents a specific definition of gender based violence according to which this is any activity which has physical, sexual, and psychological harms for women or is considered as a threat in this regard including threat or taking action for deprivation of women from their freedoms, whether they occur within their personal or social life.”

This definition has been re-emphasized in article two of this declaration. In this article, all areas in which violence against women generally takes place have been divided into three categories:

- Physical, sexual, and psychological violence that takes place within family environment including beating, sexual violence against female children, types of violence related to dowry and marriage related expenses, sexual assault by husband and customs and traditions that lead to violence against women and violence related to misuse and exploitation;
- Physical, sexual, and psychological violence in society including sexual aggression, sexual exploitation, harassment and annoyance and threatening in work place, educational institutions and other places, trafficking of women and forcing them to prostitution;
- Physical, sexual, and psychological violence that has taken place because of action or ignorance of the government in any place.

“Violence against women is the issue for which there is no need to wait any more. Figures clearly explain this issue. At least, one out of every three women in the world experiences beating.... Through the action of choosing of child sex before its birth, many female children even lost their right of existence and living. No country, no culture, and no old and young woman

³ <http://www.un.org/rights/dpi1772e.htm>

are exempt from violence. In many cases, crimes of violence against women remain without punishment and their perpetrators are living free. Now, the time has come that all women have to enjoy their equal rights of living and its related freedoms for today and tomorrow.⁴”

Violence against women in Afghanistan also is one of the main issues of concern in the realm of issues related to human rights. Reports published by national and international organizations have expressed growing concerns in this regard.

According to a report published by Afghan Independent Human Rights Commission, registered cases of violence against women in 2007⁵ amount to 59 cases, while based on a report published by the Commission that only reflects first quarter of 2008⁶, registered figures of violence against women are 23 cases which minimum shows 45% increase in registered incidents of violence.

“Husbands, brothers and fathers are main perpetrators of violence against women in Afghanistan, but the existent social and traditional norms within the dominant government system and tribal informal and traditional structures such as Jirga and shuras legitimize their this power. Military irresponsible persons are also among the perpetrators of this violence. In some cases, female members of families have had role in giving dominant position to men to carry out violence against women and in some cases, they are also in the list of perpetrators of violence against women. Nevertheless, men constitute the absolute majority of perpetrators of violence against women within the communities and families.⁷”

Afghanistan is a signatory to the international convention of elimination of all forms of violence against women⁸. In addition, Constitution of Afghanistan in its preamble and article seventh obliged Afghan government

⁴ Speeches of Banki Moon, Secretary General of United Nations in the Commission of women’s situation, UN, New York, February 25, 2008

⁵ http://www.aihrc.org.af/Rep_Hman_R_situation_86.pdf

⁶ Situation of human rights in Afghanistan- Afghan Human Rights Commission-Jawza 1387

⁷ Afghan women under assault- a systematic failure for protection, report of Amnesty International, year 2005

⁸ Afghanistan has signed this Convention on seventh of March, 2003???

to respect and implement its international obligations and commitments. In addition, gender equality and elimination of discrimination against women is one of the five cross-cutting issues of Afghanistan National Development Strategy.

Among the main efforts of the government for preventing violence against women can mention the action of Supreme Court of Afghanistan for making changes and then re-printing of marriage certificate, efforts for approval of Law of Elimination of Violence against women. Ministry of Women's Affairs has recently announced that they will take actions in 2009 for preparing first report in terms of implementation of Convention of Elimination of all forms of Discrimination against Women (CEDAW).

Nevertheless, it has to be added that actions of the government in this regard are unpromising. Dr. Soraya Subhrang, Commissioner for women section of Afghanistan Independent Human Rights Commission has mentioned that:” during years of 2004 and 2005 overall, the activities of the government in the field of protection and rehabilitation of women's rights have been promising. However, after the year 2005, protection of women has not been a priority for the government. Justice and judicial structures of the country have been treating discriminatorily with women, consider violence against women as a legitimate action, and do not prosecute the perpetrators of violence against women.⁹ “

Recent report published by Afghanistan Independent Human Rights Commission in terms of the situation of human rights in Afghanistan has disturbing and unpromising figures in terms of women's situation. This report stipulates that “ domestic and family violence, preventing them from taking part in social activities, making them leave their houses, burning, breaking body limbs of women, and sexual assault have been registered as torrid and acute cases of contravening and violating human dignity against women.¹⁰”

Beatings and physical violence against women has been one of the most common types of violence in Afghanistan. Afghan Independent Human Rights

⁹ Dr. Soraya Subhrang, Commissioner for women, Afghanistan Independent Human Rights Commission

¹⁰ Afghan Independent Human Rights Commission-quarterly report from women's situation of human rights-Hamal-Jawza 1387

Commission has registered around 20 cases of complaints in this regard during the last three months¹¹. In addition, Legal Department of Ministry of Women's Affairs has registered 566 cases of violence against women in Kabul and 1834 cases of violence against women in the provinces during the first two quarters of the current year.

One of the impediments in the way to respect human rights and human dignity is the phenomenon of growing violence. Violence under any title and name has irrecoverable impacts on the process of social development. Extension and promotion of culture of violence has often relation with specific factors and under structures in different societies. These factors, in some societies, in particular can relate to a specific community, culture, and sex or can have similar roots in all social structures. Knowing these factors and roots makes easy the way of treating and tackling them.

Female victims of violence constitute the highest figure of victims in this regard. Violence by family members, husband, brother, father, violence by stranger and outsiders, violence by government officials are among the prevalent cases of violence against women. However, the exact figures in terms of scope and depth of violence against women are not available. In Afghanistan, even though some research reports have been published about different aspects of violence against women, but these reports have usually referred to a specific type of violence. Comprehensive and inclusive researches that can show the sequence and continuation of violence in different areas of women's life in Afghanistan have not existed to date and thus most of these researches have only related to the issues of family and domestic violence.

This report talks specifically about violence against women in the following four areas such as education, health, employment, and family that are inter-related and linked to each other. In this report, first, information will be provided about the purpose and method of research and documents and evidence related to violence against women. Then findings of the report will be assessed in four areas about marriage related violence (violence within family), violence in accessing to health services, violence in accessing to

¹¹ The same source

employment and violence in having access to education. In each part, specific findings related to the issue have been provided. Findings of the report are being analyzed by using qualitative analysis methods from the viewpoint of international laws and norms, reasons and roots of violence, problems and challenges and solutions for these problems. Thus, the last part of the report contains conclusion and general recommendations for solving the problems and tackling the challenges.

The present report is exactly aiming at overall understanding of dimensions of violence against women and has been launched reaching this purpose. This report has tried to assess and cast light on the untold and dark angles and corners of violence against women, find its roots and present possible solutions for decreasing or eliminating violence against women.

This research has been launched by Women and Children Legal Research Foundation with financial support from (HBS).

Method of Research:

The findings of this report have been collected in the following three ways.

A. method of library studies

Based on this method, fresh and first-hand data and sources have been used that have close relation with the research. These findings have been collected and codified by Fish system and have been used in different chapters of research report after their analysis and assessment.

B. method of interview:

According to this method, organized interviews have been used, because this method is one of the best methods of data collection and this is effective when we have figures with small quantity. Therefore, the method of interview was chosen and implemented as one of the most effective methods for data collection.

According to this method, 30 officials from Ministries of Education and Public Health, and health and schools officials have been interviewed.

C. method of questionnaires

Using this method, the situation of women who have been victimized by violence, has been analyzed. Due to high number of people in some of locations under the coverage of this report, closed and semi-closed questions have been utilized. Target persons of this part are female civil servants, sick women in health institutions, female school students and married women(violence related to marriage) according to which 500 questionnaires for female civil servants, 500 questionnaires for sick women, 561 questionnaires for female school students, and 500 questionnaires for married women were completed and filled out. Totally, 2061 questionnaires have been filled out and completed for this research report.

Sampling:

Since there are no exact figures and statistics in our country, therefore in this report mainly the method of taking cluster sample, and in some cases, the method of casual systematic sampling has been used. In addition, regions under the coverage of this report include provinces of Kabul, Ningrahar, Balkh, Badakhshan, and Parwan.

Method of analysis of figures and data:

In order to analyze figures and data, the methods of qualitative and quantitative analysis of Access, SPSS, and Excel have been utilized.

Problems and limitations: biggest problems identified and faced with during the preparation of this report, have been in the time of data collection from different areas that in brief includes the following cases:

- Problems in analyzing violence against women in the family that mostly remain unreported and only few of the cases have been referred to justice and judicial organs. Most of the families, at first, did not allow individual interviews. Interviewing in the presence of other family members caused that female interviewees were not ready to provide and explain incidents in details.

- Lack of security in some parts of the country created problems for travelling research team to remote areas and districts, which in turn was slowing the process of data collection.
- When interviewing with employed women, there were fears of losing their jobs because of disclosure of their identity or some facts and information. This was the cause because of which women, in some cases, were reluctant to interview.

Part One

Marriage-related violence

Introduction:

When families of pregnant women are expecting boys to be born instead of girls, in the result it can be mentioned that violence against women starts even before infant's birth. Thus, girls are forced to marry even in their early age and childhood and forced marriages threaten the life of most of these girls. Threat and the existence of continuous concern in the mind of any woman for the likelihood of re-marriage of her husband, physical violence, preventing women by their husband and their families for having employment, continuously threatening them to violence, insult and humiliation are different types of violence related to marriage which compose main components of domestic and family violence. Each type of these cases will have irreparable psychological and physical impacts on women of different age groups

In other words, when within the framework of a close link between two people, the behaviour of man towards woman is having dominance and gripe on her, its result will be family and domestic violence." Family and domestic violence can be physical, sexual, psychological or emotional. Financial exploitation or imposing limitations on any person also can be of the other

characteristics of marriage-related violence. Violence can take place in practice or only because of threat. In addition, violence can happen continuously or on temporary basis. Family and domestic violence can take place at the start of marriage life or after passage of several years between couples that usually will have negative and destructive impacts not only on women but also on their children.¹²

The latest report published by Afghan Independent Human Rights Commission has grave and painful facts in terms of violence arising from marriage. During first nine months of 1387, 2081 cases of violence against women have been registered.

Based on this, since violence arising from marriage has negative impacts and gross consequences for women and their children, therefore this section has been allocated to marriage-related violence.

Preliminary information:

In this section, first of all important findings of this part have been mentioned and then problems resulting from this type of violence and its causes are being analyzed. Findings of this part of research have been analyzed under specific titles. In the start, explanatory figures and information have been provided about the specifications and characteristics of interviewees which is followed by marriage related questions such as what was the basis for your marriage and when it took place. Also, other topics such as the amount of dowry, the reasons for not giving dowry to bride during the marriage time, having job and employment before marriage, the reason for not continuing the job after marriage, encountering of women with physical beatings and battery and the reasons behind it and polygamy are important themes of this part. It is to be mentioned that around 576 women have been interviewed in this section.

Findings:

Preliminary information / characteristics of the interviewees

Education level

¹² www.cshrn.af

Women with little literacy	130	%22.3
High school graduates	136	%23.6
Women having bachelor degree	59	%10.2
Women having higher than that	18	%3.1
Illiterate	233	%40.5
Total	576	%100
Age		
Women up to 18 years old	159	%25
Women between 19 and 40 years old	382	%62
Women from 41 to 60 years old	35	%13
Total	576	100%

The table above shows overall and aggregate figures about some specifications and characteristics of the interviewees. Based on these figures and information, the majority of the interviewees in age group of up to 18 years old are 25% and age group between 19 and 30 years are 47.9%. In addition to that, significant portion of these women (40.5%) are illiterate. After that, women with little literacy are 22.3% and high school graduate are 23.6%.

