



## Violence against women in Afghanistan and its solutions

Farid Ahmad Heravi

Lecturer, Sharia Law Faculty, Kabul University, Afghanistan

### Abstract

There are many violence cases in Afghanistan in each province even in the capital, Kabul city, in spite the civic and literate and knowledgeable life there in the city. There are many areas of violence against women in Afghanistan such as violence against women inside the family, violence against women in the local community, government violence against women, violence against women in prison, violence against women during armed wars. The violence caused insult, humiliation, beating, hurts and killing, cutting the parts of body such as nose, ears, hand, lips and others. These cases include many reasons and factors, therefore I decided to search and investigate about the causes and effects of them. I found the reasons of violence in Afghanistan and also its solutions. I mentioned all factors and solutions from all perspectives (Islam, law, ethical, and cultural).

**Keywords:** violence, women, forced sterilization, local community, civil war, factor of violence, solution ways

### 1. Introduction

Violence against women is a fatal phenomenon that destroys half of society, and it has been a phenomenon that has engulfed Afghan society for many years, and has presented Afghan women with many challenges. However, with the adoption of laws and the establishment of non-violent committees against women and women's advocates, the pattern of violence continues to grow.

For this reason, I wanted to research this issue and publish it in the world magazines for their awareness of the situation in Afghanistan and to draw their attention to the fight against this phenomenon.

### 2. Research Method

The present study is descriptive field research and I have been able to use other books and reports from the relevant agencies involved in the fight against violence against women to complete my research and find a solution.

There is no doubt that this little research can have a positive effect on the fight against violence against women, and we can overcome and eliminate this ugly phenomenon by raising awareness of others and their effective suggestions.

### 3. Research Questions

The current study will basically try to answer the following questions.

1. What is violence?
2. Why is violence against women occurring in Afghanistan and what are its causes?
3. What are the solutions to this fatal and negative phenomenon?

### 4. Objects of research:

Violence against women is a continual phenomenon in each city and countries. This is a big profanity and contempt for the rights of women in each society and strong obstacle in front of equality between bisexual (men/ women). Such violence is not acceptable from each perspective of society: government, representatives, family members and others,

during the war and peace. If there is the continuing of violence against women we cannot claim that we want to implement the best equality, development and peace in the society. States have a duty to protect women from violence, accountability of those responsible, provide justice and redress to victims.

Violence against women is one of the most serious challenges facing us in our time. Recently, violence against women has increased with all its forms and needs to be prevented. Otherwise, society will face a great deal of crisis. As we know women form a half-body of society, Woman is woman, she is a mother, she is a sister, she is an aunt, she is a woman, and she is the best coach in the community and society especially for her children.

Despite the fact that there are already developed and developing institutions, associations, and individuals in developing countries that fight against violence against women, the graph of violence has grown and increase day by day and it created significant challenges in societies, especially the Afghan society.

Therefore, I want to search about the violence against women in Afghanistan and I divided my research in to these issues: the definition of violence, the violence negative consequences, its factors in the Afghan society and the solution of violence and we can solve this problem in our country.

The world's prevalent countries carry out many activities to combat the violence of women, and even give women the tools to eradicate violence and work hard in this area, but in developing countries, this problem has created many problems and it is in the process of becoming increasing every day.

Violence against women is a form of discrimination and a violation of human rights.

### 5. Definition of violence against women:

The actions by which they cause physical, rational, and sexual harm to women, also it includes threatened by these acts, reluctant and compelled, and other types of deprivation

of liberty, etc.

Some scholars have stated that women's deprivation of all physical, sexual and rational privileges is called violence. (qalaji, vol.2, p. 314).

Some other scholars said Violence against women includes physical, sexual, emotional, economic misconduct and other ill-treatment.

Violence against women are different, some are severe and important, and some are mild and weak.

Definition of Violence: Article 3 of the Law on the Elimination of Violence against Women defines: Violence: Committing the acts that causes harm to a woman's personality, body, property or psyche

**Definition of Woman:** Article of the Law on the Elimination of Violence against Women defines: Woman is Adult and immature females.

Undoubtedly, violence against women has so many ugly consequences for women, children, relatives, local communities and large communities.

