

# UNAMA

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### Transcript

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Georgette Gagnon, Human Rights Director, UNAMA,  
Selay Ghafar, Women rights and Human Rights Activist,  
Zia Mobalegh, Afghan Civil Society Forum,  
Nazifullah Salarzai, UNAMA National Spokesperson,**

**DSRSG, NICHOLAS HAYSOM:** Welcome to today's event. Today UNAMA is marking both the end of the global campaign of 16 Days of Activism Against Gender Violence. We are also marking International Human Rights Day and we do so with the release of human rights report *Still a Long Way to Go: Implementation of the Law on Elimination of Violence against Women in Afghanistan* and I trust that you all have a copy of the report with you. To show solidarity with Afghan women and support efforts to end violence against them we have invited two colleagues representing the Afghan Women's Network and the Afghan Civil Society Forum to join us this morning to share their experiences in addressing violence against women and the implementation of the EVAW Law. Welcome Selay Ghafar and Zia Mobalegh.

Enacted in August 2009, the Elimination of Violence against Women (EVAW) law criminalises child marriage, forced marriage, selling and buying women for the purpose or under the pretext of marriage, *ba'ad* (giving away a woman or girl to settle a dispute), forced self-immolation and 17 other acts of violence against women including rape and beating. It also specifies punishment for perpetrators.

Women and children, especially girls, have suffered disproportionately from the armed conflict making them particularly vulnerable to violence in all its forms including harmful practices. Just yesterday the acting head of the department of Women Affairs in Laghman province, Najia Seddiqi, was gunned down. It should be noted that the previous head of the Laghman department of women affairs was assassinated in July 2012, targeted specifically for her high profile advocacy on issues of violence against women and promoting human rights. UNAMA extends its condolences to the family of Najia Seddiqi and condemns such targeted killings of civilians.

Harmful practices and violence against women in Afghanistan have long prevented women from participating in public life and block their voices from being heard in decision-makings and political forums. Progress in implementing the EVAW Law can contribute to enabling women to play a meaningful and crucial role in the country's peace and reconciliation processes. The United Nations has repeatedly stressed the imperative of ensuring the full inclusion of women and their active and equal participation in all efforts to promote durable peace and security.

With these opening remarks, I would call upon Georgette to share with you a summary of the findings of the report.

**GEORGETTE GAGNON:** Good morning. The report which you should all have is based on more than 200 interviews with people, UNAMA's observation of numerous individual cases of violence against women and information received from police, prosecutors and judges from 22 provinces across Afghanistan for the period September 2011 to October 2012. The report found both positive advancement and continuing gaps in implementation of EAW Law by judges, police and prosecutors. Although prosecutors and courts were increasingly applying the law, in a growing number of reported incidents of violence against women, the overall use of the law remained low indicating there is still a long way to go for women and girls in Afghanistan to be protected from violence through this law.

We wanted to highlight two positive trends, first we saw an actual increase in reporting of incidents of violence against women to certain entities. We wanted to highlight that prosecutors and courts were registering more cases of violence against women and then convicting more perpetrators for such crimes. But it is important to note incidents of violence against women still remained largely under-reported due to cultural restraints, social norms and taboos, customary practices and religious beliefs, discrimination against women. Also prevailing insecurity and weak rule of law have further hampered women's access to formal justice institutions. Those incidents that reach law enforcement, that actually get to the court, or receive public attention due to their egregious nature represent only the tip of the iceberg of incidents of violence against women throughout the country.

As noted there has been an increase in incidents of violence against women reported to certain organizations such as the Afghanistan Independent Human Rights Commission and provincial departments of women's affairs. This increase in reporting is an encouraging sign that efforts of civil society organizations, the Government and international actors and the media, you all, have increased public awareness and sensitization to violence against women and its harmful and criminal consequences.

