

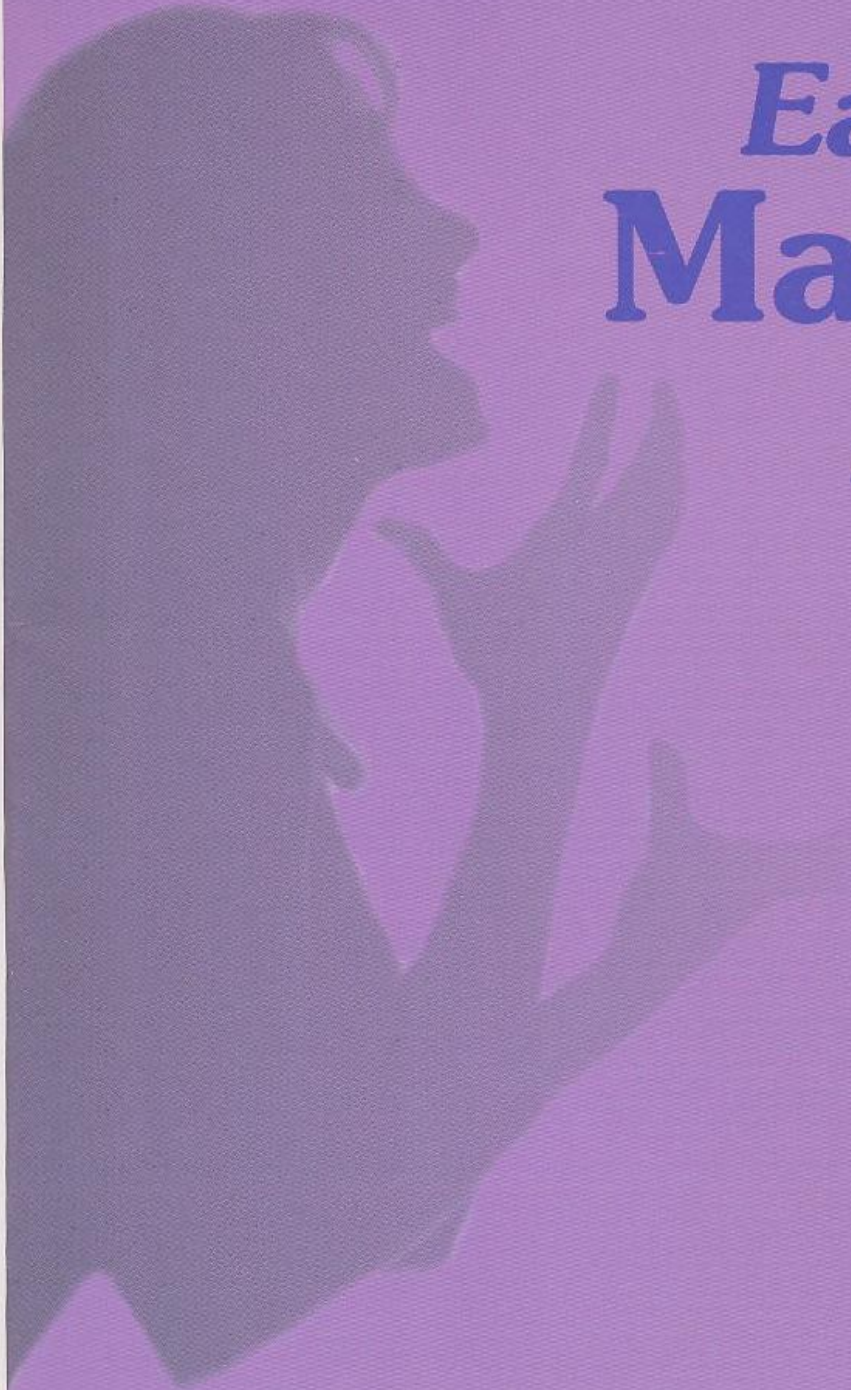
AFGHAN WOMEN LEADERS
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 Flora Family
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Research Report:

*Early
Marriage
in
Afghanistan*



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in
Afghanistan



Introduction of the Book

Book Title: Early Marriage in Afghanistan

Prepared by: Women and Children Legal
Research Foundation (WCLRF)

Donor: (AWLC) & (FFF)

Circulation: 600 copies

Year: 2008

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Acknowledgement

Women and Children's Legal Research Foundation (WCLRF) would like to express its gratitude to the governmental and non-governmental agencies which have helped in the identification of the relevant cases and in data collection.

In particular WCLRF would like to thank the management of the Ministry of Women's Affairs, the Women's Departments in the provinces of Balkh, Parwan, and Nangarhar, the officials of the Ministry of Public Health, and the directors and staff of hospitals who have helped identify specific cases.

The Ministry of Economy, the Afghanistan Independent Human Rights Commission, and many other agencies and organizations also provided helpful assistance in collecting the data.

WCLRF is also very grateful to the local people, the families, victims of violence which played an essential role in the elaboration of this report.

WCLRF would also like to thank the *Flora Family Foundation* and *Afghan Women Leader Connect* for their financial support.

Finally WCLRF would like to acknowledge the dedication of its research team and in particular of Mrs Zarqa Yaftali, and Mr. Ahmad Zia Ziayee.

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Early marriage in Afghanistan

Introduction:

The right to marry or not to marry is a basic human right. It is legally defined by a series of conditions, namely the requirement of the spouses consent for the marriage to be valid; the existence of a minimum required age for marriage; and the obligation to officially register the marriage. The absence of these conditions amounts to a violation of the right to marry or not to marry.

