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Afghan Women's Network
Afghan Women's Skills Development Center
Family Intervention Unit, Police Station – District 10
Humanitarian Assistance for the Women and Children of Afghanistan
medica mondiale
Norwegian Refugee Council
Save the Children UK
Save the Children US
IOM (International Organization for Migration)
UNAMA (United Nations Assistance Mission in Afghanistan)

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OVERVIEW

Topics covered in this section:

Background
Objectives
Methodology

As of yet there has been limited research regarding the nature and extent of violence against women in Afghanistan. The service-based research¹ carried out for this report seeks to begin to fill this void. For the purpose of this study, UNIFEM Afghanistan analyzed data collected by organizations and agencies working throughout the country. Through this study, UNIFEM seeks to raise awareness about violence against women by shedding light on the types of violence being committed against women, the victims and perpetrators of such violence, the manner in which data is collected on violence against women, and the way referrals, meaning the system whereby victims of violence are guided to the right organisations and institutions that can provide them with the needed professional support, are being made.

Nonetheless, there are many questions that this report raises that remain unanswered. In order to answer those questions, stakeholders will need to reassess the extent of the information that they are currently gathering. It is hoped that pointing to the shortcomings within this report will encourage relevant actors to conduct research that will give answers to the questions raised in this report. This will provide the information necessary to develop laws, policies and strategies that will effectively address the issue of violence against women in Afghanistan.

For the purposes of this study, UNIFEM assembled 1,327 cases from 818 respondents. This data had previously been collected by 17 organizations between January 1, 2003 and June 30, 2005. Although few details about the victims were collected, of the information collected we know that at least:

- ◆ 64.1% (850/1327 cases) of the women are married;
- ◆ 32.9% (437/1327 cases) are between the ages of 16 and 35; and
- ◆ 24.2% (321/1327 cases) are illiterate.

According to the results in the data set:

¹ A service-based study is one that makes use of information collected through public and private agencies that came into contact with abused women, even if the violence was not the main reason for the contact. (UN Division for the Advancement of Women. "Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them." Geneva, Switzerland, April 2005, p. 13)



- ◆ 73.5% of the total violent acts committed against women were perpetrated solely by one person;
- ◆ The most common perpetrators were family members, including intimate partners (82.0%);
- ◆ Physical (30.7%) and psychological (30.1%) violence were committed in equal proportion, and sexual violence represents 25.2% of the violence. The remaining percentage (14%) represents combinations of the three types of violence or unavailable data.

These results, culled from organizations that work on women's rights, do not reflect an overall estimate of the occurrence rate of violence against women in Afghanistan. Given the worldwide trend of under-reporting of cases of violence against women and the severe restraints that prevent women in Afghanistan from reporting acts of violence against them we can assume that the recorded cases evaluated for this study are only a snapshot of the violence being committed throughout the country.

The results of this research should be seen as an impetus for the State, its agencies and other organizations to begin systematically and comprehensively recording violence against women. Government officials, policy makers, and development practitioners have, as of yet, been restricted in developing policy and reforming applicable laws by the lack of reliable data on violence against women. Carrying out thorough research on the nature of violence against women as well as the victims and perpetrators of such violence will drastically improve the capacity of such actors to design and implement initiatives intended to eradicate violence against women.

BACKGROUND

Violence against women and girls denies women "equality, security, dignity, self-worth, and the ability to fully enjoy their fundamental freedoms" and is thus a significant human rights concern.²

A woman was married for five years when her husband began demanding that she have sex with other men for money. He would beat her when she refused and threatened to kill her if she did not obey. She fled to a shelter and was eventually granted a divorce; the husband must pay support for the children.

Until the 1990s most governments and policy-makers did not consider either the extent or impact of violence against women as a major problem.³ International research has since revealed that, despite being largely ignored, violence against women is endemic worldwide and is often socially tolerated. For example:

² UNICEF and Innocenti Research Center. "Domestic Violence against Women and Girls," *Innocenti Digest*, No. 6. Florence, Italy, June 2000, p.1; Amnesty International, *It's in Our Hands. Stop Violence Against Women*, London, United Kingdom, 2004, p.1.

³ World Health Organization. 2005. *Summary report. WHO Multi-Country Study on Women's Health and Domestic Violence against Women. Initial results on prevalence, health outcomes and women's responses*. Geneva, Switzerland. p.1.



- ◆ At least one out of every three women has been beaten, coerced into sex or otherwise abused in her lifetime. The abuser is usually a member of her own family or someone known to her.⁴
- ◆ At least one woman in five worldwide will suffer rape or attempted rape.⁵ Many rapes go unreported because of the associated stigma and trauma, and the lack of sympathetic treatment by legal systems.
- ◆ It is estimated that between 13% and 62% of women have experienced physical violence by an intimate partner over the course of their lifetime, and that between 3% and 29% of women reported violence within the past year.⁶
- ◆ As many as 5,000 women and girls a year are murdered by members of their own family often for the 'dishonour' associated with having been raped, regardless of the fact that the rapist is often a member of their extended family.⁷

Such violence has devastating consequences for women, their families and communities, and impacts all sectors of a society including health, education, justice, and the economy.

Violence against women affects women at every stage of life and knows no national, regional, economic or educational barriers. Every woman and girl is at risk. This cycle of violence is demonstrated in the graph below, which has been adapted to the particular conditions in Afghanistan.⁸

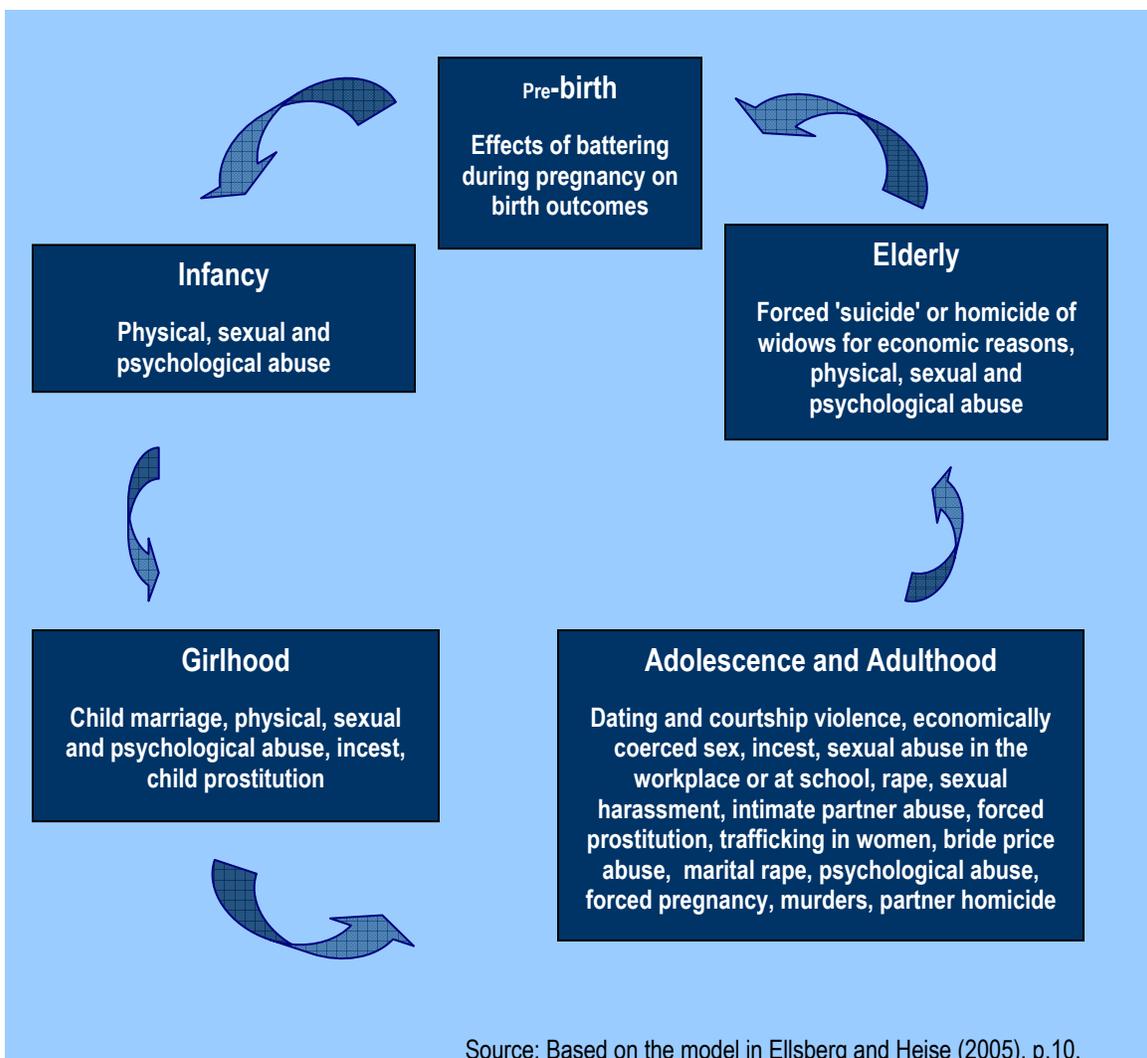
⁴ Heise L, Ellsberg M, Gottemoeller M. "Ending violence against women". *Population Reports* Volume XXVII, Number 4, Series L, Number 11, December 1999, p.1.

⁵ WHO. "Violence Against Women: A Priority Issue Information Pack", Geneva, 1997. Retrieved from <http://www.who.int/gender/violence/vawpriority/en/index.html>.

⁶ World Bank, Gender and Development Group, Poverty Reduction and Economic Management, *Violence against Women: Health Sector Responses*; World Bank Policy Research Working Paper, 3618, The World Bank, Washington, D.C., June 2005.

⁷ Taken from UNFPA website Fact Sheet on Violence against Women: State of the World's Population, 2005 (<http://www.unfpa.org/swp/2005/presskit/factsheets/factsvaw.htm>).

⁸ Female infanticide is not currently an issue in Afghanistan since the methods to identify the sex of child before birth are mostly unavailable. Nevertheless, we should not lose site of this issue should such tests become available in the future.



International research further indicates that:

- ◆ Although women are occasionally perpetrators of violence against other women, the perpetrators are almost exclusively men.⁹
- ◆ Physical abuse in intimate relationships is almost always accompanied by severe psychological and verbal abuse. In 1 out of 4 cases of domestic violence, women will also experience sexual abuse.¹⁰
- ◆ The perpetrators of such violence will usually go unpunished.¹¹

⁹ Heise L, Ellsberg M, Gottemoeller M. "Ending violence against women". *Population Reports* Volume XXVII, Number 4, Series L, Number 11, December 1999.

¹⁰ Krug, E. et al. Eds., *World Report on Violence and Health, 2002*. Geneva: World Health Organization, 2002.

¹¹ UNICEF and Innocenti Research Center. "Domestic Violence against Women and Girls," *Innocenti Digest*, No. 6. Florence, Italy, June 2000, p.1; Amnesty International, *It's in Our Hands. Stop Violence Against Women*, London, United Kingdom, 2004, p.1 and 2. Amnesty International, *It's in our Hands. Stop violence against women*. Oxford, United Kingdom; Alden Press. 2004



Violence against women is present in varying degrees and forms in every society. It is often concealed in practices that are seen as 'normal' by cultural or religious standards. Such practices should more accurately be deemed as the cause and consequence of discriminatory practices and gender inequality.¹² Because violence against women is engrained in societies throughout the world the promotion of policies, programs and attitudes that foster gender equality is crucial to the elimination and prevention of violence against women.

"The World Speaks Out"

In the 1990s violence against women emerged as a focus of international attention and concern.

In 1993, the United Nations General Assembly passed the Declaration on the Elimination of Violence against Women, UN Resolution 48/104.

At both the 1994 International Conference on Population and Development (ICPD) in Cairo and the 1995 Fourth World Conference on Women in Beijing, women's organizations from around the world advocated ending violence against women. The Cairo Programme of Action recognized that gender violence is an obstacle to women's reproduction and sexual health and rights, and the Beijing Declaration and Platform for Action devoted an entire section to the issue of violence against women.