Type of marriage:

Marriage is one of the human rights. In order to realize this right and avoid its violation, the consent and agreement of both marriage parties are considered a pre-condition for ensuring this human right. Furthermore, one of the important indicators in terms of expressing consent and agreement is puberty and completion of the legal age for marriage. In Afghanistan, in most of the circumstances, the consent and agreement of women and girls for marriage has not been taken into account. Based on the findings of this research report, only 41% of the interviewees have had the chance to marry with their own consent and according to their own will. Out of this, 74% women are literate and in addition to that, 47% of them have had job and employment. The remaining 59%(330 cases) of marriages have been forced marriages in the form of

marriage in return for debt repayment, giving girls and women in *Baad*, and giving girls in exchange for girls. These forced marriages have been absolutely based on the decision of girls' parents. Of course, the consent and decision of parents for marriage of their children can not be ignored at all, but if marriage is done only on the basis of parents' decision and the views and consent of girls and women are not respected and observed, then this type of marriage can be considered as forced marriage.

Types of forced marriage

Types of marriage	Number of marriages	Percentage
Brides' exchange or exchange marriage	100	30.3
Baad marriage	57	17.2
Forced marriage	64	19.3
Marriage in return for debt repayment	55	16.6
Marriage on the consent of parents	54	16.3
Total	330	100.0

Convention of Elimination of all forms of Discrimination against Women (CEDAW) has declared equality in deciding marriage and taking into account absolute agreement and consent of women in the marriage under the title of similar right in free selection of their husbands and marriage with full and complete consent.¹³

This means that since men are free in selecting their wives, women also should have the right of selecting their husbands and marriages have to take place after their full consent and agreement.

¹³ Convention of Elimination of all forms of Discrimination Against Women(CEDAW), article 16,paragraph 1a

Forced marriage is considered one form of domestic and family violence and in addition to that, it is a kind of violation of human rights. The results and consequences of forced marriages can include physical, psychological violence, threatening treatment, imposing limitations on movements, abduction, psychological pressures, imposing limitations on the way of life, wearing clothes and so on, tyrannical financial control and other types of teasing and persecuting behaviours¹⁴.

From the total number of people who have been forced in this or that way to marry and their marriage is considered a forced marriage, around 58% have said that they have been facing physical violence and beatings of their husbands. This figure in terms of women, whose marriage has taken place with their own consent, is 23% that shows around 50% decrease in beating cases. The figures show that the percentage and rate of violence in the marriages that have not taken place on mutual consent and agreement of both parties is very high.

Exchanged marriages:

Based on the figures presented in this report, from the total amount of forced marriages, around 30.3% of marriages have been exchanged marriages. Exchanged marriage¹⁵ that is called *Shughar* in Islam has been recognized as forbidden because it limits and undermines free will of marrying couples. One of the main objections on exchanged marriages has link with the issue that in this kind of marriage there is no dowry. Exchanged marriage that does not require separate dowry for couples and, on the other hand, has not taken place on mutual consent and agreement of both parties, is considered violation of marriage right and therefore is considered among domestic and family violence.

Civil Code of Afghanistan has the following stipulations in this regard:” in concluding exchanged marriage- woman can not be exchanged for another

¹⁴. <http://www.forcedmarriage.nhs.uk/impact.asp>

¹⁵ Exchanged marriage is a type of marriage in which men exchange their female relatives such as daughters, sisters, nieces, or other relatives for other women and girls and thus get married. Report of Women and Children’s Legal Research Foundation/Conference of Analysis the impacts of negative and indecent traditions and customs on Afghan women, Kabul, page 8

woman and therefore similar dowry is specified for the couples.¹⁶”Also, there is a hadith of Prophet Mohammad (Peace be Upon Him) which says as follows:” There is no *Shughar* in Islam.” This means that there is no exchanged marriage in Islam and it is forbidden strictly. Nevertheless, the results of this report shows that out of the total exchanged marriages, 73% of the couples have been deprived of their right of dowry.

Giving girls and women for marriage in *Baad*:

Giving girls and woman in *Baad* is one of the problems widespread in all parts of Afghanistan. This is one of the most gross types of violence against women in the area of marriage and clearly violates their human rights. This type of marriage has victimized many girls and women. According to this tradition, in order to settle disputes and strife between two tribes, clans, and even two families a girl from the aggressor family is given to the damaged family. For example, when a brother or a father commits a murder, local jirga is held and its members, in order to peacefully settle the dispute between the two families, give daughter or sister of the murderer in marriage to one of the members of murdered family.

In our country, this is one of the traditions and customs, which is implemented usually by informal local, structures (jirgas) and, in most of the cases, it is imposed forcefully upon girl’s family without taking into account their daughter’s age and consent and agreement. Around 50% of marriages pertaining to *Baad* are underage and childhood marriages.

Marriage Age:

¹⁶ Civil Code of Afghanistan, Kabul, Ministry of Justice, 1355,article 71

Findings of this report show that 38.2% of the interviewees have been given to marriage when they have been 11 and 15 years old¹⁷.

Marriage age

Marriage age	Number	Percentage
15-11	220	38.2
20 -16	270	46.9
31 – 21	86	14.9
Total	576	100.0

Even though early and childhood marriage is considered one of the severe cases of human rights violation, in spite of that this takes place in many parts of the globe and put the life and growth of the child into jeopardy. Early and childhood marriage is among the causes and reasons of violence, because those who are forced to marry in their early childhood, have been deprived of their basic rights such as enjoyment of childhood period, affection and mercy of parents and having access to education. In addition, they face multiple problems and challenges such as infecting and getting different types of diseases arising from abnormal and pre-mature births, being in isolation and running away from house.

Early and childhood marriages raise concerns of the institutions and actors pertaining to human rights and children's rights. Marriage of girls in their early childhood is one of the issues that are very common in Africa and South Asia. The exact number of early and childhood marriages is not clear because of lack of registration system and not registering all marriages of this kind. Around 31million, girls who have been forced to marriage before reaching their marriage age of 18 are living in South Asia¹⁸.

Dowry (Maher):

¹⁷ Marriage is considered complete and legitimate when males reach their age of 18 and females have reached their age of 16. Afghan Civil Code, article 70

¹⁸ http://www.unicef.org/protection/index_earlymarriage.html

Fixing the amount and paying of dowry in the time of concluding marriage is an obligation for a husband and a right for his wife. In fact, dowry is considered one of the first financial rights of the wife in terms of her husband after concluding marriage. “Dowry is a wealth and property that is established during concluding marriage for the man. Obligation in relation to paying dowry by a husband arises from the provisions of law and does not have contractual root. The logic behind paying dowry to woman lays in expressing and giving importance to marriage, respecting status and personality of woman and expressing good will and sincerity of man for marriage. Paying dowry paves the way for continuation of marriage life”¹⁹

Out of 576 of those who have been interviewed, around 36.8% of women have expressed that they have received their dowry, and the remaining 63.2% of the interviewees have said that they have not received their dowry during their marriage. Most of these women (23.6%) have expressed that they are not aware of the fixed amount of their dowry. The main reasons expressed by the interviewees for not receiving dowry are given in the table below:

The reasons for not receiving dowry

¹⁹ Nezamuddin Abdulah, analysis of family issues, volume first, 1386, first edition, Kabul, Afghanistan

Details	No	Percentage
It is not a custom and tradition to take dowry	267	46.9
I will get my dowry when I get divorce from my husband	11	1.9
People will think that by getting my dowry I am asking for divorce	36	6.3
I do not know	15	2.6
My family has received my dowry	14	2.4
I am an exchanged bride, therefore I am not entitled to get my dowry	6	1.0
My husband can not afford to pay me my dowry	224	38.9
Total	576	100.0

Lack of awareness in terms of dowry's right and the exact time in which it has to be received by bride are among very clear facts that have been included in this report. The answers given by a large number of women who haven't received their dowry, show that they are not aware of their right of dowry and the exact way of having access to it and this is the reason which causes their deprivation of their financial rights.

Unlike all those impediments that have been expressed by these women, dowry is an asset and goods women are entitled to receive from their husband after their marriage. In addition, dowry, in the context Afghan tradition, is the sign of respect and value shown by man towards his upcoming wife and the manifestation of husband's commitment for ensuring his wife's life. Dowry that is claimed by woman in the time of divorce and abolishment of marriage prevents marriage relationship from dissolution and guarantees continuation of marriage life. Furthermore, in case of divorce, the property and asset that a woman receives as a dowry is very important and effective in her life and

prevents her from distress and depression. However, it is important that the amount of dowry is proportionate to the financial status and capability of her husband and he is able to pay it. This report shows that a big number of women have not been able to receive their dowry amount because their husbands have not been able to afford dowry to their wives.

Dowry is very important as a means of ensuring economic rights of women and depriving them from having access to dowry is considered violence.

Alimony and life sustenance:

The second financial right to which a woman is entitled because of marriage and a husband is obliged to observe this right, is providing his wife with alimony and support her financially which includes providing her with clothes, food, appropriate medical treatment and other necessities. This is the issue stipulated in Afghan Civil Code as follows:” with the conclusion of a correct legitimate marriage, provision of alimony for wife is the responsibility of her husband even if his wife is living in the house of her relatives.²⁰” Thus, provision of alimony by the husband is his legal responsibility and one of the consequences of the marriage that has to be provided to the wife by her husband.

Around 24.3% of the interviewees have mentioned that they are not provided with their alimony and sustenance by their husbands and the provision of alimony is either their own responsibility or their parents provide them with the necessary alimony.

Creation of limitations:

One of the palpable consequences of the relations between a husband and his wife after their marriage is seeking supremacy by man in mutual relations. In most of the families, women should get the permission of their husbands for carrying out any kind of activity. In addition to that, imposing limitations and impediments on the activities and affairs which women have been involved in, begins right after the marriage takes place. Usually, women and girls who are

²⁰ Afghan Civil Code, first volume, article 117, paragraph one

students in schools or universities are worried whether, after marriage, they will be able to continue their studies or not.

Out of the total number of respondents, 58.7% have been those who have had a kind of occupation and employment (civil servants, students). Out of this, 27.8% have mentioned that they have been able to continue their duties after their marriage. However, 71.9% of these women have said that they have lost their jobs and employment after they got married. Out of those who have been interviewed, 214 were school students, 80 were higher education students, and 44 were civil servants.

Having job and employment, as an individual right, have been recognized and enshrined in declarations, conventions, and internal laws of countries and is an integral part of basic human rights including men and women.

Article 48 of Afghan Constitution has stipulated as follows in this regard:” work and employment is the right of every Afghan and choosing the type of job and profession is free within the framework of the law.²¹”

The right of employment and job also has been enshrined in international instruments:” women have to have the right to work in civil service and can be employed in all public offices along with men without any discrimination and with full equality according to law.²²”

Thus, having access to education and higher education is considered key elements for economic growth and development of any society in which the participation of men and women is equally important.

In the table below, the causes and reasons have been shown because of that women lose their jobs.

Causes for which women lose their jobs and employment

Details	No	Percentage
My husband does not allow me to work outside my house	543	93.9
Family of my husband does not	12	2.1

²¹ Constitution of Afghanistan, article 48

²² Political convention of women, article 3, approved in March 1953

allow me to work outside my house		
I have been given in marriage for <i>Baad</i> and ,therefore, have no permission to work outside my house	6	1.4
I am illiterate	15	2.6
Total	575	100

As it is seen in the table above, a bigger chunk of women (93.9%) have mentioned that their husbands do not allow them to continue to work outside their houses, but lack of permission from their husbands' families and the existence of customs and traditions compose small percentages in the table.

One of the common types of the violence in terms of Afghan women is their deprivation of the right of having employment and job. This right is the first, which is violated when women are single and in many cases after they get married. Girls and women, who can play a constructive role in the economic progress and development of the country, are deprived of their right of having job and employment because of the existence of cultural sensitivities and family limitations. As the findings of this report reveal, women, after they get married, have been deprived, by their husbands, of this right or the right of having access to education, which can result in having employment and job.

Employment of women aims at their empowerment to have access to economic and social opportunities and in addition to that acquiring independence in using the income they earn themselves. Women's employment is not only important materially, but also it is important that employed women by far, than those who are deprived of this right, have the capability of using other human rights. Employed women have a very good position in their families in decision-making and in become the victims of violence in few cases. Even if they become victims of violence and oppression, then they are in a better defensive position.

Job and employment that can be used as a means of income earning in the

economy of family. It can have impact on decreasing violence inside families. Women can naturally take part in decision-making activities of the families because of having job and employment and taking part in undertaking families' expenditures and can be relatively aware of their basic rights. That is why employed women, in comparison with jobless and unemployed women, rarely become victims of physical violence by their husbands.