The Afghan Civil Law sets the minimum age for marriage at sixteen for girls and at eighteen for boys. A fifteen-year-old girl may however marry with their father's approval or with a positive ruling from the competent court. Marriage of girls under fifteen is not allowed under any circumstances.

Although the non registration of the marriages and the absence of identification documents do not allow the collection of accurate data on the subject, the Afghanistan Independent Human Rights Commission ("AIHRC") considers the non respect of the minimum age requirement to be the major violation of the right to marry or not to marry.

The AIHRC's annual report on the status of human rights in Afghanistan indicates that runaways; suicides; self-immolations; murders; sexual perversions; and psychological disorders are amongst the many negative consequences of child marriage. These also include the increase of maternal and child mortality rates,

and the low level of education for women which has a long term effect on the role these play in the country's political, social, and economic life¹.

According to a United Nations Children's Fund ("UNICEF") report, girls who marry during their childhood do not develop properly, neither physically nor psychologically. They are frequently denied access to education and are subject to different types of diseases arising from abnormal births and isolation².

Child marriage violates many of the children's rights such as right to education, to dignity, and to proper health services.

Childhood marriages are commonplace and prevalent in Afghanistan. In this respect, the Afghan Constitution has clear provisions to support families and children.

Reports by non-governmental organizations such as *Medica Mondiale* and *UNICEF* describe many cases of early childhood marriages. According to these sources, 57% of Afghan girls are forced to marry before the age of eighteen³. Pregnancies of sixteen-year-old girls are relatively common in Afghanistan⁴.

A proper analysis of the causes of early childhood marriages needs to be an essential element of any program aiming at preventing these cases. In addition, information on the causes and consequences of early childhood marriages can facilitate the implementation of more problem specific policies.

With this in mind, the present research will focus on the reasons, causes and consequences of early childhood marriages. As a preliminary step, it is necessary

¹ Situation of human rights in Afghanistan during the year of 1386, publications of Afghan Independent Human Rights Commission(AIHRC)

² www.unicef.org/child protection information

³ Nawai Afghan, internet site, UNICEF involvement in improving the life of children, 8/1/2008

⁴ Sajia Behgam and Wahida Mukhtar childhood marriage in Afghanistan, Kabul, Medical Mondiale, 2004, page four

to have a brief overview of the existing literature on marriage age in Islamic Sharia and in national and international laws.

Marriage Age in Afghan Laws:

The definition of what is to be considered as “child marriage” varies according to each culture or society. In Afghanistan, childhood marriages are to be defined as marriages which are celebrated when one of the spouses has not yet reached the minimum legal age set by the Afghan Civil Law. As previously indicated the Afghan Civil Code set the minimum legal age for marriage at eighteen for boys and at sixteen for girls.

The 1995 Beijing International Conference on Women put specific emphasis on the requirement of a minimum age for marriage and called for the drafting of laws precisely fixing minimum age for marriage.

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) stipulates in paragraph two of its article sixteen that “marriages and engagement of children have no executive power from the viewpoint of law and all necessary measures are undertaken such as making legislations for fixing appropriate age for marriage. Also, marriages have to be registered in the relevant government offices.”

The need for a full and free consent of both members of couples has also been emphasized by international instruments. The Universal Declaration of Human Rights refers to this right in its paragraph two of article sixteen: “marriage has to take place with full and free agreement of both marriage parties”.

According to article one of the Convention on the Rights of Child, the term child describes every person below the age of eighteen unless, under the law applicable to the child, majority is attained earlier.

Thus, marriage amongst persons who have not yet reached the minimum required age is against the provisions of national laws and commitments of Afghanistan to its international obligations. Nevertheless, the Afghan government has not paid appropriate attention to this important social issue and has failed to implement the relevant laws. As a result, we are witnessing multiple cases of early childhood marriages throughout the country.

Appropriate age for marriage:

The determination of the appropriate marriage age has to be examined from its psychological, physiological, and social aspects.

A person's psychological attributes and characteristics vary throughout the different ages of his or her development process. Childhood is an age for psychological and physical growth and is not meant to be burdened by the responsibilities of a marriage and of a family.

Child marriage also has negative consequences from a physiological point of view. A child who marries before puberty will face severe health problems. In addition, because of the lack of awareness of both or one of the parties⁵, child marriages result in the spreading of sexually transmitted diseases.

Sociologically, a girl who marries before eighteen loses her chances to obtain a higher level of education. Her access to social and vocational successes is jeopardized and the role and contribution of women in the society's progress is diminished. This is shown by a recent research done in Algeria, Morocco, and

⁵ Equality in the north of Africa, group of 95, equality guidance in the north of Africa/ international organization for cooperation and women's association/ collection of translations/ Persian translation, year 2007

Tunisia, which illustrates how illiteracy amongst women and low enrolment level of girls in the schools and universities are the result of child marriages⁶.

In addition to the direct consequences on the woman's situation, child marriage is also a threat to her family's health and development. A child bride is unable to face her responsibilities and properly raise her children. In addition, she will not be able take care of her own health, because she is in an age at which others should pay attention to her and take care of her health.

This research will now analyze the reasons and consequences of early childhood marriages in Afghanistan.