In March 1994, the UN Commission on Human Rights appointed the first Special Rapporteur on Violence Against Women and empowered her to investigate abuses of women's rights.

In 1994 the Organization of American States (OAS) negotiated the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women.

In May 1996, the 49th World Health Assembly adopted a resolution (WHA 49.25) declaring violence a public health priority.

In September 1998 the Inter-American Development Bank (IDB) brought together 400 experts from 37 countries to discuss the causes and costs of domestic violence, and policies and programs to address it.

In 1998 UNIFEM launched regional campaigns in Africa, Asia/Pacific, and Latin America designed to draw attention to the issue of violence against women globally. UNIFEM also manages the Trust Fund in Support of Actions to Eliminate Violence Against Women, an initiative that has disbursed US\$ 8.3 million in grants to 175 initiatives in 96 countries, since its inception in 1996.

In 1999 the United Nations Population Fund declared violence against women a "public health priority."

Sources: Heise L, Ellsberg M, Gottemoeller M. "Ending violence against women". *Population Reports* Vol. XXVII, No. 4, Series L, No 11, December 1999; Population Reports page 5; UNIFEM Annual Report 2004

¹² Women and Children Legal Research Foundation (WCLRF), *BAD, Painful Sedative*, 2003.



In 1995, the United Nations' Fourth World Conference on Women in Beijing identified the urgency of developing action to prevent and stop ongoing violence against women. Participants noted that the lack of, or inadequate, documentation of violence against women and girls in private and in public impedes efforts to design effective policies and intervention strategies to prevent violence against women.¹³ Thus, the 'Beijing Platform for Action' recommends, the promotion of "research and data collection on the prevalence of different forms of violence against women, especially domestic violence, and research into the causes, the nature and the consequences of violence against women ..."¹⁴ United Nations agencies, governments, international and regional organizations, non-governmental organizations and researchers have since been working to fill the gaps left by the absence of data on violence against women.

A woman was badly treated by her husband and father-in-law, who demanded sexual relations with her. She complained to the police and both the husband and father-in-law were imprisoned. Upon their release they threatened to kill her and forced her to flee her village.

The situation for many women in Afghanistan is dire. They face multiple constraints in the social, economic and political spheres. Statistical recording and analysis on violence against women has not been undertaken in Afghanistan, despite anecdotal evidence of its prevalence throughout the country. With restrictions due to insecurity, lack of communication and transportation infrastructure, and low funding priority, reporting on violence against women invariably relies on a limited number of case studies and the opinions of field workers.

Research conducted in Afghanistan has nonetheless identified a range of issues of violence against women nationwide, including forced marriage, child marriage, domestic violence, sexual harassment, trafficking of women and children, and honour killing. Such violence not only results in serious physical, mental hardships and sometimes death, but can also lead to self-immolation, suicide, forced prostitution, addiction to narcotics, and violent behaviour towards children.¹⁵

This violence that is believed to be rampant can only exacerbate the problems faced by women throughout the country. As stated by Yakin Erturk, the United Nations Special Rapporteur on violence against women, its causes and consequences, "Women's weak societal position resulting from their lack of education and access to the labour market and to sources of income contributes

¹³ UN Division for the Advancement of Women. "Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them." Geneva, Switzerland, April 2005, p.2.

See also <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>.

¹⁴ Paragraph 129a from the 'Beijing Platform for Action'.

¹⁵ The Afghan Independent Human Rights Commission, *Annual Report: 2002-2003, 2003-2004 and 2004-2005*. Amnesty International, *Women still under attack – a systematic failure to protect*. Report, 20 May 2005, AI Index: 11/007/2005. Medica mondiale, *Study on Child Marriages in Afghanistan*, May 2004. Women and Children Legal Research Foundation (WCLRF), *BAD, Painful Sedative*, 2003.



To their victimization."¹⁶ After her mission to Afghanistan in July 2005, the Special Rapporteur noted that documentation of cases in hospitals suggests that violence against women is widespread and that girls and women are at risk in both the private and public sectors. She also noted that

The cause of the extraordinary level of violence is embedded in a traditional system of male dominance in which girls and women have no status as independent persons. They are a workforce, assets to be used to the greatest financial or strategic benefit on the marriage market, and a potential source of dishonour for the patriarchal family. Moreover, the limits the traditional normative framework placed on the exercise of male power over women, reigning in mere arbitrariness, have to a large extent been washed away by 23 years of boundless war, which has disintegrated the social fabric of the society. When the rule of power, be it in the hands of State or of non-State actors, replaces the rule of law, the highest price is paid by those with the least power, particularly women and children. In this context, any actors deform Islam and culture from a source of justice and fairness into a justification for their tyrannical acts against women.¹⁷

As in many other countries, violence against women in Afghanistan is likely to affect families throughout the country, whether they live in rural or urban areas. It takes many different forms. Yet, the lack of empirical data facilitates the ability of governments and societies to continue to dismiss or ignore the issue and impedes their ability to take real action against it.

OBJECTIVES

In light of this absence of information and in order to begin to understand the extent and nature of violence against women in Afghanistan, UNIFEM undertook to collect and analyze data that has been compiled by different agencies working throughout the country.¹⁸ More specifically, UNIFEM sought to (i) establish a baseline from which to measure future data collection on violence against women, (ii) gain insight into organizations' existing capacities to accurately and thoroughly collect data as well as how these measures can be improved, and (iii) establish standards for referring such cases.

The results of this research are limited to the sample and are not representative of the entire country. Nonetheless, the results should be viewed as an impetus for comprehensively recording cases of violence against women, for the implementation of systematic methodologies in the collection of data on violence

¹⁶ United Nations. *Integration of the Human Rights of Women and a Gender Perspective: Violence against Women*. Report of the Special Rapporteur on violence against women, its causes and consequences. Addendum. E/CN.4/2006/61/Add.5. 15 February 2006, p.14.

¹⁷ *Ibid.*, p.18.

¹⁸ UNIFEM began simultaneously test piloting a project through which new data on violence against women could be systematically collected by hospitals, police stations, schools, NGOs and other relevant organizations throughout the country. A computerized database was developed with the help of AIMS to enter the collected data; the database is currently being transferred from UNIFEM to MOWA.



against women, and for the development of informed programs, policies and responses to address violence against women.

METHODOLOGY

- **Data collection**

The study was coordinated by the UNIFEM office in Kabul. In the autumn of 2005, UNIFEM contacted a variety of organizations based in Afghanistan that are known to be working on human rights issues. UNIFEM collected data from these organizations between January 1, 2003 and June 30, 2005. Approximately 35 organizations were contacted and asked to submit any records compiled between these dates relating to violence against women. Although most organizations responded to our request, only seventeen of these organizations were able to contribute data. This included the police, the courts, the Ministry of Women's Affairs (MoWA), the Afghanistan Independent Human Rights Commission (AIHRC), safe houses, national and international non-governmental organizations, and some UN agencies.¹⁹ The organizations that could not contribute to our research either did not compile or save data, or could not assemble it within our specified timeframe,²⁰ largely because of the absence of separate filing systems for cases of violence against women.

It is important to note that each organization that documented cases of violence against women used in this study have different goals and data collection methods. While most organizations that participated in the study must wait to be contacted by women before registering a complaint or case, a few have mandates that allow them to be more pro-active in gathering information regarding acts of violence against women. In some cases, organizations obtained information directly from the victim herself, while in other cases the information was received second-hand from a relative or another person accompanying her or lodging the complaint on her behalf.

A woman was jailed for adultery and while in jail was raped by a prison guard. She was also not allowed to see her children while in prison.

UNIFEM did not collect or store any confidential information. The data was compiled through the use of a standard "Violence Against Women ("VAW") Database Form"²¹ that was developed by UNIFEM and distributed to the organizations. The form used for this research is a modification of that designed by UNIFEM's Gender Justice Unit, and which is currently being used by it in the collection of primary data. The original form was piloted for three months by UNIFEM in conjunction with the Ministries of Women's Affairs, Interior, Public, Health, and Education. Once received, the data on the VAW Database forms

¹⁹ See Annex 1 for a complete list of the organizations that contributed data.

²⁰ UNIFEM requested organizations to provide data before the end of February 2006.

²¹ See Annex 2. Also refer to Annex 1 for a list of the organizations that submitted data using the VAW Database Form.



was entered into an Excel spreadsheet, configured by the UNIFEM research team.

The VAW Database Form allowed for confidentiality to be respected and also facilitated the standardization of the data. Without it, the different methods used by the different organizations would have affected the quality of the data. If any information concerning personal details of victims or perpetrators was received, it was destroyed. In some instances, specific districts and villages where cases occurred were noted, but this information will not be used for public distribution. The names of the provinces in which the data was collected are used to demonstrate the geographic spread of the study.

Because UNIFEM did not collect names or other identifying information, UNIFEM was not able to remove duplicate cases from the data set. Given the limited number of organizations that work in the area of human rights in Afghanistan and their overlapping geographical reach, it is possible that some cases in our sample were entered more than once.

Despite the use of the Database Form by most organizations, significant gaps exist in the data collected from the organizations participating in the study. Many details about the victims, their attackers, and the violent incidents reported were either not collected or were not known by the person reporting the violent act. Given the volume of cases for which this was an issue — instead of rendering such cases unusable — all cases were compiled for the final data set. Unknown details were classified as "not available" ("N/A") within the spreadsheet. Therefore, this report contains a descriptive account of the information provided by the organizations.

- **Key concepts**

Definitions of violence against women vary within and across countries. Although there is no universally accepted definition of violence against women, the United Nations Declaration on the Elimination of Violence against Women (1993) defines it as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."

According to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), gender-based violence is violence that is "directed against a woman because she is a woman or that affects women disproportionately".²² The reference to gender-based violence in the Declaration recognizes that violence is one of the means through which women are forced into subordinate positions with men.

²² CEDAW, General Recommendation No. 19, 1992, UN, Doc. A/47/38, para 6.



The definition of violence against women is further developed in the Declaration. It identifies at least three areas in which violence against women commonly takes place: violence within the family, within the general community, and violence perpetrated or condoned by the State.

For this study, the definition of violence against women used includes violence perpetrated in these three areas, and manifested through:

- ◆ Physical violence, such as slapping, kicking, hitting, burning, choking, and murder;
- ◆ Sexual violence, such as rape or being forced into sexual activities that are degrading or humiliating, forced prostitution, forced sexual intercourse with a husband or other intimate partner, child and forced marriage, forced engagement,²³ and the refusal to grant a divorce,²⁴
- ◆ Emotional or psychological violence, such as restrictions on a woman's movement, refusal to communicate with a woman, the denial of food or basic needs,²⁵ preventing a mother from seeing or speaking to her children, verbal insulting, threats of physical violence to a woman's family, and death threats.

A mother's 5 year old daughter was kidnapped by a neighbour and his wife. The kidnappers were found and arrested in another province; however after allegedly bribing the police they were released. The mother eventually found her daughter but was then forced to give her in marriage to the man, although he agreed to wait until she was of a "marriageable age".

Kidnapping and attempted kidnapping are classified in our database as a combination of the aforementioned three forms of violence because amidst the physical act that occurs at the time of kidnapping there are sexual and psychological consequences for the woman. The kidnapped women can be

forced into prostitution, labour, and marriage. They are also used for debt relief, are exchanged for the settlement of disputes, and their organs are removed to be sold.²⁶

²³ According to the WHO (Krug, E. et al. Eds., *World Report on Violence and Health, 2002*. Geneva: World Health Organization, 2002, p.150), Amnesty International (2004 b, p.18-22) and the Johns Hopkins School of Public Health (Heise L., Ellsberg M, Gottemoeller M. 1999), sexual violence includes forced marriage or cohabitation, including child marriage since they are mechanisms used to control women's sexuality.

²⁴ During our research, 38 cases of 'forced divorce' were collected but have not been included in our database. Issues relating to divorce may impact on a woman's decision to leave an abusive situation, but is not typically considered itself an act of violence against women. However, "the refusal to grant a divorce" has been included in our final analysis as sexual violence since it is often used as a means to control a woman's freedom and sexuality.