Jobless and income-less women, because of their strong economic dependence on their husbands and being enclosed within the house walls and being isolated from the rest of society, become mum and silent for all types of oppression and violence of their husbands. On the one hand, higher percentage of jobless women are illiterate who are not aware of their rights and responsibilities towards their families and think that any types of violence and torture is a natural and incontestable right of their husbands.

Around 42% of jobless and unemployed women have been victimized by physical violence, while this figure in terms of employed women is 21%. This shows that employment has paved the way for reducing violence by 50%.

Prevention and keeping away from social participation is one type of violence and depriving people of their basic human rights that have been recognized and enshrined as human rights for both men and women in Universal Declaration of Human Rights.

Employed women, for having social extensive social relations and awareness of their rights and responsibilities towards their husbands and families and, in the meantime having economic independence rarely become the victims of violence and beatings of their husbands in comparison with jobless and unemployed women

Family and domestic maltreatments:

All humans have been born free and with dignity and magnificence. Holy Quran considers human being as dignified and magnificent:” Oh people! I have created you from a man and a woman. Then, I have divided you into many sects and tribes; therefore, the best of you before Almighty Allah is the most virtuous one. Before Almighty Allah, men and women, both, have the same status and position. No one is preferred to the other. The reason and basis

for their preference and supremacy is their virtue.²³”

No one has the right to insult and humiliate others. It is required from all human beings to be kind to each other and behave one another with bo. Respecting human dignity is one of the international accepted principles. Universal Declaration of Human Rights stipulates in this regard as follows:” all human beings have been born in this world free and are equal in terms of their status and rights. All have wisdom and conscience and therefore they have to behave to each other with the spirit of goodwill and unity.²⁴”

Most obvious and very common cases of violence against women are psychological/verbal and physical types of violence.

Registered cases in the Afghan Independent Human Rights Commission show increasing figures of complaints and violence against women. Around 2081 cases of violence against women have been registered in the Commission during the first nine months of 1387.

Many people believe that violence against women by their husbands or their relatives can only be limited to physical violence. Nevertheless, what is obvious and certain is this, that this kind of violence can include beating, insult and disdain pessimism, scorn, verbal maltreatments and other similar cases. Throwing anything towards women or breaking their favourite items or threatening to do this is also come under the classification of psychological violence. About

46.9% of the interviewees in this report have mentioned that they have been facing domestic and family violence in this or that way and 44.1% of them have experienced psychological and verbal violence both. Only 10% of the interviewees have expressed that have not experienced any of the cases of violence mentioned above.

Physical violence:

About 46.9% of the interviewees have mentioned that they have become the victims of physical violence in their families by their husbands or their family members. The most common types of this violence are slapping, beatings that

²³ Holy quaran, chapterof hojrat versenumber13

²⁴ Tabeyan online workshop, section of family rights

result in breaking of their body limbs, wounds, bruises, inability of giving birth to children, abortion, and even death of women.

What have been the results of beatings?

Details	No	Percentage
Breaking of body limbs	72	12.5
Complete disability	38	6.6
Battery of body limbs	128	22.2
Creation of wounds and bruises	338	58.7
Total	576	100.0

As it is clearly seen from the table above, physical types of violence against women within their families result in their severe shocks and damages such as breaking of their body limbs and their complete and permanent disability. Maltreatments that are done within families with women after marriage, damage their rights and human dignity and have gross and unfavourable consequences for women including handicap, disability of body limbs, mental illness, losing aplomb, different types of melancholia and depression, and others. Violence, violating and breach of women's human dignity also cause prostration and inability in their social life. Mental and psychological troubles and disorders due to domestic and family violence cause women to be inefficient in family management, reduction in development opportunities in working environment, running away from taking part in social activities and losing stimulus and mobility in their work .

Comparing the variable of literacy and encountering of women with physical types of violence it is seen that there is a clear link between these two. According to that, 66% of illiterate women, 55% of women with little literacy, and 34% of literate women have been experiencing physical violence. Although, 34% is a very high percentage for literate women who have been facing physical violence, but taking into account a very high percentage of illiterate women (66%) facing physical violence, one can conclude that literacy and education is very important as one of the biggest gifts and talents of Almighty Allah for resisting physical violence. Thus, literacy and education can be considered an important factor in decreasing violence against women.

In addition, 59.4% of interviewed women have mentioned that they become the victims of insult, disdain, and other types of verbal maltreatments that are imposed on women in the form of critics, abuse, scorn, swear, quip, and continuously threatening to divorce and re-marriage.

Polygamy:

Polygamy can pave the way for domestic and family violence. Since the majority of our people are not aware of the nature and essence of polygamy and they often are remarried for competition with others or making innovations in their marital life, polygamy, by far, paves the way for domestic and family violence by men not only with women but also with the children who belong to these women.

Polygamy is one of the important and controversial issues in the laws of Islamic countries in terms of family in particular in terms of women's rights. Therefore, this issue has been mentioned in holy Quran and in the laws of Islamic countries under very strict and even impossible conditions in order that limitations and conditions are indicted on this right of men and in addition to that, injustice is prevented in personal life of Muslims²⁵.

Behaviour of husbands in multiple marriages (polygamy) is often against Civil Law of the country and is in contradiction with the provisions of Islamic Sharia. The principle of justice that is one of the basis requirements of polygamy is practically violated in this type of marriage.

Husband discriminates between his wives in the area of provision of alimony that includes clothing, accommodation, food, medicine, and other necessities or he is not able to tackle with all these issues.

Totally, 27.5% of women who have been interviewed in this report have been living under the conditions of polygamy. Out of this, 24.7% have been first wives, 57.1% have been as second wives, and 18.2% have been third wives.

It is worth mentioning that out of those women who have deliberately agreed with multiple marriages, more than 82% of them have shown their consent to this type of marriage due to their poor life conditions. The results of research

²⁵ Research report of polygamy in Afghanistan, women and Children's Legal Research Foundation

show that different types of violence and injustice have been done against women who are living under the conditions of polygamy. In addition, this research shows that high percentage of women (82.6%) who have married with married men, were not aware of previous wives of their husbands.

Were you aware that your husbands have been married previously?

Details	Number	Percentage
Yes	98	17.0
No	476	82.6
No reply	2	0.3
Total	576	100.0
100.0	576	Total

Ensuring justice is one of basic preconditions for legitimacy of multiple marriages of men; however, no scale has been defined for measuring and monitoring multiple marriages in laws of the country. Nevertheless, our research figures it out that the way of behaviour of a husband with his multiple wives is full of discrimination and injustice. At least, 88.5% of the interviewees who have been living under the conditions of polygamy with other wives of their husbands have mentioned that the behaviour of their husbands has not been the same and fair with their all wives.

In the theme of polygamy, the issue of paying alimony is raised very often. Since men are affected by social traditions and behaviours and, on the other hand, they do not give importance to women's rights including their right of alimony, therefore they get married very easily and with security and relief with second, third, and even fourth wives. While they are regardless on this respect and do not take responsibility in the issue of paying alimony to their wives.

That is why financial support and ensuring justice among wives are considered main and important requirements of subsequent marriages.

Third verse of Nisa Sura stipulates in this regard as follows:

Translation:” Marry two, three, and four wives whom you like most. But, if you are afraid that you will not be able to make justice among your wives, in this case marry only with one woman.²⁶”

In the present research report, out of the total respondents who have been living under the conditions of polygamy, around 86.5% of them have mentioned that their husbands have been discriminating between their wives in providing alimony and do not pay their expenditures equally. Not observing the principle of equality in providing alimony and making difference and discrimination between wives is tremendous injustice and considered encroachment of right and violence. However, providing alimony is a legal and Sharia obligation of the husband and he is obliged to pay alimony to his wife. Holy Quran in the chapter Al-Baqara stipulates in this regard as follows: Translation:” he in whose house a child has been born (father) is required to provide mother of his child with food and clothes appropriately and commensurate with his financial situation.²⁷”

Article 118 of Civil Law of Afghanistan in terms of alimony has the following stipulation:” alimony of a wife includes food, clothes, accommodation, and medical treatment according to financial status of her husband. ” Also, powers of a court in making husbands to provide alimony to their wives, have been included in article 119 of this law. This article stipulates as follows:” Whenever a husband refrains from providing alimony to his wife or it is proved that he has failed in providing alimony to his wife, in that case the competent court makes him obliged to paying alimony to his wife.”

Furthermore, paragraph two of article 86 of Civil Code of Afghanistan in terms of multiple marriages (polygamy) emphasizes on making justice among wives:” marrying multiple women can be done when there is no fear of injustice among wives.”

Women are not able to complain to courts for getting their rights and obliging their husbands for paying their wives and children’s alimony on multiple reasons such as illiteracy, fear of violence and its impacts on their future life.

²⁶ Holy Quran, chapter of Nisa, verse number three, Tafseere(interpretation)Kabuli

²⁷ Holy Quran, chapter of Divorce, verse 6, Tafseere Kabuli, volume 6

On the one hand, not paying of alimony by husbands has not legal punishment for them, unless relevant courts make husband obliged to paying alimony.

Summation and conclusion:

Violence within the family against women is a phenomenon that will not be limited to a specific geographic area. Family is an entity in which the severity, depth and extension of relations are more than any other location. Therefore, family can only be a safe and kind location when there is no turmoil and disorder. Violence is a factor that threatens safety and security of the families. Domestic violence or violence against women within the families are the most prevalent and epidemic type of violence. In general, domestic violence can be any type of physical, sexual, and psychological annoyance and inconvenience that not only jeopardizes commonsense, emotional and sentimental balance of women in the family, but also challenges the safety of society. The results of this part of research are provided as follows:

- Education level of women who have been victimized by domestic and family violence is lower and often classified as illiterate and those with little literacy rate. Women having job and employment are less vulnerable to violence than jobless and unemployed women are. Early and childhood marriages pave the way for violence against girls.
- The existence of indecent traditions and customs such as forced and early and childhood marriages in which parents marry their daughters without taking into account the consent and agreement of their daughters and before they reach their legal marriage age. Here, some of these traditions and customs are mentioned once again, on which most of marriages in Afghanistan are based and thus are considered foundations of family formation in Afghanistan:
 - Exchange of girls in which parties of marriage exchange their sisters, daughters, and other female relatives to each other and thus get married
 - Giving girls and women in *Baad* in which usually a girl or a

woman is given to one of the members of damaged family from the murderer's or aggressor's family for the purpose of settlement of disputes between two tribes and even between two families

- Polygamy as a result of which husbands are not able to treat equally and fairly with their wives and ensure justice among them properly. In addition, husbands hide the existence of their previous wives and keep their new wives unaware of this issue.
 - Taking a large amount of money under the name of dowry from the daughters' families causes creation of turmoil and distress in the future life of girls and is followed by continuous violence against women.
-
- Most of the women do not have appropriate level of education and thus are not aware of many of their basic rights such as choosing their upcoming husbands, having the right of dowry and alimony and other rights and, therefore, they do not try to get their legal and Sharia rights.
 - Unawareness of men of women's rights, misusing the provisions of holy religion of Islam against women also extended the scope of domestic and family violence.
 - Laws are aiming at strengthening order and stability in the society and have to regulate all dimensions of individual and social life; Violence against women has not been reflected properly in Afghan laws. Thus, there are no commensurate penalties in Afghan laws for violence committers.

Recommendations:

- Raising the awareness level of people and in particular women of their human rights;
- Undertaking efforts for approval of Law of Elimination of Violence against Women which has been drafted almost one year before by civil society organizations and still is in its finalization phase in the Ministry

of Justice;

- Strengthening access of people especially girls to education;
- Reflecting negative consequences of domestic and family violence through national and international media;
- Clarifying women's rights from the viewpoint of holy religion of Islam by clergymen;
- Establishment of safe houses for female victims of violence and protection their life;
- Promoting the culture of mutual respect in particular the culture of respecting women in the society

Part Two

Violence against female school students

Based on a research undertaken in the United States of America, 83% of schoolchildren studying in classes between 8 and 11 of public schools have experienced a kind of sexual harassment. Based on a report published in 2006 in terms of school female students in the country of Malawi, 50% of girls have mentioned that their teachers and schoolchildren on the way to schools have physically touched them. In addition, 40% of 77 million children who are not able to go to schools have been living in the areas under the conditions of conflict and war. In Afghanistan, burning of schools in particular burning of girls schools, threatening and insulting girls who go to schools is increasing day by day. At least, 172 violent cases against school female students have happened during the first six months of 2006²⁸.

