

An Overview of Medica Afghanistan's Work April – June 2016

Helping Women and Girls to Access Justice

We extended our legal and mediation services to women and girls who were victims of sexual and other forms of gender based violence (SGBV) or sought legal solution to their domestic conflicts. The cases included but weren't limited to denial of alimony by husband, denial of marriage portion, break up of engagement, divorce, separation due to harm, separation due to absence of husband, ending marriage, child custody, decision about marriage due to domestic conflict and other such issues. A number of our other clients were either victims or accused of the following offences: moral crimes, murder, burglary, beating, kidnapping, adultery, attempt to adultery, smuggling, fraud and other similar crimes. Medica Afghanistan's defense lawyers offered legal awareness, legal advice and representation to clients in court, in Kabul, Herat and Mazar e Sharif. As a result, 23 civil cases were resolved in favor of our clients in all the three provinces. In criminal cases our six clients received reduced in prison term, two were released from investigation phase and 11 were released at subsequent court appearances.

In our legal awareness sessions, in civil cases, our defense lawyers help clients learn about their rights according to Islam, human rights charter, and relevant conventions that Afghanistan has ratified. Then the clients are made aware that they can choose to resolve their conflicts through [informal] mediation or court system. In less complex cases, the clients prefer mediation as it is culturally convenient for them and involves fewer resources compared to court. During the second quarter of this year our social workers offered mediation in 98 cases. In 64 cases parties reached an agreement; 17 cases are ongoing. In 19 victim cases Medica Afghanistan's defense lawyers worked with prosecutors. The final verdict was issued based on the EAW Law provisions.

Case Story:

**Tamana is 25 years old and a mother of two. She lives in Kabul. She was married at the age of 18. Tamana did some schooling. After marriage she says that she tried her best to fulfill her responsibilities at home. Her husband was an irresponsible person and alcoholic. When drunk he would brutally beat her. As the situation was becoming unbearable, she opened up to her brother about it. Her brother became outraged and decided to physically confront Tamana's husband. He killed him during their fight. Then he threw his body into a river. After 12 days the police recovered the body and laid criminal charges against her brother and Tamana. Her brother confessed that he killed the husband and that Tamana was not involved in it, but the investigators did not believe him. After the investigation Tamana was shifted to prison. Her husband's family denied her request to see her children; they believed Tamana was a murderer.*

Tamana had lost hope for a normal life again. When Medica Afghanistan's defense lawyer and social worker learned about her case, they visited Tamana in women's prison. They recorded the case and assured her that they will fight for her freedom.



Our defense lawyer studied the case and met with client's brother in prison to receive further details. The social worker collected the necessary information to help clarify the case; both the defense lawyer and social worker collected enough evidence to prove the innocence of the client.

With all the shortcomings at the investigation, the primary court – without any evidence against the client – issued Tamana 16 years of prison. Our defense lawyer advocated for the client. She went through the investigation documents several times in order to prove the client's innocence. Finally, she was able to find the gaps in the investigation by prosecutor. She used the gaps and evidence in the first meeting of

the appeal court. As a result, she could win Tamana's freedom; the court removed the charges against her on 31/05/2016.

During Tamana's detention, Medica Afghanistan's social worker met with her in-laws a number of times to convince them that the client was not involved in the murder; that it was important for the mother and the children to see each other. Her in-laws were convinced and took the children to see their mother in prison. Besides the legal and mediation support, our defense lawyer and social worker offered moral support to Tamana. Upon release Tamana visited our mediation center and thanked our social worker and defense lawyer for the comprehensive support, giving her back her freedom and reuniting her with her children.

* All clients' names have been changed.

Establishment of EAW Special Court:

As a result of our advocacy – which began prior to our national conference on EAW Law in November 2014 – the Supreme Court established the EAW special court in Kabul. Our advocacy and lobbying efforts mainly contributed to consideration of establishing EAW courts as a pilot project in four zones of Afghanistan. This is a positive step towards serving justice in cases of violence against women, as only those types of cases will be dealt with through the EAW court.

Shift of Women's Prison to *Pol e Charkhi*:

On April 4th the Ministry of Interior and Directorate of Prisons shifted women's prison from *Badam Bagh* prison, in Kabul to a location next to *Pol e Charkhi* prison. *Pol e Charkhi* prison – located in the east of capital Kabul – is the largest prison in Afghanistan for male prisoners. The process took a long time and caused a delay in our service provision to clients at the prison.

The new women's prison lacked the required facilities and the living condition of the prisoners was poor. They protested and it turned violent. This delayed our work further. Eventually, the security guards were able to calm the situation. We set up a counseling center in the prison where we provide psychosocial and legal services to women as usual and their living condition has improved as well.

