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Afghanistan Independent Human Rights Commission

AIHRC

Forced Gynecological Exams

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Sexual Harassment and Human Rights Violation

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Introduction

Most of the women accused of the crimes, defined by the judicial and justice organs as moral crimes undergo medical tests. They are introduced to forensic medicine by the Police, Attorney Office or Courts determine whether the victim or accused person has had sexual relation with someone. Forensic medical tests aiming to prove sexual intercourse or deflowering of virginity are usually carried out without the consent of the victims. The test result of the forensic medicine is usually accepted as a reliable proof in the justice and judicial organs without any objection. The accused person or victim would be punished according to the proof given by forensic medicine. The consent of the accused person or victim undergoes such test is not taken into consideration. At the same time, the result of such tests without consideration for its scientific and technical accuracy is considered acceptable by the justice and judicial organs. As a result, the victims of such crimes would be repeatedly victimized for the second and third times, and their human rights are further violated.

In recent years, cases of running away from home have increased and it has become a critical issue in many parts of the country. Running away from home may have various reasons and causes, but based on the assessments, domestic violence against women is considered the main reason. Most of those who run away from home try to get rid of violence, including forced marriage, or try to marry the person of their choice. When the security organs arrest such a couple, the girl would be arrested and punished on a charge of committing adultery, and the boy would be punished for crimes of kidnapping and committing adultery. To verify sexual intercourse, the security organs introduce the girl to forensic medicine for virginity and anal test or the act of sodomy.

In some cases security organs arrest and detain boys and girls who are sitting together and talking with each other on charge of moral crimes and having sexual relations. After the arrest, they send them to forensic centers or local hospitals to test and verify if they have had any sexual relations or have committed crimes of adultery or sodomy. It is claimed that sometime those women who are arrested on any charge, are forced to virginity examination before entering the detention centers, so that the detainee or other persons would not claim that the women has been raped or sexually exploited by security officials. It must be said that the accuracy of this issue has not yet been verified by the AIHRC.

Therefore, the AIHRC monitored such cases and the AIHRC's staff collected information from some women's prisons and detention centers through conducting interviews. The present report assesses the situation of these people; and evaluates the approach of customary proceedings of such cases in the justice and judicial organs in the country.

This report has been prepared for two main purposes: first, to present a general picture on the legal bases of forced gynecological test; and second, to evaluate and discuss conducting of gynecological tests including verification of hymen condition by medical doctors. First, we discuss the legal bases of gynecological test and then evaluate scientific fundamentals for the

checking of the virginity condition. Finally, the findings obtained by the AIHRC about women who are detained allegedly for having outside of marriage, sexual relations, and undergone virginity test would be explained.

It is worth mentioning that the present report does not mean only to criticize, but the aim is the modification of the traditional mechanisms and method of handling such cases in the courts and ultimately to strengthen public access to justice and forensic medical services in the country, so that the people would be able to benefit from their human rights in accordance with the existing laws in the country. The AIHRC knows very well the role and importance of forensic medicine in ensuring justice and the rule of law in the country, therefore the AIHRC try to make its all-out efforts to contribute to the enrichment and modification of this area.

Methodology

To prepare this report, interviews were conducted with 53 female detainees in the jails and custodies in 12 provinces of the country. The interviewees were accused of moral crimes. In order to collect precise information, a unified questionnaire with the specific questions were designed and sent to the regional and provincial offices to be filled out with the information obtained from the interviewees. All these questionnaires were sent back to the HQ to be analyzed. In addition to collecting information from the female detainees, numerous sessions were held with some related stakeholders, and their views were also included in this report. Although, serious efforts were made, we could not obtain complete information from any relevant sources. In spite of that, the present findings enjoy total precision and this report contains enough information to reflect the existing realities.

To know the legal bases for the gynecological test conducted by forensic medicine as expert centers, and the referral of the cases to these centers by law enforcement institutions, a wide range of studies have been made. The Constitution, Penal Code, other related laws and international documents to which Afghanistan is adhered are reviewed in this regard. In cooperation with related partner institutions, a consultative session was held on Qaws 5, 1393 by the AIHRC to discuss and exchange views about forensic medicine tests. Useful views were expressed in the session to settle this issue.

