



## Afghanistan

### Country Reports on Human Rights Practices - [2007](#)

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Afghanistan is an Islamic republic with a population of approximately 30 million. Citizens elected Hamid Karzai president in October 2004 in the country's first presidential election under its January 2004 constitution. The September 2005 parliamentary elections--the first in more than three decades--did not fully meet international standards for free and fair elections, but citizens perceived the outcomes as acceptable, and the elections established the basis for democratic development at the federal and local levels.

The country's human rights record remained poor due to a deadly insurgency, weak governmental and traditional institutions, corruption, drug trafficking, and the country's legacy of two-and-a-half decades of conflict. Human rights problems continued, including extrajudicial killings; torture; poor prison conditions; official impunity; prolonged pretrial detention; increased restrictions on freedom of press; restrictions on freedoms of religion, movement, and association; violence and societal discrimination against women, religious converts, and minorities; trafficking in persons; abuse of worker rights; and child labor. While civilian authorities generally maintained effective control of the security forces, there were instances in which members of the security forces acted independently of government authority.

While the government deepened its authority in provincial centers, the Taliban or factions operating outside government authority controlled some areas. During the year more than 6,500 persons died as a result of the insurgency, including by suicide attacks, roadside bombs, and gun assassinations, in contrast to 2006, when more than 1,400 individuals died. The overwhelming majority of the casualties were insurgent fighters killed in combat. The Taliban and antigovernment elements continued to threaten, rob, attack, and kill villagers, government officials, foreigners, and nongovernmental organization (NGO) workers. The Taliban increasingly attacked civilian and international targets using the tools of terrorism, including targeted suicide bombings, automatically and remotely detonated bombs and landmines, and the use of civilians as shields. Also during the year, the number of NGO representatives who were threatened and kidnapped increased significantly. The instability caused by the continuing insurgency and the difficult operating environment caused by the Taliban's strategy of targeting government offices and workers contributed to weaknesses in government institutions.

The government continued to develop and professionalize its army and police force. Increased oversight of police by internal and external monitors helped to prevent abuses, and human rights training became a regular element for police and army personnel. The Ministry of Interior (MOI) continued rank and pay reform efforts and removed officers involved in human rights violations and high-level corruption. International human rights groups stated that extensive reporting of human rights abuses led to increased arrests and prosecutions of abusers.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The shortage of trained police, poor infrastructure and communications, and a weak justice system hampered investigations of unlawful actions and prevented reliable numerical estimates. Additionally, there were killings of civilians in conflict, high-profile killings by unknown actors, and politically motivated killings by insurgent groups during the year in connection with the ongoing insurgency (see section 1.g.).

In June in Jowzjan Province, police fired on protesters demanding the removal of the province's governor, killing at least 10 persons and injuring at least 40. At year's end there had been no prosecutions in the case.

According to a 2006 Amnesty International (AI) report, President Karzai's chief of staff told the Secretary General of AI that there would be a moratorium on executions while judicial reform was carried out. However, on October 7, 15 prisoners were executed at Pol-e-Charkhi prison by executive order. According to prison officials, all prisoners allegedly were multiple offenders convicted of crimes including murder, armed robbery, and rape. One prisoner escaped, allegedly with

the help of prison guards. The European Union (EU), UN, and numerous human rights NGOs condemned this execution, noting that the lack of due process in the judicial system did not guarantee a fair trial for those executed.

There were no developments in the February 2006 police killing of four protesters in Kabul and one in Maymana when demonstrations over satirical cartoons of the Prophet Mohammad turned violent; there also were no developments in the September 2006 death in custody in Ghazni Province.

In February 2006 inmates at Pol-e-Charkhi prison rioted for five days, resulting in the death of six inmates and injuries to 44, according to the Afghan Independent Human Rights Commission (AIHRC); many reported that security personnel used excessive force in their response to the riot. There continued to be no public investigation.

There were no further developments in the 2005 case involving Kabul Police Chief General Abdul Jamil Junbesh, who allegedly tortured and killed a civilian named Hussain, or in the case of the December 2005 police beating and subsequent death of a detainee at the Kabul police station. In both cases human rights activists characterized official investigations as ineffective, and authorities made no formal charges. In June 2006 President Karzai removed Junbesh from office following a security incident in which critics attacked Junbesh's ability to maintain order.

Violence perpetrated by Taliban, al-Qa'ida, and Hizb-e-Islami Gulbuddin terrorists and insurgents killed more civilians than in the previous year. Violence by these groups included an increasing number of terrorist attacks using suicide bombs. Insurgent violence killed more than 6,500 civilians and military personnel during the year, compared to more than 1,400 in 2006. Attacks on government security forces, international organizations, international aid workers and their local counterparts, and foreign interests and nationals increased during the year, prompting some organizations to restrict their developmental or humanitarian activities or leave areas of the country. Government officials remained under attack by insurgents, with more than a dozen killed in numerous incidents.

Insurgents appeared to be targeting Provincial Reconstruction Teams (PRTs) and construction crews, NGOs, and contractors as a means to hamper reconstruction efforts and drive the international assistance community out of the country. There was a marked increase in high-profile kidnappings of foreign NGO workers, journalists, and contractors. During the year the Taliban beheaded at least 20 citizens and foreigners for alleged "crimes" ranging from espionage to supporting the Karzai government.

On April 4, in Badakhshan, the local population and police discovered a mass grave of more than 120 civilians. An initial investigation indicated that they were likely killed in the late 1970s; the investigation continued at the end of the year.

#### b. Disappearance

The constitution prohibits kidnapping; however, there were reports of insurgent groups and criminals perpetrating disappearances and abductions during the year, including in connection with the ongoing insurgency (see section 1.g.). Insurgents targeted government officials and civilians. In some cases, inadequate judicial institutions failed to disclose detentions in a timely way, creating the impression of disappearance.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices; however, there were reports of abuses by government officials, local prison authorities, police chiefs, and tribal leaders. NGOs reported that security forces continued to use excessive force, including beating and torturing civilians. During the year human rights organizations reported that local authorities in Herat, Helmand, Badakhshan, and other locations continued to torture and abuse detainees. Torture and abuse included pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy. On March 15, the UN Secretary-General released a report noting that in a significant portion of cases ill-treatment and torture had been used to force confessions, and on September 21, released another report stating that the government must investigate allegations of torture of detainees by authorities, especially by the National Directorate of Security (NDS).

On November 11, AI released a report stating that prisoners frequently were subject to torture once transferred to local authority. The report documented specific cases of torture and noted that AI received repeated reports from both individuals and international organizations of torture and ill-treatment by the NDS. The government rejected the report's assertions.

In 2006 Mohammed Ibrahim Sahdat, a lawyer from the Afghanistan Human Rights Organization, reported the case of Jalaludin, whose home was near the scene of an explosion and whom police accused of having ordered it. Authorities reportedly hung Jalaludin by his feet for 10 hours, beat him, and subjected him to electric shocks. He was later released. There were no further developments in the case.

There were numerous reports of abuse by Afghan National Police (ANP) officers. In September in Ghazni Province, police beat two prisoners in custody. The cases were referred to the MOI's human rights unit, and investigations continued at

year's end.

In 2006 in Faryab Province, villagers in Kata Kala town reported that regional leaders imprisoned and tortured them to extort money. Some were beaten and others were locked in dark rooms for hours. Victims also were repeatedly threatened with death if they did not cooperate.

In the fall of 2006, residents of the village of Galouch claimed that ANP and Afghan National Army (ANA) soldiers seeking a local commander entered villagers' homes, verbally abused them, and stole personal items from the residents.

There were continued allegations of rape and sexual abuse of individuals in government detention; investigations did not result in charges. In 2006 in Pol-e-Charkhi prison, the AIHRC also reported that two police officers and several prisoners raped a young male prisoner. The AIHRC reported that in 2005 local authorities granted one woman medical treatment after police provided her to men for sexual exploitation.

In Balkh Province in 2006, residents alleged that regional leaders were running private prisons to extort money. Abuse generally consisted of beatings, resulting in death in some cases. There was no investigation by year's end.

There were also reports of abuses by the Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. According to media sources, the Taliban reportedly claimed responsibility in such cases by contacting newspapers and television stations directly. For example, in November in Kandahar, the Taliban tortured and then killed five policemen, reportedly as a warning to villagers against cooperating with the government.

Violence and instability due to the insurgency increasingly hampered relief and reconstruction efforts in different parts of the country and led to numerous human rights abuses. During the year government employees received threats of kidnapping and physical violence in Khost, Laghman, Paktika, Kapisa, and Sari-Pul. Additionally, directors of the provincial offices of the Department of Women's Affairs in Kandahar, Helmand, Farah, Uruzgan, Wardak, and Nuristan received threats of physical abuse.

In June 2006 in Balkh Province, unknown assailants beat member of Parliament (MP) Faizullah Zaki. There were many allegations that this attack was politically motivated; however, there continued to be no public investigation into the attack.

According to UN reports, in some cases where there were no local detention facilities, tribal leaders held women accused of crimes in private detention, forced them into slave-like conditions outside the reach of the law, and subjected them to sexual and physical abuse for committing acts that often did not constitute legal offenses.

According to an AIHRC report, children who were in detention centers and orphanages were exposed to sexual exploitation. According to the AIHRC, during the Pol-e-Charkhi prison riots in 2006, a prison official working in the women's wing of the prison raped one female inmate.

#### Prison and Detention Center Conditions

Prison conditions remained poor. Most were decrepit, severely overcrowded, unsanitary, and fell well short of international standards. Some prisons held more than twice their planned capacity. Often prisoners were in collective cells, reflecting resource constraints and also cultural preferences for collective housing rather than individual or two-person cells. Where new collective cells were constructed, consideration was given to appropriate square footage per person. In district prisons, shipping containers were used as cells when other structures were unavailable. There were reports of prisoners beaten and tortured. Resource constraints contributed to some prisoners not always having access to an adequate diet, but it was not policy or practice to withhold food to ensure a compliant prison population. The AIHRC continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common conditions in the country's prisons. Infirmaries, where they existed, were under-equipped, and the supply of quality medicine was insufficient. Contagious and mentally ill prisoners were rarely separated from other prisoners. In September, 120 inmates at Pol-e-Charkhi prison undertook a hunger strike lasting two days. The prisoners stated they were protesting conditions at the prison and unfair judicial procedures.