In the case of violence against women, they face and suffer from each side, but the disadvantages of their children are greater than the health, psychological, behavioral, etc.

Violence against women leads to a lack of social, political, and cultural establishment.

### 5.1 The forms of violence against women

A series of factors that affect various types of violence against women, below is an overview of the factors mentioned above:

#### 5.1.1 Violence against women inside the family

Violence against women was during her life stages, before childbirth until she was old and dead, the various types of violence against women within the family are as follows:

- Hitting.
- Rape wife.
- Sexual violence.
- Dowry-related violence.
- Female infanticide.
- Sexual assault on female children in the family.
- Traditional practices harmful to women
- Compulsory marriage
- Early marriage.
- Abuse of widows.

#### 5.1.2 Violence against women in the local community

Women in the local community also face a variety of forms of violence that I will mention some of them below :

- In the local community, the woman is also subjected to physical, sexual and emotional violence.
- Violence in public transportation.
- Violence in the field of work, academic centers, stadiums, and so on.
- Colleges, hospitals, social institutions, religions and so on.
- Rape, sexual harassment, trafficking in women, forced prostitution.

#### 5.1.3 Government violence against women

Sometimes the elements of the government: the executive branch, the judiciary and the legislature may commit violence against women.

As we know the Logar province representative (Kamal

Osoli) got compulsory marriage with the women and charged with killing the husband of that women. Sometimes members of the armed forces: Police, Army and Security, Public Order, and other competent individuals commit violence against women. (Biannual report, 2019, p. 18).

#### 5.1.4 Violence against women in prison

Sometimes violence against women takes place at police stations and prisons.

Occasionally, violence against women is reported by government officials to detain and monitor houses, which is one of the most severe forms of violence.

Even women in prisons, detention, and surveillance are subjected to various forms of physical torture, including inhumane violence and in opposition to human dignity.

Other forms of violence against women in prisons include:

Improper care during bathing and changing clothes.

Women in search of clothes push men in front of men.

Men use all kinds of ugly things to accuse women during their investigation, which is also termed verbal violence.

Sometimes prison officials do not provide any assistance to women for the abuse of women, but on the contrary to men, this in itself is gender discrimination and violence against women that is not acceptable to human society.

#### 5.1.5 Violence against women during armed wars

During the war, there are various forms of violence (physical, sexual and spiritual) against women.

Including all forms of violence during the war against women, premeditated murder, unlawful killing, torture, other forms of inhumane torture, amputation, coronation, sexual exploitation, forced rape, forced abortion, forced carriage, forced sterilization, and so on.

### 6. The consequences of violence against women

Violence against women is in fact an insult and humiliation to the human status of women.

Violence against women and their human rights, fundamental freedoms such as the right to life, the right to personal security, the right to education, the right to reside, the right to participate in politics, the right to participate in public life.

The deprivation of human rights caused by violence against women results in differences between men and women and causes women's life and health problems.

The following are some of the unfortunate consequences of violence against women:

#### 1. Adverse health consequences of violence against women

Violence against women affects women with high levels of physical and reproductive health.

Violence against women causes them to have intellectual disabilities and weakens their social duties. Violent women tend to use and addicted alcohol, drugs and continue to resort to suicide, causes her anxiety and stress and physical crisis. Incidents of violence against women also include murder of a woman, AIDS-related deaths, and maternal deaths from improper births.

In West India, for example, sixteen-percent of women are killed by violence against women during transport. In many parts of the world, women are infected with various viruses due to violence

Violence against women causes mental illnesses, and these

mental and psychological illnesses are no less than physical illnesses and injuries.

### 6.1 The negative social effects of violence against women:

Violence against women prohibits them from participating in social activities. Violent women find fewer jobs and no jobs. Women subjected to violence are less likely to be seen in the political arena and cannot become real politicians.

There are some negative social effects of violence against women that I want mention as following:

One of the negative social consequences of violence against women is the separation between women and their children. Lack of education.

Injury to the woman and disgrace to her.

Challenging and anxious life after violence.

### 6.2 The negative economic consequences of violence against women

Violence against women can lead to poverty for women and their families

Violence against women often results in divisions between couples and causes financial misery.