It is worth mentioning that by forced- gynecological tests we mean the tests undergone by those women and girls accused of moral crimes or those who are arrested on charge of running away from home. Such women or girls are forced, without their consent, to undergo gynecological tests to verify whether they have committed adultery or sodomy outside marriage relation.

Legal Bases for gynecological Test

Medical tests without free consent were prohibited for the first time by the International Covenant on Civil and Political Rights, and it was considered to be a degrading and inhumane act. Article six of this Convention reads, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without

his free consent to medical or scientific experimentation¹". The international human rights documents indicate that forced and without consent, medical test is against human dignity and freedom, and it is considered contrary to the spirit of human rights international documents.

In addition to the fact that medical test without consent is a violation of the right to freedom and human dignity, it can be said that it is contrary to the Constitution of Afghanistan. Article 24 of the Constitution clearly states, "Liberty is the natural right of human beings. This right has no limits unless affecting others freedoms as well as the public interest, which shall be regulated by law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity²".

Although the Law on Elimination of Violence against Women does not clearly defined medical test without consent as violence against women, it can be said that medical test without consent is contrary to the general spirit of the Law on the Elimination of Violence against Women, and in one way or another, it can be counted a type of violence and degradation. Article 3 of the Law on the Elimination of Violence against Women reads, "Committing those acts mentioned in article 5 of this law that cause damage to the personality, body, property or soul of women are considered violence³". Similarly, "contempt" is defined in this law as, "committing acts, gesture or using words that result in degrading the personality of women is called contempt"⁴. Based on definitions of "violence" and "contempt", it can be concluded that medical test without consent including virginity test without consent is considered violence against women. It harms the personality and spirit of women and causes humiliation.

It is clear that everyone is responsible for his/her own physical body and no one should intervene. Virginity test is a violation of the right to privacy and no one or source has the right to violate the right to privacy. In general, medical test without consent is a human right violation and contrary to the spirit of the constitution, but virginity test without consent is considered as sexual harassment and even in some cases sexual assault. Since virginity test is physically and mentally harmful it can be considered torture. Therefore, based on the International Convention on Torture, compulsory virginity test is a torture and it is absolutely prohibited.

In the Criminal Procedure Code, one of the ways to prove the crime is the expert's opinion and the evidences that based on the statement of the experts and scholars are effective in the establishment of the crime and identifying of the perpetrator⁵. Chapter -6 of the Criminal Code discusses the designation of the experts and its conditions. Article 44 of the said law states: "If

¹ - General Assembly of the United Nations, the International Covenant on Civil and Political Rights, Article VII, adopted in 1966.

² - Islamic Republic of Afghanistan, Ministry of Justice, constitution, Article 24, approved in 1382,.

³ - Islamic Republic of Afghanistan, Ministry of Justice, the Law on Elimination of Violence against Women, Article 3, signed by the president in 1388.

⁴ - ibid

⁵ - Islamic Republic of Afghanistan, Ministry of Justice, Criminal Procedure Code, Article 19, Official Gazette No. .1132, enacted in 1393

the documents and material evidences that are presented, require professional and technical assessment, the judicial officers, prosecutors and the court can, based on their own prescription or based on the request of the parties, ask for the opinion of the experts to prove the case and to identify the perpetrators.”⁶ Similarly, Article Forty-Nine of the Criminal Code further explains the referral of the cases to the forensic medicine: “judicial officer, prosecutor and the courts can introduce the suspect, defendant or victims to medical competent authority for testing and present the fingerprints, blood, hair, ex-rays and other documents that are received from the spot to the relevant administration”⁷.

By studying the Criminal Procedure Code, especially the section related to experts, it can be seen that the Criminal Code is silent about the consent and the discontent of the people regarding the performing of medical test. From the content of article 44 and 49 it can be concluded that only the judicial officers, prosecutors and courts can demand for the opinion of the experts, or at the request of the parties. Consent and discontent of persons are not mentioned in the law. Actually, all experts agree that the Criminal Procedure Code has some shortcomings and contradictions, one of the serious shortcomings of the law is that there is no clear decision about the consent and discontent of persons concerning the performance of medical tests or request for the opinion of the experts. Said Mohammad Yousuf Halim, a member of the Supreme Court of the Islamic Republic of Afghanistan also points to the legal vacuum on virginity testing. He said "there is no clear provision in the Afghan laws concerning virginity tests. Similarly, there is no barrier in Afghan laws to prohibit such testing"⁸.

