



Volume 2, April to June 2014

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Introduction:

Medica Afghanistan – Women’s Support Organization (MA-WSO) is a non-profit, non-governmental Afghan women’s organization working to eliminate violence against women. The organization was launched in 2002 by medica mondiale. Since 2010, the organization operates as a self-contained national organization, run by Afghan women for Afghan women.

The main focus of our work is to provide psycho-social counseling, legal aid and mediation services to women and girls who have survived domestic violence and conflict, including severe forms of abusive treatment and torture. In addition, MA combines direct services with advocacy at the social and political levels, using its experience and expertise in providing trauma-sensitive psychosocial, legal aid services.

Medica Afghanistan also carries out advocacy work to ensure progress in guaranteeing the rights of women in Afghanistan.

Summary:

In the past three months Medica Afghanistan-Women’s Support Organization continued to extend support for women and girls survivors of violence despite political and security uncertainty in the country due to presidential elections. At the MA Kabul office and provincial offices and centres, our lawyers, social workers, counsellors and psychologists assisted clients desperately in need of their professional services. In addition, we were actively involved in advocacy and proactively participated in networks, task forces, working groups, media interviews, and lobbying meetings to raise the voice of women and to ask people in power to bring substantial changes to legislation, government structures and public attitudes towards women. MA staff also provided specialized awareness-raising sessions to our legal aid and psychosocial services clients and to students of the literacy classes with the aim of increasing the level of knowledge of women and their families about their legal rights according to Afghanistan law and gender issues in the family and society. Though the effects of these sessions will not be obvious immediately, they can have positive effects in the ways families think about the status of women.

MA, as part of the women and civil society network and as part of the women’s movement in Afghanistan and around the world, strives to be continuously the voice of those women who do not have any voice.



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Here is a snapshot of our programs and achievements during the past 3 months:

1. Legal Aid and Social Protection

With a team of lawyers and social workers, the legal aid program of Medica Afghanistan operates in the cities of Kabul, Herat and Mazar-e-Sharif. MA lawyers provided legal support to women and girl victims of criminal offences through legal advice and through collaboration with prosecution services to indict alleged perpetrators. Also MA lawyers provided legal defence of women accused of crimes at all stages of proceedings (prosecution services' investigation, defence before district and appeal courts and the Supreme Court). At the same time, MA lawyers represented women who engaged in civil cases before family courts (divorce, child custody, alimony).

MA lawyers/mediators conducted mediation between couples or within families to solve issues at the request of the women involved. The MA legal aid department provided support of women in prison (restoration and development of links with their families, preparation of their release) and follow-up in criminal, civil and mediation cases.

During the three past months, Medica Afghanistan lawyers were able to deal with 349 cases, including 20 victims, 32 civil cases, 28 criminal cases, 35 mediations and 209 legal advice and legal offerings. MA social workers provided support to 25 women and girls. MA lawyers did strong advocacy with the Elimination of Violence Against women (EVAW) prosecution office. As result of their advocacy efforts, in 10 cases, the perpetrators were convicted based on article 23 and 21 of the EVAW law. Moreover, through providing powerful defences, we helped reduce the punishment of 14 convicted women. Out of 32 civil cases followed up by MA defence lawyers, 21 cases were resolved in favour of our clients.

MA social workers referred eight women to the Ministry of Women's Affairs (MoWA) to participate in capacity building training and to be referred to centres that provide employment opportunities. Six women who had mental health problems were referred to the psychosocial and health program of MA to receive psychosocial counselling and three cases of women who needed protection were referred to shelters. Moreover, MA social workers mediated between eight clients in criminal cases and their families, providing the ground for their safe re-integration into their families. Regular follow up was conducted to ensure women are not re-victimized after reintegration.

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2. Psychosocial and Health Program

With a team of psychologists and counsellors, the psychosocial and health program of Medica Afghanistan also operates in the cities of Kabul, Herat and Mazar-e-Sharif.

MA counsellors and psychologists equipped with specific skills to help traumatized women and women survivors of violence provided a range of psychosocial, mental health, awareness and referral services to women and girls at key locations throughout Kabul, such as women's shelters and prisons, the Juvenile Centre, Bagh-e-Zanana (Women's Garden), and other sites in Districts 5, 7, 11, and 13. Medica Afghanistan also maintains counselling centres in the main Herat hospital, and in Kabul at Rabia-e-Balkhi, Stomatology and Cure International Hospitals. At these centres, psychologists work jointly with Medica Afghanistan-trained medical staff to support female patients who suffer psychological and physical damage as a consequence of such traumatic experiences as battering, rape, mutilation, self-immolation, or adolescent pregnancy.