We also found that there has been an increase in registration of cases of violence against women by prosecutor offices and by city courts in these provinces where we got detailed information. City court registration was increased four times in this period compared to previous period that we reported on with also quite a large increase in cases registered by prosecutor offices in these provinces. In those cases that actually went to court, where there was a prosecution, we found that where prosecutor used the EAW Law, it usually resulted in a conviction.

This shows that in the small number of cases of violence against women that were investigated and prosecuted, use of the EAW Law was more likely to result in justice for the women.

To note that while prosecutors registered more reported incidents and city courts issued more convictions using the EAW law, when placed in the broader context of some 4,000 reported incidents of violence against women recorded by the Afghanistan Independent Human Rights Commission the actual number of cases resolved through the judicial process using the EAW law was very low.

The report also found that rather than following required legal judicial procedures in all cases police and prosecutors continued to refer numerous cases including serious crimes of violence

against women to Jirgas and Shuras for advice or resolution which often undermined implementation of the EVAW Law and reinforced harmful practices.

While advances in using the EVAW law are welcome, progress in addressing violence against women will be limited until the EVAW law is applied more widely so we are calling on the Afghan authorities to of course take much bigger steps to facilitate reporting of incidents of violence against women and actually open investigations and take on prosecutions.

Finally, we made in the report 29 recommendations to the government and its international partners urging them to ensure that protection of women's rights are an integral part of peace and reconciliation efforts and the country's political, economic and security strategies. Thank you.

**SELAY GHAFAR:** It was mentioned before that more than 4,000 cases have been registered with the Independent Human Rights Commission and also MOWA is saying that more than 3,500 cases are registered with them. It shows that every year the violence against women is increasing. What I want to say here that right now is that we can't mention the word or terminology of violence anymore because it is crime. It is crime against women and it is also highlighted very clearly in EVAW Law.

All these forms of violence are crimes against women and what is happening that we cannot anymore also mention these highlighted cases of violence against women or I don't know how long more many number of registered cases can we mention or give the statistics of violence against women.

We should remember that when violence is happening against women, when crime is happening against women, why the perpetrators are just walking free in the country? Why there is no punishment? Why they are not asking for all the crimes they are doing against women? I think this is the important point that we have to take care of and also when we are talking that after 11 years when the UN report is releasing or other reports show that violence against women is increasing. Eleven years back the international community we can say with the approval of the United Nations came to Afghanistan to bring democracy and liberate Afghan women. Why after 11 years again we are talking on the issue that violence against women is increasing and there is lack of implementation?

I don't know law or lack of human rights in the country because here the main point is not only lack of awareness of people or lack of awareness in the system or lack of implementation of the law. I think beside the lack of implementation of law is that we do not have commented people in the system. All perpetrators against women, especially violence against women, are present in the system starting from the Parliament to the down especially cases rape cases against children and women that has been registered with us most of them are local authorities and also national level authorities that are involved in all these crimes against women and they are still walking free in the country. Until we don't bring these perpetrators to justice we cannot talk and giving report or statistics on the women rights, violence against women or I don't know crimes against women.

We should take action after that because not only report helping anymore of the Afghan women and we are making responsible the Afghan government for all the crimes or for the violence against is happening women and making them accountable to take care or protection of women. Meanwhile the United Nations and International community is responsible for that. I mean we should ask three parties the UN, the international community and the Afghan government and

after that anymore the Afghan women will not be sitting or keeping silence for all these are happening. You are all responsible for protection of Afghan women. You come here to protect Afghan women and the Afghan people.

**ZIA MOBALEGH:** To answer the question why the justice is not accessible for the women I am raising a few points. One of the most important points here is the law concerning violence against women has particular parts which are preventing violent against women.

These provisions are very weak and do not require necessary requirements regarding each part of the government so, the government of Afghanistan should draft specific regulations and procedures to put into implementations this part of the law provide due time and due procedures for each concerning ministries. On the other parts, the Article 54 of the Constitution requires that the government of Afghanistan must protect the family to eliminate domestic violence.