Paragraph 33 of Article 4 of the Criminal Code defines the experts as such: “ Experts are professional or technical person who have expertise, knowledge and experience in a given field,”⁹ Based on the above Article, the experts in addition to experience, should have enough expertise in certain fields . Therefore, someone who works as experts in the field of forensic science, according to the forensic law should have professional document of the field. The third paragraph of Article 3 of the Law on Medicine provides: an expert of forensic medicine is a medical specialist who has a valid document in the field of forensic science. In addition, the fourth paragraph of this article states that specialized forensic testing is a necessary testing and investigation carried out by forensic expert in the criminal and civil cases.

In general, it can be said that virginity test is performed to establish the presence or absence of hymen and is usually conducted without the consent of the victim. Therefore, it is considered a clear violation of human right and an indication of sexual harassment and even torture. Such a practice is contrary to the provisions of international human rights documents, especially the

⁶ - ibid, the first paragraph, Article 44

⁷ - ibid, the first paragraph, Article 44

⁸ - Afghanistan should stop virginity tests, Voice of America (Ashna), 31 Sawr 132, Fawzia Ihsan, see the following link for more information

<http://www.darivoa.com/content/stop-virginity-tests-of-girls-in-afghanistan-says-hrw/1665255.html>

⁹ - ibid, paragraph 33, Article 4

Covenant on Political and Social Rights in which the medical checking without consent is totally banned. In addition, forced medical testing is against the spirit of the Afghan Constitution, which respects human freedom and human dignity. The Penal Code of Afghanistan accepts medical tests as a source of information for proving a crime, but there is no specific order regarding the consent or discontent of person undergoes such testing, especially gynecological test by the forensic medicine to prove sexual relation, adultery or sodomy. This issue indicates a clear shortcoming in the Penal Code.

Hymen

The hymen is a membrane located in the vaginal canal. It is a natural part of sex organ of women, which covers totally or partially the entrance of the vagina. Hymen has different shape and is made of elastic membrane. Some hymens are thin and some are thicker than others. Doctors are still in disagreement on its function. Many believe that it has simply no particular job to the woman's body.¹⁰ In the event of a penetration, the hymen might be damaged. Yet, quite often, the hymen stretches and is left undamaged and cannot be recognized during the tests.

“For reasons that remain unclear, female babies are born with membranes surrounding their vaginal openings. Most hymens are doughnut shaped and open in the center. Newborns' hymens tend to be prominent and thick. But as the years pass, most hymen tissues become thin and the opening widens. During childhood most hymen tissues wear away as a result of washing, walking, athletics, self-exploration, and masturbation, though little bits may remain around the vaginal opening, particularly in the area closest to the anus.”¹¹

This statement is incorrect to say that the sexual act is always followed by a change in the hymen. There have been many cases that women with some kind of hymen have had sex for years but, their hymens have not got damaged or changed.¹² “The opposite of this is also true” virginity of a woman after the sexual act can be removed or torn in several places. In fact, this depends on the type of hymen that many people incorrectly believe that a missing virginity implies sexual penetrations”¹³ On the other hand, some women (but rarely) are born without this membrane, while there are women who are sexually active but their hymens are intact. Some physical activities including gymnastics, bicycle or horse riding will also cause damage or tearing of the hymen. Some medical tests, entering of tampon, finger, other things or masturbation will cause some changes in the hymen. It puts verification of hymen test under

¹⁰ -“Women Suffer the Myths of the Hymen and the Virginity Test”, IFLScience, by Sherria Ayuandini, Dec 12, 2014, Available on: <http://www.iflscience.com/health-and-medicine/women-suffer-myths-hymen-and-virginity-test>

¹¹ - The Hymen: A Membrane Widely Misunderstood, The truth behind all those bloody sheets, March 01, 20011, Available on: <https://www.psychologytoday.com/blog/all-about-sex/201103/the-hymen-membrane-widely-misunderstood>

¹² - Women Suffer the Myths of the Hymen and the Virginity Test”, IFLScience, by Sherria Ayuandini, Dec 12, 2014, Available on: <http://www.iflscience.com/health-and-medicine/women-suffer-myths-hymen-and-virginity-test>

¹³ -ibid

question. For this reason, the presence or absence of hymen cannot indicate a past history of sexual relations.

