



This booklet explains the following topics:

Violence against Women is Against the Law.

What are the Punishments for Crimes against Women?

What are crimes of violence against women?

- ❖ Physical Abuse
- ❖ Sexual Abuse
- ❖ Emotional and Psychological Abuse
- ❖ Crimes related to Marriage
- ❖ Deprivation of Property & Inheritance
- ❖ Denial of Access to Education, Work, and Healthcare

What are the rights of a victim of violence against women?

Who and where can one complain about a crime of violence against women?

The publication of this booklet was funded by the Italian Government with technical support from the International Development Law Organization (IDLO)



Know Your Rights and Duties: The Law on the Elimination of Violence against Women



To report a crime to the Special Unit on Violence Against Women in the Attorney General office, call its main number at: 075 200 66 71

Know Your Rights and Duties:

The Law on the Elimination of Violence against Women

Know Your Rights and Duties:
The Law on the Elimination of Violence against Women

قال الله تعالى " ومن يعمل من الصالحات من ذكر أو أنثى وهو مؤمن فأولئك يدخلون الجنة ولا يظلمون نقيرا" (النساء 124)

“And whoever does good deeds according to his capacity while he believes in Allâh and His Messenger, will be welcomed into Paradise. They will never be wronged, not even as little as the speck in a date stone. There is no distinction between male and female”

Holy Quran, Al Nisa, Verse 124

“The citizens of Afghanistan, men and women, have equal rights and duties before the law.”

Article 22, Constitution of Afghanistan

“Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform.”

Cairo Declaration on Human Rights in Islam

To report a crime to the Special Unit on Violence Against Women in the Attorney General’s Office, call its main number at 0752006671.

For immediate advice call the Afghan Women’s Network Hotline at 0752007171.

Holy Quran, Al Nisa (The Women) 4: Verse 124, available at <http://www.elazhar.com/qurane/nisa/def1.asp>.
Translations of the Quran used in the booklet were taken primarily from the Al Azhar website at <http://www.elazhar.com/qurane/def1.asp>.

Passed by the Organization of the Islamic Conference, which includes Afghanistan as a member state, during the Nineteenth Islamic Conference of Foreign Ministers held in Cairo, Egypt in August 1990.

The Law on the Elimination of Violence against Women

All Violence is Criminal

Forward

In the name of Allah, the most Merciful, the most Compassionate.

The Elimination of Violence against Women (EVAW) Law came into force and published in the official gazette of the Islamic Republic of Afghanistan on August 1, 2009.

The EVAW law is the culmination of efforts by government and civil society actors to eradicate all forms of abuse, aggression, and violence against women and girls in Afghanistan. It is in line with our Constitution and with the principles of Sharia that seek to ensure the dignity and equality of all human beings. Under the laws of Afghanistan, all violence is criminal, whether against a man or a woman, a child or an adult, at home or in public.

The Attorney General Office has the legal mandate under Article 134 of the Constitution to “investigate and file cases against the accused in the court” and has thus taken the lead in prosecuting criminal offenses against women by establishing a specialized prosecution Unit on Violence against Women (VAW) in 2010.

We recognize that without awareness about the law and the specialized VAW Unit, members of the public are unable to benefit from the protection and force of the law.

To increase understanding of the EVAW law, we are pleased to publish this booklet to inform members of the public, victims of violence, and legal professionals about the law in simplified form. This booklet explains the different crimes of violence against women, the punishment for abusers, and the rights and resources available to victims.

We extend our gratitude to the Violence against Women Unit, with the support of the International Development Law Organization (IDLO) and input from civil society actors, for creating and publishing this booklet.

Finally, we hope this booklet and the VAW Unit will reinforce the message that every person is equal before the law and no individual is above the law, or outside its protection.

Mohammad Ishaq Aloko
Attorney General of the Islamic Republic of Afghanistan



All Violence is Criminal

Elimination of Violence against Women

“Violence is crime and no person has the right to commit it at the place of residence, government or non-government offices, institutions, public places, means of transport or other areas. If committed, the person shall be punished according to the provisions of this law.”

- Article 4, The Elimination of Violence against Women Law, published in the official gazette on August 1, 2009

Violence against Women is against the Law.

Violence against women and girls is a crime. Anyone who commits violence against women shall be punished. No one has the right to commit violence against women.