Medica Afghanistan's psychologists also provide short term counselling to bed-ridden patients during their hospitalization, especially those in the major surgical units and the burn units in Kabul and Herat, and they offer crisis intervention for clients and medical professionals if needed.



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One of the key results of our lawyers' activities is that most of these women better understand their basic rights. For example, one of our clients said: "If only I had known that a woman also has her own rights in the law and can access her rights and can raise her voice! If I had known, why would I have killed my husband? Instead of killing him, I could have gone to court and asked for my rights.

Because I didn't know my rights at that time, I killed him, and now I am in prison."

Statistics show that from April to July 2014, 352 women received individual and group counselling, and 54 highly traumatized women in Rabia Balkhi Hospital, Cure Hospital in Kabul and in Mazar and Herat Regional Hospitals received emergency and in patient counselling.

3. Advocacy for Women Rights

MA's advocacy work aims at complementing our direct services by political lobbying and awareness raising activities within society in order to bring positive change in legislation, policies and public attitudes towards improving the status of women and giving the same opportunities to women as to men.

MA exposes human rights violations through analysis of cases, and presents cases to the different women's networks and civil society groups.

MA uses different ways to mobilize society around human rights, gender and violence against women (VAW) issues throughout the country.

MA took many measures to influence public policies and law reform.





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Main achievements during the past three months:

Status of the Elimination of Violence against Women Law (EVAWP in 2014: Between Tolerance and Hostility

Enacted in August 2009, the Elimination of Violence against Women Law (EVAW) represented a landmark and immense progress in the adoption of legislation addressing violence against women in Afghanistan. For the first time the law has established a list of crimes against women, and it has provided specific sentences for their perpetrators.

During the four years that have followed the adoption of the law as a Presidential decree, the EVAW Law has constantly encountered obstacles and has been legally challenged by the legislation's detractors, including powerful lawmakers and decision-makers. Nevertheless, the law has gathered significant mobilization and resistance from its defenders, namely Afghan human rights and women's rights organizations.

MA Lawyers have applied the EVAW law in defending women survivors of violence since 2009. But since its approval in 2009, how much did the law actually affect the lives of women survivors of violence in Afghanistan? In order to monitor the implementation process of the EVAW law and its impact in the target areas and then to advocate based on reliable data, MA will continue to compile an annual analysis report on the implementation of the EVAW.

In April 2014 MA compiled a report to review the use of EVAW law from legal practitioners' point of view and to share recommendations for improvement of EVAW implementation to the benefit of female survivors of violence.

MA plans to launch the report at a conference that will include a wider audience of actors in the judiciary executive and legislative sectors and in human rights-based NGOs. The conference will be held in November if funding can be secured; otherwise, the report will be shared with relevant government and non-government stakeholders during a sixteen days of activism campaign.

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MA's participation in Technical Gender Working Group to integrate gender justice in national legislations

MA is a member of the Technical Gender Working Group (TGWG) which is a group of experts, both national and international, who are committed to promoting the development of a national legal framework which reflects gender equality and inclusiveness for all the citizens of Afghanistan within the context of Islam and international human rights standards.

Current members include, but are not limited to, Afghan Women's Network, Embassy of Canada, Embassy of the United States of America, EUPOL, GIZ, IDLO, JSSP, Medica Afghanistan, Open Society, Oxfam, RIWPS, UNAMA, UN Women, USAID, USIP, US State Department, and other independent experts from academia and civil society.

Addressing the reform of the Afghan Penal Code is a priority for the group, as is the reform of relevant Afghan civil laws, including family law. The formal penal code reform activities have been ongoing since March 2012.

The head of MA's advocacy department reviewed the Afghan penal code and listed the problematic articles that deny equal protection of the human rights of individuals. And the group was able to further analyse those articles and provide argumentation for the Ministry of Justice (MOJ) to amend the law accordingly.

The Criminal Penal Code was gazetted on May 5, 2014 and came into force on June 5, 2014. Most of the amendments made by the Ministry of Justice were based on advocacy efforts of this group. However, some articles remain unchanged like article 6, 9, 63 and 68 and require our further advocacy efforts.



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MA's efforts to enhance the quality and accessibility of social services for women affected by violence and women at risk

Social work is a very important profession, but it is not widely recognized in the Afghan context. In 2008, MA introduced a social work program under its legal framework in order to provide support for vulnerable women; however, the social work content was not recognized at that time as a field of study in Afghanistan.

Medica Afghanistan has contributed significantly to the development of the Social Care Work Training Framework that was coordinated by a Technical Working Group and funded by the EU over the past three years.

A bachelor's degree program for Social Work is currently being developed at university level, and the first course was offered in April 2014.

Our social workers have received further advanced training in government standards of social care from the Ministry of Labor and Social Affairs. Three MA staff members are certified by the Ministry as master trainers.

