

# **One-day Workshop**

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## **How to Help the Women who are Subject to Violence?**

Coordinator: Legal Department of the Ministry of Women's Affairs

Sponsor: UNIFEM

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### Introduction

To mark the World Day to End Violence against Women, a one-day workshop titled "How to help women who are subject to violence?" was held at the conference hall of the Ministry of Women's Affairs on 25 November 2004.

### Participants

Around 30 high-ranking officials of different institutions like the Supreme Court, General Prosecution Office, Independent Human Rights Commission, Justice and Judicial Commission, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Interior Affairs, Ministry of Endowment and Islamic Affairs and the Ministry of Women's Affairs participated in the workshop.

The workshop started at 09:00 with the recitations of some verses of the Holy Koran.

Then, delivering the inaugural speech, Her Excellency Habiba Sorabi, minister of women's affairs welcomed the participants.

As part of her speech, she said: The women are subject to the harshest treatments. They are subject to the most severe violence in the villages and localities. If a woman kisses the forehead of his son in law, they will cut her ears. A 10-year-old girl is forcefully married to a 50-year-old man. As an example, a 10-year-old girl was the wife of a 50-year-old man. When her husband was murdered for an unknown reason, the girl was taken to the reformatory on charge of murdering her husband. Or, in another case, a woman was put to the stable when she did not accept to marry a man she did not like.

Pointing to the bitter realities of the society, the minister addressed the participants of the workshop and said: I expect all of you to help us restore the women's rights according to the holy Mohammedan religion and the country's constitution. We, women are not able to achieve our goals without your help and the assistance of the civil society. Only with your comprehensive support, we can seek practical solutions to restore the women's rights and take effective measures to eliminate violence.

Afterwards, Fawzia Amini, deputy of the Legal Department pointed to some cases of severe violence referred to the Department.

Then, the Legal Department reported on the cases filed with the Department.

Afterwards, Esteemed Mr Manawi, deputy of the Supreme Court, appreciating such gatherings held by the Ministry of Women's Affairs, said: Not only the women but also the men are subject to violence in our society. But, it is the case with women more, because the women have always been slaves of the men and subject to their violence. So, restoring the women's rights is the duty of every individual and institution, particularly those who know about the law and the Shariah. Though women's rights have turned more into a political issue, we should tackle it subjectively. In addition to being a political issue, it is a social and legal issue.

Esteemed Mr Manawi considered the prosecution offices as the only authority to tackle wrongdoings and injustice in the society. The prosecution office is duty-bound to investigate the crimes and bring the criminal to justice.

As a person in charge of the judicial administration, he said: Presently, some cases are being practically tackled. For example, a child is forced to marriage in return for house rent.

Or, when a case of separation [Woman's right to separate] because of under-age marriage is filed with the court, instead of issuing a verdict for separation, the civil court of Kabul and the Court of Appeal judges in favour of the husband. And, the high council of courts endorses the verdict of the court. So, you see even the courts are violating the rights of women.

Commenting on the permission and authority of father in marriage, he said: The permission and authority of father is good for daughters. If the father dies, the authority will be with the grandfather or the paternal uncle. But, if the girl reaches puberty and comes of legal age, she can reject the authority if she does not accept it.

Expressing his strong opposition to humiliating people in moral cases, deputy of the Supreme Court said: It is against the Shariah. The rights and interest of the people is trampled so. If a person is imprisoned on moral charges, it is a humiliation to his/her family. But, unfortunately hundreds of moral corruption cases have been sentimentally judged. Reviewing and amending the existing laws is the only way to protect people's honour.

He added: Parity between the couple at the time of marriage has been commanded by the religion. There should be kind of parity between men and women. There would be many problems in the married life if there is no parity. The conditions for marriage are only set forth by women. Some conditions should be set forth to prevent men from baselessly divorcing their wives.

The family problems that occur after marriage should be unofficially settled. Some other solutions should be sought if they are not settled unofficially. One way is reconciliation. God has not ordered to wrongdoing. As He says, God eliminated wrongdoing and killed the wrongdoers, so how does He like wrongdoing.

