



AIHRC

**Situation of Women  
Employed in Defense and Security Sectors**

**Autumn, 1396**

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## **Introduction**

It is for more than a decade and a half that Afghan women have gained significant achievements and such accomplishments have always been appreciated in the assemblies as one of the best developments of the Afghan government and the positive impact of the international community's presence in Afghanistan. The presence of women in our society has flourished more than before, and now a significant number of women in the country are active in various political, social, economic and cultural areas, and their role is increasing more and more with every passing day.

The effective presence of women is important in all areas of collective life, but the role of women in those areas that have not been common and was considered as taboo by conservative people is more important. One of these areas is the inclusion of women in the defense and security sectors of the country which, despite some challenges in this area, has made some good progress. It should be said that the presence of women in the defense and security sectors of the country has not been free from challenges, and there are still some problems that we will deal with later.

Undoubtedly, the role of women in defense and security sectors is of paramount importance. In addition to the fact that women as individuals, have the right to equal opportunities like men in all areas of life and to have access to all their human rights, the Afghan society today needs women's presence and activities in defense and security organs. Afghan women need to enjoy of the services of defense and security sectors of the country, and this can be possible only when a significant number of women be employed in the defense and security sectors of the country so that other women and men benefit from their services.

As women of Afghanistan today are active in a variety of social areas, women need to be present in defense and security sectors also, so that they can provide services for other women. Obviously, women can easily communicate with women involved in the defense and security sectors of the country and express their problems. In other words, women in defense and security sectors can do works for other women very easily and efficiently than men. Therefore, given the traditional nature of the Afghan society, the role and presence of women in the defense and security sectors of the country is of great importance.

In order Afghan women be able to play an effective and active role in defense and security organizations, they need to be given special protection. As male-dominated mentality dominates in Afghan society and there are various discrimination against women, women in defense and security organizations face a number of problems and challenges, such as discrimination and other factors that restrict area of work and cause potentially harass them. Women are vulnerable in Afghan society, but women's vulnerability to defense and security is likely to be higher.

Therefore, the AIHRC, in accordance with Article 58 of the Constitution of the country and the law on the Structure, Duties and Mandate of the AIHRC monitors the situation of human rights, including the situation of women's rights employed in the defense and security sectors of the country. If their human rights are violated, the AIHRC try to address their complaints through the relevant authorities. The main objective of monitoring the situation of women employed in defense and security sectors is to protect their human rights so that their working environment is safe, free of discrimination.

AIHRC has created a special unit within its structure in order to monitor the practices of security sectors in order to further insure the observance and respect for international human rights standards by the defense and security agencies and increase their accountability to the applicable

laws of the country. This unit performs its duties based on the legal mandate of the AIHRC and also on the basis of a cooperation and coordination memorandum signed between AIHRC and the Ministry of National Defense, the Ministry of Interior and the National Directorate of Security (NDS).

The present report is prepared as a result of the AIHRC's monitoring of the human rights situation of women employed in the defense and security sectors of the country. The main purpose of this report is to draw the attention of the authorities to the situation of women employed in defense and security sectors and to protect their human rights. This report analyzes the situation of women employed in defense and security sectors. In general, the report focuses on two issues of "discrimination" and "harassment" against women employed in defense and security organizations.

We hope that the authorities will study the findings of this report and, based on the findings and recommendations of this report, will take practical and effective measures to protect women's human rights.

### **About AIHRC**

AIHRC was established on 16/3/1381 based on the Presidential Decree and the provisions of the Bonn Agreement, With the adoption of the Constitution in 1382 and the assignment of Article 58 to this institution, the AIHRC found a strong legal basis and, after the approval of the Law on the Structure, Duties and Mandates of the AIHRC in 1384, the basis for the operation, objectives, mandate, duties and organizational structure of the AIHRC was defined. Under Article 2 of this law, the "AIHRC" was established within the framework of the Government of the Islamic Republic of Afghanistan and operates independently. AIHRC carry out its activities based on the provisions of the Constitution, the AIHRC's law and other effective laws of the country. "

The objective for the establishment of this Commission has also been set out in the AIHRC's Law. The law states that the AIHRC is working to achieve the following five objectives:

1. Monitoring the observance of human rights;
2. Promotion and protection of human rights;
3. Monitoring the human rights situation and peoples' access to their fundamental rights and freedoms;
4. Investigation and research on human rights violations and abuses;
5. Taking measures to improve the human rights situation in the country

Article 21 of the Law on the Structure, Duties and Mandates of AIHRC has clearly stated the AIHRC's mandate to monitor the human rights situation, investigate violations and abuses of human rights and conducting research. This Article states that the AIHRC has the duty and mandate to monitor the human rights situation, the implementation of the provisions of the Constitution, other laws, regulations, bills and government's obligations in relation to human rights. Likewise, under this Article the AIHRC has been mandated to monitor the performance and functions of the administrative, justice and the judicial system, national and international profit-

making and nonprofit-making institutions in the country that have an impact on the human rights situation.

According to Article 58 of the Constitution and Article 21 of the Law on the Structure, Duties and Mandates of the AIHRC, monitoring of the human rights situation is one of the main mandate of the AIHRC and there are special units for this purpose. Monitoring and investigation of Human rights violations, the Ombudsman Unit, the Women's Rights Protection Unit, the Human Rights Education Unit, the Children's Rights Protection Unit and the Protection of the Rights of Persons with Disabilities are among the program Units of the AIHRC that operate throughout Afghanistan.

In order to better manage its activities, the AIHRC has a Five-year Strategic Plan with four important objectives: "leadership", "education", "empowerment" and "monitoring and protection". Strategic goals are followed by the development of an Annual Action Plan and specific activities are predicted for its implementation. AIHRC has 14 regional and provincial offices that cover almost all regions of the country.

### **About Ombudsman<sup>1</sup>**

Within its organizational structure, the AIHRC has various units, including Ombudsman Unit, which monitors the performance of defense and security forces. The issue of the formation of Ombudsmen was raised in August 2010. The AIHRC has had detailed discussions with the Ministry of the Interior of the Islamic Republic of Afghanistan and civil institutions. There was a controversy about the structure of the Ombudsman, but after much consultation with various organs, it was finally decided that the Ombudsman's office would be established as part of the work and activities of the AIHRC.

At the beginning Ombudsman was only monitoring the performance of the police through the filing and handling of public complaints, and so the official name of this unit was "Police Ombudsmen". However, in the Sawr of 1395, after the signing of a memorandum on the cooperation and coordination of the AIHRC with the Ministry of Defense, the Ministry of Interior, the NDS, Ombudsman's mission was to monitor other departments, and so this unit changed its name to Ombudsmen". The signing of a Memorandum of Understanding on cooperation and coordination between the AIHRC and the three security and defense organs of the country is a valuable and significant step to create an atmosphere of empathy, coordination and cooperation among important and influential institutions in Afghanistan. The effort should be made to implement the provisions of this memorandum and to provide a basis for the observance of human rights values throughout Afghanistan.

Now Ombudsman monitors the performance of all the country's defense and security forces and addresses the cases of human rights violations attributed to them.

### **Why did we create the Ombudsmen Unit?**

In order to prove the need for the establishment of Ombudsman in Afghanistan, it can be said that any organization, especially governmental organizations and sectors, must have a transparent performance and be accountable and provide good services, therefore, their performance should

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The word Ombudsman has a Scandinavian root and its main literal meaning is "representative"; but it has, in the meantime, come to a different meanings.<sup>1</sup>

It is defined in Oxford Dictionary: "Ombudsman is the official authority that receives and investigates citizens' complaints about organizations and individuals, especially senior officials."

be monitored by an independent organ. Monitoring the performance of an organ can also be of two types: internal monitoring and external monitoring.

Almost all of the organs have an internal monitoring mechanism and through this mechanism, they monitor the performance of individuals and, the general activities of an organ. This type of monitoring has its own significance and has been influential in some organizations as well. But, internal monitoring mechanisms are not always successful everywhere. Experience has shown that internal monitoring mechanisms cannot be effective due to the observance of an authority's interests within an organization. In some cases, internal monitoring is vulnerable, therefore, even after discovering violations and defects, they may be ignored for the benefit of the entire organization. There are also many internal monitoring mechanisms to monitor the country's defense and security agencies. For example, in the Ministry of Defense, the Ministry of Interior and National Directorate of Security, the Directorate of Control and Audit, the Directorate of Law, the Police-119, the Department of Gender and Human Rights, that have sufficient legal authority, facilities and possibilities. But, in practice, these internal monitoring mechanisms are not enough to hold the defense and security sectors of the country accountable.