“In some cultures it is believed that if the virginity of a young woman come under question, medical tests can determine whether she is a virgin or not. An intact hymen demonstrates the virtue of a young single girl, unless it is proved that she has already lost her virginity. Many cultures believe that damage in the hymen because bleeding. In this kind of culture, immediately after the wedding ceremony, the couple are requested to show the bloodstained handkerchief to the family to ensure that he married a virgin woman and her wedding is complete.”¹⁴.

Based on tradition and culture in most parts of Afghanistan, a young man must marry a virgin girl. To make sure the families have virgin bride, short after weddings, new couple are expected to show blood-stained handkerchief to the family to prove they had married virgins. In the culture of our country, an intact hymen demonstrates virtue and chastity of a bride. Shortly after wedding if the couple cannot show a blood-stained cloth, it means that the bride had sexual relation with others before the marriage. This issue which is remembered as a legend by some doctors¹⁵ causes serious violence against the new bride. Such women are usually being sent back to her father's and even cause severe conflicts between the two families or ends up with the killing of the new bride.

Gynecological Test in Afghanistan

For various reasons, virginity is a very sensitive issue in most of the traditional and conservative societies. Intact hymen for unmarried women is equal to prestige and honor of their families and even the tribe. If it is proved that a woman has lost virginity before getting married, she would lose her honor and prestige too and would be punished by the tribal heads or elders. In some cases, she would even be killed. Separation of husband and wife is common if the bloodstained cloth is not witnessed after the first intercourse.

Given the sensitivity of this issue among the people and realization of the present condition in the country, we would like to point out and clarify two points. First, virginity test to prove sexual relations is rejected by medical science, and the result of the test regarding the presence and absence of hymen cannot indicate sexual intercourse. Therefore, this belief that absence of virginity indicates a sexual relation is incorrect and should not be used as a testimony or proof by justice and judicial organs.

Second, forced gynecological test, including virginity test to establish the act of adultery and anal test to establish the act of sodomy is contrary to human rights norms and spirit of our Constitution and other enforced laws in the country. Findings by the AIHRC and other

¹⁴ - The Hymen: A Membrane Widely Misunderstood, The truth behind all those bloody sheets, March 01, 20011, Available on: <https://www.psychologytoday.com/blog/all-about-sex/201103/the-hymen-membrane-widely-misunderstood>

¹⁵ -ibid

institutions indicate that most of virginity tests are conducted without the consent of the victims; the victims are forced to undergo such tests. It is clear that no one, especially a woman is willing to make herself naked in front of the other and allows her sexual organs to be tested, unless she is forced to do so. Probably in some cases, the victim agrees to such test in order to remove an accusation, but still it is indicative of forced or compulsory action.

Gynecological test is usually conducted under a condition that the woman is not in a position to make her own decision. Gynecological tests are usually performed on women under detention. Most of the women who are accused of prostitution undergo such tests that are ordered by justice and judicial organs. In some cases, the victims of sexual assaults undergo such tests.

Usually the police and other law enforcement institutions send women and girls for vaginal tests to forensic centers; however, there is no precise legal base and conditions for referral of such cases to the said centers. Lack of legal clarity about the performance of such tests is another concerning issue. Lack of legal clarity and silence of the law about the performance of gynecological test is very problematic and causes multiple problems for the victims. In some cases it even prepares the ground for corruption and bribery.

There is no procedure for the performance of gynecological test carried out by the security organs or forensic and judicial organs. There is no single written directive to clearly explain who and for what charge and under what conditions should be introduced for gynecological test, and how this test should be performed, by what organ or individuals (women or men), with the consent or without consent be executed.

Gynecological tests are usually performed in the presence of others and male guards in the detention centers. It is combined with threat, insult and humiliation. Such treatments during the tests exacerbate mental pain and humiliation among these women, and prolong their pain and mental suffering. Sometimes virginity tests are performed by two fingers, which is not so different from sexual harassment, and in some time with the interference of the finger which is similar to sexual assault.

