



# 2020 Annual Report

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## 1. Foreword by Co-Founders and Directors

Through the political and security upheavals in 2020, Women for Justice (WJO) was able to successfully scale its work to defend women's rights and strengthen the rule of law. In 2020, our team led what many people have described as "innovative and ground-breaking legal work" on women's rights. We took up several landmark cases against powerful offenders of systematic and widespread sexual violence, setting several historic legal precedents. For the first time in the history of Afghanistan, pseudonyms were used for rape victims; identifying details in the case file were redacted; defendants were prohibited from direct cross-examination of vulnerable victims and victims' testimonies were admitted and privately heard by judges via video.

Working closely with the Attorney General's Office (AGO), we were forefront in the investigation and prosecution of several watershed cases, successfully protecting victims and witnesses and taking all measures possible to mitigate retraumatisation. Our successful collaboration with the AGO formalised into a joint Memorandum of Understanding (MOU) and we were appointed as technical advisor to build capacity and collaborate on cases of sexual violence.

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"We never worked so closely with an NGO before. It was the first time we did legal investigation on some high-profile cases with an NGO."

Former Attorney General Mr. Farid Hamidi addressing a meeting on human rights defenders.

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One success tailed the next with the Ministry of Higher Education (MOHE) appointing us as their technical partner to strengthen their prevention and response system to combat sexual and gender-based violence (SGBV) in higher education.

Our successful work with the AGO and MOHE exemplifies the fine balance we have achieved between our role as a watchdog and a trusted technical partner to strengthen the government's capacity. We have dedicated ourselves equally to both these roles as we fundamentally believe that this is how we will sustainably transform the justice system in Afghanistan.

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"WJO is a small NGO, but it accomplished big things."

Mr. Sadiq Farahi, Former Head of Investigation Directorate of Attorney General's Office

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This Annual Report 2020 is a stock take of the second year of our work since establishment. It covers the main activities and achievements in each pillar of our work.

We hope the testimonials shared by our clients and staff in this report will inspire and empower you. Their courage to take on tough challenges, their moral conviction and resilience has not only changed us as individuals, but, have also left a profound and long-lasting impact on the justice system.

Yours Sincerely,

*Humaira Ameer Rasuli*

*Natasha Latiff*

## 2. Foreword by Chair of WJO's Board of Trustees

I am honoured to author a message for WJO's Annual Report of 2020.

I have had the privilege of serving as Chairperson on WJO's Board since its establishment and helping WJO to set up its systems and practices.

I have seen WJO push through immense and insurmountable circumstances to defend some of the most vulnerable people in our society and I am grateful to the staff and volunteers of WJO for persevering through these circumstances.

As the Chair of the Board of Trustees, I would also like to express my deepest appreciation to the Executive director, Humaira Rasuli, and Legal Director Natasha Latiff for their leadership, passion and devotion to the organization and its mission, often making great personal sacrifices to serve a bigger mission for women's rights in Afghanistan.

Working in Afghanistan has become increasingly dangerous and human rights defenders especially are at high risk of attacks by several elements in our country. By leading some of the most high-profile investigations and prosecuting dangerous sex offenders in Afghanistan, WJO is doing what few do to implement the rule of law even under precarious times.

WJO team are true heroes and I sincerely hope that the Board, staff, volunteers, stakeholders and donors will continue to devote themselves to help WJO scale its important mission.

Yours Sincerely,

*Ahmad Anil Shaheer*  
*Chair of the Board of Trustees*

### 3. About

Women for Justice is an independent non-governmental, non-profit, non-political and non-sectarian Afghan women's organization.

#### Our Vision

Our vision is a peaceful Afghanistan governed by the rule of law and where all people can live a life of dignity.

#### Our Mission

Our mission is to defend people's human rights before a transparent and accountable justice process and strengthen the government's ability to prevent and respond to violations of human rights.

We work to enable safe, supportive and positive justice processes and support communities to be changemakers in Afghanistan's political and social life.

#### Thematic Focus

In 2020, the thematic focus of our work was gender-based discrimination, sexual abuse and harassment which are committed within or by public institutions.

We achieved our mission in this thematic area by defending the human rights of survivors of sexual violence, fighting impunity, and strengthening the accountability and capacity of the relevant Ministries and prosecutors in sexual violence cases.

#### Our Approach

We believe that in order to eliminate violence and discrimination against women, we must go beyond providing legal aid, and, litigate cases to impact a longer-term goal of legal or social reform. This means we pursue cases that have the potential to empower survivors, set good precedent, increase government accountability and capacity, and, improve survivors' access to and experience of justice.

The lessons learned from our cases and the feedback we receive from our clients are integrated into our activities to strengthen systems, reform laws and build capacity. This is how we achieve gender-equality, justice and accountability, that is deeply rooted in victims' and survivors' experience of justice.

#### *Rights-based approach*

As activist lawyers, we use a rights-based approach using the rights enshrined in the laws of Afghanistan. In the absence of a right, we interpret the law in favour of a right, or otherwise, advocate for new legislation on the same. We challenge and encourage the State to practise a gender and survivor-centered approach to justice. We involve our clients in all stages of their cases and we facilitate spaces for them to self-organise. As intersectional lawyers, we strive for solutions that account for the intersecting injustices suffered by



certain groups. We work collaboratively with men as partners, whilst holding social and political space for women's and other marginalised communities' meaningful participation on issues which most affect them.