He added: Both the women and the men should not be done wrong. Practical solutions have been sought to prevent any wrongdoing to the women. If the husband of a woman dies, she should wait for four years before she asks for divorce. To settle the issue and prevent any responsibility of the woman in the future, the Jurisprudents have accepted that the woman should seek judgment of the law four years after the death in the war or for any other reason of her husband. And, the judges judge in absentia for divorce. But, if the woman does so without going to a court, the court shall not support her.

Since unawareness of the law can not be brought as an excuse, the women should be informed about their rights in such cases.

Commenting on the rights of the women in the holy religion of Islam, the deputy said: There are some explicit commands concerning women in issues like the dissemination of Islam, trade, war issues, etc. Hazrat Muhammad, peace be upon him, said: Hazrat Khadije and Hazrat Osman helped me to progress the religion. Also, Hazrat Ayesha was the commander of Jamal war.

Speaking about family issues, the deputy of the Supreme Court said: Giving some privileges to men is not an indication of their superiority, but they have been given them to assure the survival and stability of family life.

He said: The European women were deprived of their rights in the 18<sup>th</sup> century. And, Islam had recognized the women's rights 14 centuries ago, but there is unawareness about them. Men are still the authority at home. There is discrimination between sons and daughters. A fair struggle and peaceful approach is the only way to restore the fundamental rights of the women and guarantee the victory of the women. I express my full cooperation in this regard.

Afterwards, Dr Sorayya Sobhrang, deputy minister of women's affairs, asked his questions.

Question: Is it possible to make marriage and divorce registration books and put some conditions like dowry, divorce on the marriage documents.

Answer: If the right to divorce is given to the women, it will bring more harm to families. And, dowry and alimony are natural rights and are considered as marriage prerequisites.

Question: What is your idea about honour killings?

Answer: Honour killing is one of the serious problems of our society. Such killings are rooted in a feeling of honour and are mostly sentimental. The disciples of Hazrat

Muhammad, peace be upon him, asked him: What should a man do when he sees his wife with another man? Hazrat Muhammad replied: He should have some witnesses. They should bring a witness before the wife can be killed.

Najiba Hussayni, representative of the justice and judicial commission asked: What is the stance of the Supreme Court if an unfair verdict is issued in cases of marrying a girl to settle family or tribal disputes, exchange of girls, forced marriages, forcefully marrying widowed women?

Answer: I should say that marrying girls to settle family or tribal disputes and exchange of girls are both prohibited in Islam. A widowed woman has more freedoms and she can decide about herself. No one can force her to do anything. And, she should express her consent with clear words of mouth, not by silence. If the prosecutors identify any case of marrying girls to settle family or tribal disputes, exchange of girls or forced marriage, they should investigate and follow up the case carefully and exert severe punishments.

Then, delivering a speech, Ataorrahman Salim, deputy minister of endowment and Islamic affairs thanked the Ministry of Women's Affairs for its initiative of holding gatherings to eliminate violence.

He said the only problem of the women was their unawareness about their religious and legal rights. He said: Under the present circumstances, women should take cautious and vigilant steps lest they agitate the present social atmosphere. To restore the women's rights and eliminate any kind of violence against them, he suggested that a strong team that has fixed base and coordinated activities should be formed. He promised full cooperation to the Ministry of Women's Affairs to restore the women's rights through holding seminars, workshops and round-tables.

Afterwards, Zia Nurkhel, deputy of the General Prosecution Office, delivering a lecture, thanked the ministry for holding the workshop and said holding such workshops were very useful. As part of his speech, he mentioned the cases he had witnessed. He also spoke about the rights of women in Islam and Shariah and effects of courtship before marriage.

He pledged full cooperation and assistance to the Ministry of Women's Affairs to restore women's rights and eliminate violence. He considered investigating and following up the violence-related cases as duties of the General Prosecution Office. He supported the idea of the deputy minister of endowment and Islamic affairs to form a team. He asked the participants of the workshop to cooperate with the General Prosecution Office to identify and prosecute crimes.