It must be said that women accused of moral crimes, in some cases undergo, two types of testing. First to see if the hymen is intact or damaged, if they do not get any proof, a second test will be anal test for the act of sodomy. Sometimes married women or widows who have no hymen are tested, and testing of such individuals is associated with sperm tests, but designating that relevant sperm belonged to her husband or to the other person, given the facilities and the state of medical care in the country, at least for now seems difficult.

As there is no legal order for conducting gynecological tests, there is no norm and legal mechanism to clearly define that which organ, based on which norms and under what condition they should send a woman to forensic centers. Mohammad Yousif Halim, former Deputy Minister of Justice, stated that virginity tests are mostly carried out based on the decisions made

by law enforcement organs to clarify a crime. Based on the result of this test, the judicial and justice organs can take a decision.”¹⁶

Effects and Consequences of gynecological Test

Since gynecological test is compulsory and has an aggressive nature; and the victim's private part is touched and observed without her consent, it exerts negative physical and mental impacts on the victim. Probably the effects of such tests, similar to other sexual violence cannot be cured soon and will continue for a long time. The negative psychological effects of such tests include depression, panic, mental disorders caused by stress, trauma, uncomfortable memories, nightmare, emotional distress, physical reactions, negative changes in behavior, aggressive behavior and feeling of sin, ignominy and hopelessness.

In addition to the above-mentioned effects, the victims of gynecological tests lose self-confidence and live a solitary life. As under such condition the honor, prestige and human dignity of the victims come under attack, they cannot maintain and establish social relations with others normally. Not only her social relations, but the social relations of her family will be affected in the society.

Forced gynecological test stains dignity and prestige of the victim and her family and affects their social relations and ultimately she would be deprived of freedom of movement and the right to education. The victim would lead a life of isolation and solitary. If the news of her gynecological test spreads among the people, the victim would suffer from prank, taunts and teases. It would force her to abandon school.

The forced gynecological test may violate her right to marry. If the people know about the reality, her chance for marriage will diminish and she will lose the right to freedom of marriage. If she gets married, after a short time, her spouse would be informed about her background and virginity test and he would divorce her.

It is worth mentioning that no scientific and comprehensive research has been conducted yet by any organ on the negative consequences of gynecological tests in Afghanistan. Therefore, many consequences and outcomes of such tests are not identified and its dimensions and severity is still not known. In other countries, researches have been conducted on the effects and consequences of such tests and the living conditions of the victims have been studied. In 1990, a Turkish student committed suicide when she got informed that the school principal issued an order to undergo a virginity test.¹⁷

One of the first outcomes and consequences of gynecological tests is a violation of human rights and justice. The relevant authorities believe that they perform such test for maintaining of justice,

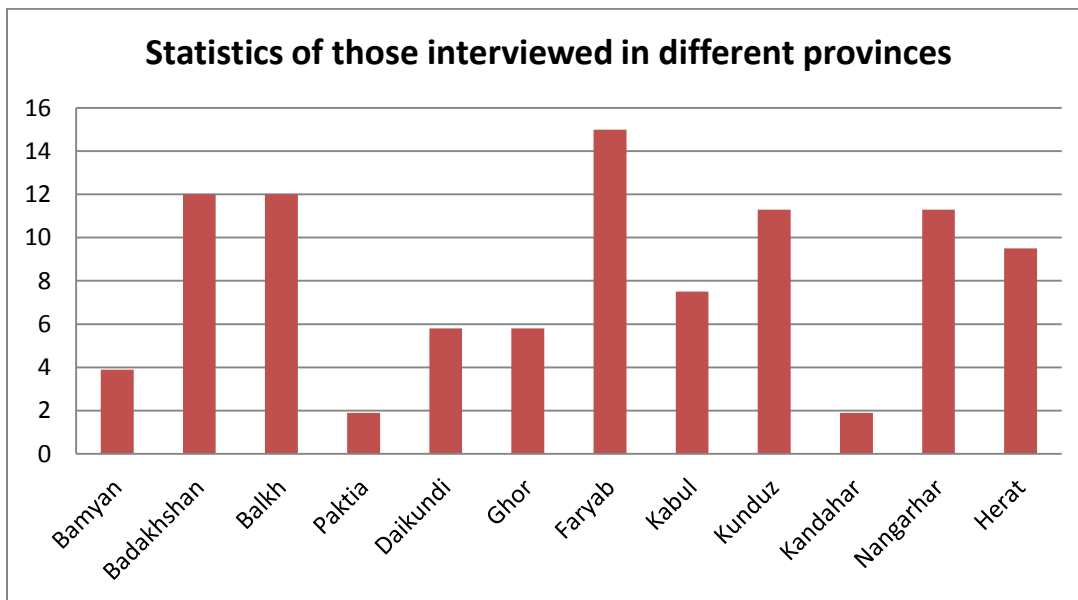
¹⁶ - Afghanistan should stop virginity tests, Voice of America (Ashna), 31 Sawr 132, Fawzia Ihsan more information at the following link