The government reported 34 official prisons, one in each province. The government also reported 31 active rehabilitation centers for juveniles. Approximately 14 detention centers housed female prisoners.

Children under 12 years of age whose mothers had been convicted of a crime were incarcerated with their mothers. Prisons did not have the capacity to separate prisoners and lacked adequate separate housing for women, accompanying children, and juveniles. In Pol-e-Charkhi prison, as in other parts of the country, juveniles frequently were detained with adult prisoners, unless space permitted. Prisoners awaiting trial generally were not separated from the rest of the inmate population.

According to an AIHRC report, children in juvenile detention centers were normally kept in areas where they were exposed to the possibility of physical and sexual exploitation. There were approximately 134 juvenile offenders in correction facilities, but 12 provinces did not have specialized juvenile correction centers. In December Pol-e-Charkhi prison held 106 female inmates, 58 of whom were accompanied by their children, who had not committed any crimes.

A local NGO tried to provide kindergarten activities for some of the incarcerated children; however, there was not enough space in the classrooms. According to prison staff, the official policy was that children could stay with their mothers only until the age of two and were then transferred to a rehabilitation center. Space constraints at the rehabilitation center sometimes prevented the transfer, adding to children's time.

The government permitted the International Committee of the Red Cross (ICRC) to visit all prisons operated by the NDS and Ministry of Justice (MOJ), and the ICRC conducted such visits during the year. The AIHRC also monitored prison conditions regularly during the year. The AIHRC reported that in some cases prison authorities did not grant representatives full access. In a March 15 report, the UN Secretary-General stated that access to detention facilities remained problematic for the AIHRC and the United Nations Assistance Mission in Afghanistan (UNAMA).

International media reports asserted that Taliban forces detained and imprisoned individuals in Musa Qala in a Taliban jail after seizing control of the town from February to December. The ICRC and the AIHRC did not have access to prisoners and hostages held by Taliban insurgents. According to UN reports, in some cases where there were no local detention facilities, women accused of crimes reportedly were placed in private detention, sometimes in the house of the head of the village against approved treatment guidelines and international human rights standards. NGOs reported that powerful local leaders and insurgents, including the Taliban, continued to operate private prisons.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention; however, both remained serious problems.

#### Role of the Police and Security Apparatus

The ANP, under the MOI, had primary responsibility for internal order. In some areas powerful individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the government's failure to assert control. During the year the government expanded its reach to new areas, including the eastern border region with Pakistan, through the use of auxiliary police. The North Atlantic Treaty Organization remained in control of the UN-sanctioned International Security Assistance Force (ISAF), which worked closely with the national security forces. The NDS investigated criminal and national security cases and also functioned as part of the intelligence apparatus. During the year human rights activists and NGOs reported widespread human rights violations committed by representatives of national security institutions, including arbitrary arrest, illegal detention, and torture. UN High Commissioner for Human Rights Louise Arbour, speaking during a November visit to the country, noted her concern regarding transfer of prisoners taken during ISAF operations to the NDS, stating that it "is not a regular law enforcement body and operates on the basis of a secret decree."

The ANP played a major role in providing security in the country. Rank and pay reform procedures put in place in 2006 continued, resulting in the removal of more than 80 senior officers in the past two years. International support for recruiting and training of new ANP personnel was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force. The international community worked with the government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. At the end of the year, more than 73,000 ANP members had been trained in basic literacy, professional development, and fundamental standards of human rights. Nevertheless, human rights problems persisted.

According to media reports and polling during the year, the perception of widespread corruption and mistreatment of citizens in custody undermined confidence in the police. The MOI Human Rights Unit receives and responds to complaints of police abuse and has trained at least two ANP officers in each province and one in each checkpoint in Kabul to recognize and report human rights violations. Communication and coordination of reports between the provinces and MOI headquarters in Kabul remained a concern.

Fueled in part by inadequate and irregular payment of salaries and corruption, official impunity remained pervasive. Illegal border checkpoints, some reportedly manned by tribal leaders and low-level members of insurgent groups, extorted bribes and continued to be a problem. Human rights groups and detainees reported that local police extorted bribes from civilians in exchange for their release from prison or to avoid arrest.

The government made efforts to combat corruption in the security apparatus. The government introduced electronic direct deposit of police and military salaries during the year, making pay more transparent and accountable.

NGOs and human rights activists noted that societal violence, especially against women, was widespread; however, in

many cases, security forces did not prevent or respond to such violence.

#### Arrest and Detention

Arbitrary arrest and detention remained problems. Judicial and police procedures and practices for taking persons into custody and bringing them to justice varied depending on the area and local authorities. Some areas, such as the major regional centers, had more formal judicial structures than others.

The law provides for access to legal counsel, the use of warrants, and bail; however, authorities applied all three inconsistently.

The press and human rights organizations reported arbitrary arrest in most provinces. There was little consistency in the length of time that detainees were held before trial or arraignment. In a March 15 report the UN Secretary-General stated that in many cases there was prolonged pretrial detention and that suspects had not been given access to lawyers.

In 2006 during Ramadan, a locally established "morals and rules commission" in Khost Province arrested individuals for selling alcohol to Muslims, possessing and selling pornography, and displaying "other improper ethics."

Many detainees were able to bribe their way out of custody before their cases were prosecuted.

Police often detained women at the request of family members for "zina," a term used broadly to refer to actions that include defying the family's wishes on the choice of a spouse, running away from home, fleeing domestic violence, eloping, or for other "moral" offenses such as adultery or premarital sex. Authorities imprisoned an unknown number of women for reporting crimes perpetrated against them and as substitutes for their husbands or male relatives convicted of crimes. Some women were placed in protective custody to prevent violent retaliation by family members.

Authorities did not respect limits on length of pretrial detention, and lengthy pretrial detention remained a problem in part because the legal system was unable to guarantee a speedy trial. The UN Human Rights Commission, ICRC, and AIHRC reported that arbitrary and prolonged detentions frequently occurred throughout the country. The Interim Criminal Procedure Code sets limits on pretrial detention. Police have the right to detain a suspect for a maximum of 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the prosecutor's office, which must see the suspect within 48 hours. The investigating prosecutor could continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. Prosecutors must file an indictment or drop the case within 30 days of arrest. The court has two months to hear the case. An appeal must be filed within 20 days, and the appellate court has two months to review the case. A second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which could take up to five months to conclude the trial. In many cases, courts did not meet these deadlines. NGOs continued to report that prison authorities detained individuals for several months without charging them. There were credible reports during the year that police in Ghazni and Kabul continued to detain prisoners after they were found innocent.

Lengthy trial procedures stemmed in part from the severe inadequacy of the judicial system. Reports from international NGOs estimated that no more than 150 defense lawyers, 1,400 judges, and 2,000 to 2,500 prosecutors practiced; most of them lacked any formal legal training. During the year international groups worked with the MOJ to provide constitutionally mandated legal aid, with more than 800 prosecutors, attorneys, and justice professionals receiving training.

According to the MOJ, there were 9,604 persons detained in correctional facilities nationwide, of whom 5,342 had been tried and convicted; the remaining 4,262 were awaiting trial. There were also widespread shortages of judges. Bamyán Province, for instance, reported that there were no judges in three of its districts and three districts were understaffed. Another significant barrier to justice was detainees' lack of awareness of their rights under the 2004 Interim Criminal Code for Courts. The Criminal Code, which human rights and legal experts widely reported was inadequate, continued to be rewritten and improved during the year.

#### Amnesty

On February 20, the parliament passed a bill that would grant amnesty from prosecution to all persons engaged in conflict for the past 25 years, as well as those who are currently fighting. The bill also states that those individuals should not be subjected to criticism. The bill does allow for individuals to bring cases against perpetrators. NGOs, the AIHRC, and many citizens criticized the bill, noting that it would grant amnesty to gross violators of human rights, including many parliamentarians. An AIHRC commissioner noted that it would cause instability and undermine national reconciliation. At the end of the year, President Karzai had not signed the bill, and its status remained unclear.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice the judiciary was underfunded, understaffed, and subject to

political influence and pervasive corruption. Pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency, as well as bribery and corruption, threatened judicial impartiality. Justice was administered unevenly according to a mixture of codified law, Shari'a (Islamic law), and local custom.

The formal justice system was relatively strong in the urban centers, where the central government was strongest, and weaker in the rural areas, where approximately 75 percent of the population lives. Nationwide, fully functioning courts, police forces, and prisons were rare. The judicial system lacked the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Municipality and provincial authorities as well as judges had minimal training and often based their judgments on their personal understanding of Shari'a, tribal codes of honor, or local custom. Both judges and prosecutors were hampered by a lack of access to legal codes and statutes.

In October 2006 the Attorney General's Office launched an investigation of Judge Gholam Rabbani, who was in charge of the Paghman District Court. Officials suspended Rabbani's license and on January 16, the Supreme Court sentenced him to two years' imprisonment, removed him from his position, and made him pay a fine of approximately \$500 (24,400 AFN). The attorney general also suspended and detained Judge Mohammed Dawood, a member of the District 11 Court on charges of bribery. In January the Supreme Court removed him from his position, sentenced him to three years in prison, and forced him to pay a fine of approximately \$3,500 (175,000 AFN). According to the personnel office at the Supreme Court, a clerk in District 12 Court faced accusations of bribery and was fired. The clerk remained in detention at year's end and was under investigation by the Attorney General's Office.