Challenges Due to Split of Family Court into Two Zones:

Based on a letter by Supreme Court on 5 May 2016 the Family Court was divided into zone one and four; before it was one special Family Court. This change created the following challenges for our defense lawyers. There is no effective communication and coordination between the courts in two zones. Both hold sessions on an issue at the same time and it is not possible for our defense lawyers to be present at both sessions. When the government structure is changed, it must be planned in advance and alternatives must be put in place to reduce challenges. We should be informed beforehand so we can accommodate to those changes.

Offering Psychosocial Health Support to Survivors of SGBV

Medica Afghanistan's psychosocial counselors offered individual and group counseling to 440 women and girls in Kabul, Mazar and Herat. Of them 298 were discharged after recovery and 142 are receiving ongoing treatment. Our clients' psychosocial problems were due to enduring violence, poverty, trauma as a result of ongoing insecurity, terrorist attacks, harmful practices such as forced, child, *bad* and *badal* marriages. The clients complained from depression, stress, anxiety, suicide ideation, Obsessive Compulsive Disorder (OCD), grieving, uncontrolled emotions, aggressiveness, and sleeping disorders. During the counseling appointments, our psychosocial counselors established a trusting relationship with the clients, enabled them to connect with their personal resources. The counselors guided the clients on how to resolve their problems with their available resources, strengthen those resources, refine their personal values and recognize their feelings. The methods the counselors used were expressing feelings, stabilization, and motivation in order to empower the clients. In the group counseling, the clients met regularly to interact, discuss their problems, improve their soft communication skills and build their social capital.

Case Story: Teenage girl raped by 60 year old man

When *Anisa met with Medica Afghanistan's counselor, she suffered from depression, fear, anxiety, confusion and social withdrawal. She is 15 years old. In the first session she would cry but wouldn't share her experience. Her mother told the counselor that an old man, probably at his 60s raped Anisa and then asked to marry her. She (the mother) didn't accept and complained to police instead; the case is registered with the court.

The counselor worked with Anisa for several sessions. In the beginning, she would give short responses to counselors; avoid eye contact or expressing emotions. As the counselor continued working with her she learned how to reduce stress, and open up about her traumatic experience. The counselor helped her realize that it was not her fault and that she could still rebuild her life. She learnt about coping mechanisms. Now Anisa accepts her past. She says that it is painful every time she remembers the rape, but she commits to take care of her health. She says that she has gained self-esteem and belief in herself. She has committed to never marry her rapist, but fight for her right.

Training for Shelters' Staff



Our trainers delivered training for 60 staff of 14 women's shelters from across Afghanistan including Kabul, Herat and Mazar. We delivered the training in three groups of 20 participants, for 20 days. The topics included gender-based violence (GBV), consequences of violence, mediation techniques, stress management, secondary trauma and self-care. The training offered participants the knowledge on the methodology of shelter work and increased their information on gender-based violence and related concepts. [Danner](#) supported the logistics of the training.

Empowering Our Clients Through Literacy Education

In April 2016, Embassy of Finland, which is the donor of our literacy education project, visited our literacy classes in Mazar. We conduct four literacy classes in Mazar for the released and ongoing clients of our legal aid and psychosocial counseling programs, and other women's groups who have not had the chance to avail educational opportunities. We offer literacy, health education and information about women's Islamic and human rights. The Embassy of Finland briefly mentioned on their official [Facebook](#) page about their visit of our classes.

Currently, 240 students who were enrolled in our literacy classes in Kabul, Herat and Mazar in January and February 2016 are receiving lessons. They also have access to our legal aid and psychosocial services.

Advocacy and Awareness Raising for Women's Rights

Trip to Germany for Advocacy and Lobbying

Medica Afghanistan's team visited Germany in April 2016. We were invited by Berlin Center for the Treatment of Torture Victims (BZFO), a Berlin based organization dedicated to humanitarian assistance and psychosocial counseling to the victims of violence. This visit was marked by great achievements in advocacy for Afghan women rights. Medica Afghanistan's Executive Director, Humaira Ameer Rasuli met with Niels Annen, MP and spokesperson of the Social Democratic Party (SPD) on Foreign Affairs; Gabi Weber, MP and member of SPD. She also had a meeting with Kathrin Bauch, Desk Officer for Afghan Domestic Policy and Human Rights Issues at the German Foreign Office (AA) and met with other members of parliament and their staff.

In these meetings, Humaira spoke about gender specific dimensions of security, and current situation of women and girls in Afghanistan. She asserted that for sustainable peace and security we need an inclusive political solution to the conflict – which also takes into account the interests of women and girls.

“We need to promote good governance including respect for women’s rights. We need to create an environment that allows for people to earn a decent living and have access to basic services – such as health, education and employment. Otherwise even more Afghans are going to leave the country.” - Humaira Ameer Rasuli

She appealed to the German government to financially, technically and publically support the continued strengthening of Afghan civil society, especially women’s rights organizations.



Humaira also attended an interview with Sonja Ernst of the Amnesty Journal where she spoke about political situation in Afghanistan and the women’s movement. The interview will be published in coming weeks.