¹⁷ - Women Suffer the Myths of the Hymen and the Virginity Test”, IFLScience, by Sherria Ayuandini, Dec 12, 2014, Available on: <http://www.iflscience.com/health-and-medicine/women-suffer-myths-hymen-and-virginity-test>

but unaware of the fact that for maintaining of justice they use methods contrary to human rights norms which cause violation of justice. For this reason, in 2005 the UN Committee on Elimination of All forms of Violence against Women expressed concern about parts of the laws in Turkey, which allowed virginity tests and demanded from the government of Turkey to stop such tests as soon as possible. Similarly, the WHO¹⁸, the UN Special Rapporteur on Torture¹⁹ and the UN Special Rapporteur on Violence against Women²⁰ consider all types of virginity tests as sexual violence.

Findings by the AIHRC

In this part of the report, we evaluate the AIHRC’s findings about those female detainees who have undergone virginity tests; and similarly evaluate virginity tests at the country level. To evaluate the existing situation of virginity tests, the staff of the AIHRC interviewed 53 women aging between 13 to 45 years. These interviews were conducted in 12 provinces (Badakhshan, Bamian, Daikundi, Ghor, Herrat, Ningarhar, Kabul, Kandahar, Kunduz, Fariab, Balkh and Paktia provinces). Out of these 53 detainees, 45 of them (81.1%) were accused of adultery, 8 others (15.1%) were detained for adultery and escaping from home and two persons were detained for adultery, drinking alcohol and kidnaping.



¹⁸ - World Health Organization. Guidelines for the Medico-legal Care for Victims of Sexual Violence. World Health Organization; 2003 Jan

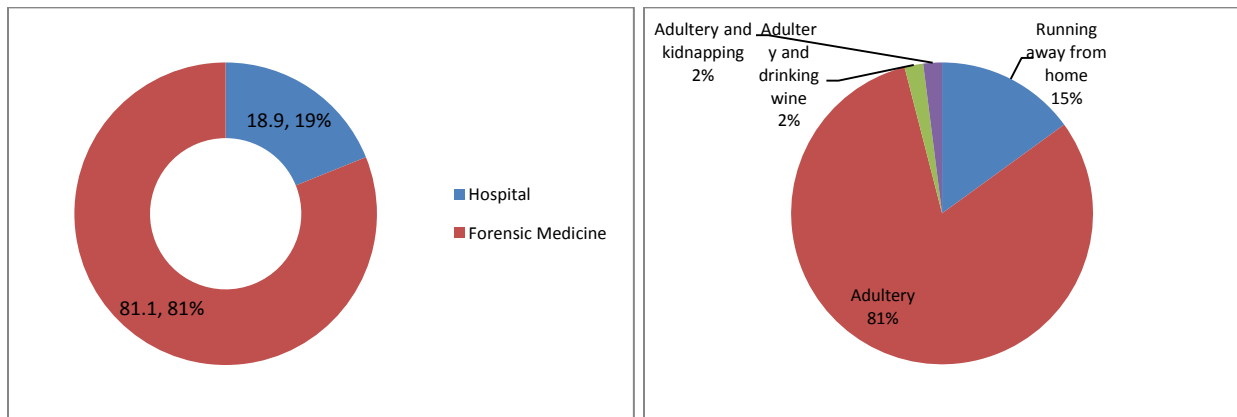
¹⁹ - United Nations. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak. United Nations; 2008 Jan. A/HRC/7/3.

²⁰ - United Nations. Preliminary report submitted by the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Rashika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45. United Nations; 1994 Nov. E/CN.4/1995/42.