The men no longer pay the woman's alimony and the government does not pay any serious attention to them.

This is useful in creating financial problems for women who are subjected to violence

### 6.3 The moral consequences of violence against women

From moral point of view, violence has a significant negative impact on women.

Women who are subjected to violence always commit moral vices and moral corruption. Violence sometimes causes women to prostitute themselves and force them to commit moral crimes.

What I have mentioned above is about the causes of violence against women around the world, the following is about the causes of violence against women in Afghanistan (developing country).

## 7. Violence against women in Afghanistan

Violence against women in Afghanistan has a remarkable history dating back to the pre-constitutional period. It is clear that every country needs a constitution for better living, national sovereignty, territorial integrity, prosperity, unity and solidarity, justice, rule of law, elimination of tyranny and so on.

Although modern governments, especially in the era of democracy, have fought and fought against violence, violence continues to increase and the graph is increasing day by day.

According to the Human Rights Commission in Afghanistan, violence against women is on the rise and there are many types. Physical, sexual, economic, verbal, psychological, etc. violence.

Authorities report that nearly 5,000 cases of violence against women are registered in Afghanistan each year. But the exact statistics are unclear because the media have no access to the villages (due to insecurity) and are unable to collect them.

The number of violence against women in Afghanistan in year (2019) is as follows:

Eighty percent physical violence

Twenty percent sexual violence

Fifty percent economic violence

Ninety percent verbal violence

Twenty percent more violence

The following is a detailed description of the types of violence, its documentation and examples (Biannual report, 2019, p.30).

### First: physical violence

According to the Human Rights Commission in Afghanistan, physical violence is the largest form of violence. Seventy-eight incidents of physical violence have been recorded this year.

These include beatings, burning, wounding, forced labor, murder, and etc. Nine percent Murder incident, five percent Fire accident, thirty five percent Injury incident, twenty four percent Forced labor, one percent Amputation, fifty percent Flap accident. The most common and most shocking of all physical violence are beatings, but the most unfortunate between these are knife cuts, etc.

Also one of the most shocking forms of physical violence is the murder of women, often with dignified and honorable justifications. Most of these killings are in honor and occur in the North, South and West Zone of Afghanistan.

### Increase of cases of murder of women by zone

During the year (2019), one hundred sixty-eight cases of violence against women were recorded by the Human Rights Commission. Among them are thirty-two cases in the north zone, sixty-nine cases in the south zone, twenty one in the west zone, thirty-three in the east zone, and ten in the center zone of Afghanistan. Percentage of these killings in Afghan zones :Nineteen percent in the north, forty-two percent in the south, twenty-two percent in the east, thirteen percent in the west, six percent in the central region.

### Second: Sexual violence

Sexual violence is one of the most serious problems for women nationwide

The statistics of this type of violence are high and difficult to investigate because gender issues are taboo in the context of Afghan society traditions and it is difficult to deal with.

This year, one hundred eighty-one cases of sexual violence have been registered with the Human Rights Commission's office. Sexual violence has many different ways Such as rape, abusive sex, insult, humiliation, sexual harassment, forced prostitution, forced abortion and more. Rape is one of the most acute and worrisome cases of sexual violence in Afghanistan Rape not only causes direct physical injuries but also causes psychological injuries such as depression, AIDS, and unwanted burden. Sexual violence is a very sensitive issue in Afghan society.

Women who raise their voices about rape are exposed to many dangers and threats, such as notoriety, divorce, deprivation of social, economic rights, etc., Sometimes women who are raped are exposed to more human rights abuses and worse health. It also limits the process of women's access to justice. Kinds of sexual violence against women in this year: Sexual harassment, rape, coercion of pornographic images, coercion of women and husband, coercion of prostitution, coercion of sodomy, unlawful intercourse with husbands, forced delivery, forced abortion, etc.

### Third: Psychological and linguistic violence

Linguistic and psychological violence is also one of the

most famous and pernicious types of violence in Afghanistan. Fewer women in this area can be seen as having not experienced the bitter taste of this type of violence. I can clearly say that most Afghan women who are likely to reach ninety percent are under the umbrella of this type of violence, which has many factors.