During the past three months Medica Afghanistan, in cooperation with the National Skill Development Program (NSDP) of MOLSAMD, trained 40 social workers who work with women in residential and community settings, in order to improve quality, accessible services for women at risk and women affected by violence.



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4. Capacity Building and Literacy Program:

In addition to direct services and advocacy, Medica Afghanistan also builds capacity in the fields of health, education, and law. It seeks to raise awareness of women's rights and to sensitize all those, regardless of gender, who deal with women at risk. For example, the organization offers advanced professional training to male and female lawyers, doctors, social workers, religious leaders, and police personnel on the multiple ramifications of violence against women.

We believe that education is one of the most significant means of empowering women and girls. We consider education necessary because it is an entry point to other opportunities. In fact, education is one of the most effective ways of increasing women's self-confidence skills, helping them to know their rights. The purpose of the literacy classes established by MA is to increase the level of basic education for targeted groups so that individuals can read and write and thus secure future employment. In addition, women who have suffered from mental health problems need to stay busy with a useful activity that gives them some way of building their self-esteem; this goal is easily achieved through the literacy classes.

Providentially, during the past three months, we were able to establish eight new literacy classes that include 190 new students. There are a total of 193 participants from all three provinces: 116 in Kabul, 40 in Mazar and 37 in Herat in various districts and villages where our literacy services are beneficial.

The literacy classes are taught four times a week by eight part-time teachers in different districts of Kabul, Herat and Mazar provinces. In addition to acquiring reading and writing skills, students learn about women's basic rights, legal issues, and health and life skills.





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The high enrolment of students in MA literacy classes is the result of our advocacy efforts and of responsible teachers in the districts who went door to door, hand-picked these girls, and convinced their families to let them join the classes. Families tend to be enthusiastic about the education of girls/women, but there are different obstacles like poverty (families are not able to pay for uniforms or stationary) and security (schools are long distances from homes and families are worried about harassment of girls in the way to school) which prevent women and girls from attaining an education. But by removing these obstacles through literacy classes, women and girls are able to begin to learn.

MA trained 50 representatives from Parliament and civil society organizations on the EVAW law

In May 2013, the Parliamentary Commission on Women's Affairs, Civil Society and Human Rights brought the EVAW Law to the Parliament with the objective of confirming the decree as a law. This decision led to violent reactions against the law and an inflamed debate concerning the amendment of sections of the law considered anti-Islamic. The law was submitted to 18 parliamentary committees so as to check its conformity with Sharia Law. Thus, a technical committee expert in civil law and Shariah, consisting of women and men was formed by the Afghan Women's Network (AFN) to analyse the problematical articles of EVAW law deemed anti-Islamic by some MPs. Medica Afghanistan had the lead role in this committee and analysed the articles with other members of the committee to safeguard women and children's rights.

After the completion of our analyses, MA, in cooperation with AWN, on June 5, 2014 trained 80 representatives from civil society organizations and Parliament on EVAW law from an Islamic perspective. MA's training particularly focused on the issue of polygamy practices.

Advocacy officer provided awareness to 40 women and girls who are MA's clients of Psycho Social and Health program in Women's Garden on registration of marriages ,advantages of registration of marriages ,consequences of not registering of marriages , the marriage certificate, and procedure of registration of marriages .Through this awareness women were sensitized and encouraged to register their marriages which is the main tool for accessing to their rights and prevent from any violation of their rights.



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Key challenges:

- Security limitations constrain our ability to follow up clients who live in remote districts and villages. As an alternative, MA strives to contact relevant clients by phone and to invite them to come to a mediation center for further consultation.
- MA lawyers must work with staff in the judicial system, especially judges who display prejudices and who discriminate against women. This is often the case when moral crimes are at issue, and sometimes a judge will play the role of public prosecutor, rather than listening to a woman's story. MA training programs are a way to lessen the discrimination women face from within the judicial community.
- Due to intense pressure from their family and community, some women withdraw from a case before it is complete. MA lawyers put lots of effort into defending women clients but if a woman does not want to continue, all the efforts of MA lawyers become useless.
- In the Herat Hospital Burn unit, women who burned themselves and are hospitalized in this unit come under pressure from their family to escape as the family members fear to be prosecuted by police. Every morning, the staff of the burn unit of the hospital counts the patients to know how many escaped "defaulter cases" there are.
- There are some women, especially in Mazar, but also in other provinces who suffer from serious mental health problems after they are released from prison. Their families will not accept them because they think the women are crazy. Shelters will not accept them because the facilities are not equipped to keep cases of mental illness. Although these women suffer from psychosocial problems as result of trauma and violence and could be treated through long-term counseling, due to the lack of professional psychologists in the country and unawareness of the importance of such problems, the women remain untreated.