

OUT OF THE SHADOWS, ONTO THE BENCH: WOMEN IN AFGHANISTAN'S JUSTICE SECTOR

(New York) March 18, 2014 – Fundamental justice for the women of Afghanistan will only come from increased participation in their country's justice sector, a report released today by the International Development Law Organization (IDLO) shows. Since the fall of the Taliban, the legal profession has opened up to women. But the pace of transformation, while steady, remains slow.

As national elections near and foreign troops draw down, it is a crucial moment for Afghanistan to maintain and build on gains made in delivering justice for women.

"Afghanistan's perennial struggle with gender violence, discrimination and marginalization will not be won until investments in women – their freedom, their education, their academic and professional opportunity – match those in men," says IDLO Director-General Irene Khan. "This report is a reminder that the rule of law cannot prevail when one half of society is excluded."

In 2013, women made up just over 8 percent of judges, 6 percent of prosecutors and less than a fifth of lawyers in a country where almost nine women in 10 experience some kind of abuse. The overwhelming majority of female judges work in Kabul. In the provinces, fewer than one in 30 prosecutors are women. Among law faculty lecturers, women constitute less than a sixth; among Shari'a University lecturers, fewer than 1 percent.

By contrast, last year saw a 28 percent increase in reports of attacks against women, with little rise in prosecutions, according to a United Nations report. Prosecution of women for alleged moral crimes and of rape victims continues. Redress for harmed women and an end to their legal persecution are vital steps as the Afghan government takes full responsibility for protecting its citizens.

"Improving women's ability to work in justice institutions is essential – not only to ensure that women enjoy democratic freedoms and equality of opportunity in the workplace, but also to ensure that the specific interests of women are represented and advanced in justice institutions," says Irene Khan. "Without women in the justice sector, the fairness of judicial outcomes for women, and their access to justice, are compromised."

As a result of Afghanistan's strict gender-segregated social code, the low presence of women's legal professionals – lawyers, prosecutors and judges – has meant that many Afghan women continue to fear, and be intimidated by, the formal justice system, which in turn dissuades them from reporting abuses against them. The lack of female staff in the justice system means that women are less likely to come forward to access the justice system, particularly when the matter is sensitive, causing endless instances of forced marriage, sexual violence, mutilation and domestic abuse to go unreported due to cultural barriers.

"We are living in a society in which women face violence, almost daily," one woman interviewed for the report said. "In order to provide justice for women and victims, women should be recruited to the justice and judicial sector."

"In our community boys have supremacy over girls," said another. "Even families consider the wishes of boys and believe that girls should be housewives. I want to change this idea."

Despite an almost complete disintegration of gender equity during the Taliban years, an impressive number of women have entered or re-entered the labor force. Yet justice institutions still struggle to recruit and retain qualified professionals generally, and women legal professionals in particular.

In IDLO's study, 62 percent of the women surveyed said they believe that women face obstacles when working in the justice sector. These include social pressures, sexist attitudes, and family and societal stereotypes which maintain that a woman's place is in the home. In addition, women face many practical impediments, such as lack of safe transportation and appropriate accommodation facilities for them to attend law or Shari'a faculties, or compulsory legal training based in Kabul. Security was also cited as a major barrier.

“The government elected in April must prioritize and secure women’s participation in the justice sector by taking simple, low-cost steps that will help secure a peaceful and prosperous future for the nation,” said Irene Khan. “These include: reforming curricula, particularly at *Shari’a* faculties; providing safe transport for women students; and instituting affirmative action in law-school admissions and scholarships.”

***Women’s Professional Participation in Afghanistan’s Justice Sector: Challenges and Opportunities* is a thorough assessment of Afghan women’s advancement as lawyers, advocates, prosecutors, judges, law professors and legal experts in national justice and formal degree-granting educational institutions, and provides insights into a key challenge that will face the new Afghan government.**

To access the report, please visit www.idlo.int

For further information, to interview Irene Khan, Director-General of IDLO, or to obtain B-roll please contact jarenas@idlo.int or call +1 646 506 5996.

Notes to Editors

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. IDLO has been operating in Afghanistan since 2002.

***Women’s Professional Participation in Afghanistan’s Justice Sector: Challenges and Opportunities* is the first national study as part of a pledge made by IDLO at the United Nations General Assembly in September 2012 to undertake a global survey of the role of women in justice sector institutions and to analyze the legal barriers to women’s access to justice. IDLO is working to ensure that women’s increased participation in the justice system and legal reforms to enhance women’s rights are accorded due priority in the post-2015 Development Agenda.**