The judicial branch consists of the Supreme Court, high courts (appeals courts), and primary courts, the structure and authority of which are determined by law. Judges are appointed with the recommendation of the Supreme Court and approval of the president. The Supreme Court has overall responsibility for the national court system. The president appoints Supreme Court members with the approval of the House of Representatives (Wolesi Jirga). A national security court tried terrorists and other cases, although details were limited on its procedures. In 2005 President Karzai passed an antinarcotics law by decree, which serves as law pending parliamentary review. The law created a separate central court with national jurisdiction for narcotics prosecutions above a threshold level.

In some remote areas not under government control, the Taliban enforced a parallel judicial system by means of informal "shuras" (community councils). These included districts in Helmand Province. Punishments handed out by such Taliban councils included beatings, hangings, and beheadings, according to human rights activists.

In major cities, courts primarily decided criminal cases, although civil cases were often resolved in the informal system. Due to the undeveloped formal legal system, in rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also allegedly levied unsanctioned punishments. The informal justice system played a vital role in society. Some estimates suggested that 80 percent of all cases went through the shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities.

#### Trial Procedures

Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. Trials were usually public, and juries were not used. Defendants have the right to be present and to appeal; however, these rights were rarely applied. Defendants also have the right to consult with an advocate or counsel at public expense when resources allowed. This right was inconsistently applied, mainly due to a lack of trained personnel and funding. Defendants were not allowed to confront or question witnesses. Citizens were often unaware of their constitutional rights, and there was no functioning public defender system. Defendants and attorneys were entitled to examine the documents related to their case and the physical evidence before trial; however, NGOs noted that court documents often were not available for review before cases went to trial. Defendants were presumed innocent until evidence proved otherwise. The courts reportedly heard cases in sessions that lasted only a few minutes.

In criminal cases involving murder and rape, judges may sentence convicted prisoners to execution. Under the 2004 constitution, capital punishment is conditional upon approval of the president, who also had the right to reduce penalties and pardon offenders. However, under Shari'a, relatives of victims can also pursue a civil case against a suspected offender, where a judge can offer restitution or even order execution, which the family could choose to carry out themselves, regardless of the outcome of the criminal case.

Where courts were not available, local elders, often without formal legal training, made decisions through the shura system, basing their rulings on local customs or Shari'a. Even in areas where courts were available, many persons opted for informal dispute resolution, citing cost and effectiveness as reasons. Local elders and shuras often imposed unsanctioned penalties that were not in compliance with codified law. In such proceedings, the accused typically had no right to legal representation, bail, or appeal. In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were simply unaware of the law, courts and informal shuras enforced Shari'a; this practice often resulted in outcomes that discriminated against women. In some rural areas, this included the practice of ordering the defendant to provide compensation in the form of young girls to be married to men whose wives had died. Unlike in past years, there were no confirmed reports of flogging or death by stoning.

There were no developments in the case of Asadullah Sarwari, the communist-era intelligence chief and reported human rights abuser. In February 2006 the court sentenced Sarwari to death in a summary, one-day trial without legal representation, which observers deemed seriously flawed. Sarwari had been detained since 1992; authorities held him without charges until 2005. This sentence was the first attempt to hold a senior government official accountable for past crimes. Sarwari remained in custody at the end of the year.

#### Political Prisoners and Detainees

There were reports that a number of tribal leaders, sometimes affiliated with the government, held prisoners and detainees. There were no reliable estimates of the numbers involved.

#### Civil Judicial Procedures and Remedies

Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often took precedence over human rights or constitutional rights. The judiciary did not play a significant role in civil matters due to a lack of capacity and severe corruption. Land disputes remained the most common civil dispute and were most often resolved by shuras or informal local courts.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, the government did not respect these prohibitions in practice, and there were no legal protections for victims.

Antigovernment elements, tribal leaders, and security and police officials forcibly entered and looted the homes and businesses of civilians with impunity. There were reports of theft by national security forces while conducting raids and searching homes. According to press reports in April, men in military uniforms looted homes and businesses in the Sangenn District of Helmand Province. There are conflicting reports about whether the men were allied with international forces or an independent militia. Following a September bus crash in Ghazni, ANP officers allegedly looted valuables from victims and told victims that unless they paid the police they would not receive medical attention. In August 2006 ANP officers in Uruzgan Province raided a local bazaar to seize contraband items, including poppy. Several storekeepers and shoppers reported being harassed and having their money and goods stolen. During a subsequent inspection of the ANP provincial headquarters' evidence locker, authorities found only small amounts of the contraband.

The law provided for wiretapping in certain cases.

The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A woman of any other faith had to first convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. The court also could not register a marriage for citizens who stated they were not Muslim, even if they were born into other faiths. Non-Afghans could marry, and foreigners were permitted a civil ceremony as long as neither was Muslim.

In late 2006 in Farah and Balkh provinces former mujaheddin leaders acting outside central government authority repeatedly interfered with civilians' lives. In Badakhshan a local militia leader pressured a family to marry its 13-year-old daughter to the son of a prominent politician. The girl refused, and villagers threatened to stone her. The case eventually went to the Supreme Court. Several residents from Badakhshan urged authorities to decide against the girl. Following discreet negotiations, including some action by the central government to advocate on the girl's behalf, the court dropped the case.

There were reports that officials arrested and sentenced individuals, often women, for crimes committed by other family members.

In the south and east, Taliban and other antigovernment elements frequently forced locals to provide food and shelter to their fighters. The Taliban also continued to loot schools, radio stations, and government offices. In Ghazni and Helmand provinces the Taliban reportedly enforced curfews.

#### g. Use of Excessive Force and Other Abuses in Internal Conflicts

Ongoing internal conflict and the continued use of excessive force caused civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents.

#### Killings

On November 6, a bomb killed at least 64 persons in the northern province of Baghlan, including six MPs, children, and onlookers. It was reported that many of the casualties occurred when security forces shot into the crowd after the bombing. The UN reported that security forces indiscriminately fired into the crowd of unarmed civilians, including numerous children; however, official investigations by the Ministries of Interior and Justice stated that only a few of the casualties were due to gunfire.

Persistent Taliban and al-Qa'ida activity, interfactional fighting between regional warlords, and criminal activity resulted in unlawful killings and numerous civilian casualties. Militants targeted and killed foreigners and local NGO employees. Militant suicide attacks increased, with 143 suicide attacks this year compared to 140 in 2006 and 15 in 2005. Insurgents targeted national and government officials, as well as women working in the government and other high profile positions, but the majority of victims were civilians. Attacks against noncombatants (government officials, civilians, religious figures, teachers, and students) remained a threat, with 635 in 2005, 664 in 2006, and 671 this year. A UN report released during the year found that 76 percent of all suicide bombings targeted international and local security forces, with the overwhelming majority of victims being civilians.

Insurgents targeted and killed more than 30 government officials during the year, including the head of the Khost Provincial Council, a district police chief in Farah, and at least 10 intelligence officers in two separate incidents in April in Laghman Province. Nearly 900 police were killed during the year.

In March a suicide bomber using a vehicle-borne improvised explosive device attacked a foreign embassy convoy in Kabul, injuring several individuals. During the year insurgents killed two female journalists and attempted to assassinate Parwan MP and Provincial Director of Education Samia Sadat. In June the bodies of four judges kidnapped in Ghazni Province were found. The media reported that the Taliban claimed responsibility.

In July a suicide bomber attacked the convoy of the Turkish civilian PRT director in Wardak during an unsuccessful assassination attempt. That same month in Helmand Province, a suicide bomber killed two locals and wounded two others. In a separate incident a few days later, a suicide bomber attacked a convoy using an explosives-packed motorcycle, killing one and wounding several others. Also in July in Paktia Province, a suicide bomber killed at least 10 civilians and injured as many as 30 others. On July 2, the deputy head of education in Khost Province was killed in a drive-by shooting at his home. On July 9, Taliban militants attacked a police convoy in Zabul Province in the south, killing five police officers and wounding six. On August 3 in Kunar Province, a bomb, widely believed to have been set by the Taliban, killed four police officers and wounded bystanders.

In August a suicide bomber detonated a bomb outside the gates of Kabul's international airport next to a German military patrol, killing two local soldiers and wounding 10 others. Also in August three deminers were killed in Kandahar Province in the south, with the Taliban widely believed to have been responsible.

In September in Helmand Province, the Taliban killed a 15-year-old boy by beating and then hanging him. The boy allegedly had a U.S. five dollar bill in his pocket, which witnesses said the Taliban interpreted as a sign of his support for the Coalition Forces. The Taliban reportedly stuffed one dollar bills into the boy's mouth as a warning for other villagers to stay away from Coalition troops.

On September 29, a suicide bomber attacked a bus carrying ANA personnel, killing 28 soldiers and two civilians. In October a suicide bomber attacked a foreign embassy convoy en route to Kabul's international airport. On October 2, a suicide bomber attacked an ANP bus in a residential section of Kabul, killing at least 12 police officers, wounding several more, and killing several civilians. Also in October a foreign embassy convoy struck an improvised explosive device in Ghazni Province, killing one.

In December in Sangin District in Helmand Province, the Taliban hanged a 12-year-old boy. Press reports indicated the Taliban had accused him of helping the government.

There were other documented incidents during the year of officials targeted unsuccessfully for killings. In March in Faryab Province, unidentified militants attacked a convoy escorting local government officials. One district administrator was killed. Also in March, the governor of the northern province of Sar-i-Pul survived two assassination attempts on the same day when a roadside bomb exploded near his convoy and an unknown assailant hurled a hand grenade at the same convoy. Four locals were injured; the governor was unharmed. In July a district chief in Ghazni escaped gunfire aimed at his car. In October Khost Provincial Governor Arsad Jamal escaped a vehicle-borne suicide bomb attack as he moved in a PRT convoy in Khost city. During the year, Jamal was the target of four suicide bomb attacks.