Convention of children rights approved in 1989 is asking all countries who have signed this convention to protect children against violence. In spite of continuous efforts by international community and Afghan government to eliminate violence against children especially against girls, it is seen that violence against children is widespread within families, schools, and within the society.

According to article 19 of United Nation Convention on the Rights of the Child (UNCRC), violence against children includes any type of physical, psychological violence, harming children psychologically and physically, wounding, ignoring, misuse and exploiting them including their sexual exploitation. Government of Afghanistan has accepted Convention of Children Rights in 1994. Article 28 of this Convention stipulates that all member countries should:

²⁸ <http://www.amnesty.org/en/key-facts/violence-against-girls>

- Ensure the right of children's access to education along with enjoyment of modern facilities and providing them with equal education and learning opportunities.
- Take actions to encourage their regular attendance to schools and prevent their drop down from schools.

In addition, article 29 of this Convention says that, member countries agree that education for children will be provided for achieving the following objectives:

- a) Developing personality, physical and mental talents of the children to the extent possible;
- b) Strengthening the spirit of respecting human rights and principles included in the Universal Declaration of Human Rights;
- c) Strengthening the spirit of respecting family of children, children's cultural identification, respecting language and culture of child, respecting the culture of country in which the child is living and culture of country to which the child relates and civilization which possibly can be different from the civilization in which the child has grown up.
- d) Preparing children to live a responsible life in a free society; preparing children to live in an environment of peace, patience, gender equality, friendship among different ethnic groups, and different religions.
- e) Strengthening the mentality of respecting nature

In addition, paragraph one of article 19 of the Convention of Children Rights says as follows:

States signatories to the Convention should take all legal, administrative, social, and educational measures to protect children against physical and psychological violence, and sexual exploitation when the children are

supported by their parents or other legal supporters or are supported by other people.

As it is seen from the above-mentioned documents, the right of having access to education is one of the basis and important human rights that constitutes the basis and foundation of a safe and civilized society. Lack of access to education not only have negative impact on personal life, but also has negative and bad consequences for the society. Afghan government has nationally approved laws²⁹ to promote and implement educational strategy in the country that guarantees the right of having access to education for every Afghan citizen. In addition, based on the commitments of government of Afghanistan at the international level, the government³⁰ has accepted that it will provide all Afghans with education without discrimination and regardless of their sex, religion, and language. In this regard, making primary education compulsory and free, paying attention to education of vulnerable groups and minorities, making compulsory basic education and establishment of educational centers. Nevertheless, has the government implemented its commitments? Do students have access to educational centers? And can, in particular female students utilize educational facilities though these facilities are limited? The present research is trying to analyze these and find solutions for some other important questions such as types of violence female students have been facing with them.

Violence at schools is one of main problems of educational system of Afghanistan. Female students are continuously being faced with a series of serious problems within their families, communities, and at their schools. This violence includes making trouble on the way to their schools, fear, lack of security, and preventing them from going to schools by their parents. In addition to the above-mentioned cases, many female students have been facing with different types of serious problems that will have negative impacts on their educational process. These issues are discussed in details in the following.

²⁹ Constitution of Afghanistan, approved in 1382, articles 43,44, and 46

³⁰ Article 13 of International Convention of Economic and Social Rights, Convention of Elimination of All Forms of Discrimination against Women, article 10, Convention of Children Rights, article 28, Cairo Declaration, article 9

For collecting figures and information about the situation of female students in the schools around 561 girls have been interviewed who are studying in schools from grade seven to grade twelve. Around 53.4% of interviewed girls have been between 16 and 18 years and 35.9% of them have had the age of 11 to 15 years.

Accessing to schools, limited educational facilities and opportunities in schools:

Figures and information published by Ministry of Education show that 50% of school age children have not been enrolled in the schools. Remoteness of schools from residential areas, shortage of basic facilities such as school buildings of schools (currently only 25% of schools have their own buildings)³¹ for education is one of the basic problems that exists in educational system of Afghanistan.

Lack of proportion between number of primary, intermediate, and high schools:

One of the challenges and problems on the way to fair access of children to education is shortage of schools with higher classes. Continuation and regularity in ensuring the right of education does not exist in many parts of the country. This means that in many provinces of the country there are no high schools in comparison with middle schools and there are no middle schools in comparison with primary schools, which causes that a large number of children are not able to complete their schools against their will and wish. This issue has been reflected in this report as well. Around 15.4% of students have had no access to middle schools and 10.35% of students have had no access to high schools in their residential areas and villages. Even though, these percentages are not very high, but since these figures are generalized to cities such as Kabul, Badakhshan, Balkh, Parwan, and Nangrahar, therefore this is worrisome. Since these cities are considered biggest cities of country, then the situation of smaller cities and outskirts of cities might be worse than that. Around 30% of girls who have no access to high schools in their

³¹ Afghanistan National Strategic Plan for Education for 1385-1389

neighborhoods, and 95% of girls who have no access to middle schools, have mentioned that they have to leave, against their own will, their lessons and schools incomplete and sit at homes. Since early and childhood marriage is another threat for having access to education for girls in Afghanistan, research has shown that in many cases girls who are forced to marry in their childhood are not able to continue their schools. Deprivation of girls from study during their middle school and high school can make them marry early and in their childhood.

Distance from home to school: a big number of students who have been interviewed for this purpose, have been complaining from their limited access to schools. For example, 36.7% of girls have mentioned that it takes them 30minutes to one hour to get to their schools. Some others (2.5%) are obliged to spend more than one-hour time on the way to their schools. Biggest portion of these students (64.7%) travel this distance by feet and the remaining use vehicles such as cars or rickshaws. how remoteness of schools affects on the process of girls' education?

Remoteness of schools and long distances from homes to schools have negative impacts on the process of girls education in the present situation of Afghanistan in which lack of security is considered one of the biggest challenges for girls' education. Most of the respondents have mentioned that they are being faced with different types of violence on the way to their schools and this is the issue that will be analyzed later on in this report. Nevertheless, if the security and safety of students on the way to their schools is not ensured, female students of schools will not be able to use educational facilities on regular basis. In addition to that, remoteness of schools from homes and long distances cause that families of female students will not allow them to go to schools any more since remoteness of schools and unsecured ways can threaten the life of girls.

Security problems: currently security problems in Afghanistan are among the biggest concerns in the way of girls to having access to education. Problems that students can face with them in their way to schools also include abduction

and trafficking of girls. These abductions, in many cases, lead to sexual violence and even sexual aggression. For example, annual report of human rights submitted to parliament shows that some of female students in their way to schools have been abducted because of insecurity. One of the cases included in this report is presented as follows:

“A twenty-year old girl, who has been studying in tenth class of one of the schools in Herat province, was abducted in her way to school and the kidnapper intended to assault her sexually. Nevertheless, fortunately, the kidnapper was not able to succeed in his plan. The girl escaped from the kidnapper and then complained to district authorities and the victim and other girls who were accompanying her in their way to school recognized that person. But, since that person has been one of warlords in the region, therefore he was freed after he spent two nights in detention house. His case was not officially recorded and filed either.³² “

Findings of this report also tell that some of female students on the way to their schools are being faced with problems such as sexual violence. This issue will be discussed in details in the upcoming parts of the report.

Irregular attendance in schools: findings of this report show that some of the students do not attend their classes regularly. Around 25% of students, based on different reasons that will be analyzed later on in this report, do not go to their schools on regular basis.

Findings of the report show that 31.6% of female students are not able to attend their classes regularly due to family problems such as their engagement or marriage, or their parent do not allow them to go to schools, or burden of home chores. Nevertheless, structural impediments have the most negative impact on the process of girls' education. Structural impediments and bottlenecks such as lack of access to schools, lack or shortage of female teachers, lack of accompanying girls, and remoteness of schools are the main problems on the way of their access to education in Afghanistan. Findings of this report show that 37.6% of female students are not able to go to their

³² Annual report of Afghan Independent Human Rights Commission about the situation of human rights in Afghanistan during the year 2007

schools on regular basis due to these structural bottlenecks. Economic problems (7.7%) and security problems (7.7%) are among the other factors that negatively affect the regular attendance of female students to their schools. More and in-depth analysis of this issue tells about the defects of education system in the country. In comparison with improving security situation and removing security impediments, family and economic bottlenecks that entail long term and focused programs, structural impediments and bottlenecks can be easily removed and pave the way for a large number of girls to go to schools and continue their studies.

Appropriate facilities for education: in fact, the findings of this report show that some of schools in the country even lack basic and necessary facilities such as potable water, laboratories, and latrines and so on.

Around 10.5% of girls have mentioned that there are no latrines for them. High percentage of girls (66%) in schools in which there are no latrines, have said that latrines are located far away from the corridor of schools themselves and usually they are afraid of going there. Observations of our researchers also show that 88% of cases in which latrines have been seen, they are inappropriate locations and are not safe for girls from the viewpoint of safety requirements.

About 25% of students, who have been interviewed in this research, have said that there is no drinking water for them in their schools. Lack of health clinics in schools is a usual matter in the schools. Around 81% of school students have said that there are no clinics in their schools. Thus, if there is a need for a doctor or basic health services, the officials of schools need to advise parents of sick students, while many school students have been living in the areas that are located too far away from their schools. Also, lack of these basic facilities that can negatively impact on health of school students, many interviewees have mentioned that their schools lack learning facilities such libraries(58.1%), sports fields(49%), laboratories(52.9%). In fact, it has been told to 25% of female students that they are not permitted to become engaged in sports activities. Their parents may have not permitting girls to become

engaged in sports or school officials might have prohibited it. In addition, 59% of school students have no access to facilities such as cafeteria.

The above analysis gives an unpromising picture of schools and their very few facilities. For example, a school student who needs at least one hour walk to get his/her school, during hours in which s/he is at school, has no access to latrine, potable water or food or other eatables.

Reasons for success or failure:

The question for which very little research has been done so far is this that which kinds of impact daily problems of school students have on the process of their education. Do the above-mentioned problems affect the success of school students or not? These are the issues assessed in this report.

Reasons for success and failure of schools students

Reasons for success	No	Percentage
Care and guidance of parents	125	46.0%
Efforts and diligence in lessons	109	40.1%
Having access to female teachers	15	5.5%
Professionalism of school teachers	23	8.5%
Total	272	100%

Reasons for failure

Parents do not care and encourage their kids for lessons	10	5.8%
House chores	99	57.2%
They are harassed on the way to their schools	50	28.9%
The existence of male teachers in girls' schools	5	2.9%
Early engagements and marriages	9	5.2%
Total	173	100

The table above analyzes reasons for success or failure of school students. According to these findings, one of the most important reasons for success of school students has been parents' care and guidance. Effort and diligence in the lessons is the second motive for the success of school students in their exams and this can be mentioned as a good reason of family and family environment impact on the success of school students. This shows that family environment also has the most negative impact on the failure of school students. For example, while lack of care and encouragement of school students by their parents negatively affects 5.8% of school students, 57.2% of school students have mentioned that because of engaging in house chores they are not able to study and read their lessons. This refers to the role of family in creating appropriate environment and conditions and paving the way for them to study and read their lessons. After family impacts, the biggest reason for failure of school students and not taking part in reading lessons (28.9%) is making trouble and harassment of students on the way to their schools. Nevertheless, what form has this violence and what are its negative consequences, these are the issues that will be discussed in details in the following part.

