



## **AFGHANISTAN: REFORMS NEEDED TO ENSURE JUSTICE FOR WOMEN VICTIMS OF VIOLENCE – UN REPORT**

**KABUL/GENEVA, 19 APRIL 2015** – Access to justice for women victims of violence in Afghanistan needs to be strengthened, a new UN report has urged. The report states that while there is a legal framework in place for such cases, there remain many factors hindering access to justice and redress for such women, in particular the lack of available civil remedies.

The report\* released by the UN Assistance Mission in Afghanistan (UNAMA) and the Office of the UN High Commissioner for Human Rights (OHCHR) identifies the factors that enable or hinder women's access to justice in cases involving violence. It documents the individual experience of 110 Afghan women victims of violence who sought justice through the judicial system and through non-judicial mechanisms, including mediation, across the country between August 2014 and February 2015.

The majority of the cases in the report were brought to mediation, a process to resolve a dispute through mutual agreement and reconciliation between parties, and only five per cent of the resolved cases resulted in criminal prosecution and sanctions against the perpetrators.

“The women interviewed said that they sought protection through mediation to address acts of violence against them,” said Ivan Šimonović, the UN Assistant Secretary-General for Human Rights. “But their experiences also show that mediation needs to be strengthened to make it more consistent and of a higher standard, and above all that its implementation should be closely monitored.”

Women's preference for mediation is influenced by several factors, such as perceived deficiencies in the criminal justice system, including allegations of corruption, abuse of power and lack of professionalism, as well as cultural and family pressure. Interviewed women also stressed the value of mediation as a swift means to have their case processed.

The report also found that the majority of women were largely concerned with obtaining redress of a civil nature, such as divorce, custody settlements or living in a safe environment rather than seeking criminal sanctions, fearing the negative economic and social consequences they might generate for them and their families.

The report notes that the existing legal framework and court adjudication process in Afghanistan provides limited options for women facing violence, with its focus on the imposition of criminal penalties on perpetrators and the absence of legal provisions available for obtaining restraint orders and civil remedies.

The report also highlights women's economic dependency and the weak legal protection of their property and other rights as key factors impeding survivors of violence from taking action against abusers. For example, a woman who complains to the authorities about violence and is forced to leave the marital home that is her husband's property often has nowhere to go.

"The insights and concerns that women have expressed through this report should help to better inform and influence policy and institutional reforms needed to protect them and improve their access to justice in Afghanistan," Šimonović said, during an official visit to Afghanistan.

The report recommends that the Government of Afghanistan adopt legal, institutional and policy reforms to better protect Afghan women facing violence. These include expanding the civil remedies available, strengthening the capacity of the criminal justice system to protect survivors, regulating mediation through common standards, and applying the 2009 Law on the Elimination of Violence against Women (the EVAW law). The report also suggests recruiting and training staff – both women and men – to treat survivors of violence with professionalism, dignity, sensitivity and respect.

"As demands for justice through mediation in Afghanistan increase, the Government should ensure mediation practices fully protect the rights of victims," said Nicholas Haysom, the Secretary-General's Special Representative for Afghanistan and head of the United Nations Assistance Mission in Afghanistan (UNAMA). "Mediation of violence against women cases require support and monitoring so they are guided by principles of consent, safety, impartiality and inclusivity."

He stressed that major crimes of violence against women must be prosecuted and adjudicated through the criminal justice process and not mediated, in accordance with Afghan laws and the country's international human rights obligations.

\*The full report titled "Justice through the Eyes of Afghan Women: Cases of Violence against Women Addressed through Mediation and Court Adjudication" is available on the UNAMA and OHCHR websites.

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