²⁵ This type of violence can also appropriately be described as 'economic violence.' In our study however, 'the denial of basic food or needs' has been noted as psychological violence, to keep with the three main types of violence noted in the UN definition.

²⁶ IOM. *Trafficking in Persons. An Analysis of Afghanistan*. Kabul, Afghanistan: 2003.



The inclusion of forced marriage and engagement in our sample is not meant to represent the equivalent of the common practice of 'arranged' marriage or engagement. In Afghanistan, forced marriages occur for many reasons including the settlement of feuds (*badal*), compensation for a crime by giving a young girl or girl child to the victim's family (*bad*), and compelling widows to remarry someone from her deceased husband's family. Boys and girls are often forced to marry at a young age or are engaged prior to, or shortly following, their birth. Despite the fact that the aforementioned practices are considered criminal offences under Afghan law (Article 517 of the Penal Code), they are nonetheless believed to be widespread throughout the country.

Marriage is regulated by the provisions of the Civil Code of Afghanistan, *Sharia* law, and traditional and customary practices. According to the Civil Code, the established minimum legal age of marriage for girls is 16, but the consent of the father or competent court will allow girls to wed at the age of 15. The Code states that "the marriage of a minor girl whose age is less than 15 shall never be permissible."²⁷ However, customary practices allow marriages at much younger ages. Although forced marriages and engagements are problematic for both women and men in Afghanistan, women are less likely to have a 'free life' within the marriage. For example, men have the option to take additional wives. Furthermore, women can only obtain a divorce by the court on a limited number of grounds. Men, on the other hand, can obtain a divorce extra judicially by pronouncing a divorce either orally or in writing.²⁸

- **Limitations**

The validity of data in this study depends on individuals' willingness to report violence truthfully as well as the ability of the organizations and agencies participating to accurately record individual cases. There are two main limitations to our sample: the majority of cases have not been verified or investigated, preventing their veracity from being confirmed, and organizations and agencies use a variety of methods to record complaints. As a result, many details about the victim, perpetrator(s), and the violent incident reported were not recorded or available.

In addition, the collection of recorded cases – whether on the VAW Database Form or through another method – was carried out by a variety of people in different agencies, with presumably varying degrees of knowledge about violence against women. This may have resulted in cases of violence against women being overlooked or wrongly described or categorized. Lack of information may also have made establishing the facts of individual cases difficult in some instances.

²⁷ Civil Law of the Republic of Afghanistan, Articles 70 and 71.

²⁸ United Nations. *Integration of the Human Rights of Women and a Gender Perspective: Violence against Women*. Report of the Special Rapporteur on violence against women, its causes and consequences. Addendum. E/CN.4/2006/61/Add.5. 15 February 2006, p.11.



Complete geographical or organizational coverage was not attained, in light of time and travel restrictions for both UNIFEM and the participating organisations, as well as due to the limits that insecurity imposes on organizations monitoring women's rights.

One very important issue within Afghanistan that did not factor into our research is self-immolation, which is often mentioned in relation to violence against women. Information on self-immolation was not collected for this study because technically it does not constitute violence perpetuated by another individual. It is nevertheless important to note that the cause of self-immolation is often violence against women. According to research conducted by the Afghan Independent Human Rights Commission,²⁹ forced marriages, early child marriages, multiple marriages, lack of societal awareness of women's rights, the psychological impact of 25 years of war, customary practices such as *Tuyana* (bride price) and family problems are the main causes of self-immolation. Continuing restrictions on women's lives as a result of the lack of security in the country were also identified as factors contributing to violence against women.

²⁹ The Afghan Independent Human Rights Commission, Annual Report 2003-2004, p. 32.





RESULTS

Topics covered in this section:

- General findings
- Domestic violence
- Other violence

GENERAL FINDINGS

A total of 1327 cases were collected for this study. A "case" refers to one reported incident, which could include more than one violent act. If a wife informed an organization that her husband had beaten her and threatened to kill her children that morning, this was entered as one case. However, if a woman complained that her husband had beaten her one day, and the next day her mother-in-law had beaten her, these were entered as two separate "cases". In our sample, women most often reported enduring only one type of violent act (87.4%). However, 12.6% of the women noted that they had endured multiple (two to four) violent acts at once.

The majority of incidents in our sample were reported in 2005 (36.0%), whereas 26.8% were reported in 2004, and 10.6% in 2003. For a remaining 26.6%, the year an incident occurred was not available.³⁰ The highest percentage of cases was collected in 2005, most likely due to an increase in activities, such as legal awareness campaigns, and geographic coverage of data collection since 2003. Although this should be verified, the higher level of cases being registered in 2005 could indicate that women are more likely to report incidents of violence once they have become more aware of their legal rights and when more opportunities to report violent acts against them are available. Although attempts were also made to collect the incident dates, these were rarely collected by organizations and are therefore largely not available (86%).

A 13 year old girl was taken by her uncle and forced to marry an older man with two wives. She was beaten by the husband, the wives and their sons. After 6 years she fled to her parents' home and is seeking a divorce.

It is difficult to get an accurate picture of geographical coverage, since the location was not provided in 30.1% of the cases collected. Some trends can nevertheless be noted. A significant percentage (46.3%) of the data collected was from Kabul Province. This indicates that, at a minimum, 23.6% of cases were collected in places outside Kabul Province. Cases originate from 31 out of 34 provinces (Farah, Zabul, and Badghis are not represented). Few cases originate in areas where the security is extremely poor and where few NGOs and

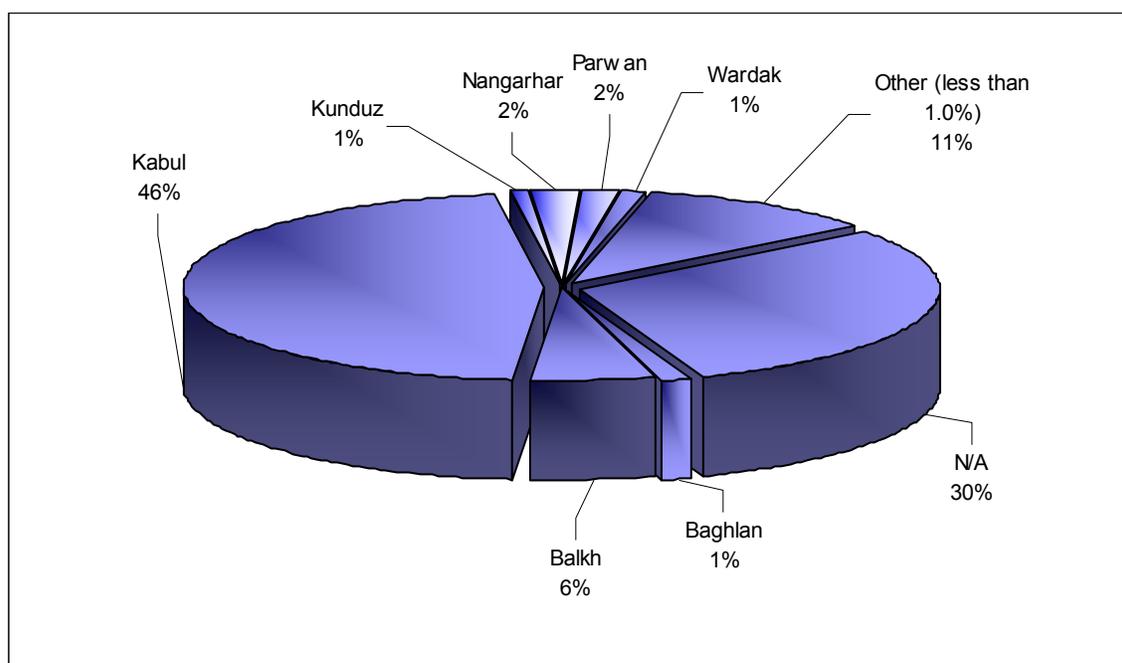
³⁰ UNIFEM relied on organizations to ensure that the reporting dates did not fall outside the limits set by the research.



government agencies work. This is especially true in the southern provinces of Kandahar, Helmand, Nimroz and Uruzgan, from which only 13 cases originate.

The graph below presents the percentage of cases reported in the provinces with the highest percentage of reported cases. It is unknown whether this data originates from rural or urban settings. For future studies, distinguishing between urban and rural areas would further reveal where and why the level of violence against women is higher in some areas rather than others.

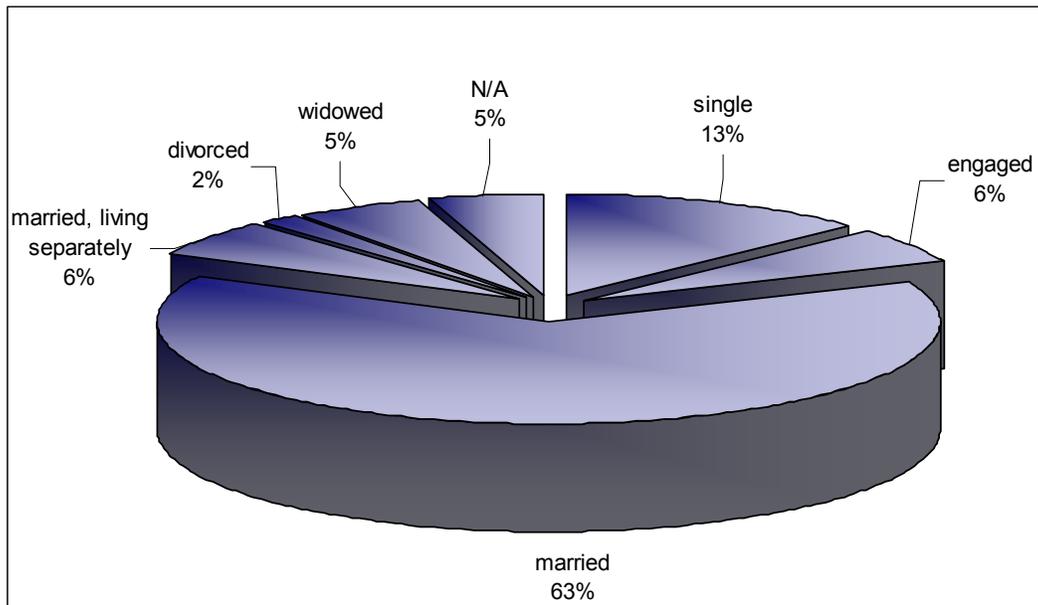
Province of Case Intake



Many details about the victim were not initially recorded by the organizations and therefore have been classified in our data as "not available." UNIFEM did receive detailed information on the marital status of the women included in the study. We know that 64.1% of the women were married, 12.7% single, 5.3% widowed, 5.7% married but separated, 5.8% engaged and 1.8% divorced. For 4.7%, no information was available.



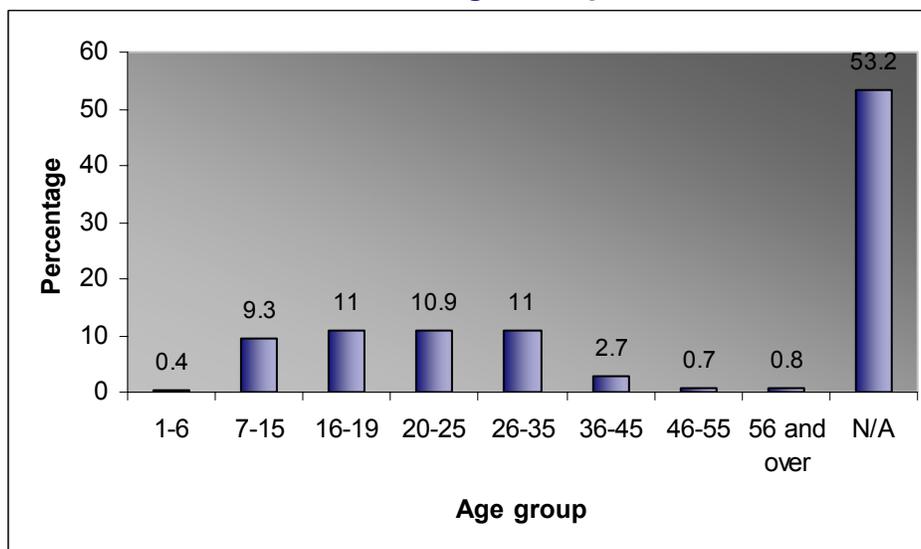
Victim Marital Status



Approximately 26.2% of the women in the study were classified as unemployed, and 7.8% employed. For 65.9% of the cases employment status was not available.