Violence inside and on the way to schools:

Female school students have been facing different types of violence both in the schools and on the way to their schools. The following table shows the types of this violence.

violence inside schools and on the way to schools

Violence by teachers	No	Percentage
Beating of students by wooden stick	49	11.2%
Slapping	97	22.1%
Outing from classes	75	17.1%
Making students stand on tables	66	15.1%
Mistreating	86	19.6%

Confining students in one place	61	13.9%
Decreasing exams scores	4	0.9%
Total	438	100.0%
Sexual violence		
Physical close contact along with bad intention	24	37.5%
Sending immoral letters and cartoons	16	25.0%
Telling immoral and vulgar sexual jokes	9	14.1%
Staring at body limbs of girls	15	23.4%
Total	64	100%

Physical and psychological violence in schools: based on international survey done in many developing countries, between 20% and 65% of children have been facing physical and psychological violence or threatening to that during 30 days time and only 2.4% of children in the world are being protected by laws from all types of physical and psychological violence. Physical violence against school students is one of the most prevalent types of violence within schools. Slapping and severe cases of beating in schools all have had deep negative impacts on the process of memory of children.

The table above shows that slapping is the most prevalent type of violence by which schoolteachers want to punish their students. According to table above, even some of schoolteachers make their students stand on class tables, which is considered a kind of insult, and humility that negatively affects the spirit of school students. Outing from class and using bad and offensive words are among the other types of violence to which school students have been facing in their schools. Even though Ministry of Education has forbidden using body punishment in school by teachers, but in spite of that this is usual in most of schools in the country and a lot of teachers and school officials are still using physical and boy punishments. The question that why still school students are being punished physically in most of schools needs to be tackled. Ministry of Education has asked school officials to refrain physical punishment of school

students. But if other and alternative effective methods are not thought to school teachers, it can not be expected from school teachers or officials not to use physical punishment of their students and leave them unpunished, even though they have inappropriate and indecent behaviour and disobey their orders and rules and regulations of schools. Moreover, Ministry of Education has no regular curriculum and clear rules and regulations in this regard.

Sexual harassment and violence:

Sexual harassment includes any type of sexual action and care that is unwanted. This action can happen one time or can take place repeatedly in the form of unwanted action in order to attract sexual attention. Even though sexual harassment usually results from an unequal status and is done because of applying force and pressure (as relation between teacher and student, relation between boss and worker...). Some time it is possible that this action takes place among equal and peer persons such as boys and girls who have the same age. In addition, though the topic of this report is only girls, but in many cases, boys also can be victims of sexual harassment.

Around 30% of female students who have been interviewed have mentioned that they have been harassed in this or that way. Of course, in many cases these students have said that this harassment has been prevalent and continuous. In addition, the table above shows that female school students have been facing with different types of sexual violence and high percentage of this violence has taken place on the way out of schools. Body contact along with bad intention is one the most prevalent types of sexual violence about which interviewees have talked in this research. Other types of sexual violence are sending vulgar letters, telling immoral jokes and staring at body limbs of girls. Some of the students (4 girls) have mentioned that one of their male teachers in fact has been the cause of sexual violence against them. However, by referring to collected figures of this report, schools have been safer places for female students from the viewpoint of sexual harassments, but the existence of four cases of sexual harassment in schools can be considered a sign of danger.

Some of students who have been encountering these problems do not want to talk about it for their sensibility. Around 57% of students have complained to their parents, teachers, and school officials, while the rest have not been complaining to any one about this issue. What causes that students refrain from complaining about an important issue such as sexual harassment?

Some of these school students did not know that who complain to and some others did not want to complain for the fear they had. Nevertheless, it can be said that these students do not want that others be informed about sexual harassment they have been facing with, they want to keep the honour of their families, and avoid the backbiting of people.

In addition, Afghan society usually takes responsible girls and women for the violence they have been facing. For example, some families and others believe that this is the responsibility of girls and women to avoid these types of violence and if they face such types of violence, then they are guilty to some extent. Nevertheless, this different topic will not be covered by this report completely.

Students have mentioned they have been facing with a kind of sexual harassment. In addition, they have talked about the negative consequences of these types behaviours. Based on this, some of the students have avoided going to their schools regularly and thus they have been absent for a long time (15.4%). One of the other consequences of sexual harassment on the way to schools is that most of the parents (28.5%) have forbidden their daughters from going to schools. Lower learning quality of students (26.5%) and psychological disease resulting from sexual harassment and sexual troubles (28.5%) are other consequences of sexual harassment against students.

At the end, it can be concluded that female students are facing a series of problems both in the schools and outside and these problems negatively affect the process of their learning. For example, it can be understood from the findings of this section that violence on the way to schools causes that students avoid going to their schools or their parents prevent them from going to schools. These cases negatively affect scores of exams of students.

Conclusion:

The right of access to education is one of the basic human rights and all people, without discrimination including sexual discrimination should have access to it. Governments have to ensure, based on their national and international commitments in this regard, children of their countries have to have equal access to this right. Based on the findings of this report, though the quality and access to education is not satisfactory at whole, but fortunately organized and structural types of violence in terms of access of girls to education which is the result of governments' policies, have not been seen.

In spite of this, access of girls to education, taking into accounts the current cultural limitations and impediments in Afghanistan, is not an easy job. This report has not covered the issue of boys' access to education, but indicators included in this report show that girls are comparatively in difficult situation than boys are.

Girls due to the existence of harassment cases on the way to schools or some time within schools (4 cases according to this report) are not able to attend their schools so simply. Sexual harassment put girls under pressure psychologically and affects the process of their learning ability destructively. In addition, this disappoints students and thus they do not want to attend their classes regularly. However, few cases of sexual harassment in the schools have been reported, but attention has to be paid to these cases of sexual harassment.

On the other hand, girls, in case of facing with problems including sexual harassment, rarely have been able to complain to their families or school officials because many do not trust them and it is possible that they are considered culprits themselves. Not interfering and protecting girls in torrid cases such as sexual harassment by their families and schools can be dangerous for them.

Physical violence, insult, and humility are among the common cases that have been reported by female school students.

Lack of facilities and equipments such as laboratories, sports grounds, libraries and even latrines are among the prominent problems identified by this report.

Recommendations:

- Ministry of Education should try to solve schools structural problems such as accessing to schools, lack of female teachers, and shortage of learning facilities and pave the way for their education.
- Schools have not only limited facilities, but also do not have standard health facilities. Many schools have no latrines, drinking water and cafeteria. Ministry of Public Health and social organizations should take actions to solve these problems and provide schools with health facilities.
- Shortage of learning materials and lack of experienced and professional teachers can have negative impacts on the education development. Therefore, in order to solve these problems, educational workshops have to be held for capacity building of teachers.
- A standardized system of non-violent behaviour with students who disobey school rules and regulations has to be established for all schools. According to this, both school administrators and teachers should know that what to do when meet such students. Teachers have to be made aware that verbal and physical violence, insult and disdain can not be effective ways of treating disobedient students.
- Inclusion of concepts such as harms of violence, equality, respecting human rights, impact of violence on educational programs of schools and also educational programs of teachers training all over the country.
- Establishment of continuous monitoring and reporting systems for progress in the area of elimination of violence in schools and encouraging schools that have succeeded to decrease or eliminate violence
- Design and develop national action program for protecting children with respect to eliminating violence against children and design and implement practical strategic plans in this regard.

- Create and develop girls' protection committees in schools with the participation of female teachers, representatives of students' families and local elders.
- Implanting public awareness programs in terms of education of children by government so that parents are encouraged to send their children to schools. In addition, in case their children have been facing problems in their way to schools find constructive solutions for these problems and not prevent their children from going to schools.
- In order to prevent negative consequences of sexual harassment that threaten girls on the way to their schools and sometimes inside schools, awareness giving programs for families and also for establishing trust between parents and children should be designed and implemented so that girls would be able to share their problems with parents with full trust.
- Ensuring that schools have separate latrines for girls and boys and that latrines of girls' schools have to be safe and located in near distance from the main buildings of schools
- Building protecting structures such as fencing walls around schools of girls
- Establish mechanism for registration and listening complaints and ensuring that the principle of mutual trust and confidentiality is observed by school officials when tackling complaints
- Encouraging non-governmental and civil society organizations to help schools and eliminate violence in schools

Part Third

Violence against women in the field of accessing health facilities

“... throughout the world, fertility of women has been used deliberately or unconsciously as a tool of controlling them and limiting their selection and giving them a lower status than men in the society.³³”

The importance of women’s health can not be ignored for their own development and also for the development of their families. The issue of women’ health is affected by multiple social, cultural, and biological reasons that are inter-related to each other. In women’s access to health facilities, in addition to its quality, socio-economic developments, and way of life and status of women within the society are considered among the important factors. In fact, governments are obliged to remove social injustices in order to ensure women’s access to their right of having access to health facilities.

“The government is obliged to take necessary measures for keeping women’s safety so that access to health services including access to family planning related services is possible on the basis of observing the principle of equality between women and men.³⁴”

Goal number 5 of Millennium Development Goals for Afghanistan is this that Afghan government is committed for enhancement of maternal health; increase the number of midwives and skilled birth personnel in Afghanistan from 14.3% to 50% by 2020.

Accessing to health facilities and services is one of the basic human rights that have a direct link with some other human rights. In order to ensure access to the right of life, all other rights that have relations with this right, such as right

³³ From the speech of Dr. Nafees Sadiq, executive director of United Nations Fund for Population (UNFPA)

³⁴ Convention of Elimination of all forms of Discrimination against Women, article 12

of having access to food, right to education, safe environment, accommodation, appropriate employment conditions, protection against poverty and others have to be ensured. Until not all issues and rights related to health right are paid attention, ensuring the right of access to health services is impossible. Preventing access of humans to the above-mentioned rights undermines the ability of humans for enjoyment of having access to health services.

In addition, person who is not healthy, s/he is unable to take active and effective part in political, social, and economic life. For this reason, when governments violate one of these rights, this means that other rights are also violated while every one of these rights can be violated separately. For example, the right to health is directly linked with the right to foodstuffs. In sub-paragraph C³⁵, paragraph 2 of article 24 of Convention on the Rights of Child (CRC) and paragraph ³⁶2 of article 12 of Convention of Elimination of All forms of Discrimination Against Women (CEDAW), the right of accessing to foodstuffs has been taken into account as part of right to health for women and children. Therefore, in the time of discussing the right to health, the contents of the above-mentioned two international instruments have to be taken into account and analyzed.

Since accessing health services is a right, therefore creating impediments and problems on the way of accessing can be considered violence and transgression of ensuring one of the human rights in particular or collective violation of rights in general. In addition, if this prevention is done because of gender discrimination and as a result women are harmed comparatively more than others are or only women are damaged, this issue can be studied and analyzed as gender based violence in the field of accessing to health services. Extreme and incomparable poverty of women seriously jeopardizes their lower social status and their important role during pregnancy and childbirth and even

³⁵ **Fighting against diseases and malnutrition in the framework of basic health care using available technologies and by provision of nutrient food and safe drinking water taking into account the threats and risks resulting from environmental pollution**

³⁶ **Member countries, according to paragraph one of this article, will provide necessary services during pregnancy, in the time childbirth and after childbirth. If necessary, they will be provided with free health services and they will benefit necessary nutrition during their pregnancy and in the time of feeding their children.**

it is possible to result in their death, which is mostly preventable. Preventing high mortality rate because of childbirth and their deprivation of fertility health is possible with little investment over related systems and thus it is possible to prevent possible death of many women and girls who lose their lives because of pregnancy and birth related diseases.

When the right of women to health and gender based violence in the field of their access to health services is mentioned, one of the important issues is women's reproductive rights, which is considered an important part in the issues related to gender based violence. Every individual woman has the right to reproductive health, which is, constitutes the basis and foundation for having healthy children, close family relations and happy family. Reproductive right means that every child who is born has to be according to parents' will and choice. Each birth has to be safe, every youth have to be safe from the negative impacts of HIV/AIDS, and each woman and girl should be treated with respect and dignity.

Nevertheless, reproductive health problems still are among the serious causes of women's mortality throughout the world who are in their reproductive age. Poor women and especially those who have been living in the developing countries are vulnerable unequally from the unwanted births, deaths and disability during childbirth, sexually transmitted diseases including HIV/AIDS, gender based violence and other problems linked with reproductive health and sexual relations.

The essential role of reproductive health in development is mostly acceptable. In the international forum held in 2005, world leaders agreed³⁷ to include access to reproductive right health in their national strategies for the implementation of Millennium Development Goals (MDGs).