To complete internal monitoring mechanisms, creating external monitoring mechanisms is essential. External monitoring mechanisms can act decisively and independently without expediency, revealing all shortcomings and violations, and seriously addressing human rights abuses. Now, Ombudsman Unit monitors the way the security forces enforce laws and how they are dealing with people when receiving and reviewing people's complaints. Monitoring the activities of the security forces and defense agencies during the conflict, their treatment of people, keeping suspects in detention and custody and observance of the laws related to armed conflict (IHL), comprise the Ombudsman's areas of work. This continuous monitoring of the performance of the security and defense forces will make them, more than ever, to observe the laws of the country, international law of armed conflicts and human rights, and to respect the rights and freedoms of the people through the realization of the rule of law.

In addition to what was said before, the creation of Ombudsman was raised when the Afghan government and the international community agreed to transfer security responsibilities from the international forces to the Afghan Defense Forces and security forces. Also, this was when the number of security and defense forces in the country was increasing and efforts were made to strengthen the country's security and defense forces. It was believed that the strengthening of the country's defense and security forces would not be possible without transparency and accountability. Therefore, the AIHRC, in order to increase the transparency and accountability of the country's defense and security forces in the field of human rights and the rule of law, created the Ombudsman Unit within the organizational structure of the AIHRC, so that this Unit would specifically monitor the performance of the members of the country's defense and security forces and address the relevant complaints. The ultimate goal of creating the Ombudsman Unit is to help provide and protect human rights through continuous and effective monitoring of the performance of the country's defense and security forces.

### **Goals of Ombudsman**

The Ombudsman has been established and works to achieve the following goals

- 1- Increasing the accountability of security forces towards people through monitoring their performance and effective handling of complaints,

- 2- Improve the equal and fair access of all citizens to the services rendered by the defense and security sectors,
- 3- Attracting people's trust and support to defense and security organs,
- 4- Modifying the policies, programs and behavior of defense and security sectors by research, evaluation and presenting recommendations,
- 5- Capacity building and awareness raising of defense and security sectors by launching training programs.

### **Duties and mandate of Ombudsman**

As part of the AIHRC, the Ombudsman has full authority and power in accordance with the Constitution and the Law on Structure, Duties and mandates of the AIHRC. The authority and responsibilities of the Ombudsman can be classified into three areas:

#### **A. Monitoring and Investigation:**

In the areas of monitoring and investigations:

- 1- Effective monitoring of the behavior of defense and security sectors in order to prevent violations of human rights and international humanitarian law.
- 2- Monitoring how the services of defense and security sectors are to be provided to the public, so that through this type of monitoring, the citizens can be able to enjoy the equal and fair access to services rendered by defense and security sectors;
- 3- Monitoring all areas of detention centers, including detention centers, prisons and police and national security custodies,
- 4- Requesting information, documents and explanations from individuals and authorities regarding complaints and cases of human rights violations,
- 5- Provide advice, suggestions and recommendations to improve the behavior of defense and security sectors in order to further realize universal values and enforce the rule of law.

#### **B. Handling and follow up complaints**

In the area of handling and follow up of the complaints:

- 1- Receipt, registration, documentation and evaluation of complaints received from individuals regarding the behavior of defense and security sectors,
- 2- Ensure that the complaint is referred to the relevant authorities and, if necessary, send the results to the authorities of the Ministries of Defense, Interior Affairs and the National Directorate of Security for further action,
- 3- Cooperation with relevant authorities in the resolution of cases, advocacy for the implementation of recommendations and seeking solutions for the compensation for victims or complainants in a fair manner,
- 4- Carry out the necessary handling and protect the victims, if necessary, and submit the result to the relevant organs.

#### **C: Awareness and Reporting**

- 1- Organizing training programs on capacity building on human rights, humanitarian law, rule of law, principles for fair trials and the rights of prisoners and defendants through workshops, seminars for security forces,

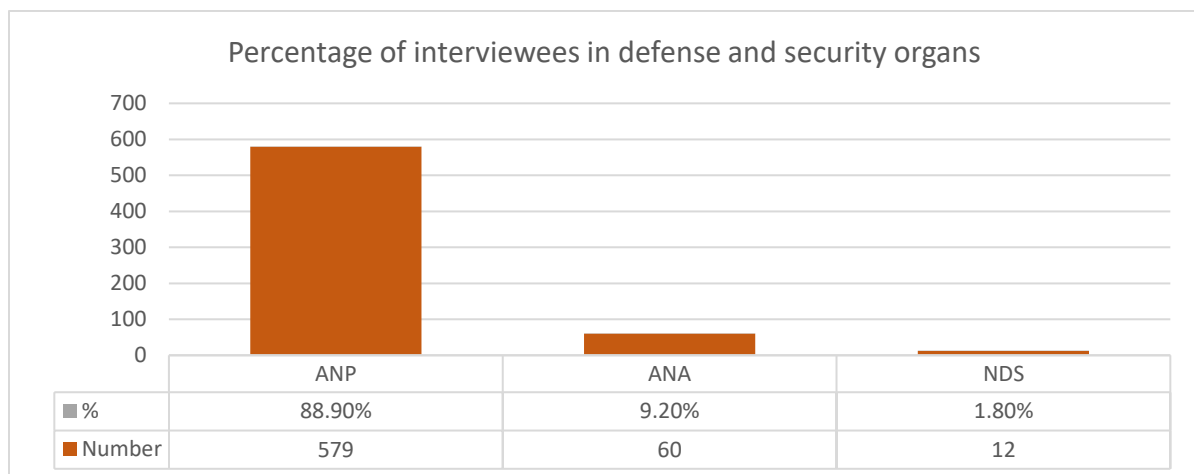
- 2- Provide research reports and submit recommendations based on the findings of the monitoring to the officials of the Ministries of Defense, Interior and National Directorate of National Security.
- 3- Disseminating and publishing research and thematic reports and presenting recommendations and guidelines for assessing and improving the performance of the personnel of the defense and security sectors.

### Research Methodology

Monitors of the AIHRC, who are working in Ombudsman Unit, interviewed women in the Ministry of Interior, the Ministry of National Defense and the NDS to question about discrimination and harassment. This research was conducted during 1396 by a questionnaire with open and closed questions through interviews with women employed in defense and security sectors. During this time, the AIHRC's Monitors were able to interview 648 women in the police, armed forces and NDS.

It should be said that most of the interviewees were from the ANP. More than 88% (579) of interviewed women were from ANP, 9% (60) interviewed women were from the National Army and 12 others, about 2% of women interviewed were from NDS. It should be noted that the selection of this number of interviewees was by no means intentional and planned. Only monitors were told to interview women in all three sectors. The AIHRC's monitors have said that the reason for the low number of interviews with women employed for national security and the ANA was that they were less accessible. In addition, the AIHRC's monitors have said that NDS did not cooperate fully in the interviews with women involved in national security. National security departments often mentioned the issue of confidentiality of the identity of their employees as a reason for denial of an interview with the AIHRC. The National Defense Ministry also did not cooperate in interviews with women involved in the ANA that is why the number of women interviewed in the ANA is less than the number of women interviewed in the police.

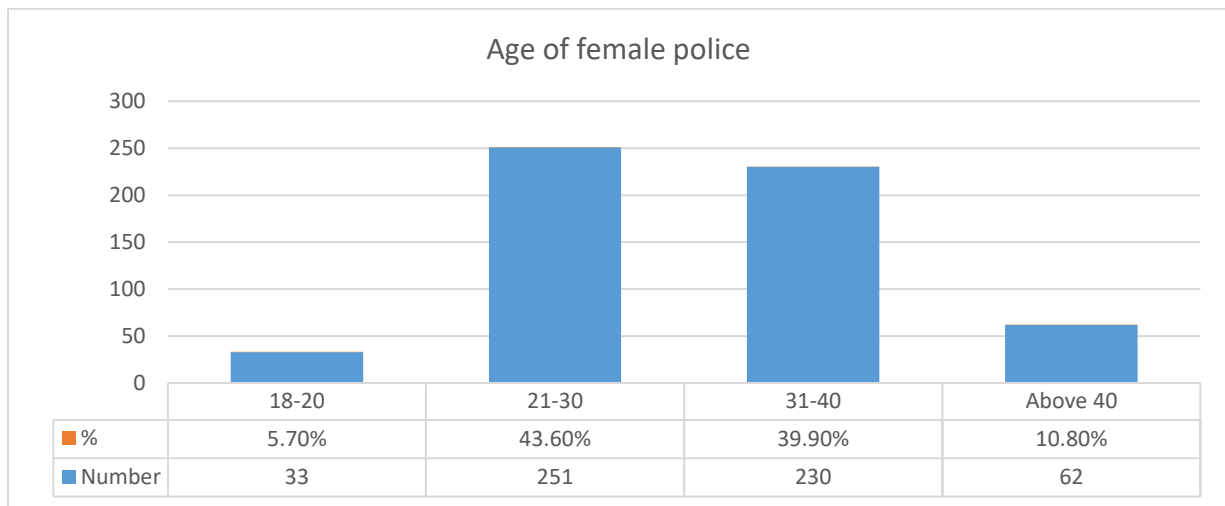
Geographically, all areas (zones) of the country are covered as a sample of statistical community. The AIHRC's monitors have been able to travel to all areas of the country and monitor the human rights situation of women employed in defense and security sectors in one or two provinces of the same zone. The main residence of the interviewees shows that the interviewees were from almost all provinces except Nuristan province. Therefore, the information provided in this report can show the situation of women employed in defense and security sectors throughout Afghanistan.