#### Why we are unique

We are activist-lawyers. This means, beyond representation, either we use the justice process to change things or we campaign to change the process. We are constantly challenging and encouraging state authorities to practise a gender and survivor-centered approach to justice. We hold the government accountable. At the same time, we offer them our wholehearted support to uphold the rule of law. This is our idea of peaceful resistance.



*This picture captures our collaboration with the student community to end sexual harassment in higher education.*

## 4. Program Overview

### Legal and Protection Support for Survivors

We advise and represent survivors of human rights violations particularly sexual violence, whistle-blowers, human rights defenders and witnesses in legal proceedings. We investigate human rights violations, take claims to court and fight for justice and accountability. During the process, we ensure due diligence in the investigation and prosecution of the case. When survivors are hesitant to file a legal claim in court or where success at trial is improbable, we deploy other means to push for their rights before the State. Similarly, when courts fail to equally apply the rule of law on powerful offenders, we document and report them to the State and UN bodies, using multiple pressure points to uphold the rule of law and accountability.

### Strengthening Government Prevention and Response Mechanisms

We learn from our cases to build better prevention and response mechanisms through law, policy and systems reform. We accomplish this by closely collaborating with the Prosecution Units, Ministries and other public institutions. We work with the Prosecution Units to safeguard victims' fair trial rights, mitigate retraumatisation and improve their experience with the justice process. We also provide technical support to the Ministry of Higher Education to establish a practical and user-friendly system to prevent and redress violence against women in higher education. Through our work, we equip the State with the knowledge and skills to implement law and policy in a manner that is gender-competent, survivor-centred and trauma-informed.

### Building the Next Generation of Human Rights Lawyers

Human rights lawyers are the gatekeepers of people's rights and they are critical for a functioning democracy. To inspire and equip the next generation of human rights "lawyer-leaders" with practical knowledge and skills, we provide them with mentorship and on-the-job training. During the training, they learn to use the law as a vehicle for transformative change in a way that respects survivors' well-being and interests.

### Law Reform

Law has been a primary tool which we have used to prohibit and penalise acts which have been historically committed against women on the basis of their identity as women. We advocate for gender sensitization of laws rooted in Islamic, gender-competent and survivor-centered approaches to law.

### Sustainable Peace

In the wake of the politicised peace negotiations with the Taliban, we are part of a national advocacy process to push for sustainable peace in Afghanistan with the Afghanistan Women's Network and Afghanistan Civil Society Forum. We take stock of Afghanistan's progress on peace and re-commit the Government of Afghanistan and the international community to a notion of peace that is rooted in social justice, beyond ceasefire. We are part of a nation-building efforts that is built ground up from the demands of the citizens. We fulfil our mission by jointly working with affected communities, judicial institutions and our government.

## 5. OUR PROJECTS IN 2020

### Case of Afghanistan Football Federation

In 2020, we represented 12 whistle blowers, victims and persecuted witnesses in the Case of the Afghanistan Football Federation involving mass sexual abuse of players by senior leaders of the Federation. 6 staff of the Federation were investigated and indicted on several counts of sexual-related crimes including former President of Mr. Keramuddin Karim, who was formerly the Chief of Staff of Ministry of Defence under notorious war commander, Marshal Fahim (now assassinated) and Governor of Panjsher. We privately prosecuted the case alongside the prosecutors. 3 people were convicted and all suspects, accused persons and defendants are at large.

Throughout 2020, we also worked closely with the Attorney General's Office, Fédération Internationale de Football Association (FIFA), Center for Sports and Human Rights (CSHR), Afghanistan Independent Human Rights Commission and several foreign states to coordinate protection for at-risk victims and their family members. We assisted 5 players during their trial before the Court of Sports Arbitration in Lausanne, Switzerland and also submitted representations to members of the United Nations CEDAW Committee during the Third Periodic Review of Afghanistan in Geneva.

Over the course of the criminal trials, we submitted 76 letters, petitions, statements and other submissions to arrest, prosecute and try the accused persons, including Mr. Karim in his absence.



This picture captures WJO's team with other women activists in Geneva, attending the UN CEDAW Committee Third Periodic Review of Afghanistan in February 2020.



## Case of Logar Paedophile Ring

### Afghanistan paedophile ring may be responsible for abuse of over 500 boys

**Social workers claim teachers and local officials are implicated, and believe thousands more children may have been targeted**



▲ Experts warned that the poverty of victims plays a role in the silencing of sexual abuse crimes. Photograph: Stefanie Ginski

A paedophile ring involved in the abuse of at least 546 boys from six schools has been discovered in Afghanistan's Logar province.

On 13 November 2019, the Guardian Paper broke the news of over 500 boys being sexually abused by teachers, headmasters, and officials from 6 schools in Logar province. 6 human rights defenders who had covertly investigated the incidents over 5 months blew the whistle after several members of the government turned them away.

The whistle-blowers started their investigation after personally discovering that boys were being sexually abused and raped in schools. Families complained about their children returning home at different or odd hours and being too tired afterwards. Children would jolt up at night with nightmares shouting and screaming. Dozens of children were leaving school and

turnover was unusually high.

