



Medica Afghanistan

27 /11/ 2017 Press release

Protection measures and victims of violence

Break silence, End violence

Medica Afghanistan – Women Support Organisation (MA-WSO) is a non-profit, non-governmental Afghan women's organisation working towards the elimination of violence against women. Medica Afghanistan provides direct psycho-social and legal counselling to female survivors of sexualised violence. It seeks to raise awareness on women's rights and sensitise all those who deal with women at risk, regardless of gender. To that end, it works on sensitising men to the key issues of gender-based violence and includes them in finding solutions. For example, the organisation 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. In short, Medica Afghanistan addresses the traumatic impact of all forms of violence against women upon survivors, families, institutions, and society. It promotes women's human rights by lobbying for change in structures and policies to produce a better quality of life for women and girls in a more equitable and peaceful Afghanistan.

Medica Afghanistan has its head office in Kabul and sub offices in Mazar-e-Sharif and Herat. Currently it has 98 staff members and 12 legal and psychosocial interns.

This year, MA has been working to ensure justice and quality assistance to victims of violence against women. Through a more survivor-centered approach to justice, we focused on obtaining compensation and protective measures for the victims, two things which are hugely undervalued in justice systems around the world today, but which are practical and critical for clients. -. To simplify the law, we have trained 30 lawyers and paralegals on this approach. We are pleased to say that we have been able successful and have obtained compensation and protection measures for numerous clients.

On this special day on elimination of violence against women, our call to action for our government, civil society and donors is to focus on witness and victim protection.

Why are protective measures important? Victim and witness Protection is closely linked to the function, operation and success of our criminal justice system. Ultimately, the success of any investigation and prosecution depends largely on the information provided by, and testimony of, victims. This makes the safety of victims a cornerstone of a successful criminal justice system. Without victim testimony, few crimes may be successfully prosecuted. The Prosecution also depends on reliable victims, whose testimony can be accepted as precise and complete. A victim's perception of his/her own safety will affect the quality of his/her testimony. To enable

victims to give high-quality evidence which is precise and complete, victims must feel that it is safe to do so.

The majority of countries now recognize the importance of victim protection and safety to the successful operation of the criminal justice system. Provision of protection, assistance and support measures to vulnerable persons are prioritized in order to facilitate their ability to participate in the criminal justice system and to enable them to testify safely. Police and prosecutors are tasked with the responsibility of assessing and identifying vulnerable persons to ensure that special consideration and measures are taken to enable their participation in the justice process.

In our beloved country, Afghanistan, fortunately, we have secured the rights of victims through Article 6 of the Criminal Procedure Code. Read with Articles 53 and 54, and in compliance with the provisions of the police law, the law now requires ensured safety for vulnerable victims and witnesses. We must now focus on putting our law to practice.

In most countries, when there is some risk of threat, officers are tasked to advise at risk persons on their own personal security. Some officers go the length of assisting at risk persons improve the security of their homes and help them access mobile phones or other emergency contact points through a network of community members and volunteers. When there is an ascertainable risk of threat and intimidation, higher measures are put in place including physical bodyguard protection, regular patrol, temporary relocation, and, escorting the witness to his/her place of education, work and to and from the police station, court and home.

Further, many countries have put in place specific procedures to ensure that the police, prosecutors and judges proactively evaluate the risk exposure of likely vulnerable persons. Early on, they hold private meetings with vulnerable persons and discuss which measures would ensure a person's physical and psychological security. It should be noted that such actions are very important and worthy of attention specially where it concerns victims or witnesses who young, elderly or who have psychological problems.

Victim protection and safety is fundamental to the criminal justice system. When vulnerable people are protected by the State, and when they feel safe, they will have confidence in the justice system and the rule of law. Without their confidence, they will resort to other justice mechanisms or take the law into their own hands. In our collective struggle for peace and justice in Afghanistan, to win the public's confidence in the justice system is a goal unparalleled by any other, which we have no choice but to strive for, for our country.

For this important day, we are calling on all relevant organs to implement the rights of vulnerable victims and witnesses and ensure that they are physically and psychologically secure. All state officials have a legal obligation to notify victims of these rights in accordance with the provisions of the law. We appeal to the State to cooperate and ensure all policemen, especially the post police, take their responsibilities diligently and see that protection for victims of violence is crucial for public order and safety. We also hope that we can open a conversation with the Ministry of Interior to expedite the process as some of the women we help urgently need police protection.

We are also calling on donors, women's rights advocates and civil society working to eradicate violence against women to inform victims of their legal rights and seek protection. Our lawyers are happy to assist and share our experiences to safeguard the rights of victims in cooperation with relevant organs of the State.

We hope that our Legal Memo on Protection of Victim and Witnesses attached herein, will help all those involved in the protection of women from violence, to navigate the laws and procedure for obtaining protection for vulnerable victims and witnesses.