

**AFGHANISTAN JUSTICE SECTOR SUPPORT PROGRAM**  
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پروگرام حمایت سکتور عدلی افغانستان

تمویل کننده: وزارت خارجه امریکا - ریاست بین المللی مبارزه با مواد مخدر و تنفيذ قوانین



**Special Report**  
**Bamyan Provincial Justice Training-Gender Justice**  
**8-10 NOVEMBER 2008**

The Justice Sector Support Program's (JSSP) Access to Justice Section (AJS), in cooperation with the Bamyan Provincial Reconstruction Team (PRT), which is comprised of elements of the New Zealand Defense Force, successfully facilitated a three-day Provincial Justice Training (PJT) in Bamyan, Afghanistan on 8-10 NOV. Assistance in this joint effort was also provided by U.S. Department of State PRT Representative John Wecker. Attendees at the PJT were drawn from the judiciary, police, prosecutors, and corrections offices throughout Bamyan, including the Criminal Investigative Division (CID), Primary Prosecutors, and Military Prosecutors. In addition to the law enforcement attendees, representatives from the Directorate of Women's Affairs (DOWA), the United Nations Assistance Mission in Afghanistan (UNAMA), Agha Khan Development Foundation, and instructors from Bamyan University also attended the PJT. In total, 82 persons attended the PJT, of whom 20 were female. This PJT marked the fourth training presented by JSSP in Bamyan since 2006.

The PJT was hosted by Bamyan University, which provided the meeting and dining facility. The Bamyan PRT provided housing for JSSP's Provincial Justice Advisor Justin Boland, Gender Justice Advisor Lisa Rousso, Afghan Legal Consultants Idrees Aalimi, Angeella Barezai, Khan Rahmani, Zaker Sultani and Legal Translator Najib Habib.



**Attendees at AJS' Bamyan Provincial Justice Training (PJT) sign an attendance sheet and receive legal texts and writing materials.**

Governor Sarabi, the only female governor in Afghanistan, opened the event and welcomed all of the attendees. In her speech, Governor Sarabi emphasized that Afghanistan's judicial organs need additional training, funding and qualified personnel. Governor Sarabi noted that every Afghan has a right to equal treatment under the constitution of Afghanistan, and expressed her desire that the Bamyan PJT help underscore this fact. With her closing remarks, Governor Sarabi thanked JSSP for returning to Bamyan to provide additional legal training.



**Bamyan Provincial Governor Sarabi, Afghanistan's only female governor, greets the attendees of the Bamyan PJT and voices her support of JSSPs continuing rule of law mission in Afghanistan.**

The focus of the Bamyan PJT was gender justice and how the Afghan legal system responds to, processes, and prosecutes cases involving men and women. The goal of the Bamyan PJT was to enhance the understanding of gender equality issues in Afghanistan among Afghan justice actors and increase the profile of agencies that benefit women in central Afghanistan.

Gender justice issues were addressed through instructional units focused on close readings of Afghan criminal law as well as directed discussions addressing the cultural, social, and legal barriers to equal treatment of men and women in the Afghan justice sector. Afghan criminal law lessons emphasized both violent crime including murder, assault, beating, laceration and rape as well as nuanced subjects that have complex legal and social implications including illegal arrest and detention, adultery, forced marriage as well as statutory defenses to these issues.

Small group breakout sessions followed instructional lessons each day, and Afghan justice sector professionals were intermixed with members of Bamyan-based women's groups. These mixed groups were encouraged to work collaboratively on hypothetical case studies that incorporated the issues outlined in the opening lecture. All of the case studies encouraged the application of the rights articulated in the Afghan Constitution and Interim Criminal Procedure Code, which the participants were able to reference using legal texts provided by JSSP.<sup>1</sup>

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<sup>1</sup> The United States Agency for International Development (USAID) funded Afghanistan Rule of Law Project (ARoLP), as part of its programmatic mandate, provided JSSP with trace sheets and electronic data for its Judicial Reference Sets. JSSP was then able to fund the reproduction of 2500 copies of the criminal law portion of the Judicial Reference Sets. JSSP, through a variety of channels, is in the process of distributing the sets to all Afghan saranwal and to other justice professionals that participate in JSSP trainings.



**Parwin Rahimi and Maryam Nejati discuss a hypothetical case study during the Bamyan PJT.**

During other small group breakout sessions, mixed groups of justice professionals and gender justice advocates discussed the importance of competent criminal defense in all cases, the differences between cases investigated as sexual assault, and those investigated as adultery. Small group breakout sessions that were made up of corrections officers noted that Bamyan province does not have adequate detention facility infrastructure to properly house both male and female prisoners. These corrections officers shared that additional funding would be useful to build and support expanded detention facilities for both male and female detainees in Bamyan province. JSSP is committed to helping publish those needs, and will share this information with our sister program, the Corrections System Support Program (CSSP).



**Aziz Ullah Hedafmand, Sayed Taher Rezai and Sayed Ahmad Ali compare notes during a breakout session at the Bamyan PJT.**

At the close of the Bamyan PJT, members of the Bamyan justice sector expressed that they gained a more thorough understanding of gender justice issues in Afghanistan. The police, prosecutors, corrections and judicial participants indicated that the lessons presented and the small group work on case studies helped them better understand their duties and responsibilities to gender justice under the law.

For the participants already working for women's groups, they gained a more thorough understanding of the portions of Afghan law that are directly applicable to their practice area. While all of these groups have similar goals, the participants noted that there are frequent

misunderstandings and confusion about the groups' roles in properly helping victims of gender crime, and prosecuting and adjudicating the assailants according to Afghan law. All of the groups shared that the Bamyan PJT allowed them the opportunity to gain clarity on the roles and responsibilities of their respective group, as well as to further underscore the importance of gender issues in Afghanistan, and to have proactive meetings with their contemporaries.

The groups represented at the Bamyan PJT pledged to work more closely together on gender justice issues, and resolved to apply the lessons they had learned. Attendees at the Bamyan PJT also expressed their great satisfaction with the information they gained during the three-day event, and requested that subsequent trainings be longer in duration and broader in scope because of the importance of the topic. JSSP hopes to accommodate those requests with longer training events in Bamyan and throughout Afghanistan.



**Bamyan PJT attendees separate into breakout groups to discuss the role of women in Afghanistan's judicial system.**



**Fatima Kazimyan volunteers an answer during a question and answer session at the Bamyan PJT.**



**JSSP Afghan Legal Consultant (ALC) Idrees Aalimi challenges Bamyan PJT attendees to define “Gender Justice” in Afghanistan today.**



**Military Prosecutors who attended the Bamyan PJT ponder a hypothetical case study.**



**Bamyan PJT attendees separate into breakout groups and consider hypothetical case studies that challenge their understanding of Afghan criminal procedure.**



A mostly female group of Bamyan PJT attendees separate into a breakout group and consider hypothetical case studies that challenge their understanding of Afghan criminal procedure.



JSSP ALC Angeella Barekzai engages Ghulam Ali Bator, Head of Corrections in Bamyan, in a Socratic dialogue regarding Gender Justice issues.



Bamyan PJT attendees enjoy a tea break and conversation on the second day of the event.



**JSSP ALC Dr. Khan Rahmani and Ghulam Ali Bator, Head of Corrections in Bamyan, continues their conversation about the treatment of female prisoners in Afghan jails during a tea break.**