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“We wanted to inform the government about the problems in the education system and we wanted the judicial system to resolve people’s issues and ensure justice. But no one takes us serious and due to political pressure, the case remained unresolved.”

- Whistle-blower (WJO’s client)

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The whistle-blowers reported the incidents to civil society organisations and the Ministry of Education but the Ministry rejected their claims.

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“Our purpose was not to publicise the research. We tried to expose the truth. Therefore, we asked the civil society organizations others to give us technical support but no one dared to help us.” – Whistle-blower (WJO’s client)

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The whistle-blowers continued their investigation and interviewed about 546 students between 14 to 20 years old from 6 schools who were forced to perform sexual acts. Many of the victims said they were also raped. The abuse worsened during midterm and final exams when teachers and the school principal would force sexual acts on students in exchange of a pass. The abuse was widespread involving headmasters, teachers, older students, police, members of the Senate, employers of child labour and even extended family members.

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“Recently, the Taliban killed 5 people and for them there is no difference between victim and perpetrator.”

- Child victim of sexual exploitation and rape (WJO’s client)

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Of the reported figures, 6 families killed their sons after their faces were revealed in videos posted on Facebook. 1 victim committed suicide. 1 child victim disappeared. 4 suspects were killed by Taliban in 2017 and most of the suspects are at large.



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“Watching the videos was disturbing for me and I had lost my mental peace, so could not control myself to submit the report to the Guardian newspaper.”

– Whistle-blower (WJO’s client)

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When the news broke on Guardian Paper, the National Directorate of Security (NDS) broke into the offices of the whistle-blowers and seized all their documents. NDS then abducted the whistle-blowers from the street in broad daylight and detained them for 5 days. One of the whistle-blowers reported that he was punched and strangled with his own scarf whilst he was tied to a chair. Another reported that he was isolated in a dark and noisy room.

## Whistleblowers on school paedophile ring in Afghanistan arrested

Human rights defenders alleged that teachers and social workers were involved in abuse of more than 500 boys



▲ Afghan boys hold hands while leaving their school in the village of Asmar, Kunar province, Afghanistan. Photograph: David Goldman/AP

Two people have been detained by Afghanistan's intelligence services after they exposed a paedophile ring operating in some of the country's schools.

On November 21, Mahmudi and Hamidi went missing, just hours after Mahmudi tweeted that he feared being arrested by the National Directorate of Security (NDS), Afghanistan's intelligence agency.

On November 26, the NDS said they had taken the men into "protective custody." But the NDS has a long history of arbitrary detention and torture. They released a video of Mahmudi and Hamidi, clearly under duress, apologizing for their research, saying it was "incomplete" and "incorrect."

Detaining human rights activists who expose government officials responsible for widespread sexual abuse of children is not just silencing the messenger, it's a crime. US Ambassador John Bass called the apparently coerced confession a "Soviet-style tactic."

## Afghan Activists Exposing Child Abuse Detained

Investigate Alleged Rapes by Teachers, Police



Bede Sheppard  
Deputy Director, Children's Rights Division  
#SaveChildRights

The dreadful sound of the machine made it very uncomfortable for me". - Detained whistle-blower (WJO's client).

They were threatened to be imprisoned for 30 years, questioned, and accused of being paid to "ruin the honour of Afghanistan". On the final day of their detention, NDS entered the room with a cameraman and from 11.00 am to 7.30 pm, NDS recorded a statement from the whistle-blowers denying the allegations and apologizing to the people of Afghanistan. The videos went viral and were broadcasted on social and local media.

In January 2020, the Attorney General's Office commenced investigation into the claims of sexual abuse. We joined the investigation on 7 January 2020 as a member of the investigation committee.

Over the course of 2020, we worked closely with the Attorney General's Office to identify high-level suspects, establish linkages between victim and suspect and analyse evidence including dozens of rape videos.

Eventually, we identified 6 key offenders occupying positions in the provincial council, village council, upper and lower house of Parliament and this was a signal that the investigations and trial would be unduly influenced. Indeed, victims and witnesses were threatened with their lives. 2 witnesses were badly beaten by a local commander from Klanagar village of Logar as he was identified as having reported the crimes to Afghanistan Independent Human Rights Commission. 1 prominent commander placed a prize of a million Afghani in exchange for the whistle-blowers to be surrendered to them.

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"I am an eye-witness that [redacted name] took schoolboys with him to different gatherings to make them dance. Making boys dance was something very common and he was jailed for it. Then, he was released by powerful people." - Witness

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Over the course of the case, we represented and assisted 6 whistle-blowers, 10 child victims and 16 persecuted witnesses. We supported other victims who did not have status as victims as they were too afraid to register an official complaint. We submitted a list of 60 suspects to the Attorney General's Office.

The Logar Case remains a bitter reminder that we still have a long way to go to end the centuries-long practice of 'bacha bazi', the systemic sexual abuse of boys in Afghanistan.

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I don't want to go anymore to school. I hate the surroundings and people. I want to stay away from the location and people. My wish is to be police and punish all bad people and bring justice to good people."

- Child victim (WJO's client)

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After the investigation concluded, we discharged ourselves from the case as it was becoming increasingly risky. Some of the victims who came forward suffered severe repercussions with many going into hiding and some relocating to a different province.