During the year antigovernment elements continued to attack progovernment religious leaders. The Taliban killed at least 10 clerics and committed a number of acts of violence inside mosques and other religious facilities. In October in Zabul Province, insurgents beheaded a prayer leader who had spoken in favor of the government, according to media reports. The Taliban reportedly claimed responsibility. Investigations continued at the end of the year but authorities had made no arrests. In 2006 the Taliban killed more than 20 clerics, including more than a dozen in Kandahar. Suicide bombings around mosques occurred; in September 2006 a suicide bomber detonated himself outside a mosque in Kandahar.

The Ministry of Education (MOE) reported that terrorist and insurgent attacks killed a total of 140 teachers, students, or other school employees during the year. Investigations occurred in some cases, but the outcomes were unclear at the end of the year.

In 2006 insurgents killed Governor Taniwal of Paktia Province, Safia Ama Jan, Director of Women's Affairs in Kandahar, as well as a district police chief, an intelligence officer, and an administrator in the eastern province of Nangarhar. Coalition and ISAF forces faced frequent attacks on their convoys. The Taliban also beheaded more than a dozen civilians for allegedly acting as coalition spies. In January 2006 antigovernment forces targeted a coalition convoy, killing Canadian diplomat Glynn Berry. In 2006 a suicide bomber killed more than a dozen Hajj pilgrims outside the governor's compound in Helmand Province. In October 2006 Karen Fischer and Christian Struwe, two German journalists, were shot and killed in Baghlan Province in a tent they had pitched near a road in the north. The MOI stated that the motive was not clear and that the two were conducting an investigation. At year's end, there were no further developments in the case.

#### Abductions

Authorities reported approximately 90 abductions during the year, at least 15 of which resulted in the death of the hostage; however, the unreported number was believed to be much higher. The overall number of kidnappings of foreign aid and NGO workers increased to more than 70 from only a few in 2006. The head of UNAMA said publicly in October that insurgents and criminal gangs had abducted 76 aid workers, that 34 aid workers had been killed during the year, and that insurgents had attacked or looted 55 aid convoys. The Taliban, militants, tribal leaders, and insurgents abducted security forces, civilians, and at least one journalist for political and financial gain. Many were killed but some were allowed to live if they vowed to resign and join antigovernment elements. Antigovernment forces abducted a pregnant German woman from a restaurant in Kabul in August and two German contractors in Wardak Province. ANP freed the German woman and arrested four suspects. One of the men was killed; the other was released in early October.

In March insurgents led by Mullah Dadullah in Helmand Province kidnapped Italian journalist Daniele Mastrogiacomo, traveling with local journalist Ajmal Naqshbandi and driver Sayed Agha. The insurgents later released Mastrogiacomo in exchange for five Taliban prisoners; they killed Naqshbandi and Agha by beheading.

On July 17, the Taliban kidnapped mine clearance workers in Ghazni Province. The deminers were released after nine days in captivity. On July 19, the Taliban abducted 23 South Korean relief workers traveling from Kabul to Kandahar Province. The Taliban killed two of the South Korean abductees after government authorities refused to release several Taliban prisoners. The Taliban freed two women before releasing the remaining 19 hostages on August 31.

In September insurgents abducted four ICRC workers who were negotiating the release of a German contractor who was abducted in August. Insurgents released the ICRC staff after two days. Also in September in Farah the Taliban allegedly kidnapped two Italian soldiers. An Italian military operation secured their release after two days in captivity.

Italian journalist Gabriele Torsello was kidnapped in October 2006 and released after less than a month in captivity. It was not known if he was targeted because of his profession. According to the Committee to Protect Journalists (CPJ), Torsello's kidnappers originally demanded the return of Abdul Rahman from Italy in exchange for his release.

According to a 2006 UN High Commissioner for Refugees (UNHCR) report there were also several documented cases of abduction of young boys for sexual exploitation by men. The Institute for War and Peace Reporting (IWPR) reported that this practice continued to increase, especially in the north.

#### Physical Abuse, Punishment, and Torture

Landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. The most heavily mined areas were the provinces bordering Iran and Pakistan.

The UN Mine Action Center for Afghanistan (UNMACA) reported that landmines and unexploded ordnance killed or injured an average of 62 persons each month. Mine explosions over the past two decades affected 4.2 million with an estimated 1.5 million casualties.

The UN, with funding from international donors, organized and trained mine detection and clearance teams, which operated throughout the country. UN agencies and NGOs conducted many educational programs and mine awareness campaigns for women and children in various parts of the country. HALO Trust cleared 5.96 billion square feet of land. There were almost 7.78 billion square feet of uncleared land remaining at year's end, according to UNMACA.

During the year there were reports of the government providing compensation to civilian victims of fighting between the government and the Taliban.

## Child Soldiers

There continued to be reports of the Taliban and insurgents using child soldiers; however, exact numbers were unobtainable. A 2003 presidential decree prohibited the recruitment of children and young persons under the age of 22 into the army; in the middle of 2006 the government changed the legal recruitment age to 18. There were unconfirmed reports of children under 18 falsifying their identification records to join the national security forces, which was a large-scale source of new employment opportunities. The UN Children's Fund (UNICEF) maintained that efforts to assist the government in creating a national birth registry and ID system would greatly mitigate this problem. There were no reports of forced child conscription by the government; however, Integrated Regional Information Networks (IRIN) and the AIHRC reported that children younger than 18 were being recruited and in some cases sexually abused by the ANP and militias. Additionally, there were reports of Taliban forces using children younger than 18, including as suicide bombers.

Warlords and Taliban leaders were reported to be involved in the sexual exploitation of young men. Rule 19 of the Taliban Rule Book, updated in 2006, states, "Mujaheddin are not allowed to take young boys with no facial hair onto the battlefield or into their private quarters," implying that sexual exploitation of young men was a possibility.

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. Since 2004, more than 15,000 children affected by war have been supported through UNICEF's reintegration project in 28 provinces. During the year UNICEF supported educational and skills training for more than 2,691 demobilized child soldiers and other war-affected children (approximately 800 of whom were girls) in six provinces.

## Other Conflict-Related Abuses

During the year suspected Taliban members fired on NGO vehicles and attacked NGO offices. International NGO and UN workers and recipients of NGO assistance were attacked on 70 occasions. In a shift in tactics during the year, insurgents actively attacked and targeted NGO workers with acts of violence. Violence and instability hampered relief and reconstruction efforts in different parts of the country. NGOs reported that insurgents, locally powerful individuals, and militia leaders charged them for the relief supplies they were bringing into the country. Assistance efforts were increasingly limited by the difficulties in moving relief goods overland to remote areas due to insurgent threat. There were reports in Kandahar that antigovernment forces increasingly attacked those accepting foreign assistance, causing villagers to begin refusing aid. Due to the increasing violence, the UN considered more than a third of the country inaccessible.

In October ongoing fighting in Uruzgan Province between the Taliban and Afghan National Security Forces (ANSF) displaced approximately 1,600 families; according to the UN, the protracted conflict and ongoing aerial strikes made it extremely difficult to provide humanitarian aid.

During the year the Taliban increasingly distributed threatening letters at night in villages to intimidate and attempt to curtail development activities. During the year the leader of a women's NGO in Herat reported that the Taliban had sent several "night letters" telling her to cease her activities on fear of death for herself and her children.

Militants used women and children as human shields either by forcing them into the line of fire or by basing operations in civilian settings. In December in Kandahar, suspected Taliban forced a family to drive their vehicle at high speed towards an ANA convoy that also contained coalition vehicles. Suspecting a suicide attack, the convoy fired on the vehicle, killing two persons.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, there were instances of insurgents, government officials, and the Taliban intimidating journalists to influence reporting.

Some media observers stated that individuals could not criticize the government publicly or privately without fear of reprisal. A combination of influential political leaders and a weak judicial system caused individuals to feel vulnerable. On May 21, the parliament voted to suspend MP Malalai Joya for the remainder of her term for comments she made criticizing her fellow MPs during a televised interview the previous day. Previously, Joya repeatedly and publicly criticized the human rights records of several of her fellow MPs.

The media faced increased restrictions during the year, including heightened detention of journalists and government interference in media coverage. The press frequently was critical of the government, but according to independent media and observers, government repression and armed groups prevented the media from operating freely. The Afghan Independent Journalists Association and Center for International Journalism reported 43 registered cases of intimidation and undue influence by tribal leaders, purported warlords, and government officials. The law prohibits information that could insult "the sacred religion of Islam and other religions." The ambiguity over what was considered offensive offered

the potential for abuse of press freedom. Under the media law new newspapers, printers, and electronic media had to be licensed by and registered with the Ministry of Information and Culture. The government strictly regulated and limited foreign investment in the media.

In September parliament passed a media law that is less restrictive, in some regards, than the previous law-by-decree. However, the Ministry of Information and Culture controls media licensing; content of certain types is prohibited, including works that are contrary to Islam, that publicize other religions, and that affect the community's ethical integrity. Radio Television Afghanistan (RTA), while not under direct ministerial control, remains within the structures of the state. There was concern within the media community that the new law would place greater restrictions on media content and create an overall climate of government intimidation and self-censorship. The amended law confirmed that the High Media Council, created in 2006 by presidential decree, is responsible for planning and approving media policy. The Minister of Information and Culture chaired this council, which also included members of the Supreme Court, Ministry of Communications, and parliament. There was also a Private and Personal Media Commission responsible for monitoring the performance of such media and dealing with complaints. On December 26, citing potential constitutional conflicts within the draft, President Karzai sent the law back to parliament for review.

The independent media were active and reflected differing political views, although the extent varied from region to region. There were approximately 400 publications, 50 private radio stations, five news agencies, and eight television networks, although not all were independently owned and operated. The government owned at least 35 publications and most of the electronic news media, although competing independent media existed in virtually all markets. There were numerous other newspapers that published sporadically, and many were affiliated with different provincial authorities. While some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. The foreign media were covered under the freedom of speech law; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president. Approximately a dozen international stations broadcast in Dari or Pashto. More than 30 community-based independent radio stations existed.

During the year various insurgents, government officials, and the Taliban subjected members of the press to harassment, intimidation, and violence. Threatening calls and messages against media organizations also remained common and some resulted in violence. According to media sources, NDS banned all issues of *The Mashal Weekly*, a new publication that is critical of the government.