Afghanistan is among the countries with the highest maternal mortality rate in the world. Women's access to health services is one of the basic challenges towards ensuring equal human rights based on gender. According to articles 52 and 54 of Constitution of Afghanistan, the government is committed, in multiple cases directly and indirectly, to provide Afghan citizens with the

³⁷ <http://www.unfpa.org/rh/index.htm>

same and equal health services and facilities and ensure child and mother's right to health³⁸.

According to the periodic report on the situation of human rights published by Afghanistan Independent Human Rights Commission, around 40%³⁹ of all basic health centres have been facing with the problem of shortage of female workers. Taking into account the present cultural sensitivities in Afghanistan, which prevents women access to male doctors, many women are being deprived of their right of having access to health services.

One of the Afghanistan Independent Human Rights Commission's reports on socio-economic situation published in the second quarter of 2008 shows that lack of access to safe drinking water is one of basic problems. Out of the total number of respondents of this report, 60.7% have no full access to safe drinking water, which can be one of impediments towards accessing to health services⁴⁰.

Overall, this part of the report has analyzed gender-based violence in the area of health in Afghanistan. Unavailability of health facilities as a whole, which can have specific consequences for women, special bottlenecks and impediments before women's access to health include family and domestic violence, customs and superstitious beliefs, shortage of female professional personnel in many parts of Afghanistan, health problems related to early and childhood marriages and consecutive childbirths.

Sampling and method of research:

For collecting facts in terms of women's access to health services in particular and reproductive health in general, 450 people have been interviewed and in

³⁸ "Government will provide all Afghans with free prevention and treatment of diseases and health facilities according to the provisions of law. Government will encourage and support establishment and extension of health services and medical centers according to the provisions of law." (Article 52 of Afghan Constitution)

"Family is the basic nucleus in each society and supported by the government. Government takes necessary measures, for the purpose of supporting family's physical and psychological safety in particular mother and child, educating children, and eliminating customs and traditions against the provisions of Islam." (article 54 of Afghan Constitution)

³⁹ Afghanistan Independent Human Rights Commission- quarterly report- situation of human rights in Afghanistan

⁴⁰ Afghanistan Independent Human Rights Commission- regional monitoring report on human rights- second quarter of 2008

the result, 200 questionnaires have been prepared in the field of reproductive health. It is worth mentioning that since the issue under coverage of this report is women and their access to health, therefore all interviews have been undertaken with women of different age groups. Questionnaires prepared in this part are composed of two parts of health and reproductive health. In this regard, 200 interviews have been made with women hospitalized in hospitals and officials of hospitals.

Age	No	Percentage
Up to 18 years old	62	%28.4
From 19 to 40 years old	198	%67.8
from 41 to 60 years old	10	%3.8
Total	250	100%
Monthly Income		
Up to 10,000Afs	66	%27.1
From 10001 to 20,000Afs	12	%6.5
From 20001 to 30,000Afs	10	%4.4
More than that	7	%3.4
I have no income	155	%58.1
Total	250	%100
Residential location		
Urban area	130	%56.5
Rural area	120	%43.5
Total	250	%100

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As it was mentioned before, around 200 women have been interviewed in the section of women's access to health services that have referred to hospitals. Social and economic attributes and characteristics have been shown in the table below, which reflect some of the generic characteristics (age, residence place, and monthly income) of the interviewees.

Out of those referred to hospitals and have taken part in this research, the biggest portion of women are in the age group between 19 and 40 years. Even though most of them were residents of urban areas, but few of them have had monthly income. Around 65.3% of these women have not had any income while monthly income of 28.2% of them has not exceeded 10,000Afs. This general information will be assessed along with other findings.

Access to health services:

Having access to health services is, as other basic human right such as right to education, right to employment, right to marriage, right to social participation, is a human rights and government is responsible to grantee those right for every citizens.

Government of Afghanistan has approved laws in order to ensure and protect this basic and fundamental right of its citizens. According to these laws, Afghan government is obliged to provide all its citizens with prevention and treatment instruments of diseases and free health facilities⁴¹. While delivery system of health services, in practice, has been facing problems in terms of its quality and quantity and health services are not delivered to all in all parts of the country on a balanced way. In this regard, women have been more vulnerable to virus diseases⁴², have limited access to health services in comparison with men for multiple reasons, and get less benefit from health services.

In our society, women are not able to have full access to health services on multiple reasons. These reasons can include remoteness of health facilities from their residence places, lower financial status of women for their economic dependence on men that results from their unpaid work within their

⁴¹ Constitution of Afghanistan, approved in 1382, article 52

⁴² Inequality in the field of health and women, www.farhangetowsee.com

families, shortage of female medical staff in clinics hospitals, and discriminatory behaviour of male staff towards them⁴³.

Overall, women for the reasons mentioned earlier and in particular, for not having financial resources for treatment and family limitations due to shortage of female medical staff in health centres are not able to refer to hospitals and other health canter. Around 35.8% of women interviewed have mentioned that they are not able to refer to health centres and hospitals for treatment because their families do not allow them to go there. While these figures have been received from big cities of the country and show that the situation might be worse in the remotest areas of the country in comparison with the areas from which the figures have been collected. Nevertheless, it has to be found out that what means are using those sick women for their recovery who have not been able to go to doctors and health canter for their treatment for many reasons. Most of these sick women refer to mulas, talisman, or other unprofessional physicians for their treatment. While 23.6% of respondents have emphasized that, they stay at their houses and do not go to any one to treat them. Due to lack of access of women especially pregnant women to health facilities who will need serious health care, and on the other hand, unhealthy births that are done in houses by unprofessional people, we are witnesses of highest maternal mortality and newborn infants' mortality in comparison with other WHO member countries. Based on report published in the Website of Kabul Medical University, out of every one thousand pregnant women, 64 women die during their pregnancy. This website quotes from BBC News bulletin: in Afghanistan 50 women die during their childbirth⁴⁴. Women, who are not able to have access to health services, often use narcotics such as opium, hashish, snuff, and other medications for their treatment. While using these methods for treatment is not only harmful, but also has other negative consequences that can lead to death of persons in some cases. As it is seen in the table below, out of total number of women who do not have access to health services, 19.6% of them are using local medications for their treatment.

⁴³ Economic and social rights in Afghanistan, second report, Sunbula 1386, Afghanistan Independent Human Rights Commission- page 33

⁴⁴ Health in human society is a right not an advantage

About 50% of these women have mentioned that they are using local medications (according to the advice of their friends) for their treatment without consulting with doctors. Other 31.4% use narcotics for their treatment. Use of narcotics for treatment causes addiction of women. Currently, 920,000 addicts to narcotics exist in Afghanistan out of which 120,000 are women⁴⁵. While using narcotics as medication not only does not cure them, but also causes other diseases for women. Although using narcotics can relieve aching in the short-term, this leads to other diseases and health problems. Importantly, using these narcotics leads to dependence of them on using these narcotics⁴⁶. According to the report published by Afghanistan Independent Human Rights Commission, 26.93% of women are using opium as medicine. Women are using narcotics for treatment of diseases such as asthma, toothache, coughing, skin sensitivities, bleedings, and other disorders and problems such as sterility⁴⁷.

Details	No	Percentage
Narcotics(opium, hashish, and snuff)	73	31.4
Herbal drugs	32	19.6
Drugs used without doctor's advice	95	50
Total	200	100.0

In cases when female patients have access to health services, they can use these facilities when their diseases are very severe and become chronic. Their family members in particular men pay attention to women's severe situation and took them to health centers for treatment in this time. Treatment of a disease that has reached its serious and fatal phase is too difficult than curing a disease that is just in its initial phase. Around 27.3% of women have mentioned that when their disease become severe and acute, then they are taken to doctors or health centers for treatment, while 22.1% of women have

⁴⁵ Effective factors related to addiction and consequences of addiction among Afghan women, report of Afghanistan Independent Human Rights Commission, page 4

⁴⁶ The same source, page 21

⁴⁷ The same source, page 18

said that they are only taken to doctors for treatment after their sickness become chronic and a long time passes for that.

Out of the total number of interviewed women, 48.9% of them have had access to health services. In terms of the type of their sickness, it is seen that 35.3% of women have had obstetric diseases and for that, they have referred to doctors, and 26.1% of women have referred to doctors for treatment and curing general diseases. In addition, there were bone diseases, and some other cases of fatal diseases for which women have been taken to doctors.

Care and behaviour of medical personnel with patients:

In health sector, what is more important is the behaviour and treatment of medical personnel with their patients. Patients need kindness, sympathy, and encouragement of medical personnel in addition to medicine and medical care. Good and appropriate behaviour of health personnel with patients has direct impact on their spirit and morale and helps them recover quickly. That is why in curriculum of the institutions of medical studies in addition to professional subjects, some other subjects such as medical ethics are also included and thought there so that after graduation from these institutions they will have good behaviour and treatment with their patients in health centers and hospitals. According to women interviewed in this report, health personnel have been apathetic and indifferent towards their patients and rarely do their duty as sympathetic doctors and nurses.

In the present research report, hospitalized patients have been interviewed in the hospitals of the country and they have been asked to express their views in terms of behaviour of medical personnel with their patients. Around 72.3% of the interviewed patients have talked about the indifferent behaviour of medical personnel with their patients. In fact, indifferent behaviour of health workers with their patients is very dangerous and is considered a kind of violence that is applied against patients by medical workers. In other part of the report, 31.9% of the respondents have mentioned that medical personnel have behaved them violently and treated them indifferently. In the result of

indifferent and harsh behaviour of medical personnel, patients are not able to have access necessary medical care. Patients evaluate the behaviour of government health workers indifferent and harsh when they laze in performing their relevant duty of caring their patients and in case they ask assistance, their request is faced with the harsh reaction of these health workers.

In this report, patients were asked about visits of doctors and nurses and injecting them regularly and other medical care, around 42.7% of the respondents have mentioned that medical personnel do not inject them on time. However, this case is the same in terms of all other categories of patients such as men and children, but this report covers just the problems of women in accessing health services. Harsh behaviour with female patients who have accessed these places after many problems can be considered violence.

The way of preparing medicine:

In providing general health care by the government, providing patients with necessary medicine is another responsibility for the government and especially poor patients have to be provided with medicine. Afghanistan as one of the poorest countries of the world needs international assistance in delivery of all types of social services to its citizen's .Afghanistan will need the assistance of international community for implementation of any kind of development programs. In addition to that, based on published recent figures around 53% of the population is under poverty line⁴⁸. it is natural that provision of medicine and other medical means is unbearable for the poor people and this requires the government, as supporter of the interests of the its people in the area of delivery of social services in particular health services, to pay attention to this issue and provide necessary facilities for the people in accessing health services.

Where do you get your medicine?

Places from where medicine is received	No	Percentage
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⁴⁸ Statistical yearbook of 1385, Mellinium Development Goals and Afghanistan National Development Strategy, page one

Hospitals	68	35.6
Private pharmacies	132	64.4
Total	188	98.4

As it is seen in the table above, 64.4% of the respondents mentioned that they have been purchasing their required medicine from private drugstores. Nevertheless, according to the evaluation of Central Statistics Office during 1385, 53% of the population of the country is living under poverty line. In addition, this percentage in reality might be lower than that. Being under poverty line means that they have minimum facilities for their living. While based on figures provided in this report, 65.3% of women have no income, therefore their access to necessary medicine that can ensure their health, is a challenging work. It is natural that women in our society, due to their family responsibilities and lack of access to health services, have been facing with a biggest challenge. Secondly, they do not get desirable result from their treatment because they are not able to pay their medical costs.

Type of diseases and the reason for not referring to health centers:

Out of the respondents, 26.8% were physically sick while 9.5% have had mental diseases and out of this, 17.3% were saying that the reasons for their sickness are family violence and heavy chores in their houses. In response to a question regarding when they become sick whether they refer to doctors or not, 36.8% of them have replied that, they do not refer to doctors when they become ill. In addition, 35.8% have mentioned that they are not able to refer to doctors because their families do not allow them to do so.