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"Later, when they came to know that I had attempted to complain against them, they uploaded the video of my rape on Facebook."

- Child victim (WJO's client)

"I was one of the only few people who raised my voice against the rampant sexual abuse and exploitation of boys in schools. They exploded my pharmacy with a landmine. This is the sacrifice we made to stand up to these crimes. Someone has to do it."

- Witness (assisted by WJO)

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We wrote a report on the lessons learned and submitted our recommendations to the government. We recommended the government to establish an independent mechanism to investigate sexual abuse complaints anonymously; adopt protective measures for victims against retaliation; identify suspects who have fled abroad; inform Interpol and prohibit other suspects from leaving the country.

We also recommended the Ministry of Education to establish a victim and student-centred policy that is mandatory for all public and private schools; include education on child abuse and its consequences in the curriculum and in seminars workshops and conferences for staff, students and teachers of public and private educational institutions; hold educational institutions accountable for the prevention and punishment of sexual harassment and child abuse cases; establish independent unions and associations by students for students; establish active centres to deal with complaints from students and teachers; and strengthen the monitoring and evaluation system.

As no donor stepped forward to support this case, our team represented the whistle-blowers, victims and persecuted witnesses on a pro bono basis.

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WJO supported and enabled child victims to report to the Attorney General's Office because otherwise they would not have been able to do so themselves. WJO was committed to human rights values. They disproved all the conspiracies which were made against us. They upheld the responsibilities of a defence lawyer in the best way possible. If there were effective people like Ms. Humaira Rasuli and her team at the AGO, we would not be facing these many challenges today.

– Whistle-blower (WJO's client)

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### Case of sexual harassment in the security sector

In 2020, we came across a case of a policewoman who made a video on social media that went viral. In the video, she publicly disclosed her identity and expressed that she was sexually harassed by 3 high-ranking officers from the Ministry of Interior (MOI). Her case went viral on social media and was reported widely. Read more: <https://kabulnow.af/2021/02/rape-allegation-how-did-a-corrupt-system-twist-harassment-victims/>

Ms. Fatima Ahmadi had served in the police for many years. When she refused their sexual advances, they retaliated against her, more specifically, by marking her as absent without basis, threatening to deduct her salary, defaming her with derogatory remarks such as whore and denigrating her amongst her peers as a dishonest, ill-disciplined and unprofessional officer.

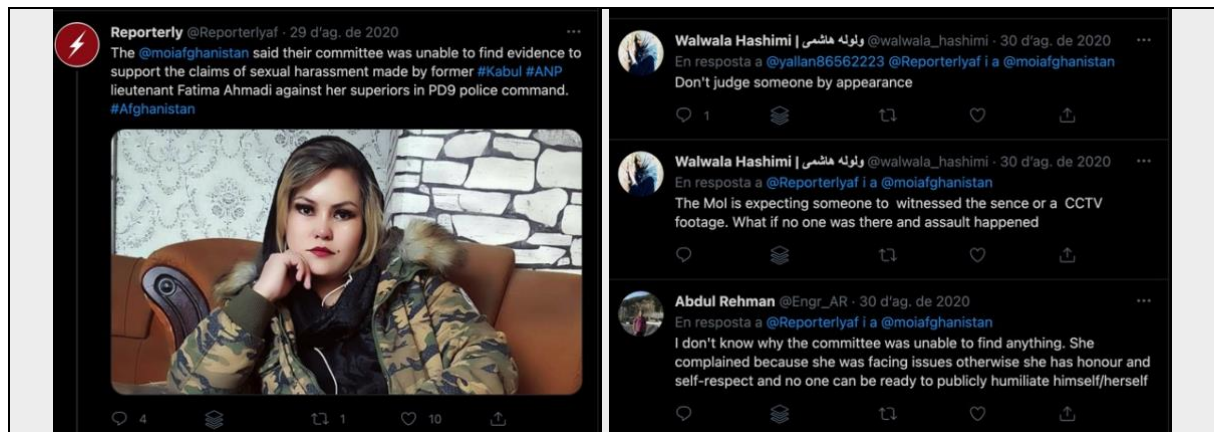



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“I have connections to criminal gangs and can do anything to you. You are a whore, do not raise your voice, otherwise I will tear you in two parts.” - Offender

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Throughout 2019 and 2020, Ms. Ahmadi filed complaints to 7 different departments of the Ministry of Interior, in an urgent attempt to stop the harassment, threats and retaliation. On each occasion, the Ministry failed to safeguard her from further retaliation.



Without any further avenue for recourse, she published a video on social media to express her grievances and submitted her resignation.

After her video gained publicity, the Ministry assigned a committee to investigate her reports. 2 men barged into her home, put a gun to her head and ordered her to video herself retracting her allegations. On the pretext of getting her headscarf from her bedroom, she jumped out of the window onto the street and cried out for help. The men fled the scene. On another occasion, her husband was badly attacked by unknown men. Then, she fled her home with her children.

The case is in progress and WJO is focused on protecting her safety at the moment.

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“I am affected due to these incidents. I am fighting for the rights of entire police by disclosing the issue of sexual harassment. Although I am not well mentally but since I am speaking to the lawyer of WJO, I feel there is light in the end of the candle” –  
Ms. Fatima Ahmadi

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### Case of gender-discrimination and workplace harassment in the education sector

We represented a survivor, “Salma” who had suffered gender-discrimination and workplace sexual harassment, committed by a high-ranking member of a university where she was an employed.