Although all age groups were represented in the study, in many cases this information was not provided (53.2%). For the remaining women, a majority of 32.9% were between 16 to 35 years of age. The age group 1-6 represented 0.4% of the victims.³¹

Victim Age Group

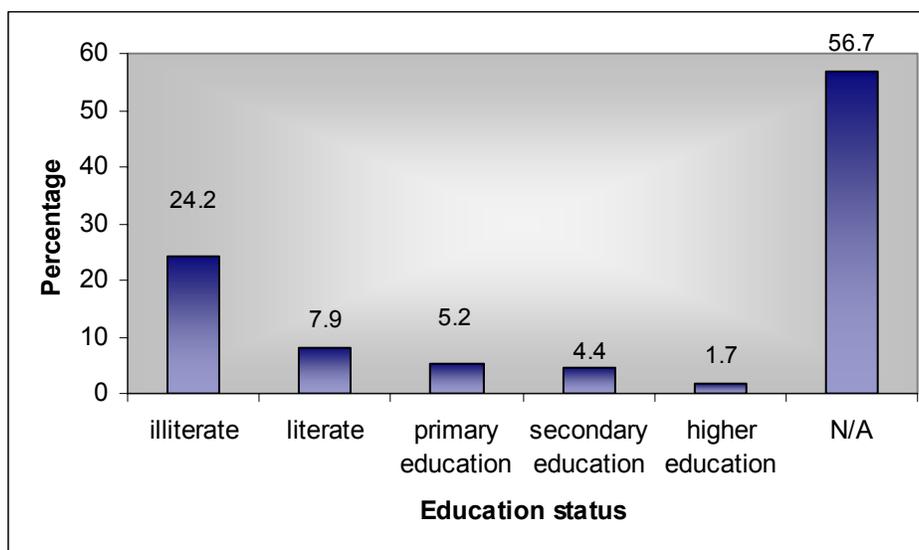


³¹ The youngest victim in our sample was a 3-year old girl who was raped by a neighbour.



For the majority of cases, information on levels of literacy and education was not available (56.7%). For the remaining cases in which information on levels of literacy and education were available, 24.2% of women were recorded as illiterate while 11.3% had attended some form of schooling. 7.9% classified themselves as literate.

Victim Literacy Rate



The combination of levels of literacy and education reveal that women included in our sample have a slightly higher literacy rate than the country as a whole, which is reported to have an adult female literacy rate of 14%.³²

The ethnicity of the victims remains largely unknown. For 73.5% of the cases, ethnicity is unavailable. 26.5% reported their ethnicity. At 13.8%, the majority of the women in our sample are Tajik, 6.1% are Hazara and 5.4% Pashtun. Also represented are Uzbeks at 1.0% and 'Afghans' at 0.3%. These results cannot be used to indicate that one ethnic group is more likely than another to report violence against women. Rather the variety of ethnicities represented in the study reveals the wide range of locations in which data was collected.

The profile of the victims raises many questions that can unfortunately not be answered at this time, such as: Does reporting increase with higher education or literacy or other factors, such as employment? Are some age groups more likely than others to report violence against women? Why did particular women report the violence, especially considering that the majority of organizations that recorded data are not pro-active in their approach to collecting information on

³² Islamic Republic of Afghanistan/UNICEF, August 2005, "Best Estimates" of social indicators for children in Afghanistan 1990-2005, p. 20, "Adult literacy rate, female" included in Table 3.



violence against women? Perhaps further studies will shed light on some of these questions.

Similarly, few details about the perpetrators of violence against women, such as age, level of education, marital status, employment or place of residence, were recorded by the organizations participating in the study, despite the fact that family members committed the majority of incidents.³³ Information that remains lacking on the perpetrators of violence include: the age of 86.6%, the marital status of 34.5%, the level of education of 85.2%, and the employment status of 85.9%. According to the data UNIFEM obtained, over half of the perpetrators were married (58.9%).

Despite attempts to collect data about the influence of drugs or alcohol on the perpetrator at the time of committing the violent act, 93.2% of the information in this category of the form was checked as “no” or “not available.”³⁴ In 6.8% of the cases, drugs or alcohol was recorded as a factor in the act of violence. Due to the high rate of information that was not available, we cannot discount the fact that the rate of drug or alcohol abuse might be higher. It will be important to collect this information in the future since it could help identify causes of violence against women, and help determine strategies for outreach in preventing further violence.

Out of the 1,327 violent incidents considered in this study, the violence was mostly perpetrated by one person alone, at a rate of 73.5%. A total of 10.6% incidents were committed by two to five perpetrators, with an additional 10.6% committed by “multiple”³⁵ perpetrators. In 5.5% of the cases, the information on number of perpetrators committing violence against a woman was not available. Information was collected on approximately 1,515 perpetrators.³⁶ According to the data gathered for this report, family members perpetrated the most violence: 82.0% of the violence was committed by a family member, compared to 9.0% by the community, and 1.7% by the State, with an additional 7.3% being unknown (‘N/A’).

³³ Further details about cases reported to or collected by some organizations may be available in their field offices. UNIFEM did not have access to this information during the research.

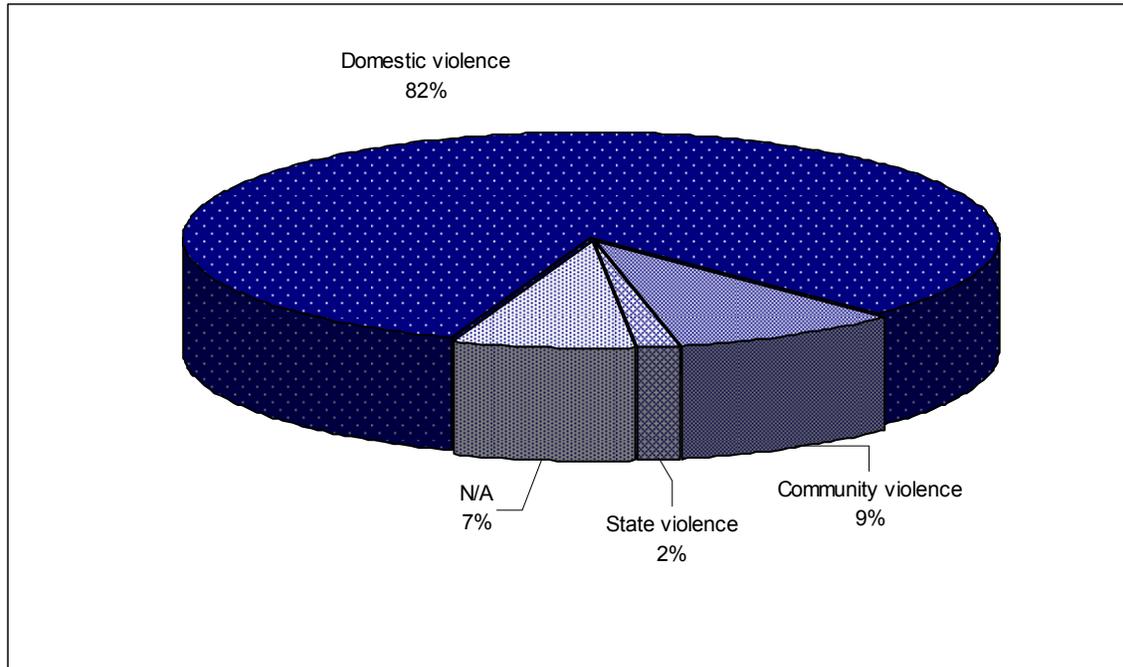
³⁴ In the data received, no distinction was made between “no drug or alcohol use” and “unknown drug or alcohol abuse.”

³⁵ “Multiple” was used in cases where there was more than one perpetrator, but the exact number was unknown.

³⁶ Due to the number of cases that have “multiple” perpetrators and those where the information was “not available”, the exact number cannot be known.

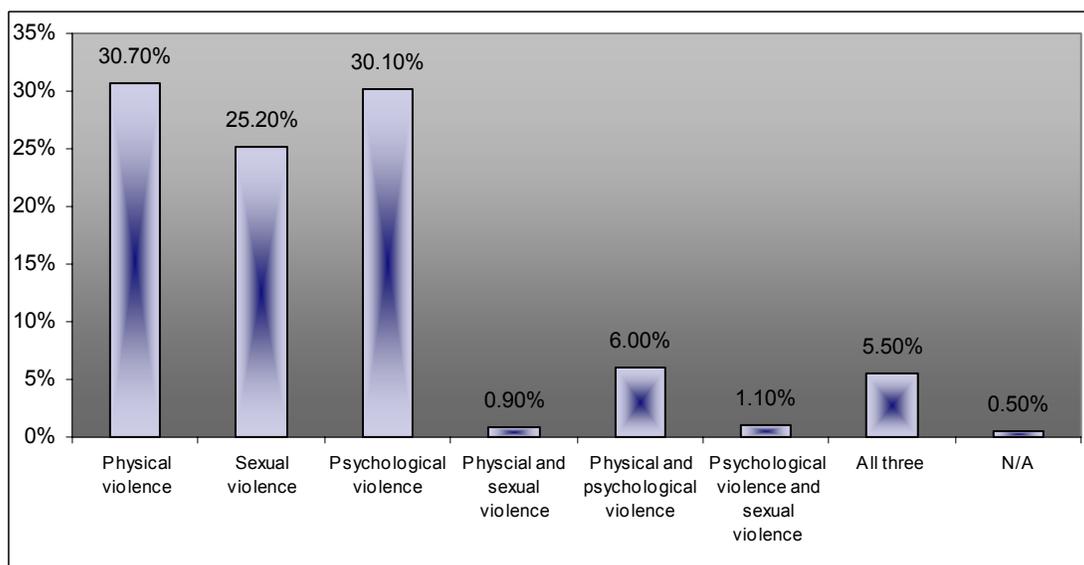


Percentage of Violence by Type of Perpetrator



In regard to the type of violence committed against women, both physical violence (30.7%) and psychological violence (30.1%) factored the highest in our sample. Sexual violence was the third highest at 25.2%. The chart below reveals the levels of incidence of physical, sexual and psychological violence recorded in the sample.

Types of Violence





The following chart breaks down the cases in the study according to type of violence, whether physical, sexual and/or psychological, by the type of violent act committed, as well as by which perpetrator. This chart is based on the total known violent acts considered for this report.³⁷

	Intimate partner	Other family member	Community	State	TOTAL
Physical violence					
Physical assault	298	121	14	4	437
Physical harassment in public	1	0	2	1	4
Murder	16	10	6	1	33
Sexual violence					
Forced marriage ³⁹	43	70	11	0	124
Child marriage	10	24	3	1	38
Forced engagement	17	41	2	2	62
Forced prostitution	14	4	4	5	27
Rape	8	14	29	4	55
Forced sexual intercourse with husband	11	0	0	0	11
Sexual assault	5	9	2	2	18
Refusal to grant divorce	13	0	0	0	13
Psychological violence					
Denial of food or basic needs	99	8	0	0	107
Refusal to communicate	34	2	0	0	36
Preventing mother from children	32	9	0	1	42
Physical threats to family	14	6	4	2	26
Verbal insulting	48	12	1	1	62
Threats to kill	32	13	3	2	50
Combination of all three					
Kidnapping	8	5	29	4	46
Attempted kidnapping	0	1	1	0	2
TOTAL	703	349	111	30	1193

³⁷ The difference between this total and the total number of cases collected (1327) reflects violent acts that were not disaggregated by type.