Do you refer to doctor when you become sick	No	Percentage
Yes	113	64.2
No	87	36.8

Total	200	100
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Part second: women's reproductive health:

Fertility health is among those human rights that has not been recognized and accepted in our national laws and other international instruments and other UN approved documents. This right is accepting and understanding all basic rights, independent and responsible decision-making of husband and wife about the number of children, space between births, having access to health services during pregnancies such as care in the time of pregnancy, on time vaccination and others. In addition, meeting women's special needs, social, family, and local protections and having access to education, employment, hygiene, consultations and quality services are considered rights of fertility time⁴⁹.

Currently, only 20% of Afghan women have access to health centers and every year 24,000 women die during childbirth. The above-mentioned figure shows the highest maternal mortality rate in the world. In addition, based on figures published by Ministry of Public Health, Afghanistan has the highest maternal mortality rate in Asia and occupies second place in the world in terms of maternal mortality. This means that out of every one hundred thousand live births, 1600 children die due to disorders of pregnancy and birth time. This figure is higher in mountainous and impassable provinces. Successive and without space births, lack of awareness in terms of women's pregnancy, and lack of necessary living facilities, early and childhood marriages, inattention to health of mothers, illiteracy, and shortage of health facilities in Afghanistan are among the important reasons behind this human disaster⁵⁰.

⁴⁹ www.hamshahrionline.ir/hamnanews/1382

⁵⁰ www.khawaran.com/sharifshaeq

In this part of the report, 250 women have been interviewed who have the following characteristics.

Age	Number	Percentage
Up to 18 years old	62	% 28.4
From 19 to 40 years old	198	% 67.8
Form 41 to 60 years old	10	% 3.8
Total	250	100%
Monthly Income		
up to 10,000Afs	66	% 27.1
From 10001 to 20,000 Afs	12	% 6.5
Form 20001 to 30,000 Afs	10	% 4.4
More than that	7	% 3.4
No income	155	% 58.1
Total	250	% 100
Residential place		
Urban areas	130	% 56.5
Rural areas	120	% 43.5
Total	250	% 100

Looking at the table above, 67.8% of respondents are between 19 and 40 years old. 56.5% of the respondents have been living in urban areas and 43.5%

others accommodate in the rural areas. 58.1% of these women have no income at all.

Having access to health centers:

Remoteness and long ways to reach hospitals and health centers and shortage of transportation vehicles to get to these health centers is one of the biggest challenges for pregnant women to get to these health centers. Based on the findings, 48.1% of women needed more than one hour time for getting to health centers. In addition, 27.7% of pregnant women needed more than three hour time to get these centers.

Time	No	Percentage
One hour	111	48.1
Two hours	36	15.6
Three hours	20	8.7
More than that	33	27.7
Total	200	100.0

Around 68.8% of the interviewees have said that they traverse this space by walking. It has to be taken into account that these figures relate to big cities of the country. In addition, if we compare present facilities of these cities with the current problems of other cities, it can be deducted that situation is worse in other parts of the country. Also, remoteness of health centres from residential areas has caused that pregnant women can not refer in specified time to health centres for medical check up, while based on the principles of fertility health, a pregnant woman has to refer to health centre for medical check-up once every fifteen days.

Abortion, its reasons, and space between births:

Around 57.9% of the respondents are those who have experienced abortion once or many times in their lifetime. When these women were asked about the reasons for abortion, they mentioned multiple reasons for that including beatings and doing heavy and difficult chores during their pregnancy period

and fear from domestic and family violence. Among those, the biggest reason that has mostly caused abortion is fear from violence and family violence. Around 68.9% of the respondents have said that they have experienced abortion because of fear from violence that exists within their families.

Space between births is an important issue to ensure women's health. Successive births is one of the main concerns in the area of ensuring women's health without paying attention to multiple problems and challenges that prevent women from having access to health facilities and taking into account figures provided in terms of poverty degree of women who have been interviewed.

Moreover, 60.1% of the interviewees have mentioned that space between their births is almost one year. Successive births, beside that early and childhood marriages are very common in Afghanistan, can have fatal health problems for women. Furthermore, this can also be dangerous for safety and life of the infants.

Conclusion:

Having access to health services is one of the basis rights of every Afghan citizen and the government is obliged to provide all Afghans with necessary health facilities in all parts of the country. Our people, in particular women, have little access to health services due to multiple reasons. These reasons include remoteness of health centres from residential areas, shortage of transportation vehicles, shortage of female medical staff, shortage of medicine in these centers, women's weak financial status, family, socio-cultural limitations, lack of awareness from the existence of mother and child protection centers and their performance. Because of lack of access to health services, sick women have been facing different types of challenges and problems for their recovery. Consequently, they resort to unscientific methods such as using herbal drugs and drugs without doctors' prescription and even narcotics that is not only harmful to their health, but also causes other diseases and finally leads to their death. Women that refer to health centers for treatment, they are facing with other types of problems such as indifference and harsh behaviour of health workers that is very troublesome. Women are

discriminated by male staff of health centers and thus not able to use properly existent facilities in health centers.

Recommendations:

- Extension of health centers to all parts of the country;
- Launching advocacy and propaganda programs for the purpose of awareness of women and men from social and health issues;
- Introducing medical methods for creation of space between births;
- Improving quality of delivery system of health services at the level of all health centers of the country;
- Holding training programs for health personnel(nurses and midwives) for training and learning of issue related to the ethics of medicine and attending patients;
- Employing female staff in health centers for the purpose of improving the system of delivery of health services for women;
- Increase of government budget for health sector in order to increase access of patients to drugs and other governmental health facilities;
- Evaluating and assessing work and activity of hospitals of the country including public and private hospitals during delivery of their health services on timely basis;
- Extending awareness giving programs to all parts of the country about the detriments of using drugs without doctors'

prescription and unprofessional treatment such as childbirth and abortion inside family and without observing hygiene;

- Establishing centers for supporting mother and child for the purpose of making women aware of the care during their pregnancy period;
- Enhancing public awareness for creating space between births;
- Enhancing public awareness in terms of benefits of having small families

Part Fourth

Violence in working environment

Introduction:

Joblessness and unemployment is one of the basic problems in today's world. Official statistics from different countries show that the figures of unemployment are increasing day by day. Women are the biggest chunk of the unemployed. Of course, joblessness of women is not only the result of their uncompetitiveness in the labour market, but also there are other reasons for their joblessness and unemployment in Afghanistan. These reasons can be family limitations, discrimination and gender prejudice, and responsibilities related to care of children and family. Women's work and their access to economy and economic resources can have dual benefits for both women themselves and their families and society. Employed women, by having income, will be able to meet their own and their children necessities. On the other hand, this will help boosting the economy of their families, strengthen welfare of the families and thus existence of families with good economy causes economic growth of society.

Engagement, marriage, pregnancy, and giving birth to child are different reasons for which a woman will not be able to work. In many cases, husbands and other family members expect employed women to do their house chores as women who are not working and sitting at their homes. Employed women will usually spend double time and energy than men for carrying out their dual responsibilities (their inside and out side house responsibility) and often have little opportunities for developing their capacities.

In Afghanistan, although laws of the country, fortunately, have not imposed specific employment limitations on women, but indirect reasons, which include family and society, have mostly limited employment opportunities and in addition to that job selection for women. In most provinces of the country, women are not working in higher government positions (except for Departments of Women's Affairs). Most of female graduates from different professions of universities in Afghanistan prefer to teach in the schools. Thus, the presence of women in other fields is limited.

The right of work has been enshrined in national and international instruments as follows:

In this regard, Constitution of the country has stipulated as follows:” work is the right of every Afghan. Fixing working hours, paid leave, rights of work and labour and other related affairs are regulated by the law.⁵¹”

Women should have the right to work in the offices of civil service and can work abreast and without discrimination in all public duties that have been created according to the provisions of law⁵².

Countries signatories to this convention recognize the right of work that include the right of every one who can have an opportunity to secure his/her livelihood through work that s/he chooses or accepts freely and will take necessary actions for maintaining this right⁵³.

Countries signatories to this convention recognize the right of every one for enjoyment of fair and good conditions of work:

Performances that in principle ensure the following affairs for all workers:

⁵¹ Constitution of Afghanistan, article 48

⁵² Treaty of women's political rights, approved in March 1953,article three

⁵³ International convention of economic, social, and cultural rights, article 6

Fair and equal wage for work with equal value and without any difference Guarantee for women that their working conditions should not be lower than men. Women will get equal wage with men for the same work⁵⁴.

Member countries will take all necessary actions to eliminate all forms of discrimination against women in the area of employment and will ensure similar rights for them on the principle of equality of rights between men and women⁵⁵.

Do employed women benefit from employment work protections in an environment free of violence? These and some other questions made us examine women's employment from the viewpoint of existence of violence or lack of it.

The issue, which has been discussed little in Afghanistan in particular in terms of women who are working outside their houses, is violence in working environment. In patriarchal environment of Afghanistan, women have little role in economic, social, and political spheres of life and women have been faced many problems by entering working environment. Insult and humility in working environment, having a mentality that woman have entered an environment dominated by men, and that women are not able to work as men are able to do, are the problems with which every woman has faced in Afghanistan in any of working periods who have been working outside their houses. Nevertheless, before discussing the problems and bottlenecks women have been facing with, we want to know what age these women have had, what has been their literacy rate and where they have been living.

Age	Number	Percentage
Up to 18 years old	18	7.7%
From 25 to 30 years old	164	69.8%
From 36 to 50 years old	45	19.1%
From 51 to 60 years old	8	3.4%

⁵⁴ The same document, article 7

⁵⁵ Convention of Elimination of all forms of Discrimination Against Women(CEDAW), article 11

Total	235	100%
Marital status		
Single	153	61.2%
Married	48	19.2%
Engaged	18	7.2%
Widowed	31	12.4%
Total	250	100%
Provinces		
Kabul	33	13%
Badakhshan	91	35.8%
Parwan	50	19.7%
Nangrahar	48	18.9%
Balkh	32	12.6%
Total	254	100%
Residential location		
City	191	79.6%
Village	49	20.4%
Total	240	100%

The table above shows that most of the employed women have been between 25 and 30 years old and have been single. Provinces except for Badakhshan province that has more respondents have equally divided the number of respondents. Nevertheless, as it was expected most of the respondents have been living in urban areas. Finding show that majority of the employed women are young who have generally new-comers to working environment and most of them are working in lower positions having lower ranks(for more information, refer to the relevant table in the attachment).also, these women mostly get lower salaries. The following table explains this issue in detail.

Monthly income	Number	Percentage
Up to 10,000 Afs	133	54.5%

From 10001 to 20,000 Afs	24	9.8%
From 20001 to 30,000Afs	48	19.7%
From 30001 to 40,000Afs	19	7.8%
More than that	20	8.2%
Total	244	100%
Literacy rate		
High school graduate	110	48.5%
Bachelor	79	34.8%
Master	20	8.8%
Doctorate	18	7.9%
Total	227	100%

However, literacy rate of women who have been interviewed in this research has been high and most of them have higher education. These findings are not wonderful. Particularly the respondents of this research have been from government and non-government organizations.

Around 62.4% of interviewed women are working in their present positions for economic reasons and only 37.6% of these women have been continuing their jobs based on their interest in the present job. Even though it can not be clearly determined that women who are working for their economic problems, are satisfied from their job, but it can be mentioned that continue work due to economic problems can cause women's tiredness. Nevertheless, what is certain is that other strong motivations to work outside house have rarely been mentioned.

However, employed women have been facing a series of problems and crudities in their working environment that are explained as follows:

Type of employment and discrimination in working environment:

Most of the interviewed women believe that their employment in their present jobs has taken place based on free competition. Based on the findings, around

74.2% of them have been recruited because of free competition, while 24.8% of them have mentioned that they have been recruited in their positions according to their previous relations and nepotism.

Discrimination and violence against employed women can be measured from the viewpoint of development and progress in working environment. For some employed women problems such as the existence of discrimination(four cases), lack of previous relations in these offices(21 cases), and refusing to bribe(3 cases) have caused that they are not promoted to higher positions and ranks although some of these women have been working in their present positions for more than three years.

Also, lack of previous relations in the government and non-government organizations (49 cases), discrimination against women (24 cases), and house chores (18 cases) cause that women are not able to work in higher positions which itself is the violation of rights of employed women. However, Afghan government is committed to increase women's participation in all government offices- including elected and appointed offices of civil service and gender mainstreaming is one of the five crosscutting issues of Afghanistan National Development Strategy (ANDS), but still based on the findings of this research, discrimination against women in the offices is clearly taking place. In addition to gender discrimination, employed women are complaining from the existence of corruption and believe that existence of corruption has impeded their progress and development.