Methods for data collection:

Data collection has taken place through case – studies. The questionnaires were prepared and a statistical sample composed of girls who have been forced to marry in their early childhood age was selected. Around 200 of these underage girls were interviewed for this research. To obtain more information in terms of harms and detriments of early childhood marriages, long and ad hoc interviews were conducted by sixteen experts.

Statistical sample and places included in the research:

As indicated above, the statistical sample includes women who were forced to marry in their childhood. These women were identified in places such as hospitals by the Ministry of Women's Affairs and by the Afghanistan Independent Human Rights Commission (AIHRC). The women were from both rural and urban backgrounds. Special attention has been paid to selecting individuals with diverse

⁶ Equality in North Africa, group 95, Equality guidelines for north of Africa communities of Algeria, Morocco, and Tunisia

economic, social, ethnic, and cultural backgrounds. The researches were carried out in four provinces of Afghanistan namely *Kabul, Balkh, Nangrahar, and Parwan*. Members of the Afghan Independent Human Rights Commission, doctors, Legal Department of Ministry of Women's Affairs, lecturers of the Faculty of Law and Political Sciences of Kabul University, and researchers of the Science Academy of Afghanistan were interviewed as field experts.

Data evaluation and limitation in undertaking this study:

Independent and dependent variables from SPSS were used to evaluate qualitative and quantitative inputs. It however has to be mentioned that the process of undertaking this research has undoubtedly raised some challenges. In particular, as most of the marriages are not registered, precise and correct statistics on early childhood marriages were not available.

Research Findings:

The findings of this research are analyzed in the different chapters of this report. The analysis will include descriptive information of the interviewees, the reasons of early childhood marriages and its consequences.

Descriptive information:

The research shows that most of the respondents were married at the age of fourteen or earlier. Around 40% of the respondents were married at an age between 10-13 years, 32.5% at 14 and 27.5% at 15. The age difference between spouses is also an important issue which will be discussed below:

Age difference with husbands: as seen from the table below, there is an age difference of up to 50 years amongst some of these women and their husbands. Age difference of up to five years is the most current. The second more frequent age difference amongst spouses is 6-10 years.

Table number One:

Women's age difference with the age of their husbands	Number of interviewees	Percentage
Up to five years	56	28.20%
From six to ten years	53	26.70%
From eleven to fifteen years	45	21.6
From sixteen to twenty years	18	9%
From twenty one to thirty years	11	5.50%
From thirty one to forty years	15	7%
From forty one to fifty years	1	1%
Beyond that	1	1%
Total	200	100%

As shown by the above table, a large number of the interviewees (46 women), have an age difference of about 16 years with their husbands. In one of the above-mentioned cases, a girl who was no more than ten years old at the time of her marriage married a man who was thirty years her senior. Such an age difference amongst spouses creates many problems. One of these can be increase of misunderstandings in the couple. In the Afghan society, age is a factor of authority and power within a family. Younger wives are thus treated differently

and unequally from their older husbands. This undermines the balance between their decision-making power and equality with the other members of the families. Taking into account the above-mentioned, it is important to question the nature of child marriages. What types of marriages are they? What are their causes and who decides that they are to take place?

Types of marriage: the table below shows that most of child marriages are arranged by the parents. Marriages subsequent to an exchange are the second types of child marriages. The third typology is marriages organized in exchange for money. Then we find the power and influence of the husband and the consent of both of the parties. Finally comes the giving of the girls in *Baad* and the marrying girls to pay family debts.

Table number two

Types of marriage	Number of the interviewees	Percentage
Exorbitant expenses in the weddings(Toyana)	30	15%
Power and influence of husbands	24	11%
Exchanging girls for marriage	38	20%
Giving girls for marriage in <i>Baad</i>	9	4.5%
Giving girls for marriage for paying debts	9	4.5%
Agreement amongst parents	76	38%
Agreement of men and women for marriage	14	7%

Total	200	100%
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Agreement amongst parents for marriage: this is the reason by the majority of the respondents (76 women). In a traditional community like Afghanistan, most of the marriages are organized by the parents agreeing with each other to marry their children. The spouses are rarely given the right to decide. Even though Civil Code of the country gave the fathers authority to agree on a marriage⁷, this authority is subject to a double limitation:

1. The fathers should take into account the future life and interests of their children (daughters);
2. Marriage of a minor under fifteen- year- old girl is prohibited⁸.

Parents shall not able to marry their daughters before the age of fifteen. However, childhood marriage violate the Constitution and the above-mentioned stipulations whether or not the girls have reached the age of fifteen. In addition, childhood marriages will not be for the benefit of the spouses:

- Child marriage is the cause of obstetric, physical, and psychological diseases and disorders in women but also carries consequences on their children. 34.1% of child brides have physically weak children. 8.9% have handicapped and disabled children, and 1.6% have children with different types of diseases and disorders. In addition, 40.4% of these women have suffered from gynecological diseases. 8.5% of these women have had physiological problems, and 20.2% of the respondents have had psychological disorders;

⁷ Civil code (Kabul ,Afganistan)article 71

⁸ The same source, paragraph two of article 71

- Most of the girls who were forced to childhood marriages face domestic violence;
- Most of the girls who were forced to childhood marriages were deprived of their right to continue their education and work.

Based on these conclusions it appears that parents who marry their daughters against their will do not take into account their future life⁹.