³⁸ According to the WHO (Krug, E. et al. Eds., *World Report on Violence and Health, 2002*. Geneva: World Health Organization, 2002.), Amnesty International (2004 b, p.18-22) and the Johns Hopkins School of Public Health (Heise L., Ellsberg M, Gottemoeller M. 1999), sexual violence includes forced marriage or cohabitation, including child marriage since they are mechanisms used to control women's sexuality.



DOMESTIC VIOLENCE

Domestic violence, or violence committed against women by family members, is the most common form of gender-based violence worldwide. According to a recent UNICEF study,

*Women and children are often in greatest danger in the place where they should feel the safest: within their families. [...] Violence in the domestic sphere is usually perpetrated by males who are, or who have been, in positions of trust and intimacy and power - husbands, boyfriends, fathers, fathers-in-law, stepfathers, brothers, uncles, sons, or other relatives. Domestic violence is in most cases violence perpetrated by men against women. Women can also be violent, but their actions account for a small percentage of domestic violence.*⁴⁰

The shame associated with reporting most forms of domestic violence, such as rape and other forms of sexual abuse, may contribute to the fact that women often suffer in silence and do not report on the violence committed against them. This is particularly true in Afghanistan – as in India, Pakistan, Iran and elsewhere – where the "concepts of honour and shame are very strong and women are viewed as the bearers of family honour. Women are perceived by men as rooted in the home and injustices committed against them must be dealt with in the home or immediate community."⁴¹

Domestic Violence Perpetrators by Group
Intimate partners: boyfriend, ex-husband, fiancé, husband
Nuclear family: brother, daughter, father, family ⁴² , mother, parents, son, sister
Extended family: aunt, cousin, cousin's husband, fiancé's brother, fiancé's mother, fiancé's son, grandfather, grandmother, husband's cousin, husband's nephew, husband's other wife, husband's uncle, relatives, sister's father-in-law, stepbrother, stepfather, stepmother, stepson, uncle
In-laws: brother-in-law, brother-in-law's wife, daughter-in-law, father-in-law, in-laws, mother of son-in-law, mother-in-law, sister-in-law, son-in-law, uncle-in-law

In our study, domestic violence is the most predominant form of violence committed against women, accounting for 82.0% of the cases. As noted above, violence by the community accounts for 9.0% of cases and violence by the State accounts for 1.7%. In 7.3% of cases the perpetrators of violence were unknown. In the chart below, family members include in-laws, partners, nuclear family and extended family. The possibility exists that some cases which were registered by

⁴⁰ UNICEF and Innocenti Research Center. "Domestic Violence against Women and Girls", *Innocenti Digest*, No.6. Florence, Italy, June 2000, p..1 and 3.

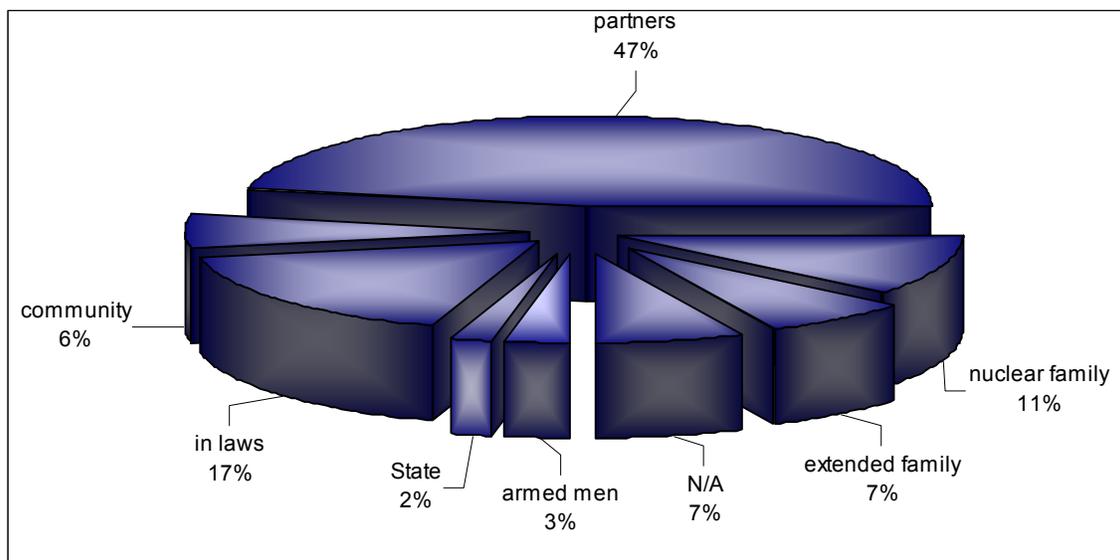
⁴¹ The Afghan Independent Human Rights Commission, *Annual Report: 2002-2003, 2003-2004 and 2004-2005*. Amnesty International, *Women still under attack – a systematic failure to protect*. Report, 20 May 2005, AI Index: 11/007/2005, p. 25.

⁴² The possibility exist that it includes a member of the extended family, but for our analysis it has been included as nuclear family.



Organizations, as violence by a family member (e.g. *bad*) might also or rather be considered violence by the community. Because in some instances traditional dispute resolution mechanisms impose sanctions upon families, some acts of violence could have been incorrectly classified as domestic violence rather than community violence if the organizations recording the information did not take note of the fact that an act of violence was carried out because it had been ordered by the traditional dispute resolution mechanism.⁴³ This could have an affect on the rates of domestic violence found in our sample. In other words the rate could be lower than has been concluded by our study.

Percentage of Violence by Type of Perpetrator

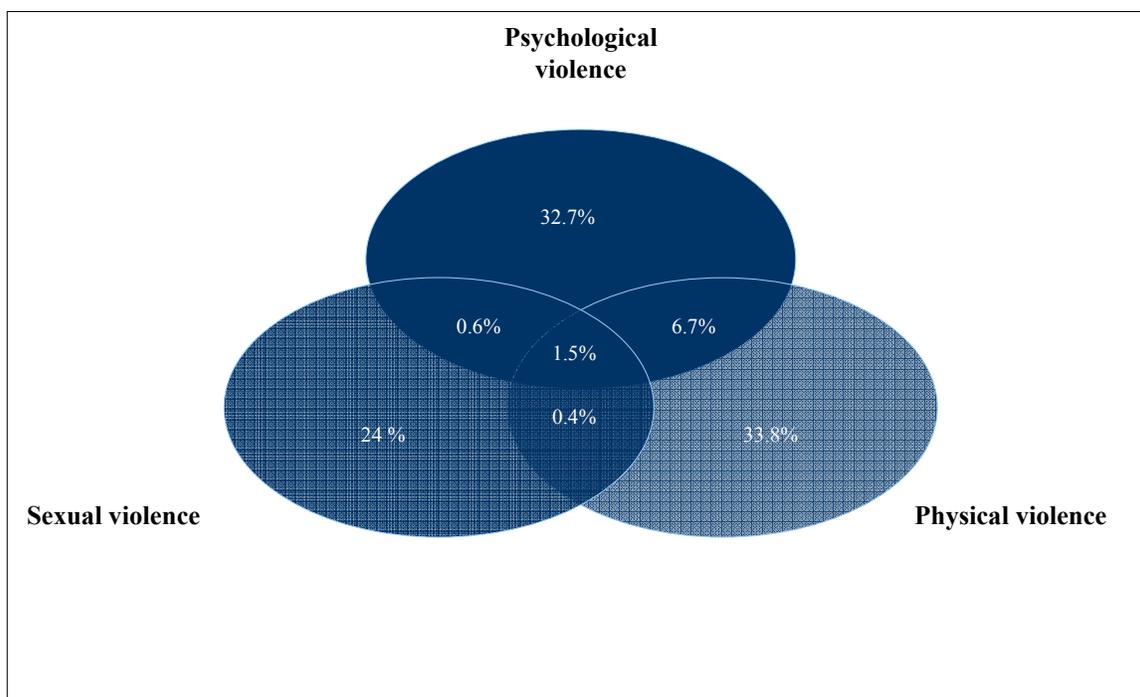


Of the total 1327 cases, family members perpetrated 33.8% of the cases of physical violence and 32.7% psychological violence (of which 7.1% represents a failure to provide basic needs and support, and might therefore be considered economic violence).

⁴³United Nations. *Integration of the Human Rights of Women and a Gender Perspective: Violence against Women*. Report of the Special Rapporteur on violence against women, its causes and consequences. Addendum. E/CN.4/2006/61/Add.5. 15 February 2006, p.13: Traditional dispute resolution mechanisms are "local councils (*shura* or *jirga*) composed of influential persons in the community" who "exercise authority to settle disputes and enforce norms." Those local councils members are mostly only men.



Domestic Violence by Type of Violence



In this study, 24.0% of cases of domestic violence were classified as sexual violence and 9.2% of cases were classified as combinations of three types of violence – physical, sexual, or psychological violence. For a small percentage of cases the relationship with the perpetrator was unknown (0.3%). The figure above demonstrates that when domestic violence is committed women are often victims of various forms of violence and their experiences do not necessarily fall into one distinct category of ‘type of violence.’

How can we explain the relatively high rate of domestic violence in our sample? Certainly Afghan cultural norms play a role. Because women are less likely to come into contact with strangers or State officials, the chances are highest that the majority of acts of violence against women will occur in the home. Furthermore, extended families share houses, compounds and live together in the villages. There is anecdotal evidence that virilocality⁴⁴ upon marriage as well as polygamy may contribute to a higher level of violence within the family.

⁴⁴ Virilocality refers to the practice where a woman upon marriage moves into her husband’s family home.



Factors that Perpetuate Domestic Violence

Cultural

- Gender-specific socialization
- Cultural definitions of appropriate gender roles
- Expectations of roles within relationships
- Belief in the inherent superiority of males
- Values that give men proprietary rights over women and girls
- Notion of the family as the private sphere under male control
- Customs of marriage (bride price/dowry)
- Acceptability of violence as a means to resolving conflict

Economic

- Women's economic dependence on men
- Limited access to cash and credit
- Discriminatory laws regarding inheritance, property rights, use of communal lands, and maintenance after divorce or widowhood
- Limited access to employment in formal and informal sectors
- Limited access to education and training for women

Legal

- Lesser legal status of women either by written law and/or by practice
- Laws regarding divorce, child custody, maintenance and inheritance
- Legal definitions of rape and domestic abuse
- Low levels of literacy among women
- Insensitive treatment of women and girls by police and judiciary

Political

- Under-representation of women in power, politics, the media and in the legal and medical professions
- Domestic violence not taken seriously
- Notions of family being private and beyond control of the state
- Risk of challenge to status quo/religious laws
- Limited organizations of women as political force
- Limited participation of women in organized political system.

Source: p. 7 UNICEF taken from Heise, 1994

Violence against women by intimate partners

As noted above, in this study, "intimate partners" includes boyfriends, fiancés, husbands, and ex-husbands. In the study these men account for 47.5% of the perpetrators of violence against women, falling well within the worldwide percentages.

