



2019 Annual Report

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1. 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.

2. 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 retraumatization 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.

Partnerships

We are a proud and active member of the Human Rights Defenders Committee Board, Ministry of Justice/Women's Affairs Legislative Drafting Committees, Prohibition of Forced Gynaecological Examinations Committee and Anti-Sexual Harassment Law Committee.



3. Our Projects in 2019

[Details have been omitted and changed to protect the security of our staff and clients]

In 2019, we represented 12 victims and persecuted witnesses in a high-profile sex offence case involving powerful offenders (few withdrew during investigation). We represented them in domestic criminal proceedings, UN CEDAW Committee, and a civil adjudicative body.

We worked with:

- 9 members of the Investigating Committee of the Attorney General's Office Elimination of Violence Against Women Prosecution Unit (AGO), 3 of whom we worked closely with.

- 4 members of a third body involved in separate civil proceedings

Investigation and Evidence Collection

In the first 5 months of 2019, our legal team worked *pro bono on the case*. We worked with witnesses to document 100 items of written documentary evidence such as text messages, Facebook messages, medical reports and email correspondences, and, 33 items of audio and video recordings of interviews, recorded phone calls and conversations and a documentary film. All non-searchable documents (jpg images, video and audio recordings) were transcribed into a word document. Materials in foreign languages were translated to English and Dari (English language documents were used for advocacy). We interviewed victims over several sessions and drafted their statements in English and Dari. Over the interviews, we cross-referenced other documentary evidence and worked with them to analyze the evidence. We reconciled inconsistencies and gaps to strengthen the evidence. From the documents, we weeded out the names of 39 witnesses, obtained their contact details (or leads to their contact) and pushed the AGO to interview them or subpoena them to be interviewed. We kept a wish-list of witnesses and an actual list of witnesses to corroborate material and relevant facts. Over the course of the investigation, we presented our analysis of the evidence and urged the prosecution to recognise the systematic nature of the abuses involving a several members working under a common plan. We explained the linkages between financial and human resource decisions that were pivotal to the abuses. Amongst the primary offences committed, there were incidences reported by witnesses of forced marriage, defamation, sexual harassment, sexual exploitation and corruption.

We developed offender profiles to link power dynamic to threats and the availability of evidence. It underscored the importance of the need to push for more survivor-centered practices which will account for the fact that powerful offenders and ordinary victims and witnesses are not contesting the facts on an equal level playing field.

Despite the issues, our team recognised the dedication given by a small prosecution team to investigate and indict the offenders. In a country where only a negligible portion of rape cases are ever reported let alone prosecuted, and, where political instability hampers the state's reach, the investigation was significant for Afghanistan and set important precedents. We remain committed to work more closely with the Attorney General's Office to take stock of the lessons the learned.

Protection

All high-profile cases carry serious risks to victims' physical and psychological safety. Of over 30 witnesses and victims who initially came forward, most of them flipped, retracted their admissions or withdrew from the process within 1-2 months of the investigation. Some were induced with money to withdraw their statements or tell an untruth. Others were

threatened and intimidated. Though these incidences were documented, causation was impossible to establish.

Within the first week of the investigation, we assessed each of our client's protection needs and put together a risk management plan. This included an evaluation of the prosecution's confidentiality practices. We reviewed their storage measures and access rights to clients' documents. Each client was given a pseudonym and identifying data was redacted.

We submitted 10 petitions and letters to the prosecution and court on anonymity and confidentiality measures for victims and witnesses at risk. This required dogged follow-up and persistence. Though the Criminal Procedure Code 2014 provides for protection measures, the content and practical implementation of these measures is new to Afghanistan. Once measures were agreed, we monitored the flow of the case file between investigation and court and pushed for limited access rights and disclosure obligations. Other protection measures were rejected. We re-applied for confidentiality measures at various stages of the proceedings; filed petitions on the same and followed up in person with the Supreme Court. We reserved and pushed for our clients' rights to be notified if confidentiality measures had to be lifted, so that we could take their informed consent before proceeding. We worked with the court on arrangements to reduce the trauma burden on victims during trial.