This violence has many negative consequences for the souls of the victims, which cannot be tolerated. Humiliation, profanity, threats are common and popular forms of violence that have a profoundly negative impact on the human spirit and have adverse consequences on one's personal and social life, resulting in some isolation, inferiority, frustration, anxiety, stress. , Hopelessness, low self-esteem, complexity towards others, home escape and suicide. Verbal and psychological violence against women can be in the family, in public places or in the workplace, put women in a dangerous situation.

This year (approximately) eighty-fifty cases of verbal and psychological violence against women have been registered. That in itself is a remarkable statistic that is unbearable.

#### **Forth: Forced sterilization**

Sometimes women are reluctantly circumcised, women are no longer born, and their offspring become extinct, which in itself is a heinous violence against women. This type of violence (sterilization) has taken place in many countries, such as the sterilization of Roman women and girls in Europe, still in the US and Canada.

#### **Types of verbal violence across the country**

Eighty percent of abusive, seventy percent of forced isolation, ninety percent of threats of divorce and expulsion from home, seventy percent of threats of murder, fifty percent of abusive abuse, sixty percent of abusive children, eighty percent of abusive, fifty percent heedlessly, forty percent of threats to remarry, and so on.

#### **Fifth: Economic Violence against Women**

One of the causes of violence against women is the economic and financial independence of women in the family environment and their dependence on their husbands. And this has made women in the family and community environment disgusted and ugly. This abnormal situation causes women to stay away from the centrality of social decision-making and to be overlooked in the eyes of greatness. Economic violence against women occurs in many different ways and in different forms according to the traditions of society. This year, about five hundred and fifty cases of this kind violence against women have been registered.

#### **Types of Economic Violence against Women in Afghan Society**

Deprivation of alimony and securing it, prohibition of seizure of personal property, lack of access to inheritance, non-payment of dowry, deprivation of the right to work.

#### **Other Violence against Women in Afghanistan**

Instead, give the girl two percent blood.

Female sales five percent

Thirteen percent access to health services.

Complaints of husband polyphony forty-five percent.

Deprivation of the right to education thirty-five percent.

30% inhibition of relatives.

Sixty-five percent mandatory candidacy.

Reject fifteen percent affinity.

#### **General Factors of violence against women**

Violence against women is caused by several factors, the most important factors of violence against women being listed below:

1. Lack of security and weakness of government in districts and provinces.
2. Failure to deal decisively with criminals and to maintain a culture of impunity.
3. Corruption and abuse of power.
4. Interference of influential persons in the settlement of cases of violence against women by unofficial authorities.
5. Coverage of offenses and failure to refer victims to the judiciary for lack of trust in government bodies.
6. Limited access to justice for women (courts, non-violent prosecutors, women's detention, and defense lawyers).
7. Illegal weapons with irresponsible armed groups and individuals.
8. Lack of support for victims of violence against women.
9. Negative attitudes towards women in the patriarchal traditions of Afghan society.
10. Allowing violence against women to have a negative attitude towards women and patterns of violence against women.
11. The dominant sexual attitude towards women.
12. Concealing incidents of violence against women because of traditional sensitivities.
13. Illiteracy and low level of public awareness.
14. Poverty and unemployment.
15. Increased drug addiction.
16. Civil wars and constant devastation.

#### **Violence and its Reputation from the Islamic Perspective**

Domestic violence is completely rejected by Islam and is an obscene phenomenon. The religion of Islam has always encouraged family members to have affection, reverence, respect, good association, good faith, and so on. Islam has forbidden people from hatred, jealousy, strife and violence.

#### **Allah the Almighty says in Surat an-rum 21 verse**

**Translation:** "One of the signs of Allah the Almighty is that He created women of your gender to comfort them, and created love among you, kindness and in this are signs for the people who reflect and think about the signs of Allah." (Quran, chapter: 30, ve. 21)

Islam treats family members with respect for one another, rejects violence and eradicates its root causes.