The Ministry of Information and Culture and some provincial governors exercised control over news content to varying degrees. Many media organizations stated that the current Minister of Information and Culture supported a restrictive media law. Factional authorities tightly controlled media in some parts of the country. Observers noted tighter controls, especially in the larger provinces of Mazar-e-Sharif, Kandahar, Herat, and Nangarhar. Male journalists were not allowed to interview women for their reports.

During the year two officials from RTA resigned due to government interference in RTA content.

On January 27, NDS officials detained Tolo TV News Director Sharif Hassanyar for 29 hours after he conducted telephone interviews with a Taliban spokesperson. In February Minister Khoram dismissed nearly 70 young RTA employees. In late February Ariana TV correspondent Fawad Ahmadi was arrested in Herat; NDS officials allegedly deleted footage of a factory worker demonstration from his camera. In February police beat two journalists in Herat while they were covering sectarian violence. On April 8, Attorney General Sabit's office reportedly instructed local media outlet Lemar TV to cease transmissions of its Al Jazeera English programming.

On April 17, 50 police officers raided Tolo TV's main headquarters in Kabul, abducted three staff members, and brought them to the Attorney General's office. There were reports that police physically abused Tolo TV employees who barred police from entering the studio without a warrant. There were also reports that authorities abused the three while they were in detention. In August authorities arrested two Tolo TV staff members on the grounds that the TV station had misrepresented the Attorney General's remarks to the parliament as critical of the central government. Human rights observers stated that this was an abuse of the Attorney General's authority and an example of government officials' misuse of power to manipulate the media.

In May a member of parliament from Ghazni beat reporter Noorullah Rahmani and cameraman Omed Yakmanish as they tried to cover a debate on atrocities allegedly committed by parliamentarians. In July armed men, allegedly working for an MP, beat three members of a television crew for covering a land grab story outside Kabul. Authorities did not investigate or bring charges against individuals in connection with these incidents.

In July security forces arrested Mohammed Asif Nang, editor of a government-produced magazine called Peace Jirga and the parliamentary affairs spokesperson, and held him for 17 days due to an article he authored that was critical of President Karzai. Authorities did not file formal charges, and there were no further developments in the case.

On July 4, according to CPJ, secret police detained Mir Hazar, a journalist for *Salam Watandar* and chief editor for the

KabulPress Web site, and warned him not to continue writing articles criticizing government officials. He was released on July 9 and placed under surveillance. Police detained him again on August 9 and released him the same day. Independent media groups reported that Hazar feared reimprisonment and remained under surveillance.

In August authorities released **Tawab Niazi, a journalist** who had been arrested in 2006 and sentenced to one year in jail for allegedly being in contact with the Taliban. Afghanistan's Independent Journalists Association reported that during Niazi's detention all of his possessions were seized, and he was threatened with rearrest if he reported on his jail experience. Independent media groups reported that Niazi feared re-imprisonment and remained under surveillance.

In August conservative MPs, angry that a Tolo TV crew broadcast footage of them sleeping during a parliamentary session, physically attacked the crew and had them expelled from the parliament.

In October police arrested Sayed Perwiz Kambakhsh, a student at Balkh University and a journalist for *Jahan-e Naw* (New World) daily, after he downloaded information from the Internet regarding the role of women in Islamic societies. He remained in jail at year's end. According to IWPR, Kambakhsh's brother Sayed Yaqub Ibrahim's office was raided the day after Kambakhsh was arrested. Ibrahim, an IWPR journalist, had written investigative reports exposing local powerful leaders' human rights abuses. Ibrahim reported that he faced continued harassment and surveillance from the NDS.

In January 2006 Afghan TV was fined \$1,000 (49,000 AFD) by the media monitoring commission for broadcasting un-Islamic material. According to IWPR the government cracked down on a private television station in Kabul for violating traditional values. The fine was levied by a special media commission, composed of six members from various government organs, and headed by the Minister of Information and Culture. In February 2006 two local television stations were warned against programming that ran counter to local culture and did not conform to conservative views held by many in their respective localities. In February 2006 authorities arrested and detained radio journalist Abdul Qudus for 10 months on false allegations that he had attacked MP Sharmia Sardad. He was released in January.

In June 2006 the NDS summoned several journalists and presented them with a list of directives for press conduct, including restrictions on reporting the country's deteriorating security situation; negative propaganda, interviews, or reports against the international coalition forces and ISAF; materials that harmed the morale of the public, caused security problems, or were against the national interest. The NDS later distributed a copy to journalists accompanied by a demand that it not be copied or further distributed. Later that month, President Karzai's office issued a statement denying the government had issued restrictions, instead characterizing the directive as a request reflecting the need to help the nascent media sector develop.

In October 2005 police arrested and convicted journalist Ali Mohaqiq Nasab of blasphemy for publishing un-Islamic materials, specifically for publishing a different interpretation of Shari'a law and listing the harsh punishments imposed on individuals accused of adultery and theft, as well as the right of Muslims to convert to other religions. In December 2005 authorities released Nasab with a suspended six-month sentence under the condition that he repent. Nasab moved to Iran, and there were no further developments in the case.

Members of the media reported that they did not interview Taliban commanders or leaders due to government pressure. During the year the security forces briefly detained one Tolo TV staffer for talking to a Taliban spokesman; the staffer was released without prosecution. Observers also reported media self-censorship by obscuring parts of female images when broadcasting certain pieces, such as music videos.

Cumbersome licensing procedures restricted operations of publishing houses.

Nongovernmental actors also interfered in the operations of journalists. In February a key leader of the Taliban warned media outlets of reprisals unless they covered Taliban activities in a positive light, and warned the media not to report positively on government and ISAF programs. In August unnamed militants set a radio station afire in Wardak Province. There were also allegations that Iran bribed and threatened reporters in the western provinces to increase the number of antigovernment reports and decrease the number of anti-Iranian articles.

At least 10 journalists were killed during the year. In April the Taliban beheaded journalist Ajmal Naqshbandi in Helmand Province. He had been abducted on March 4, with Italian journalist Daniele Mastrogiacomo and their driver, Sayed Agha. After a personal appeal by the Italian Prime Minister to President Karzai, Mastrogiacomo was released on March 19 in exchange for Taliban prisoners. In June Shakiba Sanga Amaj, a female reporter for Shamshad Television, was killed. Authorities arrested two men, and an investigation into the case is ongoing. Also in June Zakia Zaki, head of the local Radio Peace station, was killed in Parwan Province. Zaki had been critical of local warlords and had received threats. Authorities arrested three men and charged them with the crime. Court proceedings continued at the end of the year.

On August 20, 12 Taliban fighters attacked Yawali Ghag community radio station in Wardak Province. They assaulted, bound, and held the station guard captive. They also set the station afire, destroying the equipment.

On September 24, unknown gunmen attacked two radio stations in Logar Province that were affiliates of Internews, Milli Paygham and Radio Istiqal with rocket propelled grenades. The Milli Paygham station sustained damage to its transmission cable and a guard was severely injured. On August 28, Taliban fighters kidnapped Mohammad Bahand, a reporter for *Salam Watandar*. They took him to a Taliban command center where Zabiullah Mujahid, a Taliban spokesman, interrogated and threatened him.

In July 2006 the Taliban contacted a radio station in Paktika wanting direct airtime. The Taliban had previously requested that the station broadcast traditional Muslim religious programs and prayers. The station complied by broadcasting readings from the Koran for one hour in the morning and evening.

In October 2006 unknown attackers killed two German journalists in the north. The BBC reported that they were believed to be the first foreign reporters to be killed in the country since 2001.

Members of the media noted their concern that current media law did not include clear definitions of libel and defamation, additions that would make journalists less vulnerable to prosecution for criticism of influential political or other leaders.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, in October police arrested student journalist Sayed Perwiz Kambaksh for distributing information he downloaded from the Internet regarding the role of women in Islamic societies. Internet access was unavailable to most citizens, and computer literacy and ownership rates were miniscule, although Internet cafes were increasingly popular.

#### Academic Freedom and Cultural Events

Through its appointment of university officials and censoring and restriction on course content it deemed un-Islamic, the government restricted academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association; however, security conditions and, in some cases, local officials restricted this right in practice. Increased Taliban, al-Qa'ida, and other antigovernment activity, particularly in the south and east, forced UN agencies and NGOs to cancel or curtail public activities at times during the year.

#### Freedom of Assembly

A lack of physical security and interference from local authorities and security forces inhibited freedom of assembly in areas outside Kabul.

For example, in June in Jowzjan Province, police fired on protesters demanding the removal of the province's governor, killing at least 10 persons and injuring at least 40. At year's end an investigation into the incident continued.

In February and March 2006 protests took place around the country in response to Danish cartoons depicting the Prophet Mohammad. Police killed four protesters while attempting to protect foreigners from violent protesters.

In July 2006 several hundred Korean Christians arrived in Kabul with plans to hold a nationwide "Peace Festival" with rallies in Kabul, Mazar-e-Sharif, and Herat in early August. After talks with the government and foreign embassy representatives, the group decided against holding the rallies due to security concerns.

#### Freedom of Association

The law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. At year's end there were 91 registered political parties. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where antigovernment violence affected overall security. However, the International Crisis Group reported some instances of registration obstruction.

During the year the Supreme Court considered banning a proposed association of female judges, citing fears that such associations would detract from the independent nature of the judiciary. Women's rights and civil society groups challenged this as discrimination against women, and the Supreme Court took no further action in the matter by the end of the year.

In August 2006 Interior Minister Zarar called for two parties run by rival warlords, National Islamic Movement of Afghanistan, known locally as "Junbish" and headed by General Abdul Rashid Dostum and the Freedom Party of Afghanistan, run by General Abdul Malik, to be disbanded after allegations surfaced connecting them to violence in the Northern provinces. Members of both parties protested and the parties were not dissolved.