“Salma” described the normality of immoral, administrative and disciplinary infringements at the university and that sexual harassment and gender-discrimination cases were often dismissed. She often spoke up against infractions by university heads, pushed for an amended code of conduct and called for ethical boundaries to be put in place in the daily work environment. As a result of this, she was commonly a target of insults by the university heads.

One day, after questioning a particularly grievous conduct her offender tried to punch her. She defended herself by placing a chair in front of her and raised her voice to alert people in the hall to call the guards. After that incident, insults against her intensified and sexual-related curses were used to demean and

humiliate her. On another occasion, her offender pushed her, hit her on the shoulder, pointed to the door behind him and told her to get out of the room.

“Salma” complained to other university heads. She was told that the university was undergoing an accreditation process and that it was important for her to protect the reputation of the university and keep silent. As a result of the impunity, her offender was empowered to continue his insults, which he confidently continued to do.

Her case was referred to WJO for legal representation. The case was a success and the offender was sentenced to 6 months in prison.

## Law & Policy Reform

### Sexual Harassment



In early 2018, we came across a draft copy of the Anti-Harassment Law. Whilst it was a step in the right direction, the law was lacking an implementation mechanism and several civil society organisations petitioned the President not to ratify the law. The law, however, was officially gazetted on 30 December 2017 (No. 1280) and entered into force on 30 January 2018.

The Anti-Harassment Law remained largely unenforced in practice. In 2019, the Legislative Committee of the Ministry of Women’s Affairs (MOWA) reopened consultations to discuss whether to integrate the Anti-Harassment law into EVAW Law or revise it and preserve its autonomy. The Committee’s main recommendation was the former to avoid fragmentation of laws relating to violence against women, a position agreed to by many.

WJO took the position that the Anti-Harassment Law should be revised and preserved as an autonomous law to preserve an avenue of justice outside the criminal justice system, for victims to redress sexual harassment complaints. We disseminated a Position Paper on the same to stakeholders and in September 2020 to the Respected Minister of Women Affairs of Islamic Republic of Afghanistan, Ms. Hasina Safi.

Our main submission was that an autonomous Anti-Harassment law had the potential to establish a tailored mechanism for different contexts and provide a wider range of punishment and remedies - beyond a fine and imprisonment - such as restorative measures (e.g. counseling and leave of absence), prevention measures (e.g. no-contact order) and disciplinary measures (e.g. warning, demotion or suspension). Further, an autonomous law had the potential of establishing a more relaxed standard of evidence (compared to the criminal burden of proof) to ease victims’ burden of proof, which is a critical barrier to justice in sexual harassment claims.

Under this revised framework, a victim would have the option of pursuing her case in the criminal or administrative process.

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“A victim who is unwilling to approach the criminal justice system (as many victims are) or who cannot meet the criminal burden of proof, can still register her complaint with an Anti-Harassment Complaints Committee and seek redress to prevent further harassment, restore her position and punish her offender.” - Humaira Rasuli

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To advocate for this position, our lawyers participated in several meetings with the government, the UN Mission in Afghanistan, Afghanistan Women’s Network, AGO Anti-Harassment Directorate and other civil society organizations.

Our collective vision in combatting the unwelcoming phenomenon of sexual harassment and maintaining security and safety of women is a shared one and we will continue to advocate for an autonomous Anti-Harassment Law that will put the security and safety of women at the centre of its design.

In 2020, the Attorney General’s Office established a General Directorate to combat violence against women in private and public sectors, and, separate Prosecution Units to combat harassment in private and public offices, respectively.

### Addressing Sexual Harassment in Higher Education



In 2020, we continued our investigation into sexual harassment in higher education in order to better understand how sexual harassment manifests in higher education, identify its causes and consequences, recognise the drivers behind non-reporting and determine why the majority of sexual harassment cases are never brought to justice.

With the cooperation of the Ministry of Higher Education, the investigation was conducted between October 2019 – June 2020 and October 2020 – November 2020 through a series of interviews, focus group discussions, surveys and meetings with 138 individuals including 112 students from 6 public and private universities in Kabul, 10 student survivors of sexual harassment in higher education, and, 16 members from civil society, university faculty, Afghanistan Independent Human Rights Commission and the Ministry of Women Affairs, Ministry of Labour and Social Affairs, Ministry of Justice and Ministry of Higher Education.

We designed the investigation to give students the opportunity and courage to tell their truths and have their suffering recognized. We held student shura sessions to build trust and rapport, built their awareness on sexual harassment and establish shared language and references to engage in a common dialogue on the subject.

From the interviews with victims, witnesses and stakeholders, we were able to profile victims, offenders, identify the tactics and methods which are used to commit sexual harassment, and elaborate on drivers behind reporting and non-reporting. Of note, we found that the high burden of proof made it impossible for victims to prove their cases and evidence was often concealed or destroyed. We also found that the Complaints Committee, composed by the university staff, could not operate independently and lack much



needed capacity to review complaints. The Committees could also be established by a 2/3 male majority panel and this was one of the main reasons why victims refused to report the committees.