The Law on Elimination of Violence against Women (EVAW) enacted in 2009 is based on the Afghan Constitution and Islamic Sharia (EVAW law, Article 2). The law criminalizes all actions imposed by force against women that cause harm or damage to their body, mind, soul, reputation, or property.

No one has the right to commit violence against women anywhere, not at home, in government or non-governmental institutions, organizations, public places, educational institutions, on-board transportation, or any other place.

The EVAW Law lists 22 acts considered to be violence against women, including abuse, harassment, beating, giving baad, forced and underage marriage, and deprivation of property and inheritance. This law prevails if provisions of other laws contradict it. That means that the EVAW law must apply, even if other laws conflict or disagree with it.



Article 2 of the EVAW law explains that the law was enacted to:

- Safeguard religious (Sharia) and legal rights;
- Protect the human dignity of women;
- Maintain the wellbeing of the family;
- Fight customs, traditions and practices that cause violence against women contrary to the principles of Islamic Sharia;
- Protect women who are victims or at risk of violence;
- Prevent violence against women;
- Ensure public awareness and education on violence against women; and
- Punish perpetrators of violence against women.

All Violence is Criminal

Afghanistan is an Islamic country and its laws and social affairs are subject to Islamic provisions and Sharia. The state and people shall respect the equality between men and women which has been mentioned in the Holy Quran and the prophet's sayings (Hadith).

This new law hopes to correct the misinterpretation of the provisions of the Holy Quran and the prophet's sayings used by some members of the society to justify the physical and mental abuse of women, and to deny girls and women from receiving an education, getting a job, or accessing their property.

The Holy Quran Recognizes Equal Rights and Respect for Women and Men

Al Nahl (The Bees)

قال الله تعالى: « من عمل صالحا من ذكر أو أنثى وهو مؤمن فلنجزيه حياة طيبة ولنجزينهم أجرهم بأحسن ما كانوا يعملون » (النحل/ ٩٧)

Anyone, Male or female, whose deeds are imprinted with wisdom and piety and will be made to enjoy a good and happy life that is worth living. And We will recompense them in the hereafter according to the best of their worldly deeds. (Al-Nahl/ Verse ٩٧)

Al Nisa (The Women)

قال الله تعالى « ومن يعمل من الصالحات من ذكر أو أنثى وهو مؤمن فأولئك يدخلون الجنة ولا يظلمون تقيرا » (النساء/ ٢٤)

And whoever does good deeds according to his capacity while he believes in Allâh and His Messenger, will be welcomed into Paradise. They will never be wronged, not even as little as the speck in a date stone. There is no distinction between male and female. (Al Nisa/ Verse ١٢٤)

قال الله تعالى « يا أيها الناس اتقوا ربكم الذي خلقكم من نفس واحدة وخلق منها زوجها وبث منهما رجالا كثيرا ونساء واتقوا الله الذي تساءلون به والأرحام إن الله كان عليكم رقيبا » (النساء/ ١)

people, revere Allâh your Lord as He deserves. He brought you into being from one single self, and from it He created its mate, and from joining both in matrimony He propagated multitudes of men and women. So all of you belong to that one self. ...And revere the wombs and never abandon them, whether they are close to you or far from you. (Al Nisa / Verse ١)

Al Ghafir (The Forgiver)

قال الله تعالى « من عمل سيئة فلا يجزي إلا مثلها، ومن عمل صالحا من ذكر أو أنثى وهو مؤمن فأولئك يدخلون الجنة يرزقون فيها بغير حساب » (غافر/ ٤٠)

He who does an odious deed will not be recompensed but with the like thereof, and he whose deeds are imprinted with wisdom and piety whether male or female will be welcomed into gardens of bliss wherein they are provided for without reckoning. (Al Ghafir/ Verse ٤٠)

Al Hujurat (The Chambers)

قال الله تعالى « يا أيها الناس انا خلقناكم من ذكر و أنثى و جعلناكم شعوباً و قبائل لتعارفوا ان اكرمكم عند الله اتقىكم » (حجرات/ ١٣)

people, We created you equal from the union of a pair, male and female (Adam and Eve), and We made you into nations and tribes, that you may know one another. Verily, the most honorable of you with Allâh are the most pious. Allâh is All-Knowing and All-Cognizant. (Al Hujurat/ Verse ١٣)

All Violence is Criminal

Instructions for documenting evidence of physical and sexual crimes

Victims of rape, beatings, and other physical and sexual abuse should not wash away or remove the signs of their injury until they can be checked by a medical doctor who can document this evidence in a medical file, or be seen by a police officer or investigator who can also document the injuries.