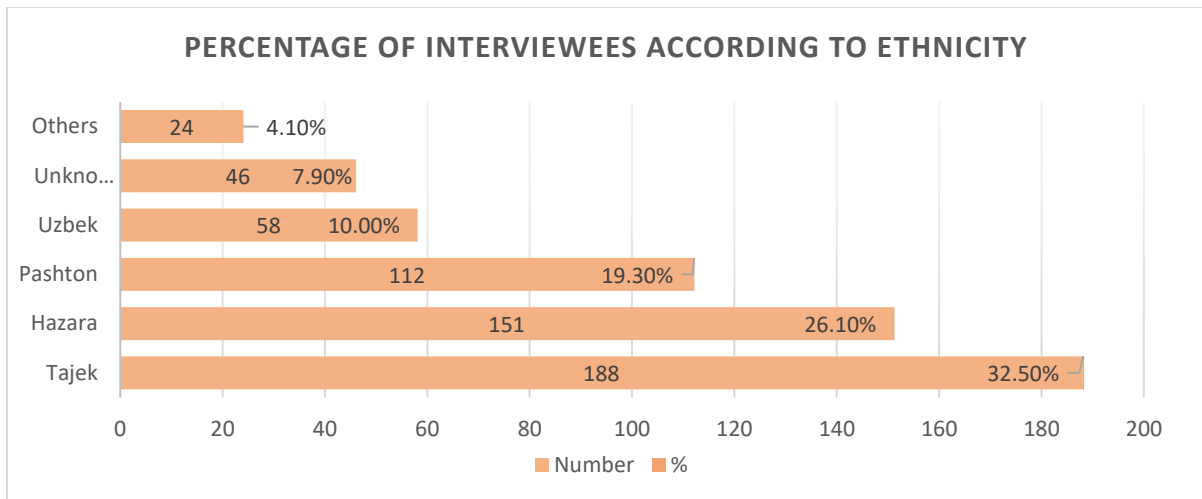
Interviews with women employed in defense and security sectors were conducted by female monitors. By understanding the cultural and social situation of the country, the AIHRC decided that interviews with women employed in defense and security sectors should be carried out by female monitors in order to obtain exact and accurate information. We know that women share their full problems only with the same sex. Therefore, no questionnaire related to this research has been made by a male employee. It should be said that the study was conducted through 14 regional and provincial offices of the AIHRC. The information was collected through the AIHRC's Regional and Provincial Offices and then entered into the database of the AIHRC's headquarters.

The age of the interviewees was also important for the AIHRC. Because some of the problems, such as harassment, and possibly even discrimination, are related to the age of women. The majority of interviewees were between the ages of 18 and 40, but a small number of interviewees have been above 40 years of age. These statistics show that women in defense and security sectors are mostly young women who work in these organs. That is, the number of older women in these organs is less than that of young women.



Another important point in the method of this research is that at the beginning of the questionnaire, the specifications/reputation of the interviewees, including the name and father's name of the interviewees were asked. Asking for the name and father's name of the interviewee may cause the person not to provide the entire information, particularly information on sexual abuse, with ease and convenience. Because interviewees are likely to be worried or concerned about the consequences of the information they provide. Therefore, the information obtained from the interviewees, especially information on sexual abuse, is not likely to be complete. That is, it's likely that the statistics of those harassed will be higher. It is noteworthy that after this reporting period, the research method has been changed and now the monitors of the AIHRC do not include the reputation of the interviewees.

Almost, people from every ethnic group in Afghanistan includes in the defense and security sectors of the country. The AIHRC's monitors also considered this issue and has randomly interviewed women of all ethnicities involved in ANP, the ANA and NDS. The percentage of female police in this study has been as follows:



Since the majority of women interviewed were in the police, this report also focuses more on their situation. But this report also discusses some of the relevant issues of women in the ANA and NDS, which seems important.

### **Legal basis for the protection of women**

The country's Constitution as a national document protects the rights of women and men, with bright and clear provisions. Article 22 of the Constitution states: "Any discrimination and privilege among nationals of Afghanistan is prohibited. Nationals of Afghanistan, including men and women, have equal rights and obligations before the law<sup>2</sup>." According to the provisions of this Article of the Constitution, Afghan women involved in the ranks of the country's security forces has equal rights as men and should not be discriminated against.

International human rights instruments also emphasize on non-discrimination against women. In particular, the International Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly in 1979, and Afghanistan joined the Convention in 2003. Under various Articles of the convention, member states are required to adopt effective legislative, judicial and administrative measures to eliminate discrimination against women. States parties should protect the rights of women on equal terms with men and ensure that women are effectively protected against discrimination through competent national authorities and other judicial organs.<sup>3</sup>

Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women explicitly supports the right to women's work and employment. The Article states: "States Parties shall take all appropriate measures to eliminate all discrimination against women in the field of employment and, in accordance with the principle of equality of rights, between women and men, equal rights should be guaranteed to them. Especially in the following:

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

<sup>2</sup> The Government of the Islamic Republic of Afghanistan, the Constitution, Article 22, 1384

<sup>3</sup> United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, Article 2, paragraph c, adopted in 1979

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

In the Convention on the Elimination of All Forms of Discrimination against Women, it is recommended to the State Parties that women should be given more privileges than men for the full development of women. This subject is mentioned in the Convention as a special temporary measure. The Convention stipulates that the adoption of special temporary measures by States Parties aimed at accelerating the equality of men and women, as defined in this Convention, shall not be deemed to be discrimination.<sup>4</sup>

Harassment against women is also one of the most important issues in human rights. States Parties to the Convention on the Elimination of All Forms of Discrimination against Women are required to fight any form of harassment of women. Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women states: "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."<sup>5</sup>

The Afghan government has adopted some legislative measures to reduce and prevent harassment of women. On Sunbula 14, 1394, the government of Afghanistan approved a regulation prohibiting the harassment of women. After that, efforts were made to make this regulation lawful and approve it. Finally, the Law on the Prohibition of Harassment against women and Children was approved by the National Assembly on 5/10/1395 by the National Assembly, but has not yet been ratified by the President. The regulation on the prohibition of harassment against women and also the Law on the Prohibition of Harassment against women and Children criminalize harassment against women and children and condemns the perpetrators to punishment. According to Article 26 of the Law on the Prohibition of Harassment against women and Children, if a person commits the harassment against women or children at work, educational centers and health centers, he will be sentenced by the Court to payment of cash fine of more than 10,000 to 20,000 Afs.

The law on the Prohibition of Harassment against women and Children has predicted severe punishment, and has determined imprisonment for the perpetrators "Committing harassment against women and children, and the perpetrators in one of the following cases would face severe punishment and shall be sentenced to an imprisonment of three to six months by the court.

- 1) If the offense is committed by a teacher, instructor, physician or deputy, using the position and authority.

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Article 4<sup>4</sup>  
 Article 6<sup>5</sup>

- 2) If the offense results in physical or psychological harm to the victim.
- 3) If the crime is repeatedly committed. "

### **General situation**

The first group of women was employed in the ANP in the 1346 (1967). They were six people who served as a police officer<sup>6</sup>. This change occurred when, just three years earlier, the right to vote for women in Afghanistan was recognized. In 1352, the number of women police reached 42, and in 1352 they were recruited. During the year of war and conflict in the country, the number of Afghan women was lower, and during the Taliban regime there no woman in the police rank at all. Since the fall of the Taliban regime in 2001, efforts have been made to rebuild the country's security forces, including the ANP, and a number of women also are included in the Police. The number of women police reached 150 people in 1385. Then efforts were made to increase the attraction of women in the police ranks, as well as in the ANA and NDS. The number of women involved in the police now amounts to 3,487 people.

There is not much information about the history of women's presence in the NDS and ANA. May be in the past decades a limited of small number of women have been involved in the National Security Bureau, and the National Army. Probably this is the first time that a significant number of women have been recruited and trained in NDS and the ANA.

Now (summer 1396), the number of women in the ANA is 1,619 people, including military and civil servants. According to previous decisions by the National Defense Ministry, 500 women should be recruited annually, which would account for 10% of the total number of ANA in 2017. Now the number of national armed forces reaches 195,000 people, with this account the number of female officials is 0.83%, that is, less than 1%.

The inclusion of Afghan women in the ranks of defense and security forces (ANA, ANP, and NDS) has always been faced with numerous challenges. The traditional Afghan society and patriarchal mentality in the community make it difficult for women to participate in public, especially in defense and security organizations. Most families do not allow their daughters and women to join the ranks of defense and security forces for the reasons given above, which has its roots in traditional and conservative beliefs of people.