Violence at the hands of an intimate partner is one of the most common forms of violence against women.⁴⁵ In every country where reliable, large-scale studies

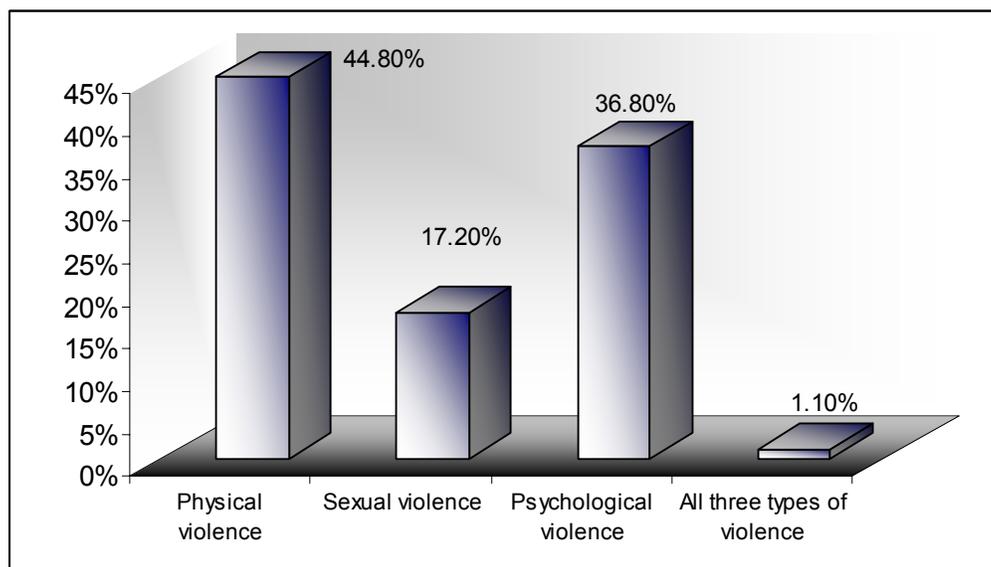
⁴⁵ Heise L, Ellsberg M, Gottemoeller M. "Ending violence against women". *Population Reports* Volume XXVII, Number 4, Series L, Number 11, December 1999, p.5.



have been conducted, between 10 to 69 percent of women report that they have been physically abused by an intimate partner in their lifetime.⁴⁶ Researchers are increasingly in agreement about the nature and factors that cause partner abuse. It is generally thought to be "part of a pattern of abusive behaviour and control rather than an isolated act of physical aggression. It frequently includes controlling behaviours such as isolating a woman from family and friends, monitoring her movements, and restricting her access to resources."⁴⁷

Of our 1,327 cases, intimate partners are responsible for all types of violent acts except for attempted kidnapping (although they did carry out 'successful' kidnappings and abductions against their partners). Intimate partners were mostly responsible for physical assault as well as a failure to provide basic needs and support. Although less frequently, intimate partners were also found to have perpetrated the following acts: forced engagements and marriages, forced prostitution, forced sexual intercourse, kidnapping, preventing a mother from seeing or speaking to her children, physical threats to the woman's family, verbal insulting and even murder. The chart below illustrates the type of violence perpetrated by intimate partners, based on the total violent acts committed by them.

Type of Violence Perpetrated by Partners



⁴⁶ Taken from UNFPA website Fact Sheet on Violence against Women: State of the World's Population, 2005 (<http://www.unfpa.org/swp/2005/presskit/factsheets/factsvaw.htm>).

⁴⁷ Heise L, Ellsberg M, Gottemoeller M. "Ending violence against women". *Population Reports* Volume XXVII, Number 4, Series L, Number 11, December 1999, p.3.



- **Violence against women by non-partners**

Other members of the family were responsible for 34.5% of the violence against women in the total sample. The sample of data on violence against women by non-partners indicates that females were the perpetrators of violence against other women in almost a third of the total cases (24.2% male perpetrators, 10.3% female perpetrators). As mentioned earlier, there is anecdotal evidence that virilocality upon marriage as well as polygamy may contribute to a higher level of violence within the family.

In Afghanistan, where extended families live together, 'other family members' can include a wide range of perpetrators. This is demonstrated in the graphs below which indicate which male and female perpetrators committed violence, as well as the number of violent acts they committed.

Female Perpetrator of Family Violence	Number of cases of violence
Aunt	4
Daughter	1
Daughter-in-law	1
Fiancé's mother	2
Grandmother	3
Husband's other wife	13
Mother	33
Mother of son-in-law	2
Mother-in-law	58
Sister	3
Sister-in-law	18
Step mother	16
Wife of brother-in-law	2
Total number of cases	156

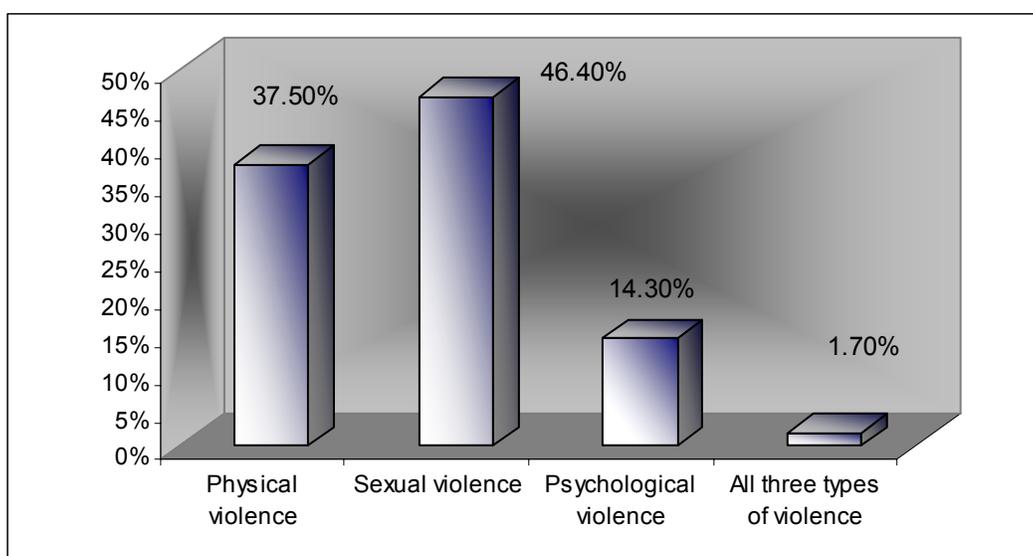
Male Perpetrator of Family Violence	Number of cases of violence
Brother	19
Brother-in-law	33
Cousin	8
Cousin's husband	1
Father	60
Father-in-law	34
Husband's cousin	2
Husband's uncle	1
Sister's father-in-law	1
Son of deceased fiancé	1
Son	7
Son-in-law	1
Step-brother	4
Step-father	10
Step-son	3
Uncle	14
Uncle-in-law	2
Total number of cases	201



The forms of violent acts committed by family members that are most common within the sample are physical assault (121 cases) and forced marriage (94 cases). Family members were also responsible for other acts of violence, including forced engagement, rape, sexual assault, preventing a mother from seeing or communicating with her children, threats of physical violence to members of a woman's family, and verbal abuse.

These violent acts are included in the chart below, which illustrates respectively the percentage of physical, psychological, and sexual violence perpetrated by family members other than intimate partners.

**Type of Violence Perpetrated by Family Members
(Other than intimate partners)**



OTHER VIOLENCE

- **Violence against women by the community⁴⁸**

Global statistics reveal that whilst women are at greatest risk in the home, they are also at risk from strangers or known persons within their community. Violence within the community takes on different forms. Most studies indicate that rape is one of the most common forms of violence committed against women, Women can fall victim to rape by known or unknown members of the community, inside or outside the home, in refugee camps or in situations of

⁴⁸ In this study, the term "community" encompasses all non-state actors outside of the family. It should be noted, however, that in Afghanistan it is not easy to ascertain where community ends and State begins. This is of particular relevance in the case of government officials, elected or otherwise, who control non-state armed factions.



armed conflict. Women and children are also often forced into prostitution and trafficking, particularly in times of difficult economic and social conditions.⁴⁹

In our study, violence by members of the community accounts for 9.0% of the 1,515 perpetrators. Persons within the community who were reported to have committed violent acts against women include co-workers, elders, female friends, mullahs, male and female neighbours, cousins of neighbours, strangers, armed gunmen and commanders.

At 2 years old, a girl was promised in marriage by her family to an older man who died when she was 6 years old. His son then claimed that the girl was his widow and should therefore marry someone else from the family. The case went to the village elders who decided in favour of the son. The girl has threatened to kill herself if she is forced to marry.

Violence committed against women by members of the community is likely to be under-represented in this study due to a lack of data on decisions taken by traditional dispute resolution mechanisms, where settlements often pertain to women and may lead to violence against women such as stoning, *bad*, other forms of forced marriage and engagement.

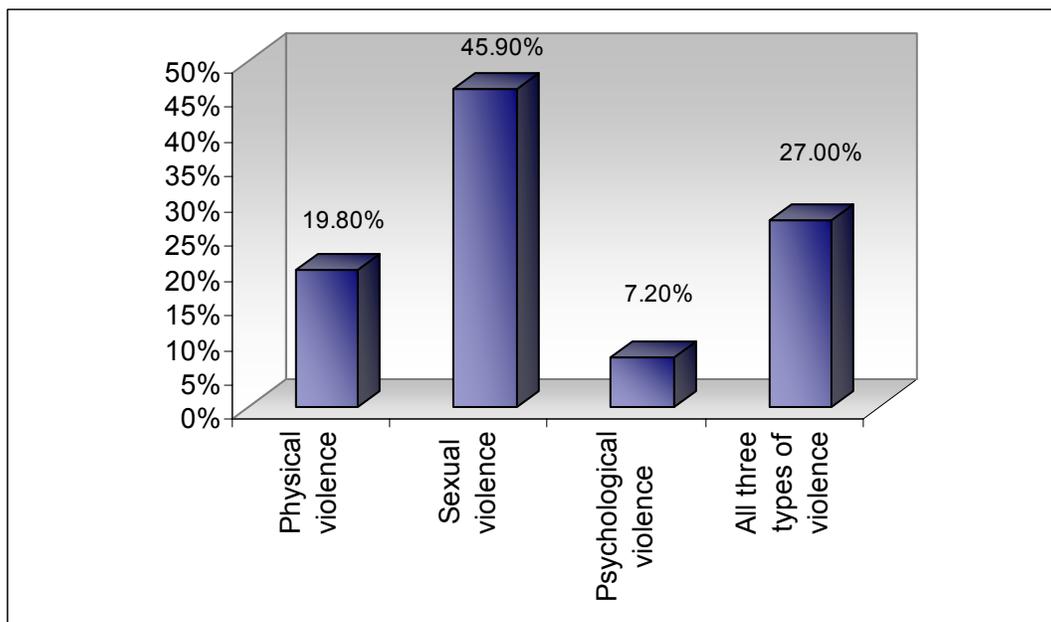
Results from our study show rape and abduction as the highest forms of reported violence against women (29 cases each) perpetrated by members of the community. Other violent acts committed include physical assault, forced marriage and murder.

The respective percentages of physical, psychological and sexual violence out of all acts of violence committed by members of the community are illustrated in the chart below.

⁴⁹ Heise L., Ellsberg M.,Gottmoeller M. "Ending violence against women". *Population Reports*, Volume XXVII, Number 4, Series L, Number 11, December 1999, p.3.
Amnesty International, *It's in Our Hands. Stop Violence Against Women*, London, United Kingdom, 2004, p.iv and 1.



Type of Violence Perpetrated by Community



- **Violence against women by the State**

Afghanistan is a party to a number of human rights treaties, including the UN International Covenant on Civil and Political Rights (ICCPR), the UN International Covenant on Economic Social and Cultural Rights (ICESCR), the UN Convention against Torture (CAT), the UN Convention on the Rights of the Child (CRC), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Rome Statute on the International Criminal Court. By ratifying these international instruments, Afghanistan has committed itself to guaranteeing that women and men are granted equal rights and that neither faces discrimination on the basis of gender. The principle of equality has been enshrined in Article 22 of the Afghan Constitution, which states that “the citizens of Afghanistan – whether man or woman – have equal rights and duties before the law” and expressly prohibits any discrimination of citizens.

In Afghanistan, the government is still not able to meet its obligations to protect, promote, and fulfil the human rights of its citizens, whether violations are committed by private or public actors. Although ongoing initiatives to strengthen and improve the security and justice systems within Afghanistan are under way they are as of yet insufficient for ensuring women’s physical safety and their social and economic security. There are also documented cases in which the State acts as the perpetrator of violence against women. This study includes reports of women who are physically or verbally abused, suffer sexual mistreatment and have died at the hands of State employees.