Victims should make sure the evidence of the crime is documented with pictures, medical exams, and written accounts by the police, prosecutors, or medical authorities.

Evidence that can be used to prove such violent crimes in court include documentation of broken bones, bruising, cuts, scrapes, and any bleeding on the body, including the private parts, remains of the male sexual fluid (semen) on the victim's body or clothes, clothing which are torn or soiled with the blood of the victim or perpetrator, and other signs of force or violent behavior.

Without such evidence victims may not be able to prove in court that a violent or sexual crime was committed against.

What are the Punishments for Crimes against Women?

Those who abuse women and commit crimes against them will be punished under this law with imprisonment of different time periods depending on the crime. In some cases when the girl or woman dies because of the abuse, the judge may order the death penalty. (EVAW law, articles 17-38).

People who assist others to abuse women and to commit violent crimes against women and girls will also be punished under the law.

In addition to the punishment of imprisonment, those who abuse women can also be ordered to pay compensation to the victim.

Punishment for perpetrators of violence against women may not be postponed, pardoned, or reduced. (EVAW law, articles 40-42).

What are crimes of violence against women?

The following acts are considered criminal acts of violence against women under the EVAW law.

Physical Abuse

1. Beating (article 23)

It is a crime to beat women or girls, even when no injury or disability results from the beating. Hitting, shoving, and slapping that do

not cause bleeding or broken bones are also prohibited. Anyone who beats a woman (including the husband, an uncle, parents or, parents-in-law) may be sentenced for up to 3 month imprisonment.



وعن عائشة رضي الله عنها تقول (ما رأيت رسول الله ضرب امرأة.. رواه مسلم

Aisha, may Allah be pleased, says: I never saw the Messenger of Allah beating a woman. Narrated by Muslim Bukhari, a companion of Prophet Muhammad (PBUH).

2. Causing injury or disability (article 22)

Abuse or beating of a woman or girl which results in her injury or disability is a crime and the abuser will be punished under the criminal law, with imprisonment of 3 months to 10 years depending on the severity and impact of the injury. Beatings causing injury or disability include cutting, causing defects or handicap, loss of one of the senses, harm or paralysis of a body part.

3. Burning or using chemicals or poisons to injure or intimidate (article 20)

It is a crime for any person to burn a woman or spray chemicals or other harmful substances on her body causing injury, or to force a woman to eat harmful substances or inject such substances into her body. It is considered an especially serious crime to use chemicals or poisons against women and girls for the purpose of spreading fear and terror in order to prevent women from accessing their rights, such as their right to education or to employment.

4. Forcing women to burn themselves or commit suicide (article 21)

It is illegal to mistreat women in ways that push them to burn themselves, swallow poison, or commit suicide. The punishment is more severe if the woman suffers injury or disability from these actions.

Crimes of Violence against Women

- Physical Abuse
- Sexual Abuse
- Emotional and Psychological Abuse
- Crimes related to Marriage
- Deprivation of Property & Inheritance
- Denial of Access to Education, Work & Healthcare

Sexual Abuse

1. Sexual Assault / Rape (article 17)

Sexual assault and rape mean sexual acts with a woman or girl that is

performed against her will, with force, or pressure. It includes sexual intercourse, as well as touching that violates the chastity and honor of a woman. The Penal Code in Article 429(1) also explains that “a person who, through violence, threat or deceit, violates the chastity of another, or initiates the act” may be sentenced to up to 7 years in prison.

Sexual assault or rape is a crime when committed by anyone. It is a crime when it is committed by a stranger, or an acquaintance, a friend, relative, teacher, co-worker, doctor, or anyone who has influence and authority over the victim.

Depending on the type of sexual assault committed, the perpetrator may be punished with sentences ranging from no more than 7 years to life in prison. In cases where the victim dies, the criminal may be sentenced to the death penalty.



All Violence is Criminal

Important information about registering births and marriages:

It is important that women have copies of documents that prove their age and their family relations.

Having documented proof of age will help show if they have reached the minimum age required for marriage, which is 11 years of age (or 10 under some circumstances). Such documents can include a birth certificate, a copy of the hospital registry of their birth, or a document from their school.

Having a birth certificate which specifies the name of the father and mother is also important to ensure women can claim inheritance from their parents or other relatives.