Insecurity is also likely to be one of the serious factors for women's lack of presence in defense and security agencies. Since military centers have always been exposed to suicide attacks, women and their families do not want to be in such centers. In addition to the targeting of military centers, in some cases, police women have been targeted and assassinated by anti-government armed groups outside offices, including on the way back home. Such a dangerous situation has led women to have less willingness to perform duties in defense and security organs.

#### **a. General information on female police:**

According to the Ministry of Interior's Directorate for Gender and Human Rights, the budget for 1396 of this Department is 94 million Afs. This budget has been allocated to this Department by

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<sup>6</sup> Interview with General Hekmatshahi Rasoli, Head of Gender and Human Rights, Ministry of the Interior, historian

resolute supporter forces to attract more women. According to the Ministry of Interior's policy, it is expected that by the end of 1396, the number of women police will reach 5,000 people, and by the end of 2020 this number will reach 10,000. According to the information of the officials of the Ministry of Interior's Directorate for Gender and Human Rights, traditional society and fear of insecurity, the Ministry of Interior has so far failed to attract more women based on its policy and it is unlikely that by 2020 the number of women police will reach 10,000 people.

Women are still not in key positions at the Ministry of Interior. Of the 200 men who rank as General, only 2 women have this rank and are known as General. 23 other women serve as colonel. General Hikmatshahi, who is one of the two women generals working in the Ministry of Interior, does not deny the existence of discrimination against women. But she admits that police women have a low level of skills and education, and this has caused them not to be hired at high-level positions.<sup>7</sup>

There are female police officers, more or less, in the majority of provinces in the country, but in some provinces, including Paktika, Khost and Logar, no woman is a policeman. In some provinces, the presence of women is very small. For example, 6 women are working as police in Laghman province and 9 women in Kunar province. There are a total of 2,000 women police officers in the center and others are in the provinces. Of the 3,487 women employed in the Ministry of Interior, 350 of them serve as civil servants.

Women in the police ranks are involved more in the administrative affairs such as family violence settlement, criminal or detective affairs. The number of women in the Special Forces or military operations is very small. A small number of them are also involved in the search of homes and arrest of the accused.

## **B. General information on women in ANA:**

For 1396, 149 million Afs have been allocated to raise women's attraction in ANA. In 1387, the Defense Minister as well as the policy of 1392, insisted that the number of women in the Afghan National Army should reach 10%. While the total number of ANA is 195,000 people and the total number of women is 1,619 people. That is, the number of women in the national army is 0.83%, which is, less than 1%.

As previously mentioned, the number of women in the Afghan National Army is 1,619 (civilian and military). Of these, 598 were officers, 343 were lieutenant, 114 were soldiers, 122 were as new students, 50 were civil servants, and more than 300 were employed as officers in the National Army Duty.

Women in the ANA are also more involved in human resources, finance, logistics, telecommunications, and some in the aviation and technical sectors. The number of women in the Special Forces that carry out the special operations is only 15 people. According to officials from the Ministry of Defense, most women are not interested in being recruited and engaged in sectors that carry out military operations.

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ibid<sup>7</sup>

Women in the National Army also work in lower positions. Very few of them are in high military ranks. In the National Army, there is just one woman as a general, and she is also working in the position of Colonel. Another woman serves as a pilot. The Acting Head of the Department of Gender and Human Rights of Ministry of Defense admits that there is a problem with the promotion of female employees in the Ministry of Defense.<sup>8</sup>

### **Discrimination against women**

As previously stated, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Constitution and other laws of the country emphasize on non-discrimination, and has urged the government to take effective measures to eliminate all forms of discrimination against women. The Afghan government is also committed to preventing discrimination against women in public offices on the basis of its international obligations and laws of the country, and work for the ensuring of fair and equal rights and privileges for all citizens of the country, without any discrimination, including women and men.

Officials from the Ministry of Defense and the Ministry of Internal Affairs emphasize that there is no discrimination against women, but women have more rights and privileges than men. Gen. Abdul Hakim Rahimi, Head of the Department of Gender and Human Rights of the Ministry of Defense, as well as General Hekmatshahi, Director of Gender and Human Rights of the Ministry of the Interior, stated that in both institutions, special incentives are envisaged to attract and attract more women.

The MoI has considered very good incentives for attracting women to the police, which has been effective to some extent in attracting women, and these incentives have been instrumental in increasing the presence of women in this institution. There are ten types of incentives in the Afghan Ministry of the Interior for women, most notably, paying 50,000 Afs per year for each female police officer. Also, women who are ready to shift from center to provinces will receive an additional 8,000 Afs, and their main salary is 30,000 Afs. In addition, those who are newly recruited are sent for four months training course in Turkey, which has been effective in attracting women.<sup>9</sup>

The National Defense Ministry also has considered incentives to attract women. If a woman is newly recruited, she will be paid a salary of 30,000 Afs. An additional 6,000 Afs per month is paid as incentives. Some women who work in higher positions receive 17,000 per month as house rent. In addition, if a woman wants to study at a high level (B.A), she will receive 6,000 Afs as monthly awards from the Ministry of Defense to assist in paying university fees. Those who have children, receive 7,500 Afs for their children annually.<sup>10</sup>

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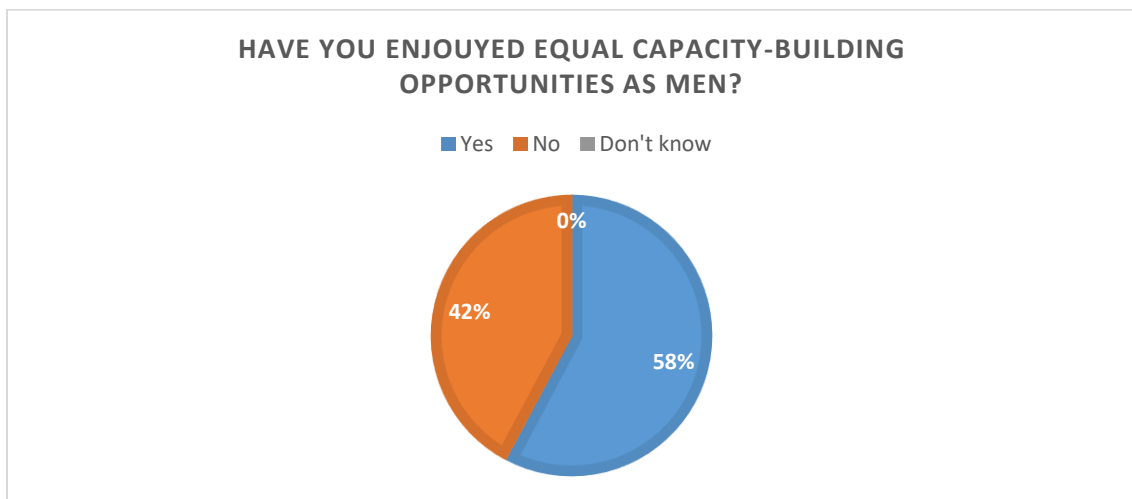
National Defense Ministry interview with General Abdul Hakim Rahimi, Acting Head of the Department of Gender and Human Rights of the Ministry of Defense.<sup>8</sup>

ibid<sup>9</sup>

Ministry of National Defense, interview with General Abdul Hakim Rahimi, Acting Head of the Department of Gender and Human Rights, dated November 21, 2013<sup>10</sup>

Despite the claims of senior officials from the Ministry of Defense and the Ministry of the Interior that there is no discrimination against women in the equal enjoyment of rights and privileges, some women in the two institutions said in interviews with monitors of the AIHRC that they face discrimination. And they do not enjoy the same rights and privileges as men.

According to the AIHRC's monitoring reports, discrimination against women has existed in the ANA, ANP and NDS ranks, and a number of women interviewed by the AIHRC's monitors have spoken of being discriminated against. According to an assessment, there are three instances of discrimination against women in the three defense and security agencies in general. Women face discrimination in various areas, such as the enjoyment of rights and privileges, and opportunities for capacity building and vocational training in the country and abroad.