The government of Afghanistan should ratify the family law as soon as possible and unfortunately as you see in the budget of 1392 there is no budget for women's empowerment. The budget is gender blind and there is no specific budget for the implementation of the NAPWA and empower of the women. This is despite the fact that there is 52 million Afghani for the supporting of the cricket teams. This means that the half of the community is neglected but the cricket team is much more important than half of the community.

As you know, Afghanistan was recorded the most corrupt country unfortunately this year and unfortunately this corruption can fail all of the efforts and the corruption in the justice system can facilitate the violence against women and this is very important that the supporting countries requires Afghanistan to consider their obligations under the Tokyo conference declaration and this is very important, thank you very much.

#### **Questions and Answers:**

**TOLO TV [translated from Dari]:** From Tolo, actually two questions. One question is addressed to UNAMA and one question is addressed to Ms Selay The question for UNAMA is that you mentioned in your introduction remarks that there is still a long way to go to implementing the EVAW Law. I'd like to know what those difficulties are. Is it the government of Afghanistan that doesn't have the political will to implement this law or is it the powerful people who stop the implementation of this law? And what will be your actions and what kind of suggestions will you give to the government side in order to enable the government to implement this law? And the question which is addressed to Ms Selay is that you mentioned in your remarks that behind all this violence is government officials and why do entities that work for human rights do not give the names of those people to the media so at least they can stop them from committing such violence against women?

**GEORGETTE GAGNON:** Thank you. Well everybody can always do more to address violence against women and every single person sitting in this room, every single government member, every member of the international community.

The report highlights a number of continuing problems with violence against women from the situation in communities related to harmful practices, to obstacles for women reporting violence against women, due to attitudes and other factors of police, judges and prosecutors which my colleague at the end of the table mentioned. Also, once cases get into court how are they dealt with. There may be questions there from the actions of the justice officials.

So I just want to reiterate that everybody can do more, from the highest level, the president, down to the people in the community, to tackle this situation together. Our report as I said lays out 29 recommendations mainly to the government of Afghanistan and the different ministries and justice institutions which have prime responsibility to take on this work and everything from issuing instructions to prosecutors, requiring them to open a case when a woman comes to them and reports a rape, not to take it off to the community-based mechanism. But I would just ask you to look at all those recommendations because I don't want to go through every one or we'll be here all morning. And, sorry, just let me finally say that civil society organizations and the Department of Women's Affairs and the media as we have noted have already played a very good positive role in highlighting the problem, the endemic problem, of violence against women and showing that these cases are coming into public attention and they are being addressed. Thank you.

**SELAY GHAFAR:** As to the list of those violators who may have witnessed or disclosed the names of those violators in various press conferences, in various meetings that we had recently in my last interview I had disclosed the names of two members of Parliament from Takhar who were involved in the rape of a child. So wish we could at least prevent those people from committing violence by disclosing their names but those guys have committed much more grave crimes and they will not be shy if their names are disclosed because the crimes that they have committed is much more graver than disclosing their names.

**FARDA TV:** Thank you very much. I am Hamid from Farda TV. My question is for the UNAMA office in Afghanistan. I have two questions. One question is as you say violence against women has been increased in Afghanistan and it was existed in the past eleven years here, so it's reported that maybe in the Istanbul meeting between Afghanistan and Pakistan also there is Turkey the Afghan government decided to hand some of the southern and eastern parts of Afghanistan to the hand of Taliban. So how is it a serious step for the United Nations in Afghanistan because as you know the violence against women is increased. And my second question is about the last week you know the Afghan cabinet has announced that it will dissolve the EEC and as you know that in place of security and also lack of distribution of electronic card or Taskira for Afghan people, how much the election will be transparent and fair and free regarding this and institute that remains in Afghanistan. Thank you very much.