It is also very important for women to register their marriages. A marriage certificate or marriage contract will ensure a wife can enjoy her legal rights.

A woman must prove her marriage to claim property or financial support for her or her children from the husband during the marriage, at divorce, or after he dies to be able to receive her rightful share of inheritance.

2. Forcing into prostitution (article 18)

It is a crime to force a woman to sell her body or to have sex in exchange for payment or goods (for example, food, clothes, jewelry, and shelter or housing). The punishment for this crime ranges from 7 years in prison, to more than 10 years if the victim is under 18 years of age.

Emotional and Psychological Abuse

1. Humiliation, intimidation, and harassment (articles 29-30)

Cursing, intimidating, or humiliating a woman are considered degrading acts that can be punished under the law. Intimidating a woman means using bad, abusive, or insulting words or acting in ways to frighten or threaten her, for example threatening to beat or harm the woman or her children, or threatening to fire her from a job, dismiss her from school, or refuse to give her legal or medical services unless she performs certain sexual acts. Prohibited harassment includes using words and actions that hurt a woman's reputation, body, or mental wellbeing.

Anyone who violates this part of the law may be sentenced to no less than 3 months in prison. A person who uses his position of authority to harass a woman may receive a longer sentence of at least 6 months in prison.

2. Isolating a woman from her family (article 31)

It is a crime to isolate a woman in the home, or from her relatives. For example, it is against the law to prevent a woman from visiting her parents or other close relatives (legal mahrams). The offender may be sentenced to a maximum of 3 months in prison.

3. Forcing woman to drug addiction (article 32)

No one may force or pressure a woman to take narcotic drugs, such as hashish, heroin, opium, or other drugs, that would cause her to become addicted, or dependant on the drug. The punishment for causing women to become addicted to drugs is a maximum sentence of 3 months in prison.

All Violence is Criminal

إكراه النساء على الزنا: قال تعالى: "وَلَيْسَتَغْفِرَ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ بَتَّغُوا الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتَبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تُكْرَهُوا فَتِيَاتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِنَبْتُهُنَّ عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ" (٣٣ النور).

... And force not your maids to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. But if anyone compels them (to prostitution), then after such compulsion, Allah is Most Merciful, He will forgive them because they have been forced to do this evil act unwillingly. (Al Nur / Verse 33)

4. Recording and publishing the identity of victims (article 19)

It is a crime to record the identity of the victim of rape or forced prostitution (for example, to take a picture or use the name of the victim) and to publish or broadcast their pictures in the media, internet, or other public places which will damage their reputation or integrity.

Emotional and Psychological Abuse

1. Humiliation, intimidation, and harassment (articles 29-30)

Cursing, intimidating, or humiliating a woman are considered degrading acts that can be punished under the law. Intimidating a woman means using bad, abusive, or insulting words or acting in ways to frighten or threaten her, for example threatening to beat or harm the woman or her children, or threatening to fire her from a job, dismiss her from school, or refuse to give her legal or medical services unless she performs certain sexual acts. Prohibited harassment includes using words and actions that hurt a woman's reputation, body, or mental wellbeing.

Anyone who violates this part of the law may be sentenced to no less than 3 months in prison. A person who uses his position of authority to harass a woman may receive a longer sentence of at least 6 months in prison.

2. Isolating a woman from her family (article 31)

It is a crime to isolate a woman in the home, or from her relatives. For example, it is against the law to prevent a woman from visiting her parents or other close relatives (legal mahrams). The offender may be sentenced to a maximum of 3 months in prison.

3. Forcing woman to drug addiction (article 32)

No one may force or pressure a woman to take narcotic drugs, such as hashish, heroin, opium, or other drugs, that would cause her to become addicted, or dependant on the drug. The punishment for causing women to become addicted to drugs is a maximum sentence of 3 months in prison.

4. Recording and publishing the identity of victims (article 19)

It is a crime to record the identity of the victim of rape or forced prostitution (for example, to take a picture

قال الرسول: "ان أكمل المؤمنين إيماناً أحسنهم خلقاً، وخياركم خياركم لنسائكم" رواه أحمد

Narrated by Ahmad Abu Huraira that that the Prophet Mohammad (PBUH) said: among you the best person is the one who is best in manners with his women.

All Violence is Criminal

or use the name of the victim) and to publish or broadcast their pictures in the media, internet, or other public places which will damage their reputation or integrity.