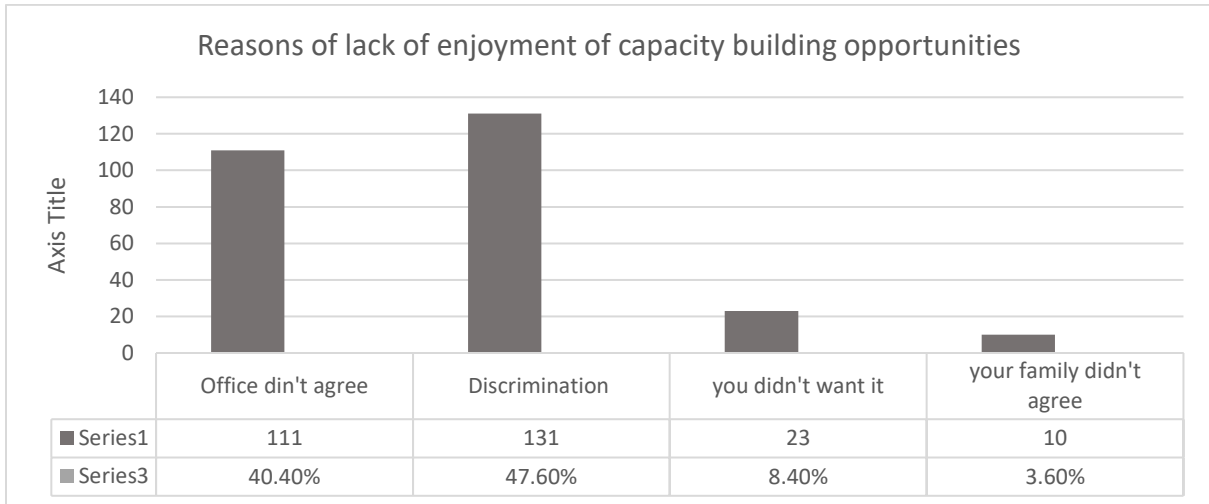


In the area of access to capacity-building opportunities, out of a total of 651 women serving in defense and security institutions, 58% of the interviewees said that compared to men, have benefited from opportunities for equal capacity building and vocational training, and 42% of them said that they have not benefited from the opportunities for capacity building and vocational training.

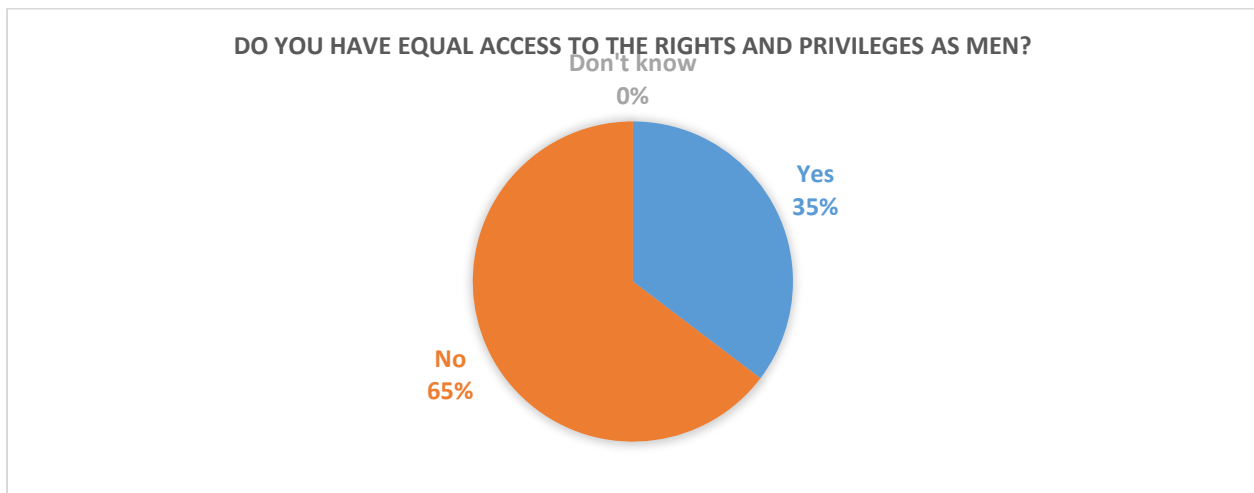
AIHRC's investigation indicate that women employed in the ANA and ANP have been more discriminated in the area of capacity-building. 51% of women in the National Army and 40% of women employed in the ANP and 16% of women in NDS have said that they have faced discrimination in the area of capacity development.

There are various reasons why women in the defense and security sectors of the country have not had equal opportunity in acquiring professional training and capacity building. Some of these factors are related to their institutions and departments, and some of the factors behind this deprivation are family and community-based factors, which prevents them from taking advantage of these opportunities. In any way, all of these factors have a direct connection with the discrimination that lies within the family, community, and offices. Of the 275 women employed in defense and security organs, who said they did not enjoy capacity-building opportunities, 40% of them stated that the reason for this deprivation was that the relevant office did not agree with them. 131 people (47%) said that they did not benefit from opportunities for capacity development because of the existence of discrimination. More than 8% of them said they did not want to use capacity-building opportunities, and more than 3% of them consider their families to be a hinder

for their capacity building opportunities. The latter two factors also indicate the existence of discrimination in the family and community, which has deprived them of having access to educational opportunities.



A large number of women serving in defense and security agencies have said to the monitors of the AIHRC that they have been faced with discrimination in the enjoyment of similar rights and privileges as men. According to a survey, 65% of women said that they did not have the same facilities, rights and privileges as men in the workplace, and 35% said they had access to the same facilities, rights and privileges as men.



The number of women who say they do not have the same facilities, rights and privileges is 421 people. These women told AIHRC's monitors that they did not have the same facilities, rights and privileges as men in various fields. The items that they are deprived of, are as follows:



No	Subject	Number of people	%
1	Lack of access to salary or monthly privileges at a given time	30	7.1%
2	Promotion	110	26.1%
3	Tools and instruments such as a room, a desk, a chair, a computer, and cupboard and so on	75	17.8%
4	Legal leave	100	23.8%
5	Transportation vehicles	59	14%
6	Others	46	10.9%
7	Total	421	100%

It is worth mentioning that discrimination against women in the enjoyment of rights and privileges comparable to that of men, is the same in the ANA and ANP, but this situation is better in NDS. The findings of the AIHRC show that 40.9% of women in the ANP, 40% of women in the ANA and 16.5% of women in national security are faced with discrimination in the enjoyment of the rights and privileges.

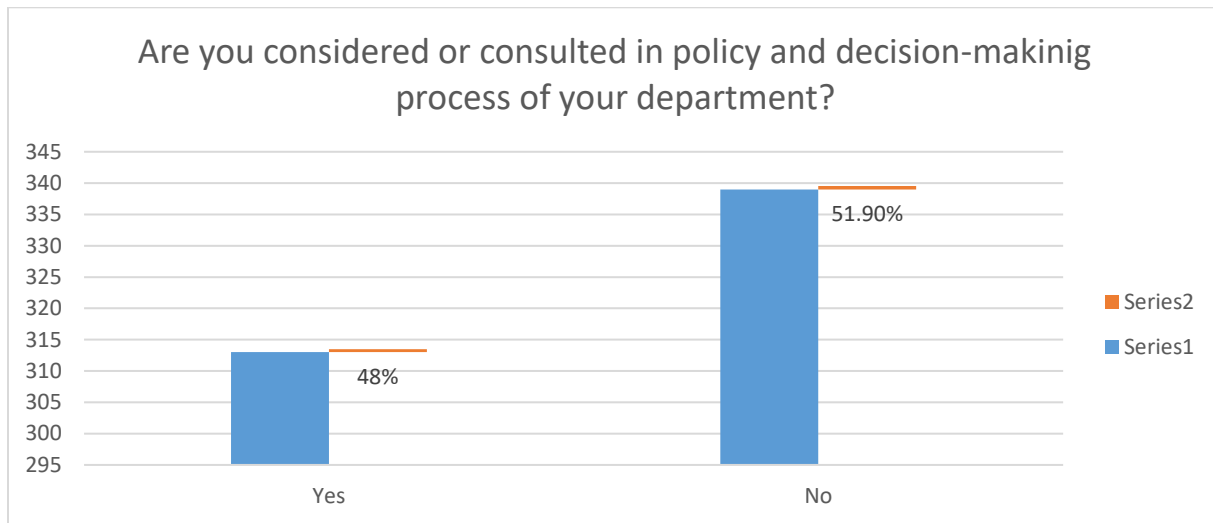
AIHRC's investigations show that women in some departments and organs of defense and security agencies do not have access to separate and suitable toilets and no place for changing clothes. There is no information available on how many women across the country do not have access to separate toilets and dressing room. But AIHRC's Kabul Regional Office investigations show that 17% of women in the center of the provinces (Kabul, Parwan, Kapisa, Panjshir) said they did not have a safe and sound bathroom. The investigation also says that they do not have access to suitable dressing rooms. This problem has caused many women to become dressed in the toilets, and some of them will come to office without wearing uniforms. Lack of a proper place for changing the clothes pave the ground for abuse and harassment against women and ultimately many women leave their jobs.

#### **Participation in decision making:**

As there is no legal impediment to women's employment and work, there should not be any obstacle in the participation of women in decision making. Women's participation in decision-making is important, as women's views and suggestions as a major component of the society should be considered and reflected in decision-making and policy design. It is possible that decision-making that does not involve women may fail or create other challenges because of the absence of women.

In order to avoid the symbolic presence of women in the departments it is important that women be involved in the policy and decision-making process, and their views must be considered at all stages. Of course, it should be noted that the presence of women in the decision-making will be according to their rank and position in terms of the administrative hierarchy, which is not in conflict with the principles of gender.