Then, commenting on the subject matter of the workshop, Dr Firuzoddin Firuz, deputy minister of health, said: All of us should join hands to eliminate violence against women. The rate of health problems and death of mothers, particularly the pregnant women, is very high in our country. He considered different types of violence in different levels as the main causes of such a death rate.

He said: The women can not make decisions and wait for the opinion of the head of the family. They sometimes die because of their differences with the head of the family. It is kind of violence. And, mothers who go to hospitals die because of their poor and reckless treatment by the doctors. It is also kind of violence. He considered early age marriages, consecutive close deliveries, poverty and malnutrition as different kinds of violence that cause the death of mothers.

Then, Dr Sorayya Sobhrang, deputy minister of Women's Affairs, said: Since the victims of violence go to hospitals, the doctors should be trained and acquire necessary skills in this regard. The cases of violence should be registered in hospitals.

Then, Mr Mobarez, deputy minister of endowment and Islamic affairs, delivered a useful and precious lecture and made suggestions. He said: Today's workshop is held to find ways to eliminate violence. General cultural poverty of the society leads to violence. To fight the existing violence in the society, we should find and destroy the roots of cultural poverty. Also, formation of a comprehensive inter-ministerial commission is a good start to eliminate violence. The public information should be enhanced. Since the people are not duly informed, many problems occur. The people, particularly the women, can be informed about their rights through the radio and TV, mosques, religious places and publications. It will reduce violence. Beside the above-mentioned issues, the people should be informed about the rights of the husband. Some measures should be taken to inform the men that, according to Islamic and society, women are not properties of men, but men and women come to a union based on an agreement. Both have rights and obligations.

Mr Mobarez said the traditions of the society that are considered religious values are the main cause of violence. They are not part of the religion, but traditions.

The deputy minister of endowment and Islamic affairs made valuable remarks on the different religious sects in Afghanistan. He promised to the Ministry of Women's Affairs that he would fully cooperate and support the women according to the values of the holy religion of Islam.

Mr Ahmad Shah Mirdad, head of the violations unit of the Independent Human Rights Commission, also made his points. He described in detail about his activities.

He said: The Independent Human Rights Commission is a free and independent institution. It investigates the violations and submits the documented results of the investigation to the relevant authorities to bring the criminals to justice. To date, it has investigated violations in more than 28 provinces of the country. Children, women, prisoners, inmates and disabled people are the most vulnerable groups that are supported by the commission against violence. To date, the commission has managed to investigate 88 cases of violence including rape and forced marriages and have referred them to the justice and judicial authorities. And, 150 cases that were beyond the authority of the commission and should have ended in separation were referred to the family court.

Speaking about the prisons, detention centres and places where the freedoms of women are taken, Mr Mirdad pointed to a range of problems such as inappropriate prisons for women, lack of health clinics, bad living conditions, and budget deficiency of the department of prisons. He said: the reformatories, detention centres and prisons should be separated from each other. To do so, we need 352 separate places. He mentioned the problems existing in provinces of Parwan and Logar. The only problem is the legal cases that should be timely judged according to the interim criminal laws, but they are not.

In this regard, the deputy minister of women's affairs also said: I myself have visited the reformatory and the prison for women. The conditions in the reformatory are horrible. Some measures should be taken in this regard.

The prison for women was highly disciplined and there were no serious problems there.

The deputy also supported the idea that the convicts should be kept in separate places according to the type of their crimes.

Then, General Aziza said: From birth to death, the life of the women is consistently associated with violence. Children and women are still sold like animals in some provinces. Some merciless parents sell their young daughters to old men. The followings can be suggested as some ways out of such a situation:

- Improve economic situations.
- Inform the people, both men and women.
- Eliminate illiteracy in the country and inform public through the mosques, religious places, the mass media, publications, etc.
- Make nine years of education for women and girls.
- Form a strong and comprehensive commission that is fully equipped.

At the end of the workshop, the drafted resolution was read out by the deputy minister of women's affairs article by article and, making their comments and suggestions, the participants made the articles more complete and comprehensive.

The one-day workshop held to mark the World Day to Eliminate Violence against Women was concluded at 16:30 with a resolution that was read out by the deputy minister of women's affairs. She thanked the representatives of different institutions that participated in the workshop.