In Surat an-Nisa's verse **19** Allah says: "Do good treat and behavior with women" (Quran, chapter: 4, ve. 19)

#### **Causes of domestic violence from the Islamic perspective**

According to Islam, violence against women are two types:

1. Pre-marriage reasons.
2. After marriage reasons.

#### **Pre-Marital Violence reasons**

1. Spouse inaccuracy: Islam gives all Muslims complete care in spouse, deep thinking, and clear examination.
2. The Prophet of Islam says: Choose good mothers for your offspring, because women are born like their

brothers and sisters. (jamia lahadis, vol,11.p. 234)

No passing the engagement period: engagement period is, from the Islamic point of view, a probationary period of life and avoids violence.

3. 3- Premature marriage: Marriage before puberty and before the legal and religious age is one of the major tools of violence against women, so Islam has set puberty for marriage as a condition of marriage.
4. Forced Marriage: Forced marriage is a strong cause of violence against women; therefore, Islam prohibits forced marriage for the betterment of couples' lives.
5. Satisfaction is defined as the condition of marriage.
6. Inadequacy between couples: Inequality between couples from a social, scientific, health, intellectual, political, religious and other point of view is another cause of violence against women, thus Islam has made equality between couples superordinate.

#### After marriage reasons

1. Ignorance: Ignorance and ignorance of the rights and responsibilities of couples are among the tools of post-marriage violence.
2. Blindly following and imitating inappropriate and outdated traditions.
3. One couple's misconduct: When one's mate has no good and good ethics, it undoubtedly causes violence, Thus Islam enforces good ethics and good practice and believes in good ethics for the sake of perfection.
4. The Prophet of Islam says: The most complete believer is one who has good morals.
5. Differences in Religious and Political Thoughts: If couples are not united in religious and political concepts, it can lead to domestic violence.
6. Failure to respect each other's rights: Couples have common and special rights, which can lead to violence when the rights of the couple are not respected.  
Failure to fulfill their responsibility: If the spouse fails to fulfill their responsibilities it creates violence between them.

For example, if the husband fails to do his responsibility, such as paying a dowry, paying alimony, not providing housing for the woman, not equipping the women.

All of these lead to domestic violence.

For example, the woman does not carry out her responsibilities, such as disobedience to her husband, failure to maintain her husband's home, failure to raise children, and so on.

All of these causes violence between couples.

7- Mutual disrespect: When there is no respect between couples, they both live in controversy and it causes violence. (shahidi, vol.3. p. 78).

#### Solutions of violence against women

How we can solve this lethal phenomenon?

There are many ways to stop violence against women, and men are obliged to comply them.

There are many solutions available to prevent violence against women, such as religious solutions, legal solutions, ethical solutions, cultural solutions, and so on.

#### The religious solution

In order to resolve all these conflicts and violence, Islam has proposed just and precise ways:

- Learn the ethics and customs of the rights and responsibilities of couples and families before marriage.
- Observance of Islamic values and guidance and its application in the life of the day.
- Carefully available to the woman.
- Pass the nomination period.
- Adequacy and equality between the unholy and the monotheistic.
- Couples Rights Law.
- Perform assigned responsibilities.
- Observance of couples' legal and legal age.
- Avoid forced marriage.
- Abandoning obscene traditions.

Islamic Sharia proposes four stages of marriage to resolve conflict between couples.

Many verses from the Holy Quran and the hadiths of the Prophet of Islam forbid violence against women and invite good association with them.

#### Legal remedies for violence against women:

Legal Basis for the Protection of Women in national laws:

According to the constitution law of Afghanistan, Law on the Prohibition of Violence against Women, civil law, penal code, Shiite personal law, anti-trafficking law, The Law against Sexual Harassment, the Afghan government is obliged to protect women and Fight discrimination and violence.

For example, Article Twenty-two of the Constitution of Afghanistan states: All discrimination and privileges among Afghan nationals are prohibited. Citizens of Afghanistan, both men and women, are have equal rights and obligations according to law)

Article 44 of the Afghan constitution obliges the government to adopt and implement development programs in favor of women's literacy and development. The article emphasizes positive discrimination for women and compels the Afghan government to have the right to education for women. Article 44 of constitution law of Afghanistan: (The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country).

Article 54 of the Constitution states the obligation of the state to protect the family. This article defines the mental and physical health of the mother and child as one of the important obligations of the state, the state is obliged to provide the necessary conditions based on the need.

Article 54 of constitution law of Afghanistan: (Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.)