In addition to protection of identity, we also prepared a risk assessment and safety plan for various scenarios. For witnesses abroad, we researched the staff of various embassies, and outlined the procedure for their testimonies to be taken. Once their testimonies were given, we updated witnesses on the case's progress, assessed their risk profile, and checked in with them to establish ongoing consent to participate in the case at various stages. Where witnesses had legal needs associated with the case which we could not provide for, we sourced for pro bono lawyers to assist and represent them.

During the course of 2019, we provided ad-hoc counselling for our clients and their family members.

State and Institutional Accountability

The investigation stage is a short but critical period during which evidence is discovered and a case is built for trial. A flawed investigation can sharply impact the trial. To steer the investigation, we issued 19 petitions and formal letters to the prosecution. These included objections to the way witnesses were interviewed, investigation of other offences and offences of obstruction to justice, failure to seize weapons, failure to discover prior criminal offences which were similar in character and involving other members of the same group. We also contested prosecutions' position on sentencing based on "same transaction of offences". Not all of our requests were acceded to but we managed to admit 18 victim and witness statements, which given the case complexity was a huge achievement. We prepared

documents in relation to witness lists, subpoena requests, index of evidence, list of charges, offenders' mode of liability, case matrices amongst other documents. To record the testimony of witnesses abroad, we provided legal advice to the prosecution on application for international mutual assistance on criminal matters, including specific mandatory disclosures and requirements in their letter of request. We corresponded with a third country's federal authorities on the same. We also assisted the prosecution with logistical arrangements during their multi-country visits to meet and interview witnesses.

Victim and witness participation and cooperation are crucial for a successful trial. They are key providers of information and understand the web of relationships behind systematic criminal activity and the role of individual offenders. As there is deep distrust between state organs and the public, we served as a bridge between the state and victims and witnesses. We established a redline with the AGO on non-negotiables and the importance of holding up to their commitments to the victims and witnesses. It was an exercise in trust-building and it was a two-way exercise that we had to build over several months.

We assisted in an ongoing civil investigation into the case and pursued a dual strategy towards advancing the criminal proceedings using the findings of civil proceedings, understanding that the publicity of the latter would shape public opinion in Afghanistan, add credibility to our clients' stories, and, pressure authorities to act.

Trial

Before trial, we met with court monitors, human rights commissioners, the trial prosecutor, and the court to make submissions on the conduct of the trial. We worked closely with the prosecution to finalise the list of witnesses and means of testifying at trial. We arranged for the presence of court monitors. We monitored special confidentiality measures to the case file and specifically ensured that our clients would not be addressed by their names and their identities would be anonymized.

To prepare for trial, we analysed media coverage to identify likely arguments that would be raised in court, developed table of arguments and counterarguments, simulated a mock session.

After trial, we developed notes of Appeal of trial decision and submitted them to the Prosecution. We objected to court's failure to call witnesses and conduct of defendants during the trial. These objections were registered, and, after the final verdict was handed down, we requested the prosecution to file notice of appeal against the verdict.

The case is ongoing.

“We genuinely learned a lot from the investigation process of the federation. You inspired and motivated us through your commitment and consistent support. We realized you never accepted defeat and gave up during the process, and today the achievements we have gained in the case is due to your contribution.”

- Prosecutor from the Attorney General’s Office

“The WJO helped me defend my human-rights against a prominent and cruel perpetrator, which rests my conscience in peace. As a result, I can enjoy a life of comfort without any fear now. Thank you [WJO] for your support and assistance in this regard.”