These factors were neither addressed in law nor policy, leaving the vast majority of victims at a disadvantaged position and denied the right to an effective remedy.

We concluded our investigation with one key finding to describe all of the gender-discriminatory practices underlying sexual harassment in higher education.

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*“The system is systematically excluding victims from reporting by failing to identify and expressly prohibit gender-discriminatory practices and systems.”*

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These findings were presented to Deputy Minister, Head of Gender Unit and Head of Human Resources Department of the Ministry of Higher Education and after several discussions with the MOHE, they requested WJO to provide them with technical expertise to correct the system.

Over the next 3 years, WJO will offer technical support to MOHE to roll out their GBV Action Plan which will address structural reforms, education, awareness, capacity building and a mechanism to respond to SGBV. It will also be the first time for them to implement a proper mechanism to address students' complaints.

#### *Workshop for Kabul University students on gender and sexual harassment*



In November 2020, WJO facilitated 4-day workshop on gender and sexual harassment for 20 students from 19 faculties of the Kabul University.

It was an unravelling experience for the students many of whom did not have a clear understanding of sexual harassment. We broke down the concept of gender and sexual harassment, gave examples and explained how sexual harassment may be disguised in the form of a compliment, advice or a joke. Students were made aware of their rights under the Anti-Harassment Law and taught practical skills on how to immediately deflect harassment upon an encounter and safely report the incident to responsible persons and bodies.

On the final day of the workshop, we invited the Attorney General Office to meet with the students, explain their role, functions and commitment to end sexual harassment. That session was important to build a bridge between students and the government.

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*“It was the first time for students to meet with prosecutors and ask them questions. That meeting put a face to the prosecution. The Attorney General's Office initiative and willingness is an important indicator of good governance, respect for human rights, and rule of law,” says Humaira Rasuli, who led the workshops.*

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After the workshop, the students assigned amongst themselves 19 gender focal points across 19 faculties to serve as a referral pathway for other students and victims to seek immediate assistance when harassed..

### Elimination of Violence Against Women Law & Criminal Procedure Code

The EVAW Law was passed by President Decree over a decade ago and time has cemented its legitimacy within the Afghan legal framework, an unprecedented success for Afghanistan given the strong opposition against the EVAW law by conservative parliamentarians.

Over the last decade, acts which were previously not prohibited as crimes, have been investigated, prosecuted and punished. Inevitably, enforcement remains an issue especially in cases of family violence.

After a decade of trial and error, the Law Reform Committee of the Ministry of Women Affairs, commenced consultations to amend the law. WJO, a member of the Law Reform Committee, submitted our proposal of amendments to include oral rape into the definition of rape, prohibit retaliation against reporting and mediation in serious cases of violence.



In December 2020, consultations for amendment to the Criminal Procedure Code commenced. As part of the Law Reform Committee of the Ministry of Justice, we submitted proposals to ease the burden of proof on victims/prosecutors in sexual offence cases, extend statutory limitation period for children and victims of sex offences, quantify compensation for spiritual damage, strengthen protection mechanisms to victims and vulnerable witnesses, prohibit (or freeze) retaliatory lawsuits which are used to pressure victims

to withdraw their cases and prohibit virginity and anal testing. The Ministry of Justice has recognised the issues we have raised and committed to amend these articles. The work is in progress.

### Virginity and Anal Testing

Forced gynaecological examinations and rectal examinations continue to be widely practised in Afghanistan against women in custody, women defendants and rape victims. They are also performed on minors (both boys and girls), men and on rare occasions, they are performed by male doctors.



Over the course of 2020, WJO attended meetings with the 2<sup>nd</sup> Vice President of Afghanistan, Attorney General Office, Ministry of Interior, Ministry of Justice and EU Member States to advocate for an absolute prohibition against all forms of vaginal swabbing, virginity and anal examinations.

On 7 September 2020, Afghanistan Forensic Sciences Organisation (AFSO), Medica Afghanistan and WJO organized a joint press conference to respond to the Judicial Committee

of the Presidential Office's announcement to prohibit virginity testing *except by consent of victim and court order*.

Our team contributed to a common Position Paper and our Executive Director attended the press conference as a panelist. She responded to media questions and explained the impact of virginity and anal examination on women and children.

WJO's objection to the current legal framework is that it only prohibits a certain kind of examination (*virginity testing*) by a certain category of persons (*forensic medicine officials*) against a certain category of women (*victims of sexual assault and rape*). The framework does not prohibit other forms of inhumane and degrading gynaecological examinations like *forceful spermatozoa swabs* and *rectal examinations*, or, examinations by *health practitioners (informal and formal)*. Further, as the provision is classified as a form of 'sexual assault not amounting to penetration', courts have interpreted the prohibition to apply only to *victims of rape and sexual assault*. As such, courts have refused to apply the prohibition to women who were not raped or sexually assaulted such as *women in custody and women defendants*. The provision also does not protect men and boys who are raped from forceful anal examination. Our final objection to the framework was the exception of 'consent' or 'court order'. Afghanistan does not have proper informed consent procedures in place, most victims are not discerning and will most likely be pressured to consent or otherwise risk an adverse inference by the court. Of most concern was that a court could bypass victim consent by order of court.