### c. Freedom of Religion

The law proclaims that Islam is the "religion of the state" but allows non-Muslim citizens the freedom to perform their rituals within the limits determined by laws for public decency and peace. This right was not respected in practice. The law also declares that no law can be contrary to the beliefs and provisions of Islam. For issues on which the constitution and penal code are silent--such as conversion and blasphemy--the courts defer to Shari'a. Family courts are governed by a Sunni Hanafi school-based civil code, regardless of whether the parties involved are Shi'a or Sunni. This civil code also applies to non-Muslims.

Licensing and registration of religious groups is not required, but the government began a new initiative to register mullahs. The government assumes all native-born citizens to be Muslim. The government also does not designate religion on national identity cards. In practice non-Muslims faced harassment and social persecution and opted to practice their faith discreetly.

According to Islamic law, conversion from Islam is punishable by death. In recent years this sentence was not carried out in practice. On April 9, police arrested a citizen, born a member of the Baha'i faith, after his wife exposed his religious beliefs to authorities. Officials detained him for 31 days in jail without charges, in contravention of the penal code. Authorities released him on May 11 after the international community expressed its concern. Upon his release, he fled to another country. On May 20, the General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha'i faith, declaring it a form of blasphemy. The ruling also declared all Muslims who convert to Baha'i to be apostates and all followers of the Baha'i faith to be infidels.

On November 15, the National Council of Religious Scholars issued a declaration calling for moderation in freedom of expression and press freedom by urging individuals to avoid conduct that may be perceived as insulting to local traditions and religious values. The statement declared that "Safeguarding our national honors and Islamic values is the obligation of every citizen."

In early November authorities arrested and detained Ghaus Zalmai for publishing an unofficial translation of the Koran in Dari. Religious scholars alleged the translation was un-Islamic for misinterpreting verses about alcohol, begging, homosexuality, and adultery, as well as for not providing a parallel text in Arabic for comparison. Protests calling for Zalmai's punishment were held in various towns. The parliament prohibited Zalmai from leaving the country, and a commission of clerics and prosecutors was established to examine the text. At the end of the year, Zalmai remained in jail, and no charges have been filed. The editor is in hiding.

Due to societal pressure, Christians were forced to remain underground, not openly practicing their religion or revealing their identity. During the year there were sporadic reports of harassment and threats against Christians. There was only one known Christian church in the country, located inside the diplomatic quarter. Local nationals wishing to practice Christianity did so in private locations, as the church was not open to them.

Members of the government called for the execution of Christian converts. An NGO alleged that in late 2006 a Muslim convert to Christianity was murdered by his wife's father, who was a Muslim. Local authorities investigated the crime but made no arrests; later, they closed their investigation.

In February 2006 authorities arrested Abdul Rahman for converting to Christianity and sentenced him to death. The court determined that Rahman was unfit to stand trial, and he was given asylum in Italy. Rahman accused authorities of beating him with hoses and bare hands during his detention. Hundreds in Mazar-e-Sharif protested the government's failure to pursue Rahman's case.

There are no laws forbidding proselytizing, although authorities viewed proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death under the Shari'a. Foreigners caught proselytizing were deported. There were no overt foreign missionaries or other non-Islamic religiously oriented organizations in the country.

The government did not require women to wear burqas. Although some women continued to wear the burqa out of personal choice, many other women felt compelled to wear one due to societal or familial pressure. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam and local custom continued to diminish.

Public school curricula continued to include Islamic content but no content from other religious groups. Non-Muslims were not required to study Islam, and there were no restrictions on parental religious teaching. Members of some indigenous

minority groups, such as the Sikhs, operated private schools to avoid harassment and to provide religious and cultural education to their community. In July the MOE opened a school for local Sikh and Hindu children in Ghazni Province.

There were 1,134 schools and madrassas under construction or renovation. The government announced in April that it would begin setting up its own madrassas to counter the influence of extremist elements. The first schools were scheduled to be established in the spring and summer, with a new madrassa to eventually open in each of the 34 provinces.

During the year antigovernment elements continued to attack progovernment religious leaders for supporting the government or for stating that activities conducted by terrorist organizations were against the tenets of Islam. Antigovernment elements killed 11 clerics, compared with 12 clerics killed in 2006. These attacks also injured more than 30 other religious officials, compared with more than 40 in 2006.

#### Societal Abuses and Discrimination

Historically the majority Sunni population discriminated against the minority Shi'a community. However, since Shi'a representation has increased in government, there has been a decrease in hostility from Sunnis. The Shi'a religious affiliation of the ethnic Hazaras historically was a significant factor contributing to their repression, and there was continued social discrimination against Hazaras.

There were approximately 500 Sikhs and Hindus in the country. Those communities, although allowed to practice their faith publicly, reportedly continued to face discrimination, including intimidation; discrimination when seeking government jobs; and verbal and physical abuse in public places, including during major celebrations. Unlike in previous years, when Hindus complained of not being able to cremate the remains of their dead in accordance with their customs, the government stepped in to protect their right to carry out cremations. Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful, local leaders occupied their property.

Non-Muslims faced discrimination in schools. The AIHRC continued to receive reports that students belonging to the Sikh and Hindu faiths were prevented from enrolling in some schools and others stopped attending due to harassment from both teachers and students. The government did not implement measures to protect these children but did open the first government-sponsored school for Sikh and Hindu children in Ghazni Province. In both Jalalabad and Kabul, the community representatives expressed concerns that they would not be able to accommodate returning families. While Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the community felt unprotected. Although Hindus reported being harassed by neighbors in their communities, there were no known reports of discrimination against Hindus by the government.

In July 2006 several hundred South Korean Christians arrived in Kabul with plans to hold a nationwide "Peace Festival" with rallies in Kabul, Mazar-e-Sharif, and Herat in early August. In response to concerns about societal violence against them, government agencies worked with the international community to develop a comprehensive security plan to prevent violent clashes between the demonstrators and the country's Muslim communities. The MOI deployed additional police officers in the three cities where the Koreans had assembled to maintain peace and housed the Christians in clusters around each city but took measures to prevent the Christians from assembling in large groups. After talks with several foreign embassies, the Christian group decided against holding the rally due to security concerns.

There were no reports of anti-Semitic acts. There was only one known Jewish resident, where he was caretaker of a local synagogue in Kabul.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, certain laws limited citizens' movement, and the government limited citizens' movement due to security interests. The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, and landmines made travel extremely dangerous, especially at night. The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year the parliament amended the passport law to give women the right to apply for a passport without permission from a male relative. In some areas of the country, however, local custom or tradition forbids women from leaving the home except in the company of a male relative.

Taxi, truck, and bus drivers reported that both security forces and armed militants operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. In

Kunduz the customs department had no effective control of the many illegal crossings and claimed the corruption of border police permitted smuggling of drugs, weapons, and other commodities. Residents reported having to pay bribes to ANP and border police officials at checkpoints and border crossings between Jalalabad and Pakistan. The Taliban imposed nightly curfews on the local populace in regions it controlled.

Ethnic Hazaras reported being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely.

In July the MOI issued an order requesting it be informed of foreign aid and assistance workers' movements outside Kabul. The MOI maintained that this policy helped the government protect and locate foreigners in cases of emergency.

The law prohibits forced exile, and the government generally did not use it in practice.

According to the AIHRC, female residents deported from Iran remain in government custody until their citizenship can be verified or guaranteed by family.

#### Internally Displaced Persons (IDPs)

Authorities estimated there were 129,310 IDPs in the country at the beginning of the year. Many of these were members of the residual caseload of more than one million IDPs who left their places of origin because of drought in 1995, insecurity and drought in 2002, and human rights violations and ethnic-based conflict linked to land and property issues between 2003 and 2004. These individuals resided in a camp-like situation, mainly in the south.

Authorities estimated that approximately 29,000 individuals were newly displaced within the country during the year, mainly due to insecurity and violence linked to armed conflict in their areas of origin. Most of these individuals originated from provinces in the south (Kandahar, Helmand, Uruzgan, and Zabul) and west (Herat and Badghis). Local government provided housing assistance and, in some cases, food aid to conflict-affected IDPs through provincial emergency commissions, consisting of the Ministry of Rural Rehabilitation and Development, Afghan Red Crescent Society, UNHCR, International Organization for Migration, UNAMA, and UNICEF.

There were no reported cases of IDPs being denied access to domestic or international humanitarian organizations; however, there were scattered instances of corruption in rural areas interfering with the local distribution of assistance to IDPs. Moreover, many humanitarian organizations widely acknowledged that a lack of access to many areas of the country has prevented both an accurate assessment of the scope of the IDP situation and the effective provision of assistance. In one instance, emergency assistance delivered by a PRT to a group of IDPs in Kandahar Province to which aid agencies had little or no access was seized by antigovernment elements immediately after the PRT left the area.

The Provincial Departments of Refugees and Repatriation and UNHCR assisted approximately 2,000 individuals to return to their places of origin, mostly in the north, during the year. Approximately 2,400 IDPs returned spontaneously.

In February more than 8,000 persons fled their homes in the Musa Qala District in Helmand Province in fear of an impending attack on suspected Taliban insurgents. The exact number of individuals could not be verified due to lack of access to the area, nor was it known how many returned spontaneously. In December approximately 400 families fled Musa Qala in fear of renewed fighting in the area, and all reportedly returned when the fighting ceased.

In March according to IRIN, medical services were disrupted for almost a month to as many as 50,000 IDPs in Kandahar after the abduction of five health workers by Taliban forces.

A small number of families were displaced by foreign and ANSF military operations in Nangarhar Province. The displaced civilians reported that they were not informed in advance of the military operation and were unable to take their possessions with them. They returned after the operations ceased.

IRIN reported that between July and October approximately 13,000 persons fled their homes in Helmand, Uruzgan, and Kandahar due to fighting.

In November approximately 160 families were displaced due to fighting in Farah Province. The Afghan Red Crescent society was unable to provide aid due to inadequate resources. Due to increasing insurgency, Farah is inaccessible to the UN.