**DSRSG, HAYSOM:** I don't want to deal with the details of how the actual election will be arranged. It's quite clear at this stage that a number of very important government bodies still have to take decisions including the IEC on how they intend to embark on the process of voter registration and how that will interact with the e-tazira scheme. But I can just reassure you that from the United Nation's perspective we are fully committed to assisting in what we call elections which should have integrity, in other words the arrangements should address the concerns and anxieties of Afghans that the election will be properly run. That they should be inclusive, which is to say that everybody throughout Afghanistan should have access to voting on polling day and that they should be sustainable which in our view means that the institutions that administer elections need to come out of the elections strong and robust institutions capable of conducting elections in the future not only of course in 2014.

We are committed to that and we're engaged in working with Afghan institutions to ensure that all of those elements are in place and also to promoting the engagement of the international community at least in financing these arrangements in the future. But I might just emphasize that as we see the elections come up we would want to emphasize that there's going to be a very very important role for domestic observation and monitoring and that is by Afghans themselves. And full access by Afghans to all aspects of the electoral process is probably the

most effective guarantee that the elections will be both transparent and fair at the end of the day. I'm afraid that I didn't catch your first question properly but I just want to emphasize that we do believe that women must be present and actively engaged in the peace processes to the extent that they are involved and should not just be subject to them and that's for the obvious reason that women are generally the victims of much of the armed conflict. They are also the ones who are, they represent such a significant portion of the Afghan population and thirdly just talking from my own country which went through its own civil war, that is South Africa, women played a very very important role in finding ways to negotiate a solution and so their presence at the table is important for all of those reasons.

**TV ONE [translated from Dari]:** The question is for Mr. Haysom and it's about the new peace road map which has been made by the government of Afghanistan and it was also shared with the Pakistani side when the HPC went to Pakistan and in this road map, this plan, there was some gaps that key government roles have been proposed for the Taliban and of course this will somehow boost the military powers of the Taliban as well as Taliban are violators of human rights. I would like to know whether the UN was ever involved in drafting such a plan?

**DSRSG, HAYSOM:** No, the plan which has been proposed by the High Peace Council, I don't think has been formally released to the public but we have brought ideas of what it contemplates. And I think what it contemplates is that all Afghans will be involved in finding a solution for Afghanistan, and that includes those that are outside of the country. But it also includes the full diversity of people inside of the country. And I think that for us in the United Nations we are on record as supporting all efforts towards an inclusive national dialogue for peace and prosperity in Afghanistan. Afghans themselves must decide in what way they are going to manage their common destinies. It's not something that can be done by foreigners, it has to be done by Afghans and I think that is what a High Peace Council plan contemplates, essentially a process that would see an inclusive national dialogue.

If I could just add one further element that we in the United Nations ourselves hoping to make, to support, and to make a contribution, a small contribution to the opening of that national dialogue by convening a track two event, track two meaning not a formal negotiating session but an opportunity for Afghans to talk with each other about their visions for the future and that opportunity we hope would include the full range of Afghanistan including those not in the country so that Afghans can begin to develop a national consensus. We are in the process of discussing with a full range of both civil society and political opinion in Kabul and beyond in Afghanistan about such an idea and I'm very pleased to report that there is very broad support for it.

**NAZIFULLAH SALARZAI:** The last question from New York Times. Please.

**NEW YORK TIMES:** This is a question for UNAMA. Can you tell us which jurisdictions have the most prosecutions and why you think those jurisdictions have had a more vigorous effort. Was it that there was a culture in the prosecutor's office that was more supportive of it or way it all the way up and down with the police structures as well?

**GEORGETTE GAGNON:** Generally speaking it was Kabul and Herat which is highlighted in the report as the places with the most cases registered and then actually taken through the process to conviction, likely because more incidents were reported into those two jurisdictions and we noted that there seemed to be sort of a more cohesive effort by the different actors in the system to take the case through, to actually do an investigation and then carry it through to

prosecution and conviction. So it just seemed to be better coordination between the players.  
Thank you.

**NAZIFULLAH SALARZAI:** If you have any other questions we are available after the end of the conference, but the DSRSG, Haysom has to leave now for another meeting.

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