According to the AIHRC’s investigations, the presence of women in the decision-making of the three defense and security institutions of the country is inconsiderable. About 52% of women in defense and security institutions say they have not been consulted on their decisions and policies in the office or in their departments. About 48% of them said that they had contributed to, or participated in the policies and decision-making in their office or departments.



### Harassment of women

The Regulation on the Prohibition of the Harassment against women defines harassment as follows: "Harassment is any kind of physical annoyance or physical contact with a woman, or the distribution of posters, images, video clips and images that are in violation of moral values, or verbal or non-verbal abuse or Illegitimate wants, threatening or scaring of non-promotion and positive evaluation or dismissal from duty in order to misuse a woman. <sup>11</sup>"In accordance with the policy of non-discrimination and prohibition of harassment, any inappropriate and unwanted conduct that results in insulting or humiliating another person, whether it is verbal, non-verbal, physical, and the aim is to harass, warn, humiliate, intimidate, bother, disgrace others, are said to be harassment.

Unfortunately, there are harassment against women in almost all societies that its form and level varies in from culture to culture. In some countries the prevalence of harassment is high, while in others is low. The extent of the harassment against women depends on the cultural, social and economic status of societies, and the variables such as the level of literacy and awareness, the status of civil freedoms affect this subject.

According to the Law on the Elimination of Violence against Women, harassment against women is a pattern of violence against women and any form of harassment against women is prohibited and deemed illegal<sup>12</sup>. According to this law, if a person commits harassment against a woman, he may be prosecuted and punished. The law states that: "1. A person who commits the harassment against a woman shall be sentenced to imprisonment not less than three months. 2. If the offense

<sup>11</sup> .Ministry of Justice, Regulation on the Harassment of Women, Article 1, Article 3  
 Government of the Islamic Republic of Afghanistan, Law on the Elimination of Violence against Women, Article 5, Paragraph 14.<sup>12</sup>

set forth in paragraph 1 of this Article, is committed by abusing of the position and authority, the perpetrator will be sentenced short term imprisonment no less than six months. "

Women generally face harms in the backward and conservative societies, but women who are in defense and security sectors are more vulnerable in this regard. Because some of these women's workplaces are in military places and the presence of weapons and power makes the risk of harassment against women more likely than other places

Harassment against women in public administrations reduces the participation of women in political, economic, social and cultural activities, and generally reduces the presence of women outside the home. The harassment against women makes them lose their self-esteem and thus cannot be effective in offices. The harassment against women makes them pessimistic to men and cannot do collective work easily.

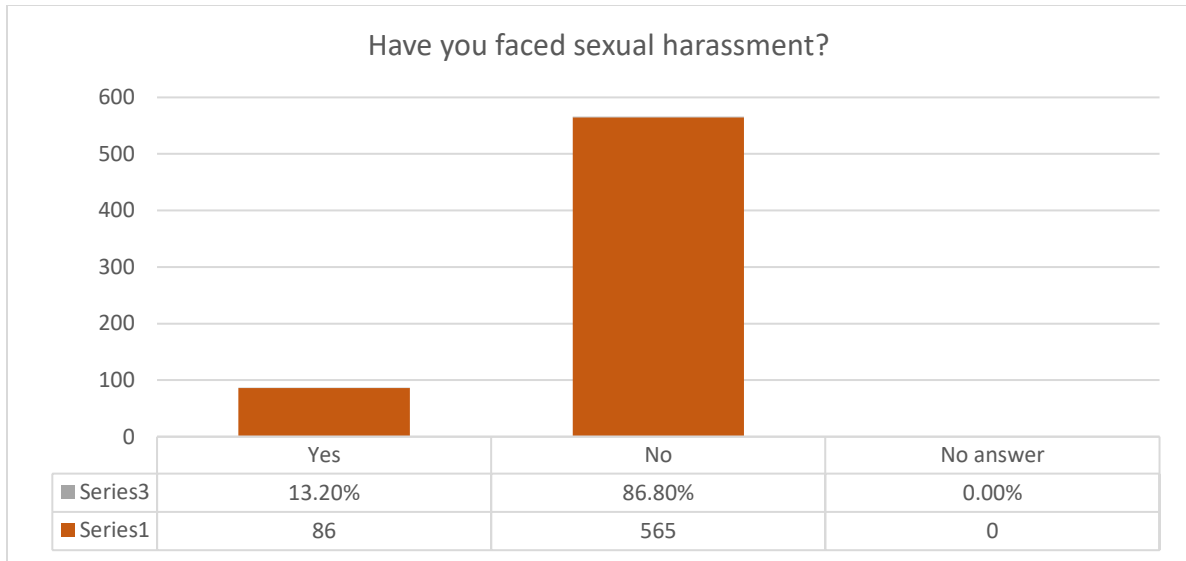
Harassment against women in defense and security institutions is also one of the challenges that has always been talked about, but women cannot easily talk about it because of social sensitivities. Most women are likely to have very bad experiences of harassment, but they do not want to freely share their experiences with others. AIHRC's investigations show that a significant number of women serving in the ANA, ANP and NDS ranks have been harassed by their male colleagues. AIHRC's monitors say that the number of those who have experienced harassment is likely to be more than what is spoken of, but some are not willing to say about it because of fear of losing their jobs and for maintaining their social status.

Harassment can be committed in different ways and in different manners. The harassment against women is divided into several categories:

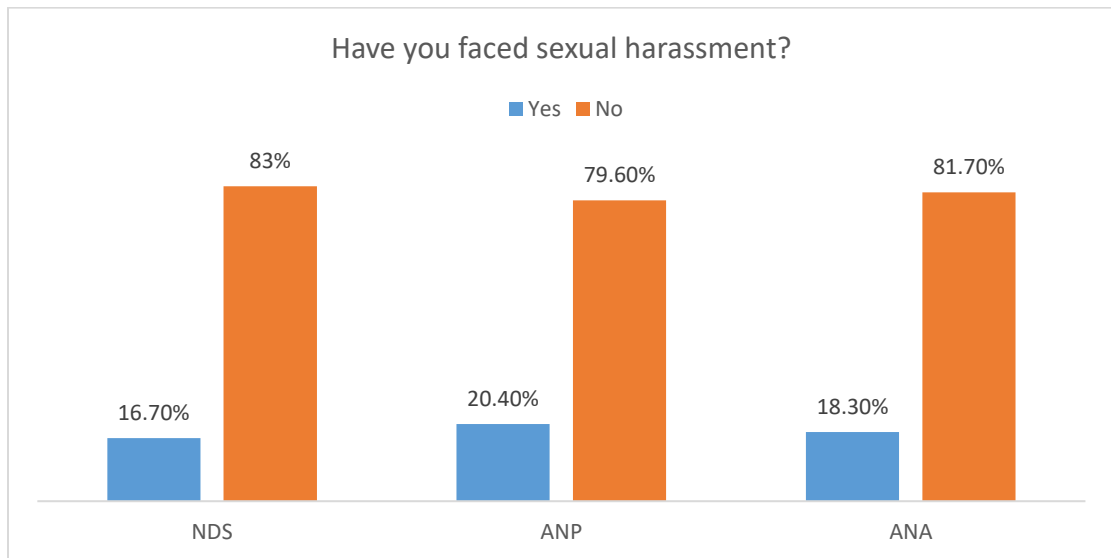
- Verbal harassment: This kind of harassment involves the use of sexually suggestive words, sexual offerings, comments on the appearance and coverage of a person, lustful jokes, sexual humor, sarcastic speech and other sexual expressions.
- Nonverbal harassment: Nonverbal harassment involves blinking, leering, lustful looks and sexual gestures.
- Physical harassment: such as touching a woman's body, taking her hands forcibly, touching with shoulders, getting close to the woman's body.

According to the AIHRC's findings, there were harassment against women in defense and security institutions, and a significant number of women faced at least one type of harassment. Some have suffered severe harassment some mild harassment. It is worth noting that the statistics presented in this report do not show all the facts available, since some women may not have spoken about this due to the sensitivity of the subject or the fear of losing their job.

A total of 86 women interviewed by the AIHRC's monitors said they have been faced with sexual harassment. These individuals represent a total of 13.2% of the total women interviewed.



Comparing the extent of the harassment against women in the ANP, ANA, and national security: It seems that the level of harassment against women in the three defense and security sectors is almost identical with the slight differences. According to the AIHRC’s investigations, the prevalence of harassment against women in the ANP is more than the ANA and NDS. Similarly, the statistics of the persecution of women in the ANA are more than national security. For more information, see the chart below:



Interestingly, when the AIHRC’s monitors first asked whether they had been sexually harassed, only 13.2% of them responded positively and said that they had suffered harassment, but when the AIHRC’s monitors reported them about the examples of verbal, non-verbal and physical, harassment, the number of those who have suffered such harassment became greater. For example, the number of those harassed by telephone is 20%, or those who are harassed by inappropriate

sexual expressions about their appearance and dress and beauty, their statistics reach 19%. As a result, it can be said that some interviewees did not know what kinds of behaviors were instances of harassment. In the first place, few have said that they have been harassed, but when the instances of harassment were mentioned, this figure increased.