Crimes Related to Marriage

1. Marriage before the legal age (article 28)

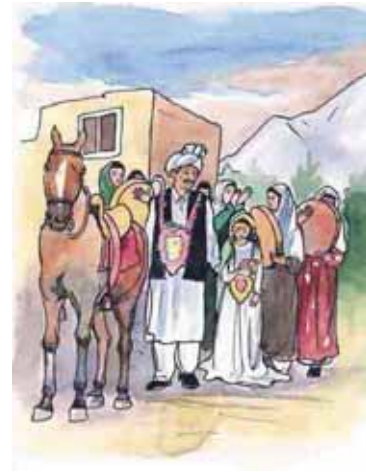
It is generally illegal to marry a girl who has not reached the legal age of marriage, which is 16 years of age. Under the civil code, in some situations, the father or the court may authorize the marriage of a girl who is 15 years old. It is illegal under any circumstance to marry a girl who is under 15 (Civil Code, article 71). A marriage of a girl under 15 will be cancelled at the request of the girl. The person who marries a girl under 15 will be punished with a prison term of at least 2 years.

2. Forced marriage (article 26)

An engagement or marriage without the woman's consent is invalid. Any person who is involved in forcing a girl over 16 to become engaged or marry without her agreement may be sentenced to 2 or more years in prison.

3. Prohibiting woman to marry or choose a husband (article 27)

No one may deprive or prevent a woman from choosing who she



عن ابن عباس (رض) عن النبي (ص): "الطيب أحق بنفسها من وليها ، والبكر تستأذن في نفسها ، وأذنها صمتمها" (مسلم ، كتاب نكاح ، باب الأيم أحق بنفسها) .

Ibne Abbas narrated that the Prophet Muhammad (PBUH) said: "a maiden wouldn't be married unless her consent is taken"

وروي عن رسول الله عليه الصلاة والسلام أنه فسخ زواج امرأة أسمها الخنساء بنت خدام الانصارية لان أباه زوجها على الرغم منها ، وكانت قد خطبها رجلان : أبو لبابة بن المنذر الصحابي الجليل ، و الثاني رجل من عشيرتها ، ففضلت المرأة أبا لبابة ، و فضل أبوها الآخر . و ذهبت الخنساء الى رسول الله صلوات الله و سلامه عليه . و قالت له : يا رسول الله ، ان أبي قد تعدى علي فزوجني و لم يشعرني . فقال رسول الله : " لا نكاح له ، انكحي من شئت المتقى شرح موطأ امام مالك ، كتاب نكاح ، باب لانكاح الابولي

There is another Hadith from the Prophet Muhammad (PBUH) that he cancelled the marriage of a girl named Khansa Daughter of Khodam Ansari who had been married without her consent. There were two men who wanted to marry Khansa. Abulebaba son of Manzar and the other one was one of her relatives. Khansa preferred Abulebaba but her father liked his relative. Khansa came to prophet PBUH and said: "Oh prophet, my father has ignored my rights and without my consent has married me to a man." Prophet (PBUH) said: "in this case, your father doesn't have the right to get you married; go and marry the one that you like."

All Violence is Criminal

would like to marry or prohibit her from marrying the person of her choice. Anyone who prohibits a woman from freely choosing her husband will be subject to short term imprisonment.

4. Selling and buying women for marriage (article 24)

It is a criminal act to sell or buy a woman for marriage or under the pretext of marriage. Any person who takes or gives money or other valuables (toyanah) or who facilitates such an exchange of a woman as if for marriage will be punished with up to 10 years in prison.

5. Baad (article 25)

It is a criminal act to marry or “give away” girls and women to someone as blood price. The law prohibits the trading of women and girls to resolve disputes, including those related to murder, sexual violence, or other harmful acts.

A person who gives or takes a woman for marriage in retribution for a Baad may be prosecuted and punished with up to 10 years in prison.

Any person who is involved in giving women as Baad will also be punished, including any witnesses, mediators, and the persons conducting the marriage ceremony. A marriage that results from Baad is considered invalid.

6. Marriage of more than one woman (article 37)

It is a crime for a man to marry more than one woman, unless he can make sure to fulfill the three conditions under the Civil Code. Article 86 of the Civil Code requires that 1) the marriage will not cause injustice between the wives, 2) the man can provide for each of the women with food, clothes, a suitable house, and medical treatment, and 3) the first wife must suffer from an incurable disease or be unable to bear children. The punishment for failing to fulfill all three conditions is imprisonment of no less than 3 months.