- Client in one of our cases

Case 2

Investigation into institutionalized sexual harassment

Education is a basic good and fundamental right of every citizen under Article 54 of the Afghanistan Constitution. Yet, the pervasive occurrence of sexual harassment with impunity has affected the right of safe education and equal opportunity for thousands of women and girls across Afghanistan. Sexual harassment is both widespread (affecting a large group) and systematic (occurring because of direct participation by staff members or acquiescent or willful negligence by those in positions of care). Further, the law does not adequately define when institutions could be held accountable for individual acts of sexual harassment; and what that looks like in practice.

We started an investigation into sexual harassment in higher education to understand, scope and define the key ingredients to hold an institution accountable.

We studied manuals, articles and guides from India, Kenya, South Africa, and other countries to understand how tools such as litigation, private and public advocacy can be used alongside policy and law reform to hold institutions accountable for violations of human rights or the public interest. From the study, we developed a legal brief on what primes a “public interest” case for success that will lead to a legal recognition that institutions are accountable for individual actions. Given Afghanistan’s precarious condition, we mapped key factors and conditions, legal, political, social, geographic and strategic considerations that shape the probability of success. Some of the factors and conditions were marked as “mandatory” to indicate that they were essential to success. Others were marked “preferable” to indicate that they were influential to success.

Conduct fact-finding into prospective cases.

We did a desk research on sexual-related violations in Afghanistan. We reviewed reports and press articles on sexual harassment in education, recreational clubs, offices and security forces.

In total, we reviewed 23 desk reports on sexual-related violations including more specific sexual offences such as virginity testing and sexual harassment in higher education.

From the above research, we decided to investigate into sexual harassment in higher education institutions. By then, the 2017 Anti-harassment Law came into effect in January 2017, criminalizing all forms of harassment of women and children, including physical, verbal, psychological, and sexual. The Ministry of Higher Education developed a policy and strategy document titled “Anti-Harassment Policy and Gender Strategy in Higher Education” to state its position of “zero-tolerance” against sexual harassment. This was followed by several awareness-raising sessions and training for faculty staff and students by the government and several NGOs.



We analysed the shortcomings of the legal and policy framework and implementation mechanisms. We interviewed witnesses from civil society, staff members of universities, and government representatives including the Deputy Minister of MoHE, Deputy Chief Prosecutor of the Elimination of Violence Against Women Unit, Attorney General Office, Head of Gender Unit of MOHE and Head of Gender Unit of Ministry of Justice.

After the interviews, we compiled our findings from the interviews and desk research and analyzed findings within the legal framework.

Develop the Investigation Plan

We had commenced the investigation with the assumption that victims would have reported sexual harassment after the law was passed. Desk research from prior years supported that assumption and victims were reporting to civil society/research organisations with the vast majority of them claiming that they had suffered from some form of sexual harassment in public and at schools. However, after several months of research, conducting interviews and the Ministry of Justice, Ministry of Labour and Social Affairs, Ministry of Higher Education and Attorney General's Office, leading focus group discussions and awareness sessions in 6 universities, we did not find a single victim who had utilised the university anti-harassment mechanism since the passing of the law in 2017 (we found only a few victims who had reported to the Attorney General's Office).

The victims who we had identified did not report or did not complete their reporting, citing retaliation, lack of confidentiality, lack of trust in the system and shame as critical barriers to reporting. We identified 19 victims and 7 alleged offenders. The offenders were well-known senior-ranking professors.

The interviews and focus-group discussions revealed that many students mistook sexual harassment to mean rape, or, were not aware that gestures, jokes and other less overt acts of harassment constituted a crime of sexual harassment. Many students initially denied that sexual harassment existed, or, that if it existed victims must have "consented" to them. Some students altered their responses after a deeper discussion, with some sharing that they had witnessed sexual harassment themselves.

Implement the Investigation Plan.

The conspicuous absence of victims was indicative of a deeper issue. We conducted further research and interviewed an additional 47 victims, witnesses, and government representatives to identify why no one had reported. The interviews led to a significant finding that underreporting, is a positive indication of systematic exclusion of victims from safe access to education and justice.