Giving girls for marriage in Exchange (*badal*): *badal* or marriage based on an exchange is the second reason for child marriage. Islam clearly forbids a marriage based on an exchange: “in concluding marriage a woman will not be exchanged for another woman and similar dowry will be required for each of these women¹⁰”. However, parents frequently exchange their daughters for marriage. These exchanges frequently occur during the daughter’s childhood. Parents thus commit two types of violation of their child’s rights: they violate their child’s right to marry or not to marry as well as their right to dignity.

Exorbitant expenses in wedding: exorbitant expense for the wedding (Toyana) is the third statistical reason to child marriage. Around 30 interviewees said that the reason for their early childhood marriage was that their parents received the Toyana. There are different reasons to an exorbitant Toyana. The most important one is the parent’s poverty which induces them to seek a support in cash as an exchange for their daughter.

⁹ In all measures related to children whether they are assumed by public and private relief agencies, courts and administrative officials or by legislative institutions and bodies, the high interests of children are to be taken care of. Convention of Child Rights, article three

¹⁰ Afghan Civil Law, article 69

Influence and power of husbands: the fourth reason for early childhood marriages is the husband's power and influence.²⁴ interviewees mentioned this as the reason for their marriage. This results from weak status of the rule of law in the country where parents are forced to give their children as spouses when request by powerful individuals. The power and influence of the husband is also one of the causes for polygamy¹¹.

Agreement of both parties for marriage: Four respondents mentioned that they married on their own will and consent. It has to be mentioned a marriage requires the agreement and consent of both parties, which both have to be eligible. However age is one of the basic characteristics for eligibility. The findings of this research show that usually one of the parties of marriage (the man)¹² is legally eligible for marriage. On the other hand the women are not of age and not eligible for marriage. The marriage is therefore not complete and correct.

Baad¹³: baad, an indecent customs, is also a source to early childhood marriage. Nine respondents in this report mentioned that they were given in marriage for *baad*.

¹¹ For more information refer to: polygamy, a research report(Kabul, Women and Children Legal Research Foundation, year 1385, page 20)

¹² The minimum age difference between men and women, based on the findings of this research, has been five years. In other words, men are at least five years older than women are and this shows that most of them are eligible for marriage.

¹³ The practical way of carrying out this custom is that a girl or a woman is given for marriage to victim family by the aggressor family in order to settle the dispute or strife between two ethnic groups, clans , tribes, or even two families. For example, if a father or a brother commits a murder or wounds someone, then a local tribal council (jirgas) is held and decides to give, for the peaceful settlement of the dispute between the two families, a girl for the aggressor or

Exchange of girls for debt repayment: debt is a commitment from one party to pay in cash or in kind to the party from whom s/he has borrowed that amount in cash or in kind. When the indebted person is not able to pay his/her debt within the agreed time limit, he or she is obliged pay the outstanding amount upon conditions that take into account his or her economic capability. Nine cases show that parents were made to marry their child daughters to pay their outstanding debts. This illustrates the weakness of the dominant social system and the government's inability to implement the rule of law and to bring social welfare.

Reasons for childhood marriage:

Residence place: The difference between the urban and the rural life; the difference in literacy rates in the urban and rural areas; the lack of access to schools in the rural areas; the low level of awareness of the people from provisions of Sharia and laws of the country; the low level of awareness on the harms and negative consequences of childhood marriages shows that childhood marriages and residence place are linked to each other..

The strength of customs in rural areas explains this difference. The majority of the respondents (59%) were from rural areas with the remaining 41% being from urban areas. Of those who were forced to marry at 12, around 25% were from urban areas, while 75% lived in rural areas. Likewise, 39 % of those married at 13 were from urban areas and 61% from rural areas. Thus, except for the marriages

murderer family to one of the members of the victim's family in marriage. This customs is called "*Baad*".

of fourteen years of age girls, all of the child marriages majoritarilly took place in rural areas.

Literacy rate: The absolute majority of the parents who have forced their daughters to marry in childhood were illiterate (71%). Only 4% of the respondents had literate parents. 23.4% had literate fathers and illiterate mothers and only 1% had an illiterate father and a literate mother. Thus, the parent's literacy rate is one of the most relevant criteria to identify the parents who are likely to marry their daughters as children. The interviewees and their husbands also had low levels of education levels, as indicated in the table below.

Table number three: education level

Education level	Interviewee(girl)		Husband	
	Number	Percentage	Number	Percentage
Primary education	38	19.0%	24	12.0%
Intermediate education	17	8.5%	26	13.2%
Secondary education	6	3.0%	43	21.6%
Tertiary education	0	0	7	3.5%
Illiterate	139	69.5%	100	49.7%
Total	200	%100	200	%100

Of 200 interviewees, the majority (70%) of the girls who married in their early childhood were illiterate. The trend of early childhood marriages is a descending one and the higher the level of literacy, the lower the rate of early childhood marriages gets. In addition, out of 200 interviewees, a hundred mentioned that

their husbands were illiterate. Taking into account the total number of the interviewees, this is a high percentage (50%).

It must be mentioned that literacy allows a couple to freely and consciously enter into their marital life and build on its education to face the problems it may face. Family, like many other structures, goes wrong if it does not have clear objectives, an appropriate policymaking and appropriate mechanisms. However such a precise determination of the joint objectives is not possible without the necessary information and support which can only be acquired through education.