The above statistic shows that a number of these girls were accused of escaping from home, which, has not been defined as a crime in the laws of Afghanistan and they have also undergone virginity test which has no scientific basis. Innocence is the original state in the Constitution and it is secured in the Penal Law, but it was violated by the security and justice organs.

Out of 53 interviewees, 48 of them stated that they were introduced to forensic centers to undergo virginity tests to prove their sexual intercourse. Findings by the AIHRC show that out of 48 women, 10 of them underwent virginity test in the hospitals and 38 of them were sent to forensic centers for the test.

Out of 38 women who were introduced to forensic centers for gynecological test, 29 of them (76.3%) stated that the tests were conducted without their consent and 9 others underwent the tests willingly to reject the accusation made against them. Their consent is also considered compulsory. Based on the findings by the AIHRC, it is worth mentioning that out of the women, who were introduced to the forensic centers, 18 persons (47.3%) were single and 20 of the women (52.6%) were married.



Findings by the AIHRC show that some of these girls were repeatedly sent to forensic centers for gynecological tests. 16 of these interviewed women (30.2%) stated during their interviews that they were sent for vaginal test twice. Two women underwent such tests three times and the two other experienced vaginal tests four times. One of the victims in Badakhshan province stated that she was sent for vaginal tests four times. Since there were many doctors present during the tests, she felt very dissatisfied. She stated that once she underwent such tests in the presence of six staff of the forensic center.

Those women have been detained accused of so-called moral crime and arrested by various individuals and organs. Out of the 53 detainees, 42 of them (79.2%) were arrested by the police, 3 persons (5.7%) by the attorney and others were arrested by influential elders, father, primary court or father-in-laws and then were submitted to the police.

Sometimes due to lack of forensic center in the provinces, they send the victims to hospitals or health centers for gynecological test. The relative accuracy of virginity tests in the hospital falls to minimum level compared to forensic centers. As mentioned above, almost 19% of virginity tests were performed by the hospitals.

Gynecological tests are combined with serious problems. Non-compliance with the minimum clinical measures, the possibility of transmission of HIV from one victim to another is a serious issue. Lack of professional skill and suitable medical equipment in the laboratories and lack of required accuracy in autopsy examinations, is another problem. Sometimes even attorneys and judges complain about the results of forensic tests.

Conclusion

The forced gynecological test is contrary to the spirit of the Constitution and international human rights norms and principles. Since gynecological tests are conducted without consent of the victim, it can be considered sexual harassment and human rights violation. Although forensic authorities insist that conducting of virginity tests helps ensuring of justice and reduction of moral crimes in the society, it is considered to be an absolute injustice and does not help in reduction of moral crimes in the society. It can be said that virginity test in some cases is considered sexual assault and torture.

From medical points of view, virginity test has no scientific base, and the presence or absence of hymen has no connection with sexual relations. The presence or absence of a hymen does not indicate having or not having sex relations with someone. There are many types of hymen and even some baby girls are born without such membrane (in exceptional case) or it would be destroyed as a result of some physical activities. It is also witnessed that some women's hymens remain intact after long periods of sexual relations. Therefore, hymen test has no scientific credibility in proving sex relation with someone.

Forced gynecological test has horrible effects and consequences. Women who undergo such tests lose their self-confidence and feel shameful and hopeless. Since gynecological test is conducted with threat and force, it has an aggressive nature and lacerates the prestige and dignity of victims. Due to its psychological bad effects, women who undergo such tests mostly live a solitary life and would be deprived of the right to education. It seriously affects her social status too. It is necessary for the state of Afghanistan to end such sexual harassment and humiliation of women and prevent virginity test.

Recommendations

The AIHRC presents the following recommendations to the government of Afghanistan regarding gynecological test:

1. Forced gynecological test should be banned through a legislative decree and the performance of such tests should be stopped as soon as possible.
2. Prohibition of forced gynecological test should be taken into consideration in the amendment of the Afghanistan Penal Code.
3. Those women who have undergone such tests recently should be identified and if necessary receive psychological treatments.
4. Structure, duties and mandates of forensic centers should be revised and the quality of services in these centers should be promoted.
5. Serious measures should be taken regarding fighting corruption in forensic centers and these centers should be staffed with qualified and professional personnel.
6. Since the enforced laws in the country, do not criminalize escaping from home as a crime, those who are detained under such accusation should be released as soon as possible.