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“The current law allows the court to bypass a victim’s consent, rendering the consent exception redundant, and causing the legal position on virginity testing to fall back to its original position of being largely permitted.” - WJO

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The government has committed to prohibit virginity examinations as part of criminal procedure. We are still working to prohibit anal examination and other forms of vaginal swabbing.

### Advocacy for the Protection of Human Rights Defenders



WJO is a proud member of the Afghanistan Human Right Defenders Committee (AHRDC), a volunteer membership committee consisting of non-partisan and non-biased civil society organizations, individual Human Rights Defenders (HRDs) and activists.

The mandate of AHRDC is to protect HRDs from attacks and threats, arbitrary arrest and detention and misuse of judicial power. In addition, it is mandated to strengthen and enable a secure environment for human rights defenders to work.

In 2020, we facilitated immediate and urgent support and protection to HRDs who were at risk of threats to their life and safety. We reviewed case applications, analysed threats, and supported mitigation measures to protect their physical security. We collaborated with international organizations, embassies, UN agencies, National Directorate of Security and Ministry of Interior to strengthen protection of HRDs, staying in constant

contact with the UN Office of Special Rapporteur on HRDs as the situation for HRDs deteriorated in Afghanistan.

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“Much respect and gratitude from the fierce and educated lady, Humaira Rasuli, Law Expert and Defense Lawyer from the Human Rights Defenders Committee who through her support with several organizations helped me to pursue my case file in the Supreme Court.”

Zaman Ahmadi, Human Rights Defender

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Since inception, 46 cases were received for review which led to the external relocation of 6 HRDs, international relocation of 10 HRDs, safety and risk mitigation to 2 HRDs. 8 applications were rejected and the remaining HRDs were referred for trauma healing or legal support. We also submitted declarations to the AGO in support of 4 HRDs and regular petitions to respond to attacks and the murders of our fellow colleagues.

As a result of our advocacy, the President of Afghanistan signed a decree to establish a protection mechanism for HRDs and a joint commission on the same has been established.



### Building Peace and Promoting Political Participation of Women

Peace negotiations has been central part of women’s advocacy in 2020. WJO’s advocacy team participated in regular meetings with the Afghanistan Women’s Network and other peace platforms to express women’s concerns with the peace talks, define our red line, and set our expectations women’s meaningful participation. In May 2020, as a member of [Afghan Women's Network](#) and coalition of “Our Voice for Our Future” in Afghanistan, we [called on Her Highness Sheikha Moza bint Nasser, Queen of Qatar for immediate ceasefire during COVID period.](#)

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"Nothing would save more lives in Afghanistan now than heeding the call for ceasefire, urged by the Organization of Islamic Conferences (OIC), the UN Secretary-General, and the European Union. We wrote a letter in the hope that your Highness will join the

world and us the mothers, sisters, and daughters in Afghanistan in pressing for an immediate humanitarian ceasefire."

### Afghan Women Leaders Peace Summit 2020

Since the start of the peace negotiation, civilian casualties have significantly increased. Women activists, civil society and journalists have been subjected to targeted killings and the number of internally displaced people and asylum seekers is on a steep rise.

Between 20 – 25 November 2020, a group of women activists gathered in Dubai for the Afghan Women Leader's Peace Summit 2020, a historic event to reset and review the agenda for peace in Afghanistan. The Summit was organized by Afghan Women's Network in collaboration with the Afghanistan Mechanism for Inclusive Peace (AMIP) and coincided with the Geneva Conference.

In attendance was a cross section of Afghan women from the provinces, Kabul and the Diaspora.



During the summit, Humaira Rasuli raised key issues. She questioned the absence of war victims, civil society activists and religious minorities in the peace talks, though they had a substantial stake in the peace process. She stressed that the lack of political and moral courage to arrest and prosecute offenders is crippling the sanctity of the rule of law and that the patronage system has completely paralyzed the government's ability to execute its function, compromising sustainable peace in Afghanistan.

We articulated the roles that women should play in the peace process and deep concerns that women's rights would be traded for peace. The Summit culminated in a set of common and shared positions set in a [Declaration](#) which was subsequently delivered to the Afghanistan's Peace Negotiation Team, the Taliban and the international community.

Peace is not just the absence of war. Peace entails freedom from all forms of violence and coercion, respect for human dignity, justice, human rights, and equality for women and all citizens.



## Women Leading the Way for Equal Rights in Afghanistan

In 2020, Humaira Rasuli was featured in a short film '[Women in Justice: 4 Women Leading the Way for Equal Rights in Afghanistan](#)', produced by Mariam Atash, a prominent Afghan lawyer, activist and advisor to WJO. In the film, Humaira Rasuli shares her story that led her down the path to becoming a lawyer and the optimism she has for Afghanistan. The film was shared by WJO on

its social media networks to encourage more young women to study law and become human rights lawyers in the future.

## 16 Days of Activism Against Gender Based Violence

WJO celebrated the end of 2020 with the launch of its 16 Days of Activism Against Gender-Based Violence campaign between 25 November to 10 December 2020. We launched a social media campaign on 4 key themes of our work during the year to promote a notion of peace that is framed around social justice, mobilise activism that is based on solidarity, challenge rape culture and impunity and to encourage donors to adopt a funding framework that is feminist in its values.