#### Protection of Refugees

Although the constitution states that all matters related to asylum will be regulated by law, and the government ratified the 1951 Convention on the Status of Refugees and its 1967 protocol, the laws do not provide for the granting of asylum or

refugee status in accordance with the Convention and its 1967 protocol, and the government has not established a system for providing protection to refugees.

While the government did not officially grant refugee status or asylum, it did accept the UNHCR's presence in the country and recognize the UNHCR's mandate to deal with both refugees and asylum. The UNHCR issued letters to individuals confirming their refugee or asylum status and the Supreme Court similarly recognized refugees under the Shari'a, such as conversion to Islam. Through these means, the UNHCR and the government provided legal and material assistance to asylum seekers and refugees from Iran, Iraq, and other countries. In practice, the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

In December an estimated 350 to 500 Pakistani families fled sectarian violence in Pakistan's Kurram Agency and crossed the border into Khost and Paktia provinces. The government, the Afghan Red Crescent Society, and the international community provided food aid and nonfood items to the families.

The country continued to focus on providing services for its own returning refugees. Since March 2002, more than five million refugees have returned to the country, more than four million with UNHCR assistance.

During the year the UNHCR assisted more than 365,000 returning refugees. The return numbers significantly increased from the previous year's 138,000, largely due to the UNHCR's decision to offer unregistered Afghans living in Pakistan a one-time opportunity to repatriate with UNHCR assistance. Approximately 206,000 unregistered individuals took advantage of this opportunity. Spontaneous returns otherwise decreased during the year.

The continuing insurgency and related security concerns, as well as economic difficulties, discouraged some refugees from returning to the country. In Pakistan, three of the four Afghan refugee camps scheduled for closure during the year remained open.

The UNHCR estimated that approximately 2.9 million refugees were still living in Iran and Pakistan. In April Iran began deporting large numbers of illegal Afghan migrants; by year's end, Iran had deported 363,000. Most deportees were single men who had traveled to Iran seeking work; however, some families and vulnerable individuals, including children, single women, elderly, and infirm, were deported who had lived in Iran for decades and who needed humanitarian assistance upon arrival in Afghanistan. Furthermore, a small number of registered refugees were swept up in the deportations and have had difficulty returning to Iran. The Afghan government and the UNHCR protested these expulsions.

Governor Sherzai of Nangarhar gave returning refugees from Pakistan who had settled in Tangi, Nangarhar, title to the land. The governor had made a verbal commitment in 2006 to give land to the returned refugees, but ethnic Kuchis protested, claiming that the land was theirs. The Tangi settlement has a strong community structure and now receives government and international community assistance for health, education, water, and shelter.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the 2004 presidential and 2005 parliamentary elections.

#### Elections and Political Parties

In 2004 citizens chose Hamid Karzai to be the first democratically elected president in an election that was perceived as acceptable to the majority of the country's citizens. Observers stated that it did not meet international standards and noted irregularities, including pervasive intimidation of voters and candidates, especially women.

In 2005 citizens elected 249 members of the Wolesi Jirga, the lower house of the National Assembly, in an election viewed as credible by the majority of citizens. The AIHRC and UNAMA reported that local officials tried to influence the outcome of the 2004 and 2005 elections. The Electoral Complaints Commission received 5,397 complaints during the parliamentary election season and disqualified 37 candidates, of more than 6,000, from the campaign, including three for committing election offenses. In 2005 antigovernment forces killed seven parliamentary candidates, two parliamentarians-elect, and at least four election workers. Militants targeted civilians and election officials in a campaign to derail national elections, and according to Human Rights Watch (HRW), in the south and southwest antigovernment forces drove down participation to nearly a third of registered voters.

Presidential and provincial council nomination selected members of the Meshrano Jirga, the upper house.

There was no established tradition of political parties; however, they grew slowly in importance in the National Assembly. The MOJ recognized more than 90 accredited political parties. Political parties generally were able to conduct activities throughout the country, except in regions where antigovernment violence affected overall security. Many tribal leaders, former mujaheddin leaders, and insurgents were active MPs. There were reports that some used fear and intimidation to

influence the votes of other members. AIHRC and UNAMA reported that officials sometimes interfered with political parties. The parties also exercised significant self-censorship. Political parties were visibly discouraged or curtailed in some parts of the country.

While women's political participation gained a degree of acceptance, there were elements that continued to resist this trend. Women active in public life faced disproportionate levels of threats and violence. As required by law, there were 68 women in the 249 seat Wolesi Jirga at the beginning of the year, but MP Malalai Joya was removed by parliamentary action in May. President Karzai appointed 17 women to serve in the 34-seat Meshrano Jirga, and an additional six female MPs were elected to that house, bringing the total to 23 women in the Meshrano Jirga. There was one woman in the cabinet. There were no women on the Supreme Court.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained of not having equal access to jobs in local government in provinces where they were in the minority. The law requires that 10 seats of the 249 seat Wolesi Jirga be allocated to Kuchis.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There was widespread public perception of government corruption, including involvement by some officials in the illegal narcotics trade, but the government took some steps to address the problem. The president replaced several governors, police chiefs and other officials, in some cases because of their corrupt practices. For example, the MOI removed the police chief in Wardak in July due to allegations of corruption. Authorities asked Border Police Commander Haji Zahir to leave his post in June 2006 due to allegations of corruption, but he refused to do so. The MOI stopped salary payment to the officers operating under Zahir; however, Zahir continued to operate, reportedly using his own funds to pay officers' salaries and funded more than 1,000 additional officers, essentially forming a private militia.

According to the World Bank's Worldwide Governance Indicators, the country had a severe problem with corruption. A lack of political accountability and technical capacity to monitor government spending exacerbated government corruption, as did low salaries. Observers alleged that governors with reported involvement in the drug trade or past records of human rights violations nevertheless received executive appointments and served with relative impunity. The MOI reportedly reviewed the dismissal of several provincial police chiefs on charges of corruption and human rights abuses.

The constitution provides citizens the right to access government information, except in cases where this right might violate the rights of others. The government generally provided access in practice, but officials at the local level were less cooperative to requests for information. Lack of government capacity also severely restricted access to information.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Some of these human rights groups were based in Pakistan with branches inside the country. The lack of security and instability in parts of the country severely reduced NGO activities in these areas. The ICRC regularly visited more than 80 detention places, including NDS detention centers. Security constraints sometimes prevented ICRC delegates from visiting some places of detention, and the ICRC was not notified of all places of detention and detainees.

In a shift in tactics, militant groups and suspected Taliban directly targeted NGO groups for violence during the year. The overall number of kidnappings of foreign aid and NGO workers increased to more than 70 from a few in 2006. More than 40 humanitarian workers were killed during the year, with 31 humanitarian facilities attacked or looted and 55 convoys attacked, according to year-end UN figures.

Local employees ran several international NGOs, including the HRW. In 2005 the government passed a law to reduce the number of for-profit companies operating as NGOs. Many NGOs supported this action as a way to differentiate themselves from those organizations. In February 2006 the government stripped the licenses of more than 1,600 NGOs accused of economic fraud and corruption. The government cooperated with international governmental organizations and permitted them to visit the country.

UN High Commissioner for Human Rights Louise Arbour told the government and the international community that it must revitalize the Action Plan for Peace, Reconciliation, and Justice (APPRJ), commonly known as transitional justice. Arbour specifically focused on the lack of prosecution of past human rights abusers, "some of whom continue to hold high positions."

The constitutionally mandated AIHRC continued its role in addressing human rights problems. The president appointed the nine-member commission, which generally acted independently of the government, often voicing strong criticism of government institutions and actions, and accepting and investigating general complaints of human rights abuses. The AIHRC operated ten offices outside Kabul. The AIHRC was reasonably influential in its ability to raise public awareness and shape national policy on human rights. The AIHRC did not have adequate resources to focus on advocacy of human rights or to intervene in individual cases. During the year some MPs called for a vote of confidence on AIHRC chairman Sima Samar and the other AIHRC commissioners, but by year's end the vote had not taken place. Samar remained the head of the AIHRC. Some MPs also sought to review the law that defines the mandate of the AIHRC and proposed that the AIHRC include religious scholars educated in the Shari'a.

In 2005 the government developed the APPRJ, in coordination with the AIHRC and UNAMA. The government reaffirmed its commitment to this transitional justice plan in the January 2006 Afghanistan Compact. The plan included symbolic measures, such as the creation of national memorial sites and a national museum; institutional reform by vetting civil service employees for involvement in past atrocities, and reform of the judiciary; truth-seeking documentation of past atrocities; promotion of national reconciliation and unity through public debate and awareness; and the establishment of accountability mechanisms to bring to justice those responsible for grave human rights abuses. In December 2006 President Karzai declared December 10 a national day of remembrance for the victims of past human rights atrocities and worked with the AIHRC to reenergize efforts to implement the plan. During the year the AIHRC noted that implementation of the transitional justice had been a "complete failure," mainly due to lack of political commitment.

During the year the implementation of transitional justice became the object of controversy. In response to a December 2006 HRW report naming several prominent government officials as gross human rights violators during the mujaheddin period and calling for a special court to try them as well as the implementation of transitional justice, parliament, which included many human rights abusers, passed an amnesty law granting immunity to any citizens involved in the country's two-and-a-half decades of conflict, provided those persons recognized the central government and the constitution. At year's end, President Karzai had not signed the law. Local and international human rights organizations decried this law as unconstitutional and in compliance with international human rights standards.

There are three parliamentary committees that deal with human rights in the Wolesi Jirga: the Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights issues. During the year these committees vetted several draft laws that went before parliament and conducted confirmation hearings on several presidential appointees.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution states discrimination between citizens is prohibited and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. Equal rights based on race, disability, language, or social status is not explicitly mentioned in the law. There were reports of discrimination based on race, ethnicity, religion, and gender. Shi'a minorities faced discrimination from the majority Sunni population. Ethnic Hazaras reported discrimination at border checkpoints and in obtaining civil service jobs. Although the severity varied by region, women faced the harshest forms of discrimination in both public and private life.

