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## Sexual violence: unacceptable on all counts

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Women in Afghanistan have been raped and sexually targeted during decades of conflict. Reports from national and international human rights and women's rights organisations show that women and girls of every age, ethnic group and class have experienced sexual violence: rape (including gang rape), forced prostitution, and forced or child marriage.

Rape and gang rape have not been used as systematically as a weapon of war during recent military operations as they were during the civil-war years (though present-day combatants have committed rape and gang rape) but a number of other elements contribute to putting Afghan women and girls generally at high risk. Previously, the perpetrators were mostly combatants; now they tend to be those who used to be combatants, such as commanders and their private gunmen, powerful men, police and other security forces, and non-combatants including family members, relatives and neighbours.

Interviews and reports by Human Rights Watch<sup>1</sup> and other human rights organisations demonstrate that the concepts of honour and revenge are the main forces putting women at great risk. In other cases women and girls have been raped because they were in the wrong place at the wrong time or supposedly did a 'wrong' act. In some cases rape is used as punishment for the victim or her family. Samia was kidnapped as she was returning home from a literacy class, and was gang-raped by the local commander's bodyguards over the course of ten days – because she was the only girl in her village going to literacy classes, and the local commander prohibits school and literacy courses for girls.

Many women and girls who are raped are forced to leave home, because of the perceived shame for their families. Displaced, without support networks and with no access to protection or livelihoods, many are forced into prostitution.

### Afghan institutions in the face of sexual violence

The Afghan Constitution is, on paper, strongly supportive of human rights and women's rights

(Constitution, Art. 7. 22.). However, the Afghan Civil Law (Civil Code) adopted in 1977 and the Afghan Penal Code adopted in 1976 – which are still in force throughout the country – are vague, outdated and lacking sufficient clarity regarding women's rights. Even though the Afghan government has signed a number of international conventions and resolutions such as the Convention on the Elimination of All Forms of Discrimination Against Women and UN Security Council Resolution 1325, national law predominates and cannot defend and protect Afghan women from violence, particularly sexual violence.

In response, women's rights activists in Afghanistan prepared the Law on the Elimination of Violence Against Woman (EVAW<sup>2</sup>), approved by President Karzai on 20th July 2009, while the Afghan parliament was on its summer break. Disagreements erupted when attempts were made to get the Afghan parliament to ratify EVAW in 2013, as some MPs considered some articles to be in contradiction of sharia law; there are still many controversial points but at least this law had provided much clarification regarding gender-based violence and sexual violence.

This law has a more specific, clearer definition of sexual violence and openly bans rape, forced prostitution, forced marriage, child marriage and *baad*.<sup>3</sup> Furthermore, it specifies what actions the state's different institutions must take in order to prevent violence against women. However, in common with all societies experiencing war or those recently entering a post-war period, the rule of law in Afghanistan is very weak and the fulfilment of this law in the real lives of women is not easy.

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1. Human Rights Watch (2012) *I had to run away: The Imprisonment of Women and Girls for "Moral Crimes" in Afghanistan* [www.hrw.org/reports/2012/03/28/i-had-run-away](http://www.hrw.org/reports/2012/03/28/i-had-run-away)

2. EVAW text online at [www.saarcgenderinfobase.org/programs/detail.php?aid=105&catid=3](http://www.saarcgenderinfobase.org/programs/detail.php?aid=105&catid=3)

3. Traditional practice of settling disputes in which a young girl from the culprit's family is traded to settle a dispute for her older relatives.