Economic and Social Situation:

The right to a decent life is included in the International Convention of Economic, Social, and Cultural Rights. It covers the right to housing, to water supply, to health services and to food. After three decades of war, the majority of the Afghan population lives in poverty. According to the Millennium Development Goals' (MDGs) report for Afghanistan, the average annual per capita income is below US\$ 200. With less than a dollar a day, a person is considered to be below the poverty line according to the World Bank's report on poverty¹⁴.

Child marriage is often a consequence of poverty. The report *Economic and Social Rights in Afghanistan* published by Afghan Independent Human Rights Commission (AIHRC) shows that the number of children who were forced to marry has increased as their families became more vulnerable.

It is important to understand how poverty leads to child marriage. One of the factors is that the lack of facilities for education and employment for girls will lead to childhood marriages. In addition families often decide to marry their

¹⁴ Economic and Social Rights in Afghanistan, page 14, Sunbula 1386

daughters in order to get them out of the household where they cannot afford to have many children around. In addition, the sum given as a bride price by the son in law may allow the parents to help other members of their families.

From the findings of this research it appears that the weakness or the strength of the family's economic situation affects the age of marriage. 5.7% of those who married when they were under fifteen described the economic situation of their families as solid, while 40.2% have described the situation weak. 52.2% described the situation of their families as intermediate (for more information, see the attached table).

In-depth investigation of poverty shows that the economy of a family is linked with employment and level of education of its members. Around 6.7% of the interviewees had employment and the remaining 94.3% were jobless. Jobless women were frequently child brides. This further diminishes their level of self-reliance and autonomy. But it also impacts these women's health situation. Poor pregnant women do not have access to the enough food and this impacts both their health and that of their child.

Negative impacts of child marriages

Health situation of mother and children: one of the consequences of child marriage is its negative impacts on the health of mothers and children. Girls who are forced to marry in their childhood are not physically prepared for pregnancies and childbirth. Their newborns are frequently sick, handicapped, or weak. Around 34.1% of those married in their early childhood have borne physically weak children, 8.9% of them have borne disabled children, and 1.6% of them have borne children who have been affected with different types of physical and psychological disorders. Only 55.2% of them have borne healthy children. The

findings of this research also show that most of the young mothers complain about gynecological and physiological diseases and disorders. According to the research, most of the young mothers (69.2%) have had different types of diseases: 40.4% of these mothers had gynecological diseases, 8.5% of them had physiological and 20.2% of the respondents have had psychological disorders. Only 30.8% of them have been healthy and satisfied with their health situation.

The mother's health is of special importance in a family. If a mother is not in a position to care for her own safety and health, she will not be able to care for her children and family. When mothers are sick and unhealthy, they bear sick children. The right to health is one of the basic human rights. This right has been enshrined in the Universal Declaration of Human Rights; in the Afghan Constitution; and in the Convention of the Rights of Child. These conventions and laws oblige states and parents to ensure that children have access to health services.

The Afghan Constitution stipulates as follows: "Government will ensure the preventive and curative means of diseases and free health facilities for its all citizens according to the provisions of the law. Government will encourage and support the establishment and extension of private health services and health centers according to the provisions of law."¹⁵

This right is further enshrined in international conventions and declarations: Every one has the right to ensure the level of living, safety and welfare of his/her own and his/her family in terms of foodstuffs, accommodation, and health care and necessary social services. Every one also has the right to enjoy respectful life

¹⁵ Constitution of Afghanistan, article 52

conditions during his/her joblessness, or illness that are out of human control and will¹⁶.

The International Covenant of Social, Economic, and Cultural Rights thus states: “mothers should be provided with special support in their ante-natal and post-natal periods for a reasonable time. During this time, employed women can enjoy their paid leave or leave with social benefits”.¹⁷

In this regard, the Convention on Elimination of all Forms of Discrimination against Women (CEDWA) stipulated as follows:

“Signatory states will take necessary measures for eliminating discrimination against women for protecting their safety in order to ensure their access to health services including services that relate to family planning based on observing the principle of equality between men and women.”¹⁸

Child marriage is a visible example of what severely damages access to this right. Findings of this research show that child marriage has close links with health. It is to be noted that such a finding - the relationship of health with child marriage- is confirmed by other researches¹⁹.

In addition, it is to note that weak economic situation further affects the health of those who are married in their childhood. Around 50% of those who were married at age 12 have had weak economy and out of this group, 67.5% have been affected with different types of diseases. Among those who were married at the age of 13, 40% were economically weak and 78% of this group had different types of diseases. Of those who were married in their age of 14, 41% have had a

¹⁶ International Covenant of Social and Economic Rights, article 10

¹⁷ International Covenant of Social, Economic, and Culture Rights, article 10

¹⁸ Convention of Elimination of all Forms of Discrimination against Women, article 12

¹⁹ Child marriages in Afghanistan, Medica Mondale, page 13

weak economic situation and 60% of them were considered ill and finally, among those who were married when 15, around 56% had weak economical situations of which 76% were affected by different types of diseases. Only 7.5% of the respondents had strong and sound economical situations, 52% of the respondents had intermediate economic situation and 40% of the respondents had a weak one. There is no precise definition for an intermediate economic situation and the definition may vary based on the situation and place of residence. Based on the limited information received from the respondents claiming a strong or better economic situation, it can be deducted that poverty and child marriage are closely linked to one other.

In other words, families of those who married in their childhood were in a poor economic situation, which in turn adversely affects their health, and in this context, they were not in a situation to tend for themselves. Thus, in the result of weak economy and lack of money for their medical treatment, 70% of the respondents illustrated very well in the following table.

