

URGENT ACTION

10-YEAR OLD RAPE SURVIVOR FACES 'HONOR' KILLING

Brishna, a 10-year old girl from Kunduz province in Afghanistan was raped by a local mullah in May 2014. She is at risk of an "honor" killing by family and community members. The women's rights defender who assists her is facing death threats.

Shortly after Brishna was raped on 1 May, she was admitted to hospital for treatment with the assistance of the organization Women for Afghan Women. During her stay in hospital, family and community members threatened to kill her. The head of the Women for Afghan Women's shelter, Dr. Hassina Sarwari, reported to a journalist that when she came to collect Brishna from the hospital to take her to the shelter, the girl's aunt told her that male relatives wanted to "kill her and dump her in the river". In July, after Brishna had spent two months in the shelter, local police took her from the shelter and returned her to her family, despite the risk to her life.

The local mullah accused of raping the girl has since been arrested and charged with rape of a minor. He has been transferred to a prison in Kabul and is awaiting trial. Medical tests confirm that the girl is a pre-pubescent child and that she was subjected to a violent rape.

Rape victims are at risk of "honor" killing as they are deemed to have brought "shame" on their family by an act of which they are the victims. Dr Sarwari has also received death threats from the girl's family, religious leaders and powerful members of her community for her role in protecting Brishna. She continues to receive death threats and she fears for her life.

Please write immediately in English, Dari or Pashtu, or your own language:

- Urging the authorities to ensure that Brishna receives full protection from the state, and that all necessary precautions are taken to prevent an "honor" killing against her;
- Urging them to ensure that the suspected perpetrator is brought to justice in a fair trial, without recourse to the death penalty;
- Calling on them to investigate threats to kill Brishna, Dr Sarwari and other women rights defenders involved in the case, and where sufficient admissible evidence of crime exists, bring perpetrators to justice;
- Urging the authorities to provide immediate and effective protection to Dr Sarwari and other women human rights defenders in accordance with their wishes; and reminding authorities to fulfil their obligation to protect human rights defenders, as set out in the 1998 UN Declaration on Human Rights Defenders;
- Expressing the view that "honor" killings should be treated as serious criminal offences, and urging repeal of Article 398 of the Afghan Penal Code to abolish reduced sentences for murder on the basis of "honor" as a motivation.

PLEASE SEND APPEALS BEFORE 20 NOVEMBER TO:

The President

President Ashraf Ghani Ahmadzai
Gul Khana Palace, Presidential Palace,
Kabul, Afghanistan

Fax: 011 93 (0) 202 141 135

Email: pressoffice.sec@arg.gov.af

Salutation: Your Excellency

Attorney General

Mohammad Ishaq Alako
Attorney General's Office
District 10, Qala-i-Fatullah
Kabul, Afghanistan

Fax : 011 93 (0) 202 200 019

Email: ago.afg@gmail.com

Salutation: Dear Sir

And copies to:

Minister of Justice

Habibullah Ghalib
Ministry of Justice
Charayee Pashtoonistan, Foroughgah Kabul,
Afghanistan

Email: complaints@moj.gov.af

Email: moj_complaints@yahoo.com

Also send copies to:

Ambassador Eklil Hakimi, Embassy of Afghanistan
2341 Wyoming Avenue NW, Washington DC 20008

Fax: 202 483 6488 | Phone: 202 483 6410 | Email: info@embassyofafghanistan.org

Please let us know if you took action so that we can track our impact. Send a short email to uan@aiusa.org with "UA 253/14" in the subject line and include in the body of the email the number of letters and/or emails you sent. Thank you for taking action! Please check with the AIUSA Urgent Action Network Office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In Afghanistan, women and girls are seen to be the embodiments of family honor. They are often the first to pay the price if perceived to have offended custom, tradition or so-called honor.

Women who are assumed to have had sexual relations outside marriage (*zina*) are widely perceived to have brought "shame" on their families and are at risk of "honor" killing, either on the initiative of their male family members or the direction of local councils comprised of male elders.

Rape victims, too, are at risk of "honor" killing as they are deemed to have brought "shame" on their family by an act of which they are the victims.

Discrimination against women and the proximity between the formal and informal justice systems is highlighted in the leniency and often lack of penal sanctions in cases of "honor" killings. Evoking honor as offences to custom and tradition is often an accepted defense in cases of killing of women and girls. However, most cases of "honor" killings will not come before the formal judicial system, as families will tend to mete out punishments sanctioned by a community justice mechanism such as the *shuras* or *jirgas* (tribal councils).

It is difficult to determine exactly how many women and girls in Afghanistan fall victim to "honor" killings, but according to the Afghan Independent Human Rights Commission (AIHRC), between January 2011 and May 2013, 243 cases of "honor" killings were recorded.

Currently "honor" killings are not criminalized under Afghanistan's Elimination of Violence Against Women (EVAW) law as a form of violence against women and women and girls. Rather, articles 394-397 of the Penal Code address the crime of murder, but the offence is mitigated when it involves an "honor" killing, reducing the sentence to a term "not exceeding two years".

Name: Brishna (f)

Issues: Death threats, Fear for safety, Legal concern

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