By failing to address stigma, retaliation, confidentiality, access to counsel and evidentiary burden as an integral part of the redressal mechanism, the State and higher education institutions were not taking sufficient measures to ease victims' access to justice, By failing to center the mechanism around victims' experiences and failing to include them, the State and higher education institutions were systematically excluding them in the present legislative and policy framework.

The work is ongoing.

AD-HOC LEGAL ADVICE:

In addition to our public interest cases, we provided legal advice and support to 3 victims of rape (2 pregnant minors), 1 victim of virginity testing and provided emergency support to 6 victims by referring them to psychologists, shelter houses, and reporting incidents to UNAMA and HRD committee. We also submitted factual declarations on behalf of 10 women victims of war in close-door proceedings and submitted an expert declaration in support of an appeal.

"Thank you for your great humanity. As a father of a daughter, I came to believe that good people still exist in our society and this happened after meeting you [WJO lawyers]." – Father of client

COMMUNITY MOBILISATION

In 2019, we started a long-term engagement with 3 universities on sexual harassment education, personal security and the role of student mobilization to strengthen institutions to combat sexual harassment.

The work is ongoing.

ADVOCACY

Geneva Conference (November 2018)

We participated in several pre [#GenevaConference](#) events in November 2018, to take stock of Afghanistan's progress to date and renew Afghanistan's and the international community's commitments to peace and prosperity in Afghanistan.



In October 2018, our Executive Director, Humaira Rasuli, spoke on a panel of experts at a pre-conference Open Forum organized by Afghanistan Policy and Research Organisation. The purpose of the Open Forum was to serve as an enabling space for closer interface between state authorities and civil society on peace and prosperity based on evidence, trust and complementarity. The four themes of the Open Forum were: peace, elections, gender equality,

and anti-corruption. We contributed our perspectives on gender equality and rule of law in Afghanistan and responded to open questions. The outcome of this event was widely disseminated prior to, during, and after the Geneva Conference.



We were also invited to facilitate a group session on social security at a National Civil Society Conference in Kabul held on the 11 and 12 of November 2018 to discuss the specific agenda points of the Geneva Conference. This was an opportunity for constructive dialogue between the state and civil society on Afghanistan's development objectives.

The Geneva Conference concluded with Afghanistan's commitment to fulfilling clear deliverables and shared several social media posts on the key deliverables we can look out for in 2019 and 2020.

1. The **2017 Anti-Corruption Strategy**. By June 2019, we should see an action plan to improve prosecution's case-flow management and have a clearer idea of key functions and responsibilities in the Office of the Attorney General, Ministry of Justice, Ministry of the Interior, Supreme Court, Anti-Corruption Justice Centre and Anti-Corruption Commission.

2. The **Access to Information Law** will be implemented in 2019. We should see the Oversight Commission implementing policies and procedures for tracking requests, ensuring quality and timeliness of responses, maintaining collection of statistics and providing quarterly updates.

3. The **Asset Declaration Law** will be implemented by 2020.
4. We should see an **increase in the number of female civil servants** from 22% to 24% in 2019 and 26% in 2020, across all civil service sectors.
5. We should see more **Special Courts for the Elimination of Violence against Women** functioning across Afghanistan - from 22 to 28 provinces by 2019 and to 34 provinces by 2020 (subject to security and availability of female staff).
6. We should see the hire of **40 additional female prosecutors and 8 judges who will be trained to take seat** in the districts to strengthen local governance and improve judicial services. By the end of 2020, we should be making steady progress to reach our target of 23% women justice professionals in the justice system (*subject to security, number of courts in districts as determined by the government*).
7. We should see a **plan for additional education and training of prosecutors and judges on the EVAW Law how to prosecute before the Specialist EVAW Courts** by mid-2019. We can look to monitor the implementation of this plan in 2019 across all 34 provinces.