Article 83 of the constitution, on the basis of the proportion of the population of each province, has on average designated two female representatives in the Wolesi Jirga as members. Article 84 of constitution law of Afghanistan also calls on the President to nominate half of these individuals among women for one-third of the Senate nominees nominated by the President.

Article 84 second paragraph: (The President shall appoint

fifty percent of these individuals from amongst women. The individual selected as a member of the House of Elders shall lose membership to the related Council, and, another individual shall be appointed in accordance with the provisions of the law).

The Law on the Elimination of Violence against Women is another valid and important document at the national level that holds the Afghan government responsible for the fight against violence and violence against women. According to Article 2 of this law, its purpose is to safeguard the human rights and dignity of women, protect family health, fight against customs and abusive practices that promote violence against women, support victims of violence, prevent violence against women, raise awareness about the bad effect of violence against women, the prosecution of perpetrators of violence against women.

Article 15 of this law establishes the High Commission on the Elimination of Violence against Women, whose task is to implement anti-violence programs against women, to ensure coordination between anti-violence institutions, and to effectively implement the law. One of the most important articles of this law is Article Forty-Three which is expressly provided that, if the provisions of this law are contrary to other ordinary laws of the country, the provisions of this law shall be given priority.

The Law on the Elimination of Harassment of Women is one of the new steps of the Afghan government that has recently been approved by the Afghan parliament.

#### **Legal Basis for the Protection of Women in international laws**

The Afghan government has ratified and signed a large number of international human rights documents that are actually required to be implemented. These laws prohibit violence against women and oblige member states to implement these laws and are the right solutions to prevent violence against women.

Such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Covenant on the Political Rights of Women and other international human rights instruments.

#### **Ethical solutions**

Ethical values are the lifeblood of human society and one must follow them, the goal of the prophets of the Prophet (peace be upon him) has also been to supplement moral values. From a moral point of view, violence is also a rejected issue. Ethics are never violent.

Prophet of Islam says: Your best person is someone who has good morals with his family.

From a moral point of view, we are also obliged to eliminate violence against women.

#### **Cultural solutions**

One of the great ways to stop violence against women is the rule of a transcendent and progressive culture. Societies with cultures and progressives do not commit violence. Rather, all human beings have equal rights and dignity in their view. But backward and non-civilized societies always resort to violence because of a lack of dynamic and progressive culture. And they cause a lot of catastrophes in

society, especially against women. This act in itself represents a bad, lowly culture.

#### **Conclusion**

Outcome: After a thorough study of the issue of violence against women in Afghanistan, I came to the following conclusion: The graph of violence against women is increasing day by day.

This ugly phenomenon has many factors, most of which are ignorance of women's rights.

Women's advocacy institutions could not stop this ugly act. Afghan women are committing suicide and self-immolation because of exists of violence against them every day. The solution cannot be achieved except through the rule of law, awareness of the law, education. In the course of research, I have outlined some other solutions that the respected reader can use.

#### **References**

1. alquran-u-alkarim, (chapter4, verse 19) (chapter 30, verse, 21).
2. Abdurrahman ebn abi bakr, jalluddin, alsayothi, (1390) jamia lahadis, (vol.11, p.234), publisher, darunnajat, berut, labnan.
3. Shahidi, d abdulmatin, ( 1398) Islamic social system,( vol.3, p. 76), publisher, hasibullah, in front of engineering get kabul university.
4. qalaji, mohamd rawas, (1988) dictionary of scholars language, ( vol.2, p.314), publisher, berut, darulmaratat.
5. Universal declaration of human rights (10dec.1948). Art. (10).
6. Constitution law of Islamic republic of afghanistan (January, 26, 2004). 818, official gazette, articles, (44, 54).
7. Law of violence against women in Afghanistan, (989) official gazette, issued in (2011).
8. The international Convention on the Elimination of All Forms of Discrimination against Women, (1979) articles. (26).
9. The International Covenant on Civil and Political Rights, (Dec, 26, 1966), articles, (15).
10. The Law on the Elimination of Harassment of Women, (November, 9, 2016).
11. Biannual report from independent human rights commission in Afghanistan, (august, 10, 2019).