Table number 4: mother age during her marriage and health situation of children

Health status of children	Woman's age during her marriage					number	Total
	Up to ten years	12 years	13 years	14 years	15 years		
Healthy	1	6	15	26	20	68	
Disabled and handicapped	0	0	5	1	5	11	
Weak	0	2	16	13	11	42	

Sick	0	0	1	1	0	2	
Percentage	0.8	6.5	30	33.3	29.2		100%
Total						123	

Relationship between the age of the mothers and the number of

children: all of the mothers who were interviewed in the research - except for the age group of ten year olds - have multiple children. Each of them has borne from one to eight children, while the average age of these mothers is between 20 and 30 years. Even though a large number of mothers had borne up to two children, the second largest group (45 mothers) has borne up to four children. The third group (18 mothers) has borne up to six children, and the last group (10 mothers) has borne up to eight children.

After studying the above-mentioned figures, the following deductions can be made:

1. These types of births severely endanger health of mothers
2. Since each birth has been very closely followed by another, newborn infants and children are rarely breastfed which threatens their health.

In addition these births show that very young mothers carry, on top of the burden of common marital life, the responsibility of assisting their other children, both girls and boys.

Violence

Violence against women is one of the consequences of early and childhood marriage. In order to properly address the issue of domestic violence against

women who were married in their childhood, it is necessary to have a definition of domestic violence. The Commission of Women's Position under the General Assembly of the United Nations in 1993 defined domestic violence as: "any gender-based violent act that causes physical and/or psychological harms and damages, or harassing women through threatening them to do so or a result of forced or discretionary deprivation, women lose their freedom in society or family."²⁰

In this declaration, all types of cruel and inhumane acts that result in suffering and harassment have been condemned and governments have been asked to take special measures for eliminating violence against women. Even though this declaration has called on governments to fight against violence, violence still remains under different forms.

In this research, the following indicators have been taken into account for analyzing violence.

- **Physical violence:** slapping, pinching, biting, kicking, fisting, burning, pouring hot water over the body, detainment, beating with a stone or a stick.
- **Sexual violence:** trying to establish sexual relationship by force, damaging sexual organs, and boycotting and cutting sexual relations.
- **Verbal violence:** is that type of violence that results in humiliation; isolation; and insulting of victimized person before his/her family and relatives. In this type of violence, often women are humiliated and

²⁰ Convention of Elimination of all Forms of Discrimination against Women (CEDAW), Declaration of Elimination of violence against women, General Assembly, 1993

insulted and their defects are always mentioned by their husbands. These are sometimes accompanied by a series of threats such as murder, divorce, and threatening their for re-marriage.

Type of violence	Number	Percentage
Physical violence	42	34.9%
Sexual violence	11	8.90%
Verbal violence(threatening, shouting, using indecent language)	46	37%
All of the three above	24	19.50%
Total	123	100%

Of the two hundred women who were interviewed in this research report, 123 (61.5%) experienced violence in this or another way. The above table shows that the majority of cases of violence are of verbal nature. Verbal violence includes indecent and vulgar language which humiliates and insults woman and results in unhappiness and depression. On the long term this can cause psychological diseases and disorders. Verbal violence is the most prevalent type of violence and women very often become the victims of such violence. Physical violence is the second most common type of domestic violence. It is one of the most prevalent

and commonest types of violence as shown by the above table. It frequently leads to broken limbs, paralysis, permanent disability and even to death.

Sexual violence is another type of domestic violence. The fact that it is ranked as third does not mean that it is rarely committed. A number of factors such as the sensitivity of the issue, its privacy, and the lack of information about the issue that which cases include sexual violence can lead to the lower figures of this type of violence.

Types of violence against women mentioned may be explained by a series of factors:

1- Poverty

Poverty is considered to be one of the main background origins of violence. The lack of necessary means and facilities for living and the inability to access basic resources puts both men and women under psychological pressure.

In addition, since childhood marriages deprives the girls from access to a better education and consequently from having access to employment, it puts all of the economic responsibilities on the husband's shoulders.

This paves the way for violence of husbands against their wives.

The following table shows the difference amongst violence cases taking into consideration the economic situation of families.

Table number 6: relationship between violence and economy

Violence type	Strong economic situation	Intermediate econ. Sit.	Weak econ. Sit.	Total	Percentage

Physical violence	7	18	17	42	34.10%
Sexual violence	2	7	2	11	8.90%
Verbal violence	3	25	18	46	37.30%
All three above	0	10	14	24	19.50%
Percentage	9.70%	49.50%	41.40%	123	100%

As seen from the above table, there is a negative proportional relationship between the economic level of families and violence against women. The stronger the family's economic situation is, the less frequent is the domestic violence. On the other hand, the weaker the economic situation, the more frequent is the resort to violence.

2- Unemployment:

Employment, as an income-earning source is considered to be one of the basic rights of all individuals. Most of the international declarations and national laws have necessary explanations in this regard. To live a respectable family life it is necessary for the couple and in particular for a husband to pay attention to delivering on his responsibility which is chiefly the provision of alimony for his family. Because of child marriages, since brides are deprived of their right of education, women are generally losing their job opportunities and thus become very dependent on their husbands and families from an economic viewpoint. There are some cases in which boys and girls, both, victimized by this indecent tradition. Boys face problems due to their lower age, lack of income generating source, and employment opportunities and thus their wives and families face

many problems. Unemployment can be the reason for weak economic situation of a family and thus can cause violence within the family. Unemployment can also psychologically affect a person and make him commit violence.