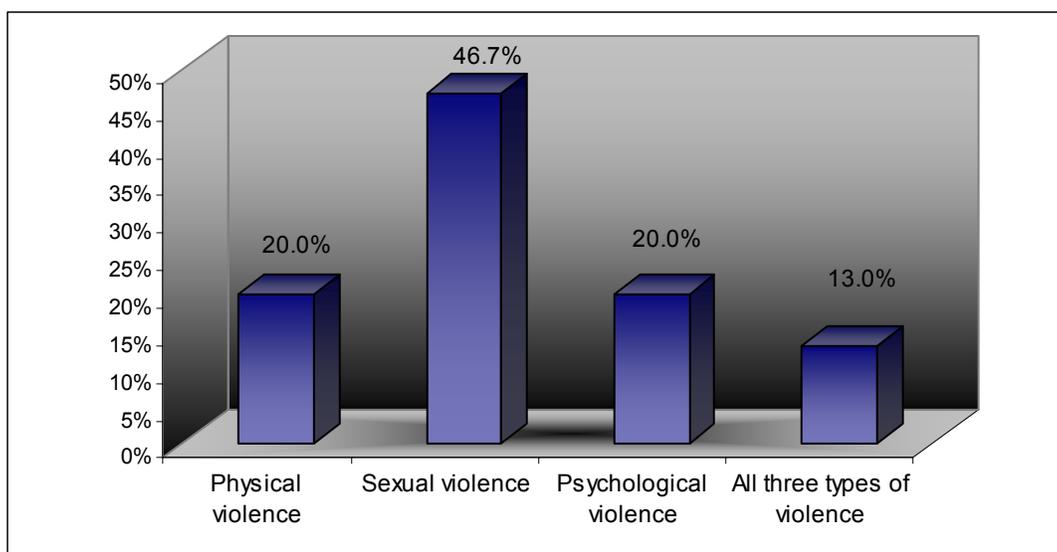


State employees account for 1.7% of the 1,515 total perpetrators of violence against women reviewed for this study. This includes violence perpetrated by “government officials”, judges and heads of court, police officers, prison guards, and soldiers. There are a number of reasons that likely explain the low rate of reported acts of violence by State actors in this study. Women are less likely than men to come into contact with State representatives. Some of the organizations in our sample may not collect information about state violence. Distinguishing the police and army from other armed groups of men is difficult. Persons may fear reprisals for reporting such violence. Reporting such incidents to a non-family member may appear shameful. Lastly, a woman’s word rarely if ever has the same value as a man’s.

A variety of violent acts by state officials were reported, but none in very high numbers. The highest reported violent act committed by state actors was forced prostitution. Other acts include physical assault (5 cases), forced engagement, forced marriage,⁵⁰ rape, kidnapping, sexual assault, threats to a woman’s family, death threats, verbal insults, and murder.

The percentage of each type of violent act committed by state actors is illustrated in the chart below.

Type of Violence Perpetrated by the State



⁵⁰ The data does not allow us to distinguish between cases where State representatives are benefiting themselves (forcing women to marry them) or facilitating engagements and/or marriages for others (forcing women to marry a friend, relative, etc.). There is also the possibility that the violence occurs by sending the women to traditional dispute resolution mechanisms.





CONCLUSION

UNIFEM's research on violence against women highlights the need for additional research and improved collection of data by organizations already working within this area. It also points to the need for the development and funding of referral services for survivors of violence as well as increased State protection for women from violence perpetrated by both public and private actors.

As the study demonstrates, sufficient levels of data regarding the number and nature of violent acts being committed against women is not currently being collected. Details about victims, perpetrators, occurrence rates, and weapons used were mostly unavailable. Such information is required to determine appropriate policies and to conduct successful campaigns to prevent and reduce the number of violent acts committed against women. This report and the conclusions UNIFEM were able to deduce on the nature of violence against women in Afghanistan reveals the narrow scope of the data currently available from organizations and government agencies collecting information on violence against women. This reflects the importance of those working in this area acting vigorously to collect extensive and detailed data according to their differing mandates, views and knowledge about violence against women and that provides sufficient detail to enable government officials, policymakers, and development practitioners to formulate and implement programs and policies that have the potential to prevent and halt further violence against women in Afghanistan.

The focus of research on violence against women is currently largely limited to the victims of such violence. This limited line of inquiry may also reflect a lack of understanding of the multi-layered causes of gender-violence by the organizations currently carrying out such research.

Although the results of this study are not sufficient to make firm conclusions on the nature and extent of violence against women in Afghanistan, it nonetheless provides considerable insight into the problem. Some preliminary conclusions that have been reached by this study are that:

- ◆ Violence affects women of all ages without regard to marital status, education or employment.
- ◆ Violence against women is committed by actors within the family, community and State.
- ◆ Violence begins to affect women at an early age.
- ◆ Abuse perpetrated by a member of a woman's family or someone known to her is widespread.
- ◆ Violence against women perpetrated by an intimate partner appears endemic.



- ◆ Perpetrators of violence against women are largely men, but in our study women account for 10.4% of the total perpetrators.
- ◆ Anecdotal evidence about the rampant and entrenched nature of violence in the family can be further substantiated by the high rate of domestic violence revealed in this study.
- ◆ Various forms of psychological violence are used to keep women in a position of subordination.
- ◆ Acts of violence against women are taking place with impunity.⁵¹ It appears that the government, communities and families are not doing enough to prevent violence against women.
- ◆ Women need better access to services, particularly when they are seeking help from violence perpetrated by the family, which is almost exclusively the traditional support structure for women in Afghanistan.

This sample is likely a small portion of cases of violence against women in the country, which tend to be hugely under-reported.⁵² Comparing the results of this study with international research is difficult because existing studies are not necessarily consistent in their methodology, study design or in their presentation of results.⁵³ Nevertheless, some of our results are consistent with worldwide trends:

- ◆ At least one woman in four in our sample suffered some form of sexual violence. Worldwide, one woman in five will suffer rape or attempted rape.
- ◆ Between 30.7% and 43.1% of our sample experienced some form of physical violence. Worldwide at least 33% of women have been beaten, coerced into sex or otherwise abused in their lifetime.⁵⁴
- ◆ As many as 36 homicides were reported, of which 16 cases (44.4%) were perpetrated by an intimate partner, 10 cases (27.8%) by other family members, and another 10 cases (27.8%) by community and State actors combined. Worldwide, intimate partners commit 40-70% of homicides.

⁵¹ See *Supra* note 12 for further information on impunity.

⁵² See Amnesty International, *It's in our Hands. Stop violence against women*. Oxford, United Kingdom: Alden Press. 2004, p.4. Violence against women is characteristically under-reported worldwide because women are "ashamed or fear scepticism, disbelief or further violence." In Afghanistan, this would likely be the case since: protecting the honour of the family takes precedent over protecting the rights of an individual; social tolerance to violence is very high; a woman's movements can be monitored or restricted; many areas remain off limits due to insecurity to organizations who can provide services to victims of violence; there are few shelters, legal aid clinics, counselling services; and there are serious capacity constraints with law enforcement and justice officials, including the ability to distinguish between one's personal beliefs and professional obligations.

⁵³ Ellsberg, Mary and Lori Heise. *Researching Violence Against Women. A Practical Guide for Researchers and Activists*. WHO/Path (Program for Appropriate Technology in Health). Geneva, Switzerland, 2005, p.12.

⁵⁴ Total physical violence (30.7%) in addition to a combination of the different types of violence: physical and sexual (0.9%); physical and psychological (6.0%); and physical, sexual and psychological (5.5%).



Our study raises many questions that cannot be answered at this time and that demand further inquiry into the nature of violence against women in Afghanistan. We still do not know why the women (or men who reported for them) in our sample reported the violent acts committed against them to someone outside their family. We do not know whether there are specific factors that increase a woman's chances of being abused, or of fleeing abuse. We also do not know how many women and men do report incidents of violence against women to formal justice institutions. These questions should be raised in future research.

What does the report say about perceptions of violence by the women and men who have stepped forward to report these crimes despite the impunity in which it takes place? Does it tell us that when violence occurs, men and women alike know that it is wrong, despite their level of education?

Although attempts were made to collect information about referrals, insufficient data was collected to make firm conclusions. We were interested in finding out who women were most likely to approach initially and where organizations refer the women that approach them. Unfortunately, the Database Form utilized did not capture the intended results even though some organizations noted that the women were referred to the Afghanistan Independent Human Rights Commission, the courts or traditional community governance bodies (*shuras*). Based on their working experiences in the field, the VAW consultation committee has expressed the urgent need for referrals and cooperation between agencies working on violence against women. Women must be given options for treatment and for pursuing the perpetrators within the justice system when faced with an abusive situation or a human rights violation.

There clearly remain critical gaps in our knowledge about violence against women in Afghanistan. The government has taken some serious steps in terms of prioritizing the issue. Nevertheless, there are serious difficulties in designing and implementing laws, policies and sustainable programs. The systematic collection and documentation of violence against women throughout Afghanistan will be a good tool to assess the progress of the work that the government and civil society actors have committed themselves to, thereby making them more accountable to their policies, laws and plans of actions to combat this endemic problem.

Afghanistan is obliged to prevent domestic, community or state sponsored violence and protect its citizens against it. States also have a duty to ensure that perpetrators are brought to justice for such human rights violations. "The concept of state responsibility has now developed to recognize that, states also have an obligation to take preventive and punitive steps where rights violations by private actors occur."⁵⁵

⁵⁵ Supra note 2, *Innocenti Digest*, p.10, which includes a "Discussion" on State obligations by the first appointed United Nations Special Rapporteur on violence against women, its causes and consequences.



States also have an obligation to collect data on violence against women, and should do so more frequently and in greater detail. This research, combined with data from other sources should allow for improved policy making, budget allocation, and enactment or amendment of legislation. It will facilitate the ability of government agencies and non-governmental entities to properly determine priorities, train government and non-government officials, and educate men and women on the rights of women and the criminality of violence against women in a manner that helps tackle this endemic problem.





RECOMMENDATIONS

Topics covered in this section:

- Recommendations based on the data collection process
- Recommendations based on the findings

Violence against women can be stopped. Interventions by the State, its agencies and other organizations can make a difference. Although no single intervention will eliminate violence against women, a combination of initiatives to improve health, education, economic, legal and law enforcement can significantly reduce its occurrence. Initiatives must target men and women, state and non-state actors. Adequate resources – particularly for services in the provinces – must also be channelled to appropriate agencies to strengthen the fight against violence throughout Afghanistan.

RECOMMENDATIONS BASED ON THE DATA COLLECTION PROCESS

- ◆ Organizations collecting data or cases on violence against women should provide gender-based training for their employees to explain the definition of violence against women, and the importance of careful monitoring of cases of violence against women.
- ◆ Organizations taking part in collecting data on violence against women should ensure that sufficient details are collected that will allow thorough documentation of individual cases, tracking of trends, and the development of relevant policies and programs aimed at eradicating violence against women. UNIFEM recommends that a standard form⁵⁶ be developed and used to collect data on violence against women. It should include, at the very least, details about:
 - victims (e.g. age, marital status, employment, education, place of residence);
 - perpetrators (e.g. age, marital status, employment, education, place of residence, relationships to victim, where the victim reports the incident);
 - incidents (e.g. type of violence, violent act, weapons used, injuries sustained, occurrence rates); and
 - outcomes and resolutions of cases;

⁵⁶ UNIFEM has, based on a national consultation process, designed a standard form that could be used as the standard form on data collection regarding cases of violence against women.



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- ◆ Organizations providing access to justice and support to women in distress should develop a uniform definition of violence against women as it applies in Afghanistan. Such a definition would allow data to be compiled and compared not only in Afghanistan, but in countries worldwide.
 - ◆ Organizations should develop a proper filing system to enable them to track cases of violence against women separately, rather than combining them with all other cases. This would allow easier access for tracking purposes.
 - ◆ To ensure systematic tracking and documentation of violence against women in Afghanistan, there should be one centralized agency in charge of tracking. UNIFEM recommends placing this responsibility within the Central Statistics Office (CSO) with MOWA providing support. The CSO would be responsible for developing and keeping a national database for nationwide data collection, which would allow comparisons of different regions, and then with other countries, to be made. Particular attention should be placed on collecting data from all provinces as well as remote locations. Based on the data collected, MOWA will be responsible for issuing an annual report on the situation of violence against women.
 - ◆ In the context of gender mainstreaming, sex-disaggregated data and statistics on violence in the country should be collected to determine the manner in which violence in the country affects men, women and juveniles. Furthermore, the data should also be able to establish whether the level of violence against women differs between rural and urban areas.
 - ◆ Attention must be given to building the capacity of the State to collect and disseminate data on violence against women and its findings.
 - ◆ Because self-immolation often results from violence against women, data on self-immolation also needs to be registered in a systematic manner, yet on a separate data form. This information can also be used as an assessment tool in the effectiveness of policies, legislations and programs geared towards the eradication of violence against women.



