

Priority Issue: Access to Justice

Afghan women are still facing challenges in terms of access to fair justice. The women in majority of the country do not have access to courts, attorneys, special attorney for the elimination of violence against women, defense attorneys and detention centers for women. Different factors limit women access to justice such as cultural restrictions on women right to freedom of movement, fear and lack of trust on the judicial system as well as pressure to use traditional and community-based dispute resolution systems.

There are only 38 women prosecutor in the Special Prosecution Office for Elimination of Violence against Woman all over the country.ⁱ

According to Afghanistan Independent Human Rights Commission from March 2014 to March 2015 from among 5311 people who have been accused of, the primary and appeals courts of the country have processed 906 of cases of violence against women.ⁱⁱ

Barriers to access are often categorized as normative, consequential, or practical. A normative or cultural barrier might be that women do not raise a dispute because they want, or feel obliged, to conform with social and cultural standards of appropriate behavior or because the deeply entrenched normative views of women legitimize some violations of their rights. These normative barriers often go hand in hand with lack of awareness about women's rights.

Consequential barriers refer to situations in which a woman is deterred from bringing a dispute by the risk of consequences for her action. Such risks include physical abuse, potentially fatal in extreme cases, to herself or her children; loss of any means to support herself or her family; and loss of face and honor for herself or her family (which may also lead to abuse, even death, or economic consequences).

Finally, practical barriers refer to obstacles such as not having the money to pay fees associated with a court dispute, the difficulty of traveling long distances to where a court might be found, or lack of appropriate documentation to establish a case in court.

As a result, many civil and criminal cases are resolved by traditional mechanisms such as the community courts, tribal Jirgas and even hearings held by armed anti-government elements.

In order to increase women's access to justice, the following steps could be beneficial:

1. Organize public awareness raising campaign on basic rights of women and their legal positions in the family and social atmosphere;

2. Mobilize community and religious elders to support women empowerment and combat social norms harmful to the women;
3. Conduct lobbying and advocacy efforts with Specialized Family Court and Special Prosecution Office for Elimination of Violence against Woman to strictly implement the EVAW Law and the Women and Children Anti-harassment Law.

ⁱ Special Prosecution Office for Elimination of Violence against Woman, Kabul

ⁱⁱ Afghanistan Human Rights Commission, *Women and Long Way to Access to Justice*, 2016, <http://www.aihrc.org.af/home/research-reports>