To this end, appropriate employment has been recognized in international treaties, declarations, and conventions and national laws as basic rights of citizens. In addition, governments are obliged to pave the way for employment opportunities of their citizens for meeting their material and immaterial needs and develop their skills and talents equally and free from all forms of discrimination and violence.

Findings of this research reveal that 41.4% of women, who have been victims of violence in a way, have mentioned that their husbands are jobless. Around 1.4% of women have said that their husbands are involved in business activities, 20.3% of women have mentioned that their husbands are civil servants, and 32.5% of women have mentioned that their husbands have been doing ad hoc activities, while 4% of women have mentioned that their husbands have been busy in farming and agricultural activities. Therefore, weak economic situation and joblessness can cause violence against girls who have married in their childhood.

3- Literacy rate

Another important factor that leads to application of violence in the child marriages is illiteracy. Illiteracy is a big problem in every society that affects all other acute social problems. Findings of this research report show that education level has relation with violence. Many husbands, who commit violence in their families, are either illiterate or are with lower level of literacy (for more details please refer to the relevant table in the attachments). Likewise, illiteracy of husbands can be considered as a reason of their lack of awareness of the

detriments and harms of child marriages. The figures of this report reveal that if the literacy rate among men is high, then the rate of marriage with underage girls will be lower. Thus, increasing opportunities of accessing to education and literacy can play an important role in decreasing the number of cases of child marriages not only for girls but also for boys.

4- Addiction to drugs

Findings of this research reveal that 70% of the respondents, who have suffered from domestic violence, mentioned that their husbands have been addict to narcotics. This addiction to narcotics leads to violence within the families, but also to another series of problems. Research undertaken by Afghan Independent Human Rights Commission has shown that addicted husbands often lead to the addiction of wives and children and may sometimes force wives to commit crimes (such as smuggling narcotics)

One of the interviewees who has been forced to use heroin by her husband, thus indicates:

“I am sixteen years old. My uncle forced me, after my father died, to marry with my present husband. A few nights after my wedding ceremony, I realized that my husband was addicted to heroin. I asked him to quit using narcotics, but instead he beat me. He was forcing me that I should also use narcotics....”²¹

²¹ ²¹ Situation of addict women in Afghanistan ,Report of AIHRC pages 8 to 15

Findings show that a majority of women continue to live with their husbands. Around 82.4% of the women are currently still living with their husbands, and 12% of them embarked to run away from their houses. Around 4.6% of them are divorced and 3% have asked for separation.

Since divorce and separation are not common in Afghanistan, most of the women who are unsatisfied with their marital life are encouraged by their families to tolerate the situation to maintain the honor and prestige of their families.

At aggregate level, the dominant mindset in the society is that violent activities against women are often justified²². Men commonly consider violence as their legitimate right over their wives²³. Fear for the future, the risk of harassment and the absence of economic independence lead women to continue their marital life. Researches show that some women, faced with this insolvable dilemma resort to self-immolation. Others choose to run away from their home. The latter is considered one of the most sophisticated and ambiguous issues in the judicial system of our country. Under judicial procedures of Afghanistan running away from home is sometimes viewed as a criminal offence. However there are no clear provisions addressing the issue in Afghan Penal Code²⁴.

²² Training manual of human rights, civil society and human rights network, attachment number 22, page 116, Kabul, 1384

²³ The same source

²⁴ For more information refer to research report of "Running away from house" of Women and Children Legal Research Foundation, year 1385, pages 29-30

Conclusion:

A variety of factors may lead to child marriage. Amongst these are poverty, parent's illiteracy, poor economic situation and the fact that these families live in rural areas. Economic difficulties are one of the main causes in that families may marry their daughters to get some financial relief. Illiteracy is also one of the main problems of the Afghan society: parent's education also plays an effective role in children's marriage as illiterate parents are more likely to marry their young daughters. The place of residence and the difference between the urban and rural life play a major role in the marriage of children. Child marriages are more frequent in rural areas.

Child marriages have negative and unexpected consequences. Amongst these are the propagation of diseases, the increase of divorces and the above described phenomenon of girls running away from home. However, this report highlights the fact that many of these factors concentrate around child marriages. Whilst

parent's poverty and illiteracy may lead to their marrying their daughters as child, these very marriages will prevent the daughters from having access to education and economic progress.

Recommendations:

The following recommendations have been prepared on the basis of research findings:

At government level:

The lack of implementation of law, the poor economic situation, poverty and distress are to be addressed by the government. They are the government's responsibilities to the Afghan citizens. This research shows that most of the girls were forced to marry before the age of 15 and in breach of paragraph 2 of article 71 of Afghan Civil Law. The law is not properly implemented. Laws have validity when they have executive guarantee and its articles, if necessary, can be

implemented at grass root level. Therefore, the following recommendations should be taken into account by the relevant government authorities:

- Serious attention should be paid to marriages registration. The government should design and implement rules and regulations for marriage registration.
- Those who force their daughters to marry in their childhood and those who marry underage girls should be legally prosecuted.
- The government should hire professionals to conclude marriages according to the provisions of the law and thereby prevent the infringement of rules by unprofessional officials.
- The government should implement public awareness raising campaigns throughout the country and in particular in the rural areas so as to increase the general awareness level on the detriments and the harms of child marriages.
- Awareness programs should clearly explain the stance of the government and law in this regard, and the public should be informed that the government will prosecute violators of marriage laws.
- Parents should be told that parties to a marriage are entitled to the choice of their spouse. Girls should also be told that their parents are not allowed to marry them before the age of 15. Women's rights should be included in the educational curricula of schools starting in primary school.