Medica Afghanistan’s team attended media interviews and spoke to communication department of [medica mondiale](#). They spoke about the situation in Afghanistan, women’s state and working for Afghan women in a challenging political and security situation.

Some of the interviews are listed below:

- [Humaira Rasuli, Director Medica Afghanistan: "Women are not silent anymore."](#)
- [“Women’s rights are part of peace. They simply belong together”, says Vida Faizi, Medica Afghanistan](#)
- [“Women’s rights are being used as an alibi during the peace talks,” says Saifora Paktiss from Medica Afghanistan](#)
- [“Women’s rights in our country have nothing to do with the presence or absence of the international military forces,” says Saifora Paktiss, Medica Afghanistan](#)

Recommendations for Afghanistan’s National Development Framework

On behalf of Medica Afghanistan, our Executive Director, Humaira Ameer Rasuli reviewed the draft National Development Framework (NDF) prepared by the government of Afghanistan for the Brussels conference planned for October. She shared the feedback with Agency Coordinating Body for Afghan Relief (ACBAR). Below are the points, which ACBAR presented at Afghan Women’s Network (AWN) meeting on behalf of the Afghan civil society to be shared with Ministry of Finance ahead of the Brussels conference:

- The monitoring role of civil society should be strengthened and included in the draft
- Ensuring security and fighting against the corruption should be considered in the prior section of ANDF
- To create enabling environment for CSO is important to include in the draft and focus in the Brussels conference
- To create an inclusive and cohesion monitoring mechanism to monitor aid effectiveness after the Brussels Conference
- To use the recommendations of CSOs which have been given in London and SOM conference in the ANDF draft
- The loss of youth and brains through migration from the country, illegal and legal, should be added in the challenges section written by MOF

Advocacy to Disapprove Bifurcation of the ERAW Decree and Incorporation into the Penal Code:

As part of the civil society we held a number of joint advocacy meetings to prevent ERAW Law from being incorporated into the parliamentary agenda for review and debate. Our first meeting with Mr. Ibrahimi, the chair of the lower house was not helpful, as he didn't support our position.

On July 27th the Civil Society Joint Advocacy Committee had a lobby meeting with the first lady, Rula Ghani. She said that the law must not be made be political, and it's important that the law must not be resent to the parliament. In the meeting we requested from first lady to discuss the issue with President Ashraf Ghani so he can influence the minister of Parliamentary Affairs to intervene and request the administrative board of parliament to not include the law in their agenda. She agreed to take this action.

On July 2nd as part of the civil society we held a meeting with Dr. Abdullah, the Executive Officer of the government and on July 4th we met with Fawzia Kofi, the chair of Women and Civil Society Committee in Parliament. She said that according to the internal regulation of the lower house each committee has only 20 days to provide input on any concerning issue. After that it has to pass to other committees. She added that the Women and Civil Society has already used its given time; there is pressure from the administrative board that the ERAW Law must pass around. The Legislative Committee has already showed interest in reviewing the law. However, she expressed that she was supportive of the ERAW Law and will stand by its side. Fawzia Kofi asked the group of lobbyists to send their demands in written to the lower house and continue lobbying with other committees as well.

On July 13th we released a [position paper](#) concerning the preservation of ERAW law in order to push for more action. We disseminated the paper among our civil society partners and donors. Civil society promptly reacted. In a joint meeting of civil society, MPs, senators and other senior government officials such as the Minister of Women's Affairs, a representative of First Lady's office committed to push for preservation of the law. We, as part of the civil society of Afghanistan continue to jointly advocate for protection of ERAW law as standalone legislation and to prevent its inclusion into the parliamentary agenda.

Participation in Kabul Symposium On Afghan Women's Empowerment and Their Role in Afghan Society

The symposium was held in coordination between First lady, Rula Ghani's office and Afghan Women's Network. It was to recap Oslo conference held in 2014 and collect recommendations of civil society for 2016 NATO summit in Warsaw which was held on 8-9 July.

Medica Afghanistan's Executive Director, Humaira Ameer Rasuli was a panelist in the symposium. She spoke about Afghan women's mental health and access to the necessary health services. She also contributed to development of a policy brief on [Afghan Women Empowerment in Security Sector](#). The symposium showed that our government is making slow, but gradual progress in recognizing its legal obligations to include women's voices in the future planning of the country.

The Warsaw summit focused on security and defense and Afghanistan was one of the discussion areas. The 2016 NATO summit's discussion on Afghanistan will also be included in Brussels conference to be held in October this year.

About Us

[Medica Afghanistan](#) is a non-for-profit Afghan women-led organization that strives to eliminate violence against women through the provision of psychosocial and health services, legal representation and advice, mediation, advocacy and awareness raising. We practice holistic approach in addressing our clients' needs and helping them lead normal lives. Further, we provide training on gender related topics to different social groups.

For more information about our services visit: www.medicafghanistan.org

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