Reforming Sexual Harassment law (February 2019)

We joined Women and Children Legal Research Foundation in February 2019 to review the Anti-Harassment Law and evaluate the role of Anti-Harassment Committees to increase women's access to recourse. We engaged with government officials, judges, prosecutors and activists, to change their mindsets around sexual harassment which was still rooted in unfounded harmful stereotypes of women. We explained the insidious and oftentimes subtle ways sexual harassment manifests and its creeping effect on women's rights to safe education and equal opportunity to excel in public life. We explained how provisions of the Anti-Harassment Law could be improved to have meaningful impact.

Celebrating International Women's Day (March 2019)

Over the week of events in March 2019, we participated in several meetings including President Ghani's Loya Jirga "Afghan Women Will Not Go Back" to express women's concerns with the peace talks, define our red line, and set our expectations on what meaningful participation of women in peace talks with Taliban would look like.



During the meetings, we highlighted the continuing rise of violence against women, which affects more victims than terrorism and insurgency. We cited statistics of the extreme forms of violence that women and girls are facing: two-thirds of adolescent girls are still not in school because they are being targeted. High-profile women and women face harassment, threats, and even murder - just by being in the public. We reiterated that the end to the war is not just about ending insurgencies, one form of extreme violence, but that the end to other extreme forms of violence which is deliberately targeted to women is also a non-negotiable and critical element to our understanding of peace. A notion of peace that does not prioritise this, is no peace at all and is not sustainable to building a democratic country governed by Islamic and human rights values.

We noted the unfolding of peace talks with the Taliban and stressed that the gains which women's activists have tirelessly fought for in the last 16 years, cannot afford to be compromised.

Working alongside other members of the women's movement, we understood the unprecedented importance of cohesion and decisiveness, presence and participation, without which the peace process would be hijacked only for political gain.

We also reminded the international community that the liberation of Afghan women which was used to anchor foreign policy and presence in Afghanistan must now be a meaningful commitment to the foundations Afghan women have laid for peace.

JIRGA/ SHURA LAW (March 2019)

The Women for Justice Organization (WJO) is concerned that the enactment of Jirga Law will have the unintended consequence of legitimizing how Jirgas have traditionally operated in women's rights cases. Therefore, the WJO submitted a petition to the draft of the Jirga Law.

We see the problem in increasing number of violence against women cases over the last two years-- UNAMA documented 237 violence against women cases in 22 provinces and 280 additional cases of murder and "honour killings". The main finding in the report was that the government were regularly and automatically deferring to jirgas to resolve cases of "honour killings", murder and other offences in the EVAW Law.

As part of resolution, we suggested and highlighted essentiality of oversight and governance of the misuse of authority aside the AIHRC's Jirga monitoring mechanism. Additionally, we recommended that the government and Afghanistan international aid agencies should dedicate their efforts to increase people's access to the formal justice system along with a list of other recommendations and suggestions. This would be a better objective than to legitimize Jirgas which have been abusing women's rights.



PEACE PROCESS (September 2019)

On 5 September 2019, we contributed to the Women Regional Network and Women Advocacy Committee on Recent Peace Dialogue.

We discussed the growing and widespread insecurity and fear among the Afghan people about the negotiation of Afghanistan's political future.

We expressed serious concerns that the US Special Representative Ambassador Khalilzad may be jeopardizing decades-long of hard-won gains and enormous stride of the women's movement. We were also particularly circumspect of the Taliban's commitment to protect women's rights in Islam without discussing the content and interpretation of those rights in terms of the right to equal treatment, vote, work, equal participation in public life and access to education, justice and health care.