## SOCIAL MEDIA CAMPAIGN FOR 16 DAYS OF ACTIVISM 2020



## 6. 2020 Funding and Expenditure

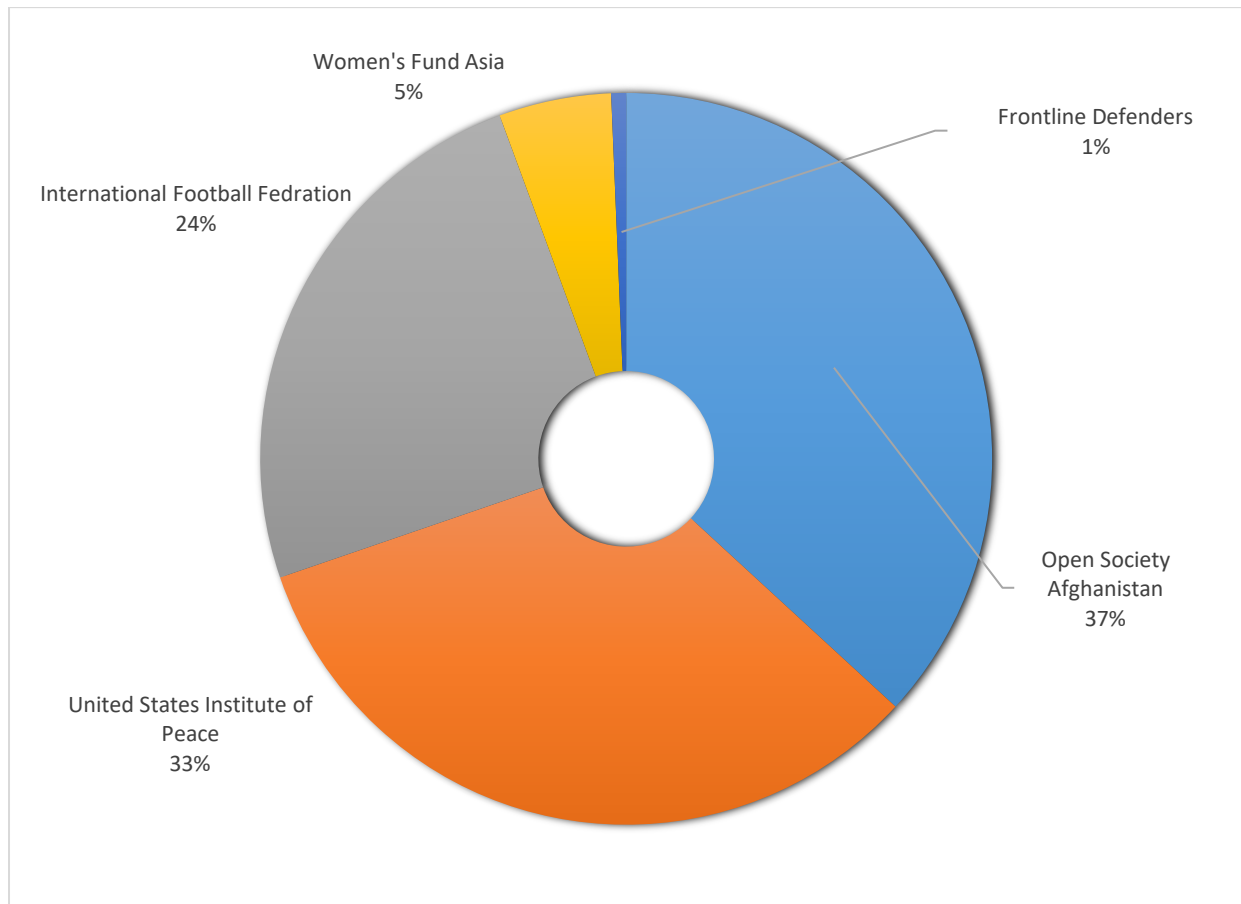
WJO pride ourselves on practising sound financial management and we are audited annually by independent auditors and practices

In 2020, we were audited by Faisal Nassim Chartered Accountants of [AGN International, a leading worldwide association of independent firms](#). The audit made a few key observations on our financial management which we have taken into consideration for our future management and we are glad to share a copy of our Financial Statements and Management Statement to donors upon request.

We received a total funding of USD \$182,657.00 and incurred an expenditure of USD\$194,680.00. We received funds from the Open Society Foundation, United States Institute of Peace, International Football Federation, Women’s Fund Asia (Kaagapay) and FrontLine Defenders.

The following chart shows the contribution of donors to programs and operations of Women for Justice in the fiscal year 2020.

### Sources of Funding



## 7. Final Message

We take this opportunity to share our gratitude to our colleagues, our Board of Trustees and advisors for their support and time which vitalized the organization during its early stage of growth.

We are also grateful to our clients, staff and volunteers for their dedication and hard work. They have seen us through tight timelines, security crises and uncertainties. Without their dedication and generosity of knowledge, contacts and time, none of our achievements this year would have been possible.

We especially express our heartfelt thanks to Mariam Atash, Sabine Fruendt, Ceri Hayes, Camille Boileau and Gabriela Santana for contributing to our work.

We have our work cut out for the year and so much to accomplish. We are looking forward to working more closely with each of you on this journey.

Read our [2019 Annual Report here](#).