- The government should implement useful and nation-wide programs to increase the literacy level of Afghan citizens and thereby prevent many social problems including forced marriages.
- The weak economic situation is one of the major causes of child marriages. The government should try to improve the country's economic situation.
- Domestic violence is one of the negative consequences of childhood marriages. The government should implement regular and effective programs to raise men's awareness of women's rights and violence against women and take necessary legal actions against the committers of violence.

Recommendations for other national and international organizations:

In order to raise the awareness level and develop the public's capacities it is necessary that national and international organizations design and implement effective programs. These programs will be more effective when implemented on a regular and coordinated way by the executive authorities. Therefore, the following recommendations refer to all relevant social national and international organizations for implementation.

- Regular awareness programs have to be implemented. These programs should focus on rural and remote areas.
- Programs should focus on men's awareness of women and children's rights. The negative consequences of childhood marriages should be included in these programs.

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- Women who were married in their childhood and were subject to domestic violence should be granted assistance. They should also be made aware of the legal solutions such as the possible dissolution of the marriage.
 - Education sections should be created in health and clinical centers to inform underage mothers of the negative consequences of multiple and successive births and on family planning.
 - Awareness level of women on their rights in particular their marriage rights should be raised in a coordinated way.
 - Poor women have to be helped in improving their economic situation. For example, skills development training programs or literacy programs can help provide women with job opportunities.

Attachments

Economic situation of the households	Marriage age						Percentage	Total
	Up to 10 years	11 years	12 years	13 years	14 years	15 years		
Strong	0	0	1	6	3	5	7.5%	15
Weak	3	0	8	23	27	19	40.2%	80
Intermediate	0	1	7	30	35	31	52.2%	104
Percentage	1.5%	0.5%	8.04%	29.6%	32.6%	27.6%		100%
Total	3	1	17	59	65	55	100%	200

Household Economy	Education level of parents				Total
	With educated parents	Educated father and illiterate mother	Mother is educated and father is illiterate	Both of them are illiterate	
Strong	0	6	0	9	15
Weak	1	10	2	68	81
Intermediate	7	31	0	65	103
Total	8	47	2	143	200

Education level of parents	Marriage age						Percentage	Total
	10 years	11 years	12 years	13 years	14 years	15 years		
With educated parents	1	0	1	1	3	2	4%	8 47 2
With educated father and illiterate mother	0	0	2	9	21	15	23.7%	
With educated mother and illiterate father	0	0	0	1	1	0	1%	

Both of them are illiterate	2	1	15	48	39	38	71.2	314
Percentage	1.5%	0.5%	8%	29.7%	32.3%	27.7%		100%
Total	3	1	16	59	64	55	100%	200

Types of violence	Education level of husbands				Percentage	Total
	Up to grade six of school	From grade 7 to grade 9	From grade 10 to 12	Illiterate		
Physical violence and beating	6	7	10	19	34.1%	42
Sexual violence	3	1	3	4	8.9%	11
Verbal violence	5	7	11	23	37.3%	46
All three above	6	3	2	13	19.5	24

Early Marriage in
Afghanistan

	Percentage	16.2%	14.6%	21.1%	47.9%		100%
	Total	20	18	26	59	100%	123

HISTORY OF THE FOUNDATION

Women and Children Legal Research Foundation as a research institution in the field of women and child rights was formed in 2002 in Kabul. The first incentives of the formation of Foundation were discussions taken palace inside and out side Afghanistan about women and children. In these discussions, the customs and tradition were considered as the manifestation of infringement background from the women and child rights. In a war torn country mostly relaying on tribal traditions of Afghanistan, a small number of people supported the grievance and suffering of women and children under the name of customs and traditions.

This issue impelled the founders of the Foundation to voluntarily undertake collection of some data and information to approve at first the existing of unhappy and catastrophic customs and traditions and then outline the duty and responsibility of different governmental organs and legal institutions which are involved in one way or another into this issue.

Actually, this institution were established to resist against the injustice and obstacles deserves attention and support in short and long terms perspective and closely related to women and children; prepare the means and pave the way for human rights champions to use them as valid documents and references for the identification of negative customs and traditions which can prevent women and children development.

The followings are some of the Foundation publication:

- Bad painful sedative in Afghanistan (Research)
- Women political participation in Afghanistan (Research)
- Impact of traditional practices on women in Afghanistan (Conference)
- A look into the way of children naming in Afghanistan (Research)
- Polygamy in Afghanistan (Research)
- Women economic independence in Afghanistan (Research)
- A glance on cases of running away from house in Afghanistan (Research)
- Access to right to identity and registration of births in Afghanistan (Research)
- Extravagant expenses in weddings (Research)
- Studying impact of proverbs against women in Afghanistan (Research)
- Legal and research magazine "Waqayat" (reality)
- A Glance on Cases of Running away from House in Afghanistan
- Women's access to Justice (Problems and Challenges)
- Assessment on Human Trafficking and HIV / AIDS status in Afghanistan (Research Report)
- Violence Against Women in Afghanistan (Research Report)