RECOMMENDATIONS BASED ON FINDINGS

- ◆ Further research should be conducted to determine the causes and the health, social, security and economic consequences of violence against women.⁵⁷
- ◆ Given that women are most likely to be victimized by a member of the family, policies and programs must develop alternative support mechanisms and increase the number of existing support services for women survivors of violence. This includes health facilities, legal aid clinics, psychosocial support and counselling services, and safe houses⁵⁸.
- ◆ Further support should be given to the establishment of referral centres to encourage the reporting of violence against women and the prosecution of perpetrators.
- ◆ The State must take a tougher stand on domestic violence through campaigns both within the formal education system and in the community at large. Campaigns should target both men and women, young and old, and focus on increasing knowledge about women's rights, respecting women, the illegal character of forced marriages and forced engagements, and violence against women and its punishments as set out in the laws of the country.
- ◆ The State must develop proper mechanisms, policies, programmes and remedies that ensure access to justice for women, including legislation to protect them and prosecute and punish the perpetrators of gender-based crimes according to the laws of the country.
- ◆ Tougher laws should be enacted to punish rape and other sexual abuse crimes, including those that occur between spouses and in the family. Better policies, practices and legislation are required to ensure that the legal system does not punish the victim for these crimes.

⁵⁷ Annex 3 provides a short list of known research currently being conducted.

⁵⁸ There are only six safe houses operating throughout the country: four in Kabul, one in Herat and one in Mazar-i-Sharif. Source: *Supra* note 12, p.16. UNIFEM fully supports the UN Special Rapporteur's recommendations made with regard to increasing and strengthening safe houses made on pp.21 and 22 of this report.

Annex 1: Organizations that contributed cases

Organization	Data collection method	Date of data collection	Number of cases contributed	Overall percentage of cases
ADWRB (Association for the Defence of Women's Rights in Balkh)	ADWRB provided a list of cases with summaries. Data was entered directly into the Excel database by UNIFEM staff.	2005	21	1.6%
AHRC (Afghanistan Independent Human Rights Commission)	AHRC staff reviewed past cases kept by their Monitoring and Investigation Department. Information was provided in an Excel sheet, loosely based on UNIFEM's VAW database form.	2003 to 2005	154	11.6%
AWJA (Afghan Women Judges' Association)	UNIFEM Consultant reviewed file records and case summaries. Data was entered directly into the Excel database.	August 2004 to June 2005	148	11.2%
AWLC (Afghan Women Lawyers Council)	AWLC provided UNIFEM with letters received from women seeking legal assistance.	Specific dates unknown	46	3.5%
AWN (Afghan Women's Network)	AWN provided UNIFEM with summaries of cases collected by their trainers in the field.	Specific dates unknown	58	4.4%
AWSDC (Afghan Women's Skills Development Center)	AWSDC staff reviewed half of the files kept on women that stayed in the shelters. The other half was reviewed by UNIFEM's Afghan Consultant. Data was collected on UNIFEM's VAW database form.	2003 to 2004	52	3.9%
Children's Court	VAW database forms were filled in and returned to UNIFEM, reflecting a sampling of cases.	2004 and 2005	14	1.1%
District 10 Police Station, Family Protection Unit	VAW database forms were filled in and returned to UNIFEM. The Unit opened on June 1, 2005 and therefore had few recorded cases.	2005	4	0.3%
Family Court	VAW database forms were filled in and returned to UNIFEM, reflecting a sampling of cases.	2003 to 2005	30	2.3%
HAWCA (Humanitarian Assistance for the Women and Children of Afghanistan)	HAWCA staff reviewed files kept on women that stayed in the shelters. Data was collected on UNIFEM's VAW database form.	Early 2004 to June 2005	18	1.4%
IOM (International Organization for Migration)	VAW database forms were filled in and returned to UNIFEM.	2005	5	0.4%
medica mondiale	VAW database forms were filled in and returned to UNIFEM.	2003 to 2005	161	12.1%

MoWA (Ministry of Women's Affairs)	reflecting a review of civil, criminal and psychosocial cases. UNIFEM Consultant reviewed approximately 500 files from Kabul and provinces in MoWA's Legal Department. Data was collected on UNIFEM's VAW database form.	2004 and 2005 -- some provincial offices were not available.	398		30%	
NRC (Norwegian Refugee Council)	Since approximately 2004, NRC has kept a central database of cases that includes case type, client profile, case history, and action taken. An NRC staff member went through the database, with the assistance of a UNIFEM staff member, who filled in VAW database forms.	2004 and 2005	59		4.4%	
Save the Children UK	In Kandahar, Save the Children UK keeps a record of the cases that they refer to the police. This list was sent to UNIFEM whose staff identified those related to VAW. They were then entered directly into the database.	2005	4		0.3%	
Save the Children US	Save the Children US collected information from children in Balkh in 2003 for one of their projects. Copies of the individual interviews were provided to UNIFEM and those relevant to the project entered directly into the database.	2003	34		2.6%	
UNAMA (United Nations Assistance Mission in Afghanistan)	UNIFEM International Consultant reviewed the cases, and weekly/monthly/quarterly reports drafted by UNAMA field officers, which were printed and filed in the Kabul main office. Data was collected on VAW database form.	January 2003 to June 2005	121		9.1%	

Annex 2: Violence against women Database Form

Name of institution/organization	_____
Village/District/Province	_____
Date case was registered with organization	_____
Date of incident	_____

DATA OF COMPLAINANT (CIRCLE THE APPROPRIATE ANSWERS – SEVERAL ANSWERS CAN BE CHOSEN FOR ONE CATEGORY)

AGE	7 – 15	16 – 19	20 – 25	26 – 35	36 – 45	46 – 55	55 and over	
MARITAL STATUS	single	engaged	married	married-living separately	divorced	widowed		
ETHNICITY								
VILLAGE / DISTRICT / PROVINCE								
LEVEL OF EDUCATION	illiterate	literate	primary educ.	secondary educ.	higher educ.	other (specify)		
EMPLOYMENT STATUS	unemployed	employed						
TYPE OF VIOLENCE (list all that apply)	Physical	sexual	psychological					
NATURE OF INJURIES (list all that apply)	none	bullet wounds	bruises	stab wounds	lacerations (cuts)	burns	broken bones	internal injuries
VIOLENT ACTIONS (list all that apply)	forced engagement	forced marriage	forced prostitution	raped	kidnapped	restriction on movement		
OCCURRENCE	no communication for long period of time	no basic support	forced sexual intercourse by husband	sexual assault				
WEAPONS USED	One time	every day	once/week	several times/week	once/month	several times/month		
REPORTED TO	YES	please specify: gun	knife	stick	rubber hose	fire	other (specify) _____	
	police	legal department	family	family	elders	doctor	family	
							counsellor/psychologist	

DATA OF PERPETRATOR

PERPETRATOR	Family	community	state
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AGE (if applicable)	7 – 15	16 – 19	20 – 25	26 – 35	36 – 45	46 – 55	55 and over		
MARITAL STATUS (if applicable)	single	engaged	married	married-living separately	divorced	widowed			
VILLAGE/DISTRICT/PROVINCE	_____								
LEVEL OF EDUCATION (if applicable)	illiterate	literate	primary educ.	secondary educ.	higher educ.				
EMPLOYMENT STATUS (if applicable)	unemployed	employed							
RELATIONSHIP TO COMPLAINANT	Husband	brother	uncle	other wife	stepmother	mother	stepsister	neighbor	brother-in-law
	mother-in-law	son	father	father-in-law	stepfather	stepbrother	sister	aunt	
	other family member (specify) _____		stranger	teacher	mullah	prison guard			police officer
	government worker	doctor	other (specify) _____						
INTOXICATED/DRUGGED AT THE TIME OF INCIDENT	YES	NO							
ACCOUNT OF INCIDENT/REFERRAL/ACTIONS TAKEN									
Brief description of incident (date of incident, cause for the violence, persons involved, injuries/injustices inflicted)									

Referred by	_____								
Referred to	_____								
Other actions taken	_____								
Follow-up (attach reports)	_____								

Annex 3: Ongoing and Upcoming Research on Violence against Women

Organizations conducting research	Research description
MoWA / UNIFEM	<p>A primary data collection project on violence against women has been launched which seeks to capture cases in a comprehensive database. Data is to be collected from hospitals, police stations, schools, government agencies and NGOs on a "VAW Database Form." The database will be used to analyze trends and determine strategies to tackle the issue, including identifying gaps in nation-wide response mechanisms and service provision for victims.</p> <p>Organizations working on violence against women are encouraged to adopt this Form and submit the data to MoWA, in order to contribute to the beginning of systematic tracking of cases of violence against women in the country.</p>
UNIFEM / MoWA	<p>Are conducting a law mapping research project to examine all the laws of Afghanistan and to identify gender discriminatory provisions. Laws are being measured against the Constitution, <i>Sharia</i> law and the international conventions to which Afghanistan is a signatory (including CEDAW). Positive examples will be given from other Islamic countries and recommendations made for changes to the laws.</p>
AREU	<p>Has just begun a long term qualitative, research study on family dynamics and family violence. The study will investigate the nature of family dynamics and how these have been affected by external factors such as war, migration and economic change over time. It will investigate what types of family violence are seen as appropriate and legitimate by different members of the community, with a focus on the differing perceptions of men and women and different generations. AREU will not be collecting incidence rates nor will their study be representative enough to estimate incidence. Rather, AREU will seek to understand the justifications behind different forms of family violence and how these are embedded within norms of family roles and relations, and gendered behaviour expectations, in order to inform strategies seeking to reduce the incidence of family violence.</p>
AIHRC	<p>Will conduct research on the reasons for self-burning and suicides, with a focus on the south of the country</p> <p>Will conduct research on physical violence and forced miscarriages in the northwest part of Afghanistan.</p>
University of Calgary / CIHR	<p>The Women's Domestic Violence Health Project brings together researchers from Calgary, Canada and Perth, Australia with their respective local community partners and partners in Afghanistan, Bangladesh, and Thailand as an international research team working in a Global Health Research Program. In their pilot project, "Women's Participation in Domestic Violence Health Policy Development," the common research interest is to look into how domestic violence policy is developed and used in these countries, paying close attention to how indigenous women and their concerns are included. The first phase of the research in Afghanistan was completed during the summer of 2005. Interviews in Kabul with members of the NGO, government and</p>

	<p>academic communities were undertaken to: (a) Investigate the health sector involvement in issues related to domestic violence; (b) better understand how the members of the policy community are linked or not by common objectives and concerns; and (c) articulate the differing ways members of the community define the problem of domestic and gender based violence. The final report is now being completed.</p>
<p>UNIFEM / AIHRC / WCLRF (Women and Children's Legal Research Foundation)</p>	<p>Is conducting research on customary law practices in Afghanistan to gain an understanding of the role of customary practices in general and more particularly their impact on women's rights. The project also seeks to define ways of eradicating negative practices impacting on society in general and women in particular. Six provincial sites have been chosen, in which project staff will spend two months with the selected communities.</p>
<p>Medica mondiale</p>	<p>Is conducting a 4-month research project on self-immolation in 4 districts in Herat Province, 8 districts in Kabul Province and 4 districts in Wardak Province. The aim of the research is to understand the factors underpinning and contributing to self-immolation. The findings and recommendations will be published and form the basis of a campaign to address and eliminate self-immolation. The campaign will end a 3-day international conference held in Kabul in December 2006, bringing together experts from Tajikistan, Pakistan, Iran, India, Turkmenistan and Afghanistan.</p>

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