

TABLE OF CONTENTS

Executive summary	2
Overview	3
Methodology	3
Observation	4
Case Study	6
Conclusion	7
Appendix	8

EXECUTIVE SUMMARY

According to a research conducted by UNIFEM, 80% of Afghan women have been married by force and 70% of Afghan girls were married under age 16. The higher statistical rate has been proved harmful by causing health, education and social complexities.

Medica mondiale believes that registration of marriage is a step toward elimination of However much have been done by Medica Mondiale to prevent child and force marriages but still there is a lot of problems seen.

While observing the Documentation Registration Centers we came to know that most of the couples who applied to register their marriages, they actually need this marriage contract for going abroad countries or they need for their offices for official purposes or they need this for abroad studies in women's vocational high schools.

Most of couples have married before and now they want to get marriage contract but they used to face some similar problems like their witnesses aren't present in this region or they can not be accessed easily.

As known corruption in government offices is a big problem in Afghanistan. In Documentation Registration Centers they request bribes from couples in the name of Shirini because of which a lot of people hesitate to consult these centers.

Meanwhile some people haven't afghan identity certificate they came from foreign countries and married in Afghanistan so when they want to get marriage certificate they need same documents which should confirm his/her afghan nationality.

In previous six months almost 1038 marriages registered in four courts of central Kabul which shows a very low statistic of registered marriages.

Medica mondiale broadcasted radio spots about registration of marriages in 16 days activisms of 2009 which was very effective. Judge Abdul Fatah said "Changes in amount of MR came while listening this spots from radio and Medica Mondiale should continue this way of raising awareness.

- Government should do some extra efforts against corruption.
- Mullahs should be encouraged to not conduct wedding ceremonies which are deemed illegal according to the law and Islam.
- There should be an article in the civil law of Afghanistan about the registration of marriages that obligate people to register their marriage.

OVERVIEW

As per Article 61 in the civil law of Afghanistan Nekah should be registered in official marriage contract by relevant Documentation Registration Center but unfortunately it remained in the frame of written law and was not implemented. Medica Mondiale will continue their activities to increase number of ROM and will defend the force and child marriages with cooperation of supreme court, MoWA and all civil society.

In September 2009, Medica Mondile organized two days training on the registration of marriage in which 36 Mullahs from various districts of Kabul participated. MOH. The trainees were told about their roles in increasing ROM and benefit of ROM. With cooperation of MoWA and Supreme Court raising awareness of civil people by broadcasting radio spots on radio Arman that have more audiences and distributing poster and brochures.

Objectives of observation of Document Registration Center:

- To find problems and challenges while processing of new registration of marriages and finding suggestions and opinions of judges for solving problems.
- To find changes in number of ROM, either increased or not?
- To write a case study about the practical procedures of registration of marriages in the court.(we take interview from couple)

METHODOLOGY

Open ended question interview were conducted with judges and couples. This survey was done by Advocacy and Women's right project with closely cooperation of Supreme Court from 28 February until 3 March 2010.

In some courts we could find two or three couples for interview but in some courts we couldn't find any couple.

OBSERVATION

In general, venue of courts is fine and the offices can be easily found by the consultants. In some courts due to crowded there was no proper place for women to wait.

Almost in all courts the process for registration of marriages was same just like they are using the unique national marriages contract, requests forms etc. There were some other problems which are as follows.

- Most of the couples who apply for ROM have Foreign Nationality/ documents or passport and they does not have National identify card “Tazkira” which confirm their afghan nationality.
Note: Due to not having National identity cards the Ministry of Interior needs to be involved.
- The couples married long ago and now they want to register their marriage but their witness aren’t accessible.
- Most of Afghans live in foreign countries and married with an Afghan girl in Afghanistan so their exact residence isn’t clear and as per the law, marriages should be registered in relevant courts.

While having meeting with the judges we asked few questions from them which are as follows.

Q. No 1: What is your opinion about the new process of registration of marriages?

Ans: Most of the judges answered that this is a simple and easy process in which couples can legal their marriages and understand their rights. Meanwhile if all couples register their marriages government can collect statistic of marriages and divorces easier. Previous Marriages contract had a lot of problems in spelling and there were different kind of contract of marriage now national marriages contract translated in English, Dari and Pashto.

A court Judge Mr. Ahmad said that we have a local gnome that “A person will not go to the lake until he/she will not feel thirst. Which means all the couples who comes for registration of marriages they actually need this contract for any mean.

Most of the new married couples who want to register their marriages. They normally have the following reasons.

Out of every 4 couples who came to court for RM, two couples want to go to foreign countries, one couple want to enter in vocational women’s high school and another one needs for office purposes.

Q. No 2: How the consultants will know about the process of registration of marriages.

Answer: A judge answered that after radio announcements about this process that the couples who married long ago can also get a contract in the name of “Zojiat Khat” so a lot of couples applied for RM and till now one court registered around 200 copies of (Zojiat Khat).

Number of registered marriages in central of Kabul

Place	Number of registered marriages from Sonbul-Hot
Court 1	271
Court 2	385
Court 3	269
Court 4	371

Team: Advocacy and women's right

Date : 1/03/2010

Title of Case study: registration of marriage (Fowzia & Habib)

Fowzia is 20 years old and Habib is 24 years old they live in Kabul. Two weeks ago they married together they were much happy with new life. Fowzia graduated from high school and Habib is studying in university.

The Mother of Habib is living in England and he wants to go to there with her wife so they need registration of marriage contract and now they want to register their marriage in Documentation Registration Center.

When the team of advocacy project interviewed with them and asked for the process of ROM and the problems they faced so Habib said:

" First of all I wrote an application for ROM then judge sign that , a staff of court gave me a questioner form we filled out the questioner after that we visit wakil Gozar and Wakil Nahi, they signed and verified our form.

Latter on, we came with that verified form and gave the court so they asked a copy of each our National identity cards. The judge confirmed that everything is correct and there isn't any obstacle in our marriage – He asked from Fowzia How much is your portion and are you agree with this marriage?- He introduced us to the Secretariat for further process. My father and my father in law were as a witness. They took our and their photos for record and took our and witnesses sings and oral agreement for confirmation of our marriages happened. After this process they gave us the Mariage Contract and told us to go to MOI for English translation.

Note: "This process was very easy but they want bribe from us on every stage as this problem is common in every governmental offices.

Fowzia and Habib's case is a typical case like other many couples who applied for MR in Afghanistan. Little salary is a cause of bribes in governmental offices. mma campaign was very effective, although most of the couples who do not go to foreign countries but married before also applied for MR.

CONCLUSION

As a conclusion of the observation done by the team, couples and judges have positive opinions and does not have many problems with this process of new marriage contract. Most of couples who applied for registration of marriage wanted to travel to other countries for which they need contract of marriage.

In addition campaigning was effective for people so some couples who have been married applied for registration of their marriages.

Most of couples does not have good economic situation and they are aware of the governmental offices that they used to ask bribe for any work so that they hesitate to consult this places until they are not really in need of this agreement.

During last six months, 1296 marriages were registered in four courts of central Kabul and in previous year six months, 979 marriages were registered in these courts so finally we can say that number of registration of marriages are increased but still needs to keep continue to raise the awareness of the people in this regard.

APPEXDIX

Questioner for observation of courts

1- What is your opinion about process of registration of marriage?

2- How many marriages have you registered during last 6 months?

Is it increase?

Yes

No

3- Do you have any problem with process of ROM?

If yes, which problem?

4- What do you suggest could be done to solve these problems?

5- How did couple know about the need to register their marriage?

6- What kinds of couple ask for register their marriages?

7- Do you have any more suggestions?