In an interview with the AIHRC, General Abdul Hakim Rahimi, Acting Head of the National Defense Ministry, said that the statistics on the harassment of women in the ANA have decreased significantly compared to previous years. He said that a board is comprised of the Human Rights and Law Department to handle complaints in this regard. He stated that in 1396, only 4 complaints were filed on the harassment of women that were addressed. According to Mr. Rahimi's information, the Women's Council is composed of all central detachments, which meets once a month to handle complaints. He also said that within the structure of the Directorate for Gender and Human Rights, a complaints department was established to deal with complaints.<sup>13</sup>

In an interview with the AIHRC, Gen. Hekmatshahi, Head of the Gender and Human Rights Department of the MoI said that the statistics of women's harassment in the ANP have fallen compared to previous years. She said that in 1395, there were seven cases of female harassment; while in 1396, no complaint has been filed in this regard. According to Mrs. Hikmatshahi, a complaint center has been established within the Ministry of Interior's Department of Gender and Human Rights, which deals with such complaints. In addition, the Female Police Council has been established in the center and provinces of the country to solve women's problems in the administration, such as the lack of promotion, non-appointment of eligible people and the harassment of women.<sup>14</sup>

Although the officials of Gender Department and Human Rights of the Ministry of Defense and MoI assert that the cases of harassment have been reduced and only a few complaints have been made. AIHRC investigations indicate that women are still being harassed in these organs and a significant number of women are victims of harassment by their male colleagues.

The following table shows the types and extent of the persecution of women as a result of an interview with 651 women employed in defense organs:

**The extent and types of verbal harassment**

Types of harassment	Yes	No
Telling sex stories	73	578
Question about personal and sexual life	93	558
Telling jokes and Sexual sarcastic words	136	515
Sexual comments on the appearance, dress and beauty	129	522
Offer or invite to unwanted sex relation	38	613

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National Defense Ministry interview with General Abdul Hakim Rahimi, Acting Head of the Department of Gender and Human Rights of the Ministry of Defense <sup>13</sup>

Ministry of Interior, interview with General Hikmatshahi, Head of the Department of Gender and Human Rights <sup>14</sup>

Inappropriate description and praise	108	543
Saying lustful words	154	497
Phone call interruptions	138	513

The table above shows that a significant number of women involved in defense and security institutions faced various types of verbal harassment. Harassment by telephone, sexual jokes and sexual humor are on the top of the lists of harassment.

One of the women who served two years ago in the traffic department in one of the provinces, told the AIHRC's monitor that:

*"Two years ago, I was in working in the traffic department, and the traffic manager had illegitimate wants from me, sometimes expressed his illegitimate requests directly and sometimes indirectly, but I always rejected his requests. Any time I went to his office or official work, he insisted on his illegitimate demands, but I refused. Until I had to leave my job, I am currently in charge of another unit. "*

Another woman who didn't want to reveal her identity, told the AIHRC the story of her harassment:

*"The Assistant of the Unit always expressed me an illegitimate request and he asked me to go with him, but I did not accept it, once with a very shameful tone he asked me an illegitimate request. I slapped him, but he did not stop it. "I told the commander," he said, he will speak it with the deputy, but he still insists on his request. "*

Non-verbal abuse of women has also been reported in defense and security institutions. According to the AIHRC's investigation non-verbal harassment includes gestures like meaningful look, blinking, leering, and showing sexual images that some women have experienced in their defense and security institutions.

The following table indicates the types and extent of non-verbal harassment

<b>Types and extent of non-verbal harassment</b>		
<b>Types of harassment</b>	<b>Yes</b>	<b>No</b>
Showing inappropriate pictures/images	37	614
Inappropriate and lustful look	128	523
winking	76	575
Lustful look	128	524

Physical harassment against women has also been reported in defense and security institutions. Physical harassment has been reported, such as touching, caressing, getting close to a woman, taking the women's hand in force in the institutions. The table below shows the types and extent of physical harassment against women as follows:

### Types and extent of physical harassment

Types of sexual harassment	Yes	No
Taking women's hands	18	633
Inappropriate body touch	18	633
Getting too close to a woman	38	613

According to the Ministry of Interior and the Ministry of Defense, some of the buildings of the two ministries that were built in the past few years don't have a dressing room for changing clothes or separate toilets for women. Officials from the Department of Gender and Human Rights of the Ministry of Interior and the Ministry of Defense, admitted that in some provinces, women do not have access to separate toilets, and dressing rooms are not specified to them. In an interview with the AIHRC, they said that there are attempts in the center and province of the country to address this problem, and now the construction of separate toilets in the relevant building continues.<sup>15</sup>

The lack of proper room for changing clothes for women provides grounds for abuse and harassment. For example, an interviewee who did not want his name to be disclosed said to the AIHRC's monitors:

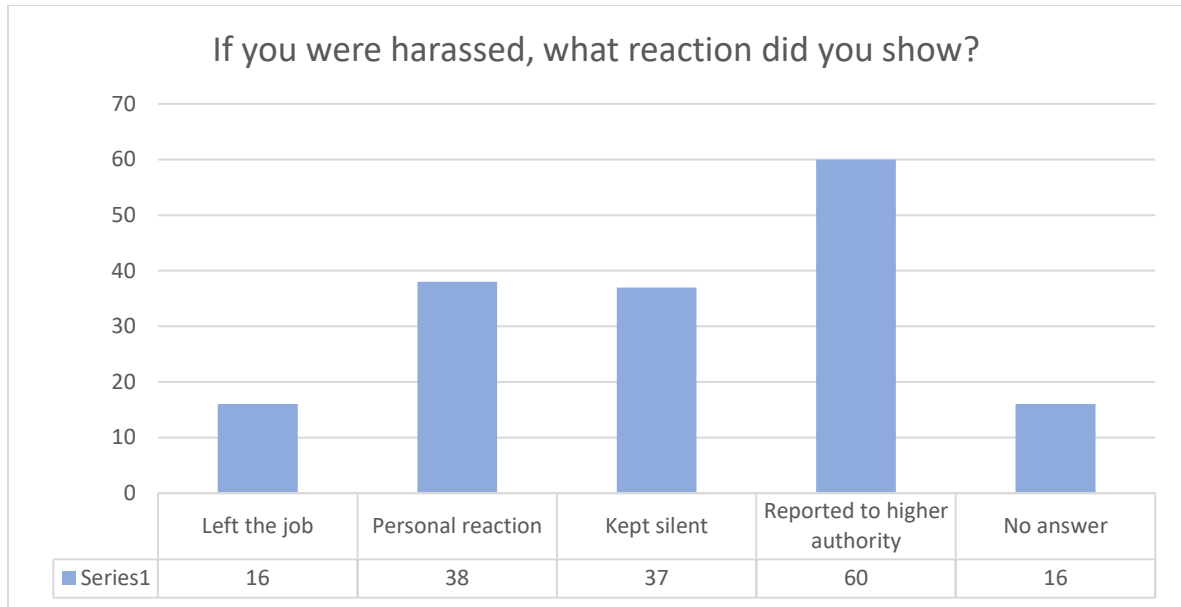
*"Because there is no separate dressing room for women, I had to go to the Deputy Chief of the Anti-Narcotics Department to change my clothes, and I was taking my clothes off that the deputy of anti-Narcotics entered the room and approached me. He was taking my hands by force. I begged him not to do, but he was saying "be silent."*

Another important point is how some women who have been harassed, reacted to his problem. When the AIHRC's monitors asked them what they did and how they reacted against this; they stated different responses. Some women who have been harassed have left the job, others have reported their superiors, others have been silent, and others have personally reacted.