Afghan government also has committed itself in Afghanistan Compact(approved in London in January 2006 by Afghan government and international community) to employ professional, educated, efficient and trusty Afghans in the offices of civil service based on their merit and abilities, but corruption is so widespread in Afghanistan and employed women have not been secured from this vice. In addition to these cases, employed women have been facing with other problems that are explained as follows:

Employed women:

For attracting women to work outside their houses in the government and non-government organizations not only working opportunities should be provided, but also they have to be provided with facilities in their working environment. For example, significant number of employed women will have the responsibility of taking care of their small children. In addition, in case they are not provided with facilities such as kindergartens and day care places for their children, they will not be able to continue their jobs successfully. About 34.7% of mothers who have participated in this research have Brest feeding children. Nevertheless, 70% of these mothers have mentioned that there are no kindergartens and day care centers for their children. Most of these mothers spend long hours in work. About 62% of these mothers have been working up to 35 hours in a week and other 18% of these mothers are working around 45 hours in one week outside their houses.(for more and detailed information, refer to the related attached table). In case, employed mothers spend more time outside their houses, then who will take care of their children? About 80.4% of employed women leave their small children at homes to other family members and thus are able to go to their work. Around 12.7% of these women recruit others to take care of their children in their absence and the remaining 5.9% of these mothers, leave their children alone at homes and there is no one to take care of them.

Nevertheless, mothers who work outside their houses in case of taking their maternity leave can have paid leave up to three months. Around 90.6% of the respondents who have taken part in this report have mentioned that women in their offices can take maternity paid leave. Some of the respondents have said that women in their offices (15.7%) have no concession and privilege. They have neither paid leave nor maternity leave. However, according to Labour and employment Laws in Afghanistan, women are entitled to have maternity leave, but they are not able to benefit this leave in some non-government organizations, while significant numbers of women have been working in Non-Government Organizations (NGOs). In case of not observing labor laws of the country in these organizations, employed women will face many problems.

In addition to that, employed women have been complaining from transportations problems.

Transportation facilities:

Around 49.8% of employed women, who took part in this research, have mentioned that they are not provided with transportation facilities. So, these women are obliged to use public transportation (67.7%), and private cars (12.1%) and some other transportation means. As it was previously mentioned, most of the employed women have lower salaries and, in the same time, they have to allocate part of these lower salaries to meet their transportation needs.

Capacity building:

Progress in work and career is directly linked with capacity building. If the capacity of employed women is not built and remains at the same level, most probably they are not able to make progress in their career and profession. Paving the way for women's progress is very important because men, unlike women, have more access to learning centers such as computer or English language learning centers. While women are not able due to their responsibilities inside houses or lack of permission of their families, to take part in training courses or use scholarships. Findings of this report show that 71.6% of women have been using private studies for their capacity building purposes.

However, for capacity building of civil servants, offices (85.2%) generally hold up to three rounds of training courses during one working year. Nevertheless, some of the respondents have mentioned that they have no access to such training courses, because their related organs (19 cases) have not introduced them or their offices do not have such facilities (46 cases). In addition to that, training courses, scholarships outside the country also are only available for some staff of these organizations. Around 14.9% of respondents have used such opportunities. But many of the employed women are not able to utilize these opportunities because the offices they have been working in, have no access to these facilities(64 cases), some others(14.9%) have no

permission of their families for this, and some others believe that scholarships are given only to people protected by nepotists. Preventing women from using scholarships by their families prevents building capacity of employed women and these women are not able to get to higher positions and progress in their careers.

In addition, existence of corruption causes that some of these women are deprived of getting scholarships. In this case and if scholarships are merit-based, those who get these scholarships will not be able to use them effectively. In the meantime, existence of corruption causes disappointment of other staff. While many employed women have no access to training courses or scholarships, 68.7% of these women are not able to use private training courses for building their capacities. Presented reasons for lack of access of employed women to private training courses is their weak economy (31.2%), inability due to family problems and lack of permission of their families (4.3%).

Therefore, it can be deduced that employed women have been facing with multiple bottlenecks for their promotion in their career. These bottlenecks are linked with other social problems such as corruption, patriarchy and structure society, which lacks facilities such as kindergartens for encouraging women to work. Nevertheless, the problems of employed women are ended here, but these women are faced with some other serious problems and crudities such as sexual violence.

Sexual harassment:

Sexual harassment is one of the main problems before employed women. Working environment, as it is understood from the findings of the research, is a sexual harassment free environment for women and these women have been facing with different types of sexual harassment. The table below presents these figures in details. The first column shows different cases of sexual harassment in which respondents have mentioned that other women have been

facing. Second column is about those women who have taken part in this research.

Types of violence and victims of violence

Type of sexual harassment	others (number)	The respondents (number)	Total number
Body close contact with bad intention	5	7	12
Sending vulgar letters and cartoons	0	3	3
Telling immoral and commonplace joke	1	0	1
Doing sexual gestures	3	2	5
Inviting to sexual intercourse	1	2	3
Staring at body limbs	5	4	9
Contacting and touching body	1	4	5
Singing sexual and harassing and ungraceful songs	0	1	1
Harassment and making trouble through mobile and other types of telephone	12	12	24
Total	28	35	63

Males who have been working with women in the same offices do most of the above-mentioned types of violence. As it is seen in the table above, making trouble through mobile and other types of phones is the one of the most prevalent types of violence which employed women have been facing with. The second most common type of violence against employed women is body contact with bad intention. Other types of violence along with their number of cases have been shown in the table above. Overall, employed women have been facing not only with impediments such as lack of transportation facilities, corruption, prevention them from taking part in programs of capacity building

by their families, economic problems and others, but also they have been facing bigger problems such as gender –based violence. While there are special rules and regulations in the government offices about how to deal with gender based violence in the offices or what is gender based violence and in case rules and regulations about gender based violence are not observed then what will be done with the violators. If there are such rules and regulations in the offices and all personnel are aware of these rules and regulations, then it can be said that violence against women in the offices will reduce.

Conclusion:

Women’s right to employment is one of the recognized rights and there have been long and sophisticated discussions in terms of this issue in the past. Presence of women out of their houses and in their working area has been very important for their economic impendence. Using this right will help women to have access to their other rights such as political, economic, and social participation. In addition to that, the more women take part in the employment as working force, the more this will cause strengthening their position within their families and society. But using this right for women has not been easy and simple. Based on the findings of this research, employed women have been encountering many challenges for starting their work and keeping their positions. Family limitations and women’s dual role inside and outside their houses require employed women to work more than men in order to be able to play their dual role. In addition, continuing women’s employment in different periods including engagement, marriage and becoming mother will be under threat.

Unfortunately, sexual harassment that is widespread in many parts of Afghanistan cause troubles for women in their working environment. Especially when office staff clearly have a role in this regard, create limitations for the work of women, and thus make them disappointed from working outside their houses.

In addition to that, women’s too much engagement causes that they will not have more opportunities for their capacity building. In this regard, family limitations play important role. Findings of this report show that women only

use their limited opportunities for their study at their homes. Nevertheless, they have not been able to use other opportunities including scholarships for building their capacities.

Recommendations:

- Government of Afghanistan should draft and approve transparent laws for eliminating gender-based violence in their working environment;
- Paving the way for women's capacity building, with taking into account the special needs of women that have been discussed in this report so that women will be able to promote in their career;
- To fight against corruption and in this regard the government should act according to its commitments for merit-based employment in the government offices;
- Kindergartens and day care places for children should be established for employed women in their working places;
- Laws of the country should be observed in terms of maternity or sick leave by all government and non-government organizations; and
- Transportation facilities for women should be provided by their recruiting organizations

Part Fifth

General Summation

Where there boys are preferred to girls from economic and cultural point of view, misusing medical facilities, resources put the life of girls to threat even before their birth, and they have been facing with violence in a way. One of the important issues in their childhood and youth period is their access to education. Except for some cases, girls' right to education is violated and they are discriminated in many cases. When they are adolescent, they have been facing serious threats and dangers such as misuse, exploitation, and violence and shortage of awareness in terms of reproductive health and sexually-transmitted diseases such as HIV/AIDS. Common dangers of this period for girls are early and childhood marriages and giving birth to children in early age that can put the life and safety of girls to threat. Women's adolescence

period and giving birth to children is also one of the challenging and difficult periods for them especially under poverty and inequality conditions. It is estimated that annually more than one and half million women- approximately one woman in one minute- die because of pregnancy and birth related problems. Out of them, 99% belongs to developing countries⁵⁶. Most of these lives can be saved by ensuring their access to health services and facilities. In addition, it is possible that older women are discriminated and violated for their old age and being women. Thus, it is seen that women have been facing with different types of violence before their birth and during their lifetime in different periods. Findings of the present report also show, after analyzing some of their problems, that women have been facing with multiple challenges in the field of education, family (especially for formation of family), health, and employment. Lack of supportive and preventive laws, limited awareness of women in terms of their rights, poverty and lack of equal access of women to facilities and resources, women's severe vulnerability before different types of diseases including fertility related health and sexually transmitted diseases cause women face many problems in their personal and social life. Moreover, they constitute examples of continuous violence against women.

Gender equality and high interests of child are two important elements that move parallel with each other. Thus, gender equality has dual benefit for women and child both. Healthy, educated, and empowered mothers can rear healthy, educated, and self-reliant boys and girls. Thus, eliminating violence against women that helps their empowerment is not only beneficial for women, but also by doing this can ensure safety of children, families, and society⁵⁷.equal rights for women that ensure their future destiny and children should be tackled in three areas: family, work place, and politics. Gender equality is not a right, but it guarantees sustainable progress and development. Implementation of third goal of Millennium Development Goals (MDG3) - enhancing gender equality and women's empowerment- in addition will help that other Millennium Development Goals including poverty and hunger

⁵⁶ <http://www.globalissues.org/article/166/womensrights>, Women Work More Than Men But Are Paid Less

⁵⁷ UNICEF's 2007 report on state of the world's children

reduction, saving the life of children, developing reproductive health, ensuring universal education, fighting HIV/AIDS also will easily be implemented.

Therefore, fighting violence against women is a global effort and Afghanistan will need to take immediate actions to eliminate violence against women and combat with the above-mentioned global challenges in a better way.

History of the Foundation

Women and Children Legal Research Foundation as a research institution in the field of women and child rights was formed in 2002 in Kabul. The first incentives of the formation of Foundation were discussions taken place inside and out side Afghanistan about women and children. In these discussions, the customs and tradition were considered as the manifestation of infringement background from the women and child rights. In a war torn country mostly relying on tribal traditions of Afghanistan, a small number of people supported the grievance and suffering of women and children under the name of customs and traditions.

This issue impelled the founders of the Foundation to voluntarily undertake collection of some data and information to approve at first the existing of unhappy and catastrophic customs and traditions and then outline the duty and responsibility of different governmental organs and legal institutions which are involved in one way or another into this issue.

Actually, this institution were established to resist against the injustice and obstacles deserves attention and support in short and long terms perspective and closely related to women and children; prepare the means and pave the way for human rights champions to use them as valid documents and references for the identification of negative customs and traditions which can prevent women and children development.

The followings are some of the Foundation publication:

- Bad painful sedative in Afghanistan (Research)
- Women political participation in Afghanistan (Research)
- Impact of traditional practices on women in Afghanistan (Conference)
- A look into the way of children naming in Afghanistan (Research)
- Polygamy in Afghanistan (Research)
- Women economic independence in Afghanistan (Research)
- A glance on cases of running away from house in Afghanistan (Research)
- Access to right to identity and registration of births in Afghanistan (Research)
- Extravagant expenses in weddings (Research)
- Studying impact of proverbs against women in Afghanistan (Research)
- Legal and research magazine "Waqeyat" (reality)
- A Glance on Cases of Running away from House in Afghanistan
- Women's access to Justice (Problems and Challenges)
- Assessment on Human Trafficking and HIV / AIDS status in Afghanistan (Research Report)

