

Priority Issue: Harassment

Harassment of women and girls remains a serious problem in public and at the workplace, and is a significant obstacle to women's education, employment and participation in public life. The Law on the Elimination of Violence against Women (EVAW Law) defines harassment as the "use of words or committing acts by any means or manner that cause damage to the personality, body and soul of woman."¹

Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another, or which create an intimidating, hostile or offensive work environment. Harassment normally implies a series of incidents.

Over the past few years, several legal initiatives have sought to address the issue of harassment. Some of the key initiatives include:

1. Ratification of the new Constitution of Afghanistan which, in Article 22 "prohibits any kind of discrimination between Afghan citizens and provides equal rights and duties for men and women."²
2. President's decree on the Law on the Elimination of Violence against Woman (EVAW) in August 2009.
3. Approval of the Law on Prohibition of Harassment against Women and Children by Parliament on November 9, 2016.
1. Formulation of gender-sensitive strategies and plans such as the National Action Plan for the Women of Afghanistan and the Afghanistan National Development Strategy.
2. Ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; and Convention on the Rights of the Child.
3. GIROA's express commitment to observe the Universal Declaration of Human Rights.³

Approval of the Law on Prohibition of Harassment against Women and Children by the lower house of parliament on November 9, 2016, is another key tool in the protection of women. The law has neither been signed nor rejected by the President yet, but it has been published in the official gazette. Nevertheless, according to Article 94 of the constitution, the Anti-Harassment Law has become applicable law, even if it has not yet been explicitly approved by the President.

The law contains measures that allow for complaints of harassment to be officially heard and processed; provide required support to the victims; prevent harassment of any kind against women; and encourage and ensure a harassment-free environment for women to work and study.⁴ Considering Article 94 of the constitution that the Anti-Harassment Law has become applicable, it is still in the early stages of application, and advocacy is needed to ensure it is implemented and enforced throughout the country.

Despite these legal initiatives, incidents of harassment of women continues to be serious and widespread. According to the Women and Children’s Legal Research Foundation’s survey carried out in 2015, in seven provinces in the country -- Kabul, Badakhshan, Herat, Balkh, Nangarhar, Kandahar and Kapisa – 90 percent of the women interviewed said that they had faced harassment at least once in public spaces, 87 percent had experienced it in their workplaces and 91 percent in educational institutions.⁵

In a 2017 survey conducted by the Afghanistan Independent Human Rights Commission, of the 1,530 women interviewed, 1,307 women (or 85 percent) confirmed that they themselves were victims of one or more type of harassment practiced by men.⁶

Harassment in the workplace is often related to the lack of proper facilities for female employees, especially in institutions such as the Afghan National Police and Afghan National Army, which are experiencing female recruitment levels far below their targets. Key challenges include:

- Full implementation of the government’s Law on Prohibition of Harassment against Women and Children;
- Increased efforts to encourage young women to report incidents and greater oversight over the police in responding to harassment complaints; and
- Ensuring the creation of appropriate facilities for female employees in government offices and other workplaces (bathrooms, breakrooms, etc.).

To fight against the harassment of women and children, the following initiatives could be helpful:

1. Organize public awareness raising and advocacy campaigns for the implementation of the Law on Prohibition of Harassment against Women and Children and EAW Law as well as prevention of harassment in the country;
2. Lobby and advocate to the government and non-governmental organizations to create a safe environment in schools, workplaces and other public spaces for girls and women;
3. Advocate to the relevant agencies to support the victims of harassment and punish the perpetrators; and
4. Advocate in the provincial councils to establish anti-harassment committees at the provincial level.

¹ Law on the Elimination of Violence against Woman, art. 3, 989 [series], 2009

² Constitution of Islamic Republic of Afghanistan, art. 22, 818 [series], 2004, available at: http://moj.gov.af/content/files/OfficialGazette/0801/OG_0818.pdf

³ Constitution of Islamic Republic of Afghanistan, art. 7, 818 [series], 2004, available at: http://moj.gov.af/content/files/OfficialGazette/0801/OG_0818.pdf

⁴ Law on Prohibition of Women Harassment, art. 2, 1185 [series], 2015, available at: http://moj.gov.af/content/files/OfficialGazette/01201/OG_01280.pdf

⁵ Women and Children’s Legal Research Foundation, Research on Sexual Harassment against Women in Public Spaces, Work Place and Educational Institution of Afghanistan, available at: <http://wclrf.org.af/wp-content/uploads/2017/09/RESEARCH-ON-SEXUAL-HARASSMENT-AGAINST-WOMEN-.pdf>

⁶ Afghanistan Independent Human Right Commission, Survey of Harassment of Women and Children in Afghanistan, Fiscal year 1396, available at:
<http://www.aihrc.org.af/media/files/Research%20Reports/summary%20report%20on%20harassment%20of%20women.pdf>