

## Position Paper for the implementation of EVAW Law

16 November, 2014

Kabul- Afghanistan

The Elimination of Violence against Women law (EVAW) continues to be a crucial tool in seeking protection and justice for women affected by violence and for women human rights defenders. Since its enactment until today, this law faces a number of challenges and shortcomings. Medica Afghanistan's fundamental argument is that violence against women is a specific problem endemic in Afghanistan, and thus our country requires a specific strategy to successfully tackle this scourge. Therefore, our request to the Afghan government is that **provisions to prosecute acts of violence against women not be compromised** during the current process of criminal code consolidation.

Many groups and organizations seeking to achieve human rights goals have worked hard to overcome challenges and obstacles in their struggle to find justice for women. The Government is called upon to **harmonize the activities** of NGOs, relevant UN agencies and the international community. To this end, we welcome the news that the Ministry of Women's Affairs (MoWA) in collaboration with UN WOMEN is developing a concerted approach and strategy to eliminate violence against women (VAW) in Afghanistan.

### **Specific recommendations to support the implementation of the EVAW law:**

#### **To the Afghan Government:**

- To enable the national and provincial **EVAW Commissions** to coordinate all efforts to address VAW and fulfil their legally prescribed role mandated under the EVAW law. Request all Government bodies to collaborate and share information with these Commissions.
- To develop and implement detailed instructions for police and prosecutors outlining the limitations for mediation, methodology, criteria, minimum requirements and mechanisms **regulating mediation and follow-up of registered incidents of VAW.**
- To develop and put in place a national centralized comprehensive **computerized tracking system for VAW cases** which includes unified methods of categorization of EVAW law violations and streamlined data-gathering to involve all law enforcement and relevant agencies that monitor EVAW law implementation. Acknowledging the lack of infrastructure in some provinces, establish a centralized system immediately, with a clear plan to roll out the system to all provinces within a specified timeframe. Ensure that information on trends and statistics tracked through this mechanism is made public.
- To increase the number of **women police officers** in all provinces, especially in FRUs (Family Response Units) and CIDs (Criminal Investigation Departments). To train police on the

treatment of victims of violence, family dispute resolution, negotiating skills and psychological support.

- To fully implement and provide resources for the new **Female Police Integration Strategy** that is being developed by the Ministry of Interior. This will be a key element to address women's inclusion in the security sector.
- To establish an **attorney branch** with appropriate administrative support in all provinces to deal with cases of VAW. To provide tailor-made training programs to team members of these attorney offices who deal with VAW cases.
- To establish **specific courts** with committed and qualified staff respectful of women's rights to handle VAW cases in all provinces.
- To facilitate **shorter procedures for marriage registration** and to facilitate universal **access to marriage registration institutions**.
- To **inform** the general public, especially women, judiciary staff, and police **on the various types of violence** in accordance with the Elimination of Violation against Women Law.

#### **To the Civil Society:**

**Child marriages, forced marriages and exchange marriages as well as polygamy** are the major causes of violence against women in Afghanistan. To eliminate such types of marriages that are illegal and not in accordance with Islam, we consider **marriage registration** as the most effective tool. Partner organizations are strongly encouraged to pursue strategies to make marriage registration mandatory:

- To conduct **awareness raising** programs on marriage registration, its benefits and procedure as well as its impact on elimination of violation against women and to offer such programs to the general public, Mullahs, community leaders, provincial councils and judiciary staff members.
- To advocate for the **approval of reformed family law** and thus achieve mandatory marriage registration.

#### **To the International Community:**

- To continue their crucial **financial and advocacy support** for eliminating violence against women in Afghanistan.
- To support the Afghan Government and NGOs in implementing the EAW law according to commitments made under the **Tokyo Declaration** on gender equality, women's empowerment and EAW law implementation, and according to recommendations made by the **CEDAW Committee** to Afghanistan in August 2013.

**Medical Afghanistan-Women Support Organization**