During these meetings, we drew our redline as follows:

1. The Afghanistan Constitution is not negotiable. The rights enshrined in the Afghanistan Constitution protect women and all Afghanistan citizens with the basic rights of citizenship in a democratic society. This was achieved with the support of the international community, particularly the US. It is paramount that the US, as a beacon of democracy in the world today, preserves these achievements.
2. An immediate and countrywide ceasefire is an essential condition of any Peace Agreement.
3. Full transparency of the details of any peace agreement is the right of the Afghanistan people. Details of this Agreement must be released to the Afghan people immediately.
4. Qualified women must be ensured an essential role in the in the peace negotiations. Peace is not possible if the rights of half the Afghan population, whose talents and contributions are vital to the future of Afghanistan, are abrogated.
5. Establishment of an oversight body, comprising representatives of the United Nations, representatives of the United States and the NATO countries in Afghanistan, to monitor the peace process and after.

Read our joint press release here in [English](#) and [Dari](#).

Virginity Testing (October 2019)

On 25 October 2019, in response to the Cabinet Judiciary Committee approval of court-ordered virginity examinations under Article 650(2) of the Penal Code, we submitted a petition that court-ordered virginity examinations would constitute torture or cruel, inhuman and degrading treatment pursuant to the Convention Against Torture and Article 450 of the Afghanistan Penal Code. We stated in absolute terms that the government is prohibited from enacting legislation that will virginity examination and all other forms of rectal and vaginal examination to be conducted under the circumstances described in Article 450 – and judge who orders such examination can be prosecuted for torture or cruel, inhuman and degrading treatment, regardless of the power granted to order an examination under Article 640(2).

We explained that under the law, the prohibition of torture and cruel, inhuman and degrading treatment is absolute and therefore supersedes the powers granted to the court under Article 640(2) to do otherwise.

We expressed concern that by enacting legislation on virginity examination within the circumstances set out under Article 450, we were exposing members of the government in the referral chain – from ‘order’ to ‘commission’ – to a risk of prosecution under Article 450, and a complaint to the Committee on the Convention Against Torture, in the near or distant future. Torture and crimes against humanity, especially when committed on a sexual organ and on vulnerable groups of society – are globally classified as the gravest crimes committed to humankind. Further, we submitted that under Article 335 (6) and (7) of the Penal Code, acts of sexual violence and torture committed as part of an organizational policy are prosecutable as crimes against humanity.

In reply to concerns that the absolute prohibition would prevent discovery of medical evidence on rape victims, we established that the absolute prohibition would not cover the specific instance of a physical and pelvic examinations of rape victims which are conducted with the informed consent of rape victims and in accordance with the Ministry of Public Health (MOPH) 'Gender Based Violence Treatment Protocol 2014' (GBV Treatment Protocol). We stressed that such physical and pelvic examinations are not virginity examinations and the lawfulness of the same will ultimately depend upon whether the examination was conducted according to the GBV Treatment Protocol - which treats the victim as a human and not a piece of evidence.

We also urged the government to consider that the law must prohibit judicial authorities from drawing an adverse inference against a victim who does not consent to the examination – for otherwise consent is not voluntary.

We submitted that the line that divides lawful examination and torture will depend upon the enforcement of informed consent procedures, and strict adherence to the prescribed manner of examination. To mitigate the risk of prosecuting civil servants for torture, standard operating procedures must be put in place to monitor and enforce informed consent procedures.

[Read our petition here.](#)

16 DAYS OF ACTIVISM (November 2019)

PROTECTION OF HUMAN RIGHTS DEFENDERS

As part of 16 Days of Activism, we wrote a Petition to H.E. President Ashraf Ghani to enact a law to specifically recognise the protection of human rights defenders (HRD) in Afghanistan.

Our appeal came after the shocking news of the arbitrary detention of Musa Mahmudi and Ehsanullah Hamidi by the National Directorate of Security on 21 November 2019, after they reported the sexual abuse and rape of hundreds of boys in Logar. After the assassination of human rights defenders Saeed Karim Musawi, Khalil Parsa, Abdul Samad Amiri, Shabir Ahmad Kamawal, in 2019, we submitted a petition to call upon H.E. President Ghani to live up to his commitments when he pledged in 2016 that the *"protection of human rights defenders is the sole responsibility of my government and its legislative and judicial branches."*

Recognising that our work as HRDs are *'lifeblood that our democracies need in order to flourish and survive over time'* in the words of the UN Special Rapporteur Michel Forst, we also stressed the importance of protecting women HRDs, HRDs working in the justice sector and those who are working to combat impunity and promote accountability for gross human rights violations. Specifically, we called for a new law to recognise HRDs as a specific category of protected persons and trigger protection measures to kick in quickly and effectively, to ensure HRDs can operate safely and seek refuge when needed.