The table below shows the reactions of women who were harassed:

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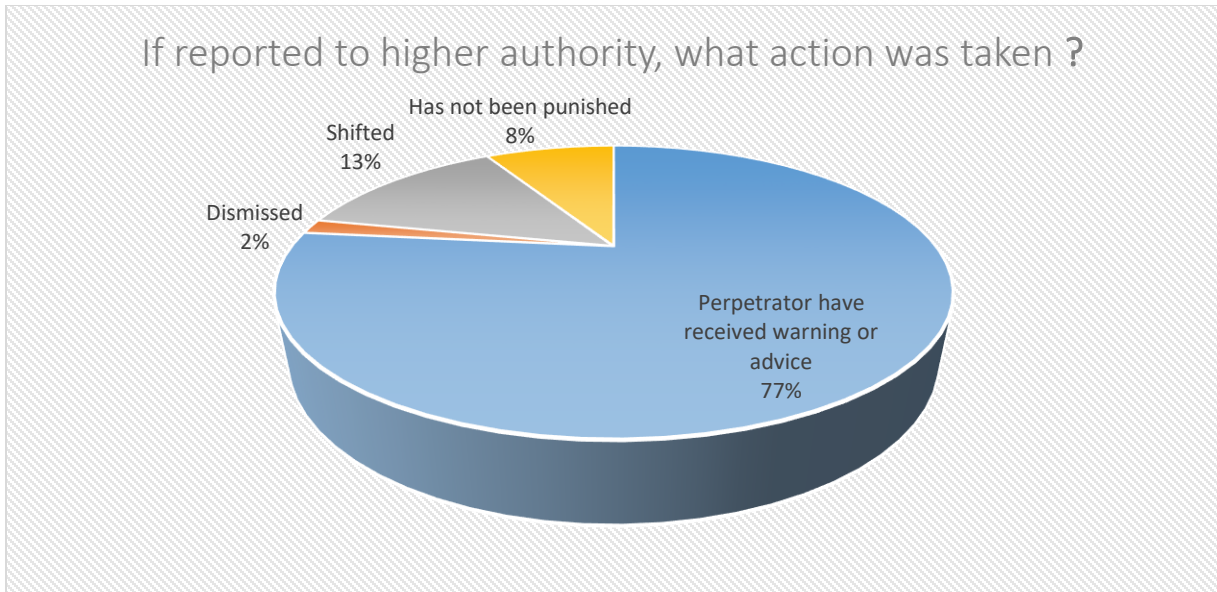
Ministry of National Defense and Ministry of Interior, interviews with officials from the Directorate for Gender and Human Rights<sup>15</sup>



A number of women who have been harassed did not want to share the issue with their superiors, but some shared the issue with their superiors or their department to follow up. Of the 651 interviewed by the AIHRC, only 60 (36%) have shared the issue with senior officials to bring the perpetrators to justice. Similarly, 16 people (9.6%) have left the job as a result of harassment by their colleagues. 37 others (22.2%) have been silent, 38 (22.8%) have shown personal reaction, and 16 others have not answered.

As it was said, 60 of those who were harassed have reported to their superiors. Most of the agencies involved in the harassment have warned or advised the perpetrators. 77% of the interviewees who have been harassed have told the AIHRC's monitors that the perpetrators have been advised or warned. About 8% said that the perpetrators were not punished, 13% said that the perpetrators had shifted from their post, and only 2% of the interviewees stated that the perpetrators had been dismissed.





It seems that the issue of harassment is still not a serious issue for top managers and senior officials of defense and security sectors, and they do not deal with harassment seriously. As surveys show that 77% of the perpetrators received notices or warning. If the harassment against women is severe and takes place using the position and jurisdiction, the perpetrators must be prosecuted in order to be a lesson for other people. With a more legal and serious approach of combating harassment in the offices, an appropriate and suitable environment for women can be created.

### Conclusion

In conclusion, it can be said that the presence of women employed in the defense and security sectors of the country is a positive step, and in recent years, with the allocation of many incentives for recruitment, their numbers have increased, but still as the Afghan government and specifically, defense and security institutions have pledged, the presence of women in these institutions, especially in the top positions, is insignificant. Although the number of women in these institutions has increased from previous years, but, this number is by no means sufficient. Therefore, it is necessary to increase the number and quality of the presence of women in these important institutions.

The presence of women in defense and security sectors is not free of problems and challenges. Women in these institutions are faced with various problems, such as discrimination, lack of equal rights and privileges as men, and various types of harassment. As stated in the report, 65% of women said that they do not have the same facilities, rights and privileges as promotion, use of holidays, livelihoods, office equipment such as work desks, computers and other facilities. While the situation of men in this regard is far better. This dichotomy constitutes a clear discrimination against women, indicating that officials and senior managers of defense and security institutions have not paid close attention to eliminating inequalities and discrimination against women.

Since the number of women in the senior posts and positions is very small, they don't have a significant role in decision-making and policy making process. Those who work in the lower positions also have little to do with decisions in their workplace. As stated in the report, only 48%

of women said that they had been consulted in their workplace in decision-making. Another 52% said that they had not been consulted with, in decision-making.

Harassment of women in defense and security sectors is one of the serious problems. Unfortunately, a significant number of women have said that they had been harassed by male colleagues while on duty and sometimes by their superiors. The number of women victims of harassment appears to be greater than the figures reported in the report. Because a significant number of them are not interested in sharing their story because of sensitivity of the issue or fear of losing their job, they do not speak about it. As mentioned in the content of the report, more than 13% of the interviewees said they were harassed. Interestingly, when the AIHRC's monitors described the instances and types of harassment, this figure increased by 20%. This difference shows that some interviewees did not know about the types of harassment.

A total of 13% of the interviewees, who say they have been harassed in defense and security organs, is deplorable and extremely worrying. Since the defense and security organs are responsible for protecting and safeguarding the lives and property of the people and enforcing the laws of the country, this figure is by no means acceptable, and these statistics are shocking.

According to this report, the majority of women in the country's defense and security organs face verbal harassment. Their male colleagues ask them about their personal and sexual life, or they comment on their appearance and dress, or they say "words", or some of them are harassing women by offering sexual desires. For example, 19% of those harassed have said that they have been harassed by inappropriate sexual expressions about their appearance, dress, or beauty.

Some interviewees also reported being harassed by their male colleagues using gestures or physically. The lack of a separate toilets and the place for changing clothes in some branches and departments of the defense and security agencies have led women to feel insecure, and it sometimes provides grounds for harassment.

A number of women, 60 in number, have reported harassment by their colleagues and complained to their higher authorities because of harassment. And 37 others have been silent, and 38 women have shown personal reaction, 16 women have left the job because of harassment by their male colleagues.

Senior officials and managers of the country's defense and security sectors have not shown a serious reaction against harassment of women. 77% of victims of harassment reported that the perpetrators have received warnings or advices. 13% of them said that the perpetrators shifted to other departments, and 8% said that the perpetrators were not punished and only 2% of them were ousted from their job. These statistics show that the issue of harassment of women has not been taken seriously by the leadership of security and defense organs, and their lack of decisiveness has made the workplace unsuitable for women. It is imperative that the leadership of these institutions should fight harassment of women decisively and support the presence of women in these organs by adopting effective measures, so that women would be able to work in a sound and safe working environment.

### **C. Recommendations:**

Given the findings of this report, the following recommendations are presented to address the problems and challenges faced by women employed in defense and security sectors:

#### **A. Recommendations to defense and security sectors:**

1. Defense and security sectors are required to provide female staff with separate toilets and special rooms for changing clothes, so that the grounds for abuse and harassment of women will be eliminated and women can easily carry out their duties.
2. The percentage of women who were harassed was very worrying for defense and security organs, and the issue of harassment of women should be taken seriously by the leadership of these organs. The leadership of these organs should deal with these complaints within a reasonable time and deal with their perpetrators in accordance with the provisions of the laws of the country in order to support the effective participation of women in these sectors.
3. In order to reduce the level of discrimination against women and harassment, it is imperative that the defense and security institutions train all their employees in the field of the prohibition of discrimination and harassment, and raise awareness through seminars, campaigns and workshops.
4. As mentioned above, a significant number of female officials are faced with discrimination in terms of equal enjoyment of facilities, rights and privileges. Therefore, defense and security sectors are required to fight discrimination against women and to tackle unequal access to facilities, rights and privileges.
5. The majority of female officials are not involved in decision-making and policy-making. It is imperative that the officials of defense and security sectors pay close attention to this issue and increase the participation of women in decision-making and policy making.
6. Defense and security sectors are urged to work with the AIHRC and UNAMA for the effective presence of women, and prevention of discrimination and harassment in these organs, and provide more facilities for the AIHRC's monitors.
7. Defense and security sectors, including the Ministry of National Defense, the Ministry of Interior and the NDS are called to improve the capacity of their staff and provide them with further training opportunities.
8. Defense and security sectors are urged to work hard on attracting more women into these institutions, taking into account further incentives, and pave the ground for women's presence at the higher level of leadership and positions.
9. Defense and security institutions are required to review all their procedures, bills and complaint mechanisms, and to take urgent and necessary action to ensure their effectiveness.

#### **B. Recommendation to the Office of the Attorney General:**

10. The Attorney General's Office is being requested to seriously pursue all allegations of the harassment of women in defense and security sectors.
11. AIHRC, while welcoming and appreciating the establishment of a Specific Deputy Office for the prohibition of violence in the organizational structure of the Office of the Attorney General, requests the said Office to strengthen the directorates of prohibition of violence against women in the centers and provinces, and instruct them to seriously follow up the cases of harassment of women in defense and security sectors.

#### **C. Recommendations to the Supreme Court:**

12. Despite the prevalence of these cases in the defense and security sectors which are public places and the victims are not able to provide evidence, courts can authenticate the periphery evidence and victims' statements during the investigation of cases, and bring the perpetrators to justice, and punish them in accordance to the laws of the country.
13. AIHRC requests the Supreme Court to instruct subordinate courts to strictly implement the provisions of the EAW law during dealing with cases of violence against women, in particular the cases of harassment of women in public offices.

The End.