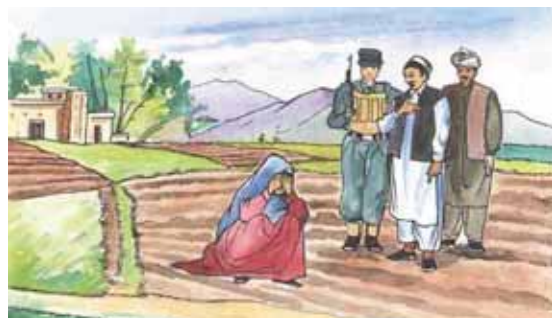
قال الله تعالى في كتابه العزيز: "وإن خفتن ألا تُقسطن في البتامي فانكحوا ما طاب لكم من النساء مثنى وثلاث ورباع فإن خفتن ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعدلوا" (النساء: ٣).

“If you fear that you will be unjust to the orphans, as injustice to them is regarded a great sin, so you should have the same feeling if you are not just among your wives. And never have more than four; you may join in wedlock with as many as two, three, or four of other women of your choice, if you are sure that you can achieve justice among them. But if you fear that you will not be able to be just among this many, then do not marry more than one....” (Al-Nisa/ Verse 3)

Deprivation of Property & Inheritance

1. Deprivation of inheritance (article 33)

No person may deny a woman or girl her inheritance, or her share of property from her deceased husband, father, or other relative. She must be given her legal share of the property and the person who tries to prevent her from getting her share may be sentenced to up to 3 months imprisonment.



All Violence is Criminal

حق المرأة في الميراث:
لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large – a legal share” (Al Nisa / Verse 7).

Based on Sharia and the Civil Code of Afghanistan, girls and women are entitled to inherit from their relatives, including from their husbands and fathers. For example, a wife should receive 1/4 of her dead husband’s property, or 1/8 of his property if they have children together (Civil Code, article 2007). Daughters have the right to inherit from their fathers, and their shares depend on the number of sisters and brothers they have from that father (Civil Code, articles 2008-2009).

In Islam, no one is permitted to use women’s properties which they have collected through inheritance, gift, or monthly salary.

2. Preventing access to personal property (article 34)

No one may prevent a woman from having or getting personal property, such as her salary, house, and other goods. If this happens, the property must be given back to the woman and the person who took it may be punished with short term imprisonment.

3. Denial of relationship (article 38)

If a person tries to deny that a woman is a family member or relative to prevent her from accessing property, inheritance, or other rights, the woman may have her relationship confirmed (validated) by a decision of the court. Denying a relationship with a woman includes, for example, a husband denying a woman is his wife, or an uncle denying his brother’s daughter is related to him, a brother denying a woman is his sister, or in-laws denying a woman was married to their son so the woman will not receive inheritance or other legal rights, such as custody or maintenance.

To avoid situations where relatives can deny a woman’s relationship to them, it is important for women to have documents that prove their marriages and family relationship (see box above, on “Important information about registering births and marriages”).

A person who wrongly denies a woman of a family relationship may be punished with up to 6 months in prison.

قال تعالى: "وهو الذي خلق من الماء بشرا فجعله نسبا وصهرا" الفرقان 54

It is He Who has created man from water, and then has He established relationships of lineage and marriage: for thy Lord has power (over all things). (Al Furqan / Verse 54)

Abu Dawood narrated that the Prophet Muhammad (PBUH) said: Any man who denies his son God Almighty would deprive him from his blessings and discredits him amongst all.

All Violence is Criminal

In Sirat Al-Nabi it is said that the Prophet (PBUH) when he was working for his wife Khadija used to protect her properties with much honesty and never charged her beyond his normal wage. Nor did he ever encourage his wife to pay him more. God Almighty warns men from taking Mahr of their wives without their consent and says:

حق المرأة في مالها :
قال الله تعالى: وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ بِحِلَّةٍ فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا [النساء:14]

And give to the women (whom you marry) their Mahr (obligatory bridal-money given by husband to his wife at the time of marriage) with a good heart; but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allah has made it lawful). (Al Nisa / Verse 4)

وَأِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَّكَانَ زَوْجٍ وَآتَيْتُمْ إِخْدَاءَهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَ بِهَتَّانَ وَإِنَّمَا مِيبِنًا (20)، وَكَيْفَ تَأْخُذُونَ وَهِيَ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا [النساء:20، 21]

And if any of you decides to substitute one wife for another, and you had dowered your divorcee when you married with a talent of gold, you shall not recover the least part of it. Would you reclaim by fraud and dishonesty what is their right, and you stand in manifest deceit and falsehood? (Al Nisa / Verse 20)



Denial of Access to education, work, and healthcare

1.Preventing women's access to education, work, and healthcare (article 35)

Preventing or forbidding a girl or a woman from attending school or university, from working outside the home, or from visiting doctors for treatment is a crime. It is against the law for a father, brother, husband, any relative or stranger to prohibit women's access to education, work, or medical care. A person who does that will be punished with up to 6 months in prison.

If the victim, her relative, or her attorney does not complain about the crime, the prosecutor cannot investigate and prosecute the case and the abuser will not be punished! If a woman wants to take her abuser to court to be punished – she has this right!

But if a woman no longer wishes to punish the offender, she may request to stop and withdraw her case at any point, including after the conviction (*the decision by the court that the offender is guilty of the crime*).

All Violence is Criminal

2. Forced labor (article 36)

Forcing girls and women to engage in forced labor - inside or outside the house – is against the law. “Forced labor” is explained in the Labor Law (article 6) as intimidating, threatening, or otherwise pressuring a person to work against her will. Doing so can subject the person to 6 months in prison.

What are the rights of a victim of violence against women?

If you are a victim of violence, including any of the crimes explained in this booklet, you have the following rights:

- You can get justice in court against the person who hurt you or those who helped him hurt you (this is called the prosecution and punishment of the offender);
- You can access a shelter or safe house where you can stay away from your home or the offenders, if you so choose;
- You can have access to free emergency medical services, especially if you suffer any injuries from the violence;
- You may have an advocate or legal aid provider help you, especially if you choose to take the offender to court;
- You can receive compensation for injury and damage that resulted from the act of violence. This compensation may depend on the financial means of the offender and those who helped him;
- You have the right to have the case treated with confidentiality, including having the court hearing be closed to the public and to have your name be kept secret outside the court.

(EVAW law, article 6)

Victims or their relatives may report the crime and receive assistance from the following institutions:

- The Ministry of Women’s Affairs (MOWA) has offices in every province and is ready to assist, including by referring victims to protection centers, safe houses, legal aid, and the Attorney General’s Office Special Unit on Violence Against Women.
- Huquq (Human Rights) offices in the Ministry of Justice will register complaints and provide legal aid to victims of violence.
- The police must register and investigate the crime and take appropriate follow up action.
- The Attorney General Office (Office of the Prosecutor), especially the Special Violence Against Women Unit will investigate and prosecute the crime in court.
- The courts (usually the primary court in your district) can register the complaint of a crime.
- The Afghan Independent Human Rights Commission can refer victims to safe houses, provide mediation services with the offenders, or provide information on how to take the case to court.
- Non-governmental organizations that support women’s rights can provide safe houses, assistance, or legal advice.

All Violence is Criminal

Who and where can one complain about a crime of violence against women?

A woman who was exposed to violence and abuse may seek support and assistance and may register a formal complaint with the relevant institutions listed below.

A victim of violence or her relative can make a complaint with the police, Huquq office in the Ministry of Justice, the Ministry of Women's Affairs or its district offices, the Attorney General Office, and the courts. These institutions are required to register the complaint and take appropriate action. The complaint can be made in writing or verbally. (EVAW law, article 7)



A victim of violence can take the perpetrator to court to be prosecuted and punished. The Special Unit on Violence against Women in the Attorney General Office (see details below) will handle the case of violence giving it the highest priority and urgency possible.

The Ministry of Women's Affairs (MOWA)

- If you are exposed to violence, report it promptly to the MOWA in Kabul or Women Affairs Departments in the provinces. These offices offer the following services:
- Transferring the victim to the shelters of MOWA or other secure place with the consent of the victim.
- Before referring the case to the Attorney General Office, the MOWA or its provincial agencies will try to solve the case through mediation.
- Registering the complaint and referring it to the Attorney General Office, including the Special Violence against Women Unit.