[Read our petition here.](#)

We also joined several international organisations in their demands for strengthened response by the UN to acts of intimidation and reprisal against human rights defenders.

[Read the joint letter here.](#)

16 DAYS OF ACTIVISM (November 2019)

ENDING SEXUAL VIOLENCE

During 16 Days of Activism, we contributed a video to the Afghanistan Women's Network's campaign featuring a series of videos by women.

As the thematic focus of this year's 16 Days of Activism was on sexual violence, our Executive Director, Humaira Rasuli, shared our experience in cases of sexual harassment and the barriers which we still need to overcome to end sexual harassment in Afghanistan. We also sent a message to those in positions of authority, especially focal points of the justice process, to diligently investigate and prosecute harassment.

[See our video here.](#)

CEDAW OPTIONAL PROTOCOL (December 2019)

As part of 16 Days of Activism, we submitted a petition to the government to ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). While Afghanistan ratified CEDAW in 2003, it has not yet ratified the Optional Protocol.

The Optional Protocol was accepted by the United Nations General Assembly (UNGA) on 6 October, 1999 and its provisions became enforceable on 22 December 2000.

We stated that the government will benefit from joining the Option Protocol, Committee's recommendations and decisions are instructive and they will help the State better understand the CEDAW standards and the actions they can take to fulfil their obligations under CEDAW in practice. By joining the community of nations which have ratified the Optional Protocol, the government will benefit from the Committee's jurisprudence and the interpretation of women's legal rights under the Convention.

Specifically, the Optional Protocol will also benefit civil society leaders and victims in cases of impunity. We informed the government that oftentimes the power of the defendants is the most significant variable to the outcome of the case. Their power determines if justice will be served. We explained to the government that we have had to, in several cases, concede to the reality that powerful offenders will escape with impunity. It is in such cases that victims and the government will benefit from an independent redressal mechanism under the Optional Protocol. The Committee' recommendations will also help the State to determine survivor-centered reparations and affirmative action to prevent such violations from reoccurring.

In response to concerns that the Optional Protocol encroaches upon the State jurisdiction, we explained that the Optional Protocol has a high admissibility requirement. Domestic remedies must first be exhausted, and therefore it is only an additional enforcement mechanism to help victims in a limited set of circumstances of impunity.

The request to ratify the Optional Protocol was well-received and the government has made a commitment to the UN CEDAW Committee to ratify the protocol by end of 2020.

[Read our petition here.](#)

3. Financial Report

We entered 2019 as an organization which was only 3 months old. 2019 was a year for us to develop our policies and learn. It was a challenging year for our financial management and operations. To build a more effective, efficient and transparent financial system, we implemented different practices and developed tools such as a financial tracking system, budget allocation sheet, finance flow chart and a finance and procurement manual.

Looking at the external factors, 2019 has been a year of policy changes in the donors grant criteria. We had to negotiate and convince donors that the long-term systemic change that is needed in Afghanistan needs to be supported with a long-term vision.

In 2019, we were audited by PKF Afghanistan which is one of 220-member accountancy firms which operate under the PFK brand. PFK is also one of the top accounting firms in Afghanistan and top 10 firms in key markets. PKF made two 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.

In 2019, we were primarily funded by Open Society Afghanistan and United States Institute for Peace. We also received private donations and a small contract by IGT Pte Ltd.

The total expenditure for the year of 2019 was \$148,405

The following charts shows the contribution of donors and expenditure of funds.