Contact Number: 02 02201378
Address: Ministry of Women's Affairs
Haji Yaqoub Square, Kabul, Afghanistan

You can also contact MOWA offices located in each of the provinces.

Attorney General's Office, Special Unit on Violence against Women

The Special Violence against Women Unit specifically addresses crimes against women, including under the EVAW law. Prosecutors in the Attorney General Office and in this specialized Unit will take the case to the court to seek punishment for the offender, which will include time in prison.

All Violence is Criminal

The Special Unit on Violence against Women was established in 2010 to specifically investigate and prosecute cases of violence against women, and to give sufficient information to victims throughout the process.

- The Special Unit on Violence against Women provides the following services:
- Receiving cases related to violence against women from victims and relevant agencies.
- Addressing the complaints of women who are victims of violence or who are at risk of being subjected to violence.
- Summoning offenders, suspects, and witnesses of violence against women and investigating the complaints.
- Prosecuting cases of violence against women from the initial complaint to final resolution of the case.

Contact Number: 020 2200 019 The Attorney General's Office Line; or 0752 006 671
Administration of the VAW unit
Address: Attorney General Office of Islamic Republic of Afghanistan
Haji Yaqoub square, Serahi Masjid Hanzalla, Kabul, Afghanistan

You can also contact this Unit from the Attorney General's Offices in the provinces.

Afghanistan Independent Human Rights Commission

In case you are exposed to any kind of violence or human rights violation, you may report it to the Human Rights Commission.

- The Afghanistan Independent Human Rights Commission provides the following services:
- Transferring victims to safe houses and shelters.
- Mediating between the victims and the perpetrators.
- Referring the case to the Attorney General's Office (prosecutor's office) in case the victim does not accept the mediator's decision.

Contact Number: 0202500676
E-mail Address: ahirc@ahirc.org.af
Address: Pul-e-Surkh, St. 4, Kart-e-Se
Kabul, Afghanistan

You can also contact the provincial offices of the Afghanistan Independent Human Rights Commission.

Non-Governmental Organizations: The Afghan Women's Network

The Afghan Women's Network (AWN) is a non-governmental and non-profit organization that supports women's rights in Kabul and the provinces. AWN has a special complaints section for women who were

All Violence is Criminal

exposed to violence, and provides legal aid for victims of violence.

If you suffer any kind of violence, you can contact this organization for the following services:

- Hotline with advice and information.
- Mediation services.
- Transferring victims of violence to shelters.
- Providing defense lawyers (legal aid) when the case is filed with the court.

Contact Number:

Hotline for counseling, legal aid, and assistance 0752007171

Office numbers:

077 4975135 and 079 9689079 (Kabul)

0700602373 (Jalalabad) 0797785937 (Herat)

2nd part of Karte Parwan, house #22

Kabul, Afghanistan

Women for Afghan Women

Women for Afghan Women are a non-governmental and non-profit organization which provides legal aid and safe houses for women in Kabul and four provinces.

This organization provides the following services for victims of violence:

- Defense lawyers to assist victims of violence who wish to get legal remedies (legal aid).
- Shelters, or safe houses, for victims of violence.

Contact Numbers: 0700974986 and 0795271468

Karte Parwan, behind Baharstan Park

Kabul, Afghanistan

Jalalabad: 0798220309

Kapisa: 0794911263

Mazar-e-sharif: 0795590470

Kunduz: 0794045409 and 0705071277

Acknowledgment:

The Gender Justice and Human Rights Department of IDLO Afghanistan would like to acknowledge the invaluable contributions of the Attorney General Office to addressing violent crimes against women and in implementing the law on the Elimination of Violence Against Women. In particular, the Honorable Attorney General, Mr. Mohammad Ishaq Aloko, Deputy Attorney General, Mr. Abdul Wakil Amini, the Head of the Violence Against Women Unit, Ms. Qudsia Niazi, and the eight committed prosecutors of the special Unit.

It has been a great honor and privilege for IDLO to work closely with the Office of the Attorney General to support the establishment of this unique special Unit dedicated to prosecuting crimes against women.

This booklet represents the joint efforts of the VAW Unit Prosecutors under the guidance of Ms. Niazi, with input from various civil society actors, in particular, groups working on women's rights and welfare.

The creation of this booklet and its dissemination to Attorney General's Offices throughout the country would not have been possible without the support of H.E. Mr. Aloko.

Finally, IDLO extends its gratitude to the government of Italy for funding the publication of this booklet.