#### Women

Women continued to face pervasive human rights violations and remained largely uninformed of their rights under the law. Discrimination was more acute in rural areas and small villages. Women in urban areas continued to make strides towards greater access to public life, education, health care, and employment; however, the denial of educational opportunities during the continuing insurgency, as well as limited employment possibilities, and the threat of violence continued to impede the ability of many women to improve their situation.

The law criminalizes rape, which is punishable by death, but under the Shari'a, which the country's laws draw from greatly, the criminalization did not extend to spousal rape. Under the Shari'a, rape cases require that a woman produce multiple witnesses to the incident while the man need simply claim that it was consensual sex, often leading to an adultery conviction of the victim. Adultery is defined in the Penal Code and was designated a crime; premarital sex is not designated a crime, but local officials often considered it a "moral" offense. According to the MOI, 260 cases of rape were reported during the year; however, the actual number of cases generally was believed to be much higher. Of the reported cases, 146 were of rape against females and 114 were of rape against males. The MOI reported 409 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document in view of the associated social stigma against victims. Female victims faced stringent societal reprisal, including being deemed unfit for marriage or being imprisoned. In 2006 the AIHRC reported a case in which a girl was raped by her brother. A resulting pregnancy forced the girl to reveal the incident to her parents. In order to save the family's reputation, the parents killed the girl by setting her afire. At year's end authorities had not investigated this case.

According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers, armed individuals, parallel legal systems, and institutions of state such as the police and justice system.

The community tolerated and practiced violence against women. For example, in December 16-year-old Nazia's 40-year-old husband cut off her ears and nose, after months of torture, including breaking her teeth with stones. At year's end there was no investigation.

Authorities rarely prosecuted abusers and seldom investigated complaints of violent attacks, rape, murders, or suicides of women. If cases came to court, the accused were often exonerated or punished lightly. There were no regulations explicitly outlawing domestic violence and no accurate statistics for the number of women affected by domestic violence. The director of the Women's Skills Development Center, which ran a shelter for victims of domestic violence, noted that it occurred in most homes but went largely unreported due to societal acceptance of the practice. Domestic violence usually consisted of the beating of women and children and, less often, the burning of women by other family members. During the year the AIHRC initiated additional efforts to collect statistics on violence against women. In a one-month pilot project 96 cases were reported in the cities of Kabul and Kandahar, compared to only 362 cases reported through existing channels nationwide.

According to IRIN, four shelters in Kabul were home to more than 100 women and girls. The Ministry of Women's Affairs (MOWA) and other agencies supported the centers, which were designed to give protection, accommodation, food, training, and healthcare to women who were escaping violence in the home or were seeking legal support due to family feuds. According to the MOWA, up to 20 women and girls were referred to the MOWA's legal department every day; however, space at the specialized shelters was limited. Many of the women who could not find a place in the four secure hostels in Kabul ended up in prison. One shelter in Kabul reported that while it only had capacity for 20 women, it held 26 women and eight children during the year. Approximately 120 women and girls passed through the shelter seeking refuge since its opening in 2003.

The concept of women's shelters was still not widely accepted in society, as many persons treated them with distrust and did not understand their utility. As a result, many of the shelters were not in publicly disclosed locations. Policewomen trained to help victims of domestic violence complained that they were instructed not to do outreach to victims but simply to wait for victims to show up at police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted. On January 24, the UN Development Fund for Women (UNIFEM) reported that a new Family Response Unit dealing with family violence, children in trouble, and female victims of crime started operating in Kabul. It allowed policewomen to address violence and crimes towards women and children; interrogate, detain, and investigate female suspects; and provide support to female victims of crime and ensure the security of women.

Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, exchange of girls to settle disputes, kidnappings, and honor killings. In some rural areas, particularly in the south, women were forbidden to leave the home except in the company of a male relative.

Violence against women was widely tolerated by the community and generally went unreported; thus most known information is anecdotal. Authorities rarely prosecuted or investigated cases of abuse, and if a case made it to court, perpetrators were often exonerated or punished lightly. The AIHRC estimated that approximately 40 percent of marriages were forced, and distinguished this category from another 20 percent of marriages that were "arranged," the latter allowing the woman the choice to decline marriage but not to choose her spouse. For example, according to UNIFEM, Rosina, 18, was sold into marriage by her father to a man in his fifties. When she refused she was beaten.

During the year the AIHRC recorded 30 cases of women being given to another family to settle disputes, although the practice is outlawed by presidential decree. The unreported number was believed to be much higher.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then remarried after the woman remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. According to MOI statistics, at year's end there were 234 women detained in the country, of which 172 had been convicted and sentenced to prison. The remainder was held in pretrial detention. Some women resided in detention facilities because they had run away from home due to domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 years of age remained detained in Pol-e-Charkhi prison because they were captured after fleeing abusive forced marriages.

The AIHRC documented a total of 45 honor killings throughout the year; however, the unreported number was believed to be much higher. In February in Herat Province, a man beheaded his 15-year-old daughter after she was accused by locals of adultery. Although police detained the man following the crime, there was no evidence at year's end that he had been prosecuted. In December 2006 media outlets reported that villagers in Kunar Province killed a boy and girl for having illicit sexual relations.

Women occasionally resorted to self-immolation when they felt there was no escape from these situations. During the year the AIHRC documented 110 cases of self-immolation, in contrast to 106 cases nationwide in 2006. Other organizations reported an overall increase over the past two years. In Herat Province, a new burn unit reported at least 70 cases of women setting themselves on fire and eight cases of men self-immolating.

Women active in public life faced disproportionate levels of threats and violence. Supported by official government policy, women's political participation gained some acceptance, even as conservative elements and insurgents resisted the trend.

Several female MPs reported death threats. MP Samia Sadat survived assassination attempts against her in May and in February 2006. Women were also the targets of Taliban and insurgent attacks. In September 2006 unknown assailants assassinated Safia Ama Jan, the director of the Kandahar Department for Women's Affairs. In October 2006 gunmen killed the daughter of MP Shakila Hashemi at her home in an attack believed to have been intended for the MP herself. Several provincial employees of MOWA continued to report threats. In November 2006 gunmen ambushed the vehicle of Kandahar provincial councilwoman Zargohna Kakar, killing her husband. Investigations into these cases continued at year's end.

Insurgents issued night letters threatening women working for the government, local NGOs, and foreign organizations. Women who received threats were often forced to move constantly to evade those harassing them. Threats against women also affected the 2005 parliamentary elections. Of the 633 female candidates, 51 withdrew their candidacies due to harassment and threats.

Prostitution was illegal but existed. Many observers, journalists, and international organizations also believed that "temporary marriages" were a form of prostitution. Temporary marriages allowed for short-term marriages, lasting from one day to a few months, in exchange for a dowry. Several Chinese restaurants were believed to serve as fronts for brothels where prostitutes were solicited.

There was no law specifically prohibiting sexual harassment. The public generally viewed sexual harassment of Muslim women as socially unacceptable. There were reports of harassment of foreign women.

Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local family and property law were not explicitly discriminatory toward women, but in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on Shari'a and tribal custom, which generally was discriminatory toward women. Most women reported having limited access to justice in tribal shuras, where all presiding elders were men; women in some villages were not allowed any access for dispute resolution. Women's advocacy groups reported informal intervention from the government through letters to local courts encouraging interpretations of the law more favorable to women.

The government and NGOs continued to promote women's rights and freedoms, but according to MOWA, women made up less than 25 percent of government employees. There were efforts to integrate gender units into several ministries.

The MOWA, the primary government agency responsible for addressing the needs of women, had provincial offices, but the organization suffered from a lack of capacity. During the year parliament considered eliminating the MOWA as part of an effort to streamline the government but decided to preserve it.

The government did not require women to wear burqas, and cases of local authorities policing aspects of women's appearance continued to diminish. However, informal social and familial pressure led the majority of women in rural areas to wear burqas, and most women, even in Kabul, wore head covering.

Women, particularly in villages and rural areas, faced pervasive human rights violations and remained uninformed of their rights under the law and constitution. The government established special police units to address the needs of women and children. Policewomen staffed the unit and kept complaints confidential. The government, along with local and international NGOs, ran shelters for abused women in Kabul, Herat, and Mazar-e-Sharif. Some MPs opposed these shelters as against family values, arguing that these facilities encouraged women to separate from their families.

Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture.

#### Children

The government demonstrated an increasing commitment to address the concerns of vulnerable children and their families; however, a 2006 report by the AIHRC stated that the country's civil code did not adequately address the rights of the child. In May 2006 the government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Work, Social Affairs, Martyred, and Disabled (MOWSAMD) to improve care for vulnerable children and families. The Ministry of Public Health trained more than 1,600 health workers on prevention of child abuse and violence against children.

The law makes education mandatory up to the secondary level and provides for free education up to the college level. According to the MOE there were 9,033 basic and secondary schools. Local authorities made some progress in school attendance. A back-to-school campaign launched by the MOE increased school enrollment from 4.2 million children in 2003 to more than 5.4 million, according to UNICEF. During the year UNICEF estimated that more than two million

children (approximately 54 percent) were out of school, including 1.3 million girls. According to figures from the MOE, approximately 40 percent of teachers were professionally accredited.

During the year the MOE estimated that 40 percent of girls attend primary school but only five percent go on to secondary school. The World Bank and NGOs estimated female attendance at 32 to 35 percent. Estimates of female literacy varied from five to 13 percent.

In most of the country the enrollment of girls in schools may have increased, in some places significantly. However, nearly one-third of districts and several provinces had no schools for girls to attend. Enrollment was as low as 15 percent in some areas. Even in secure areas such as Kabul, where access to schools was not an issue, some male family members did not allow girls to attend school. In most regions boys and girls attended primary classes together but were separated for intermediate- and high school-level education.

According to the UN, schools continued struggling with high dropout rates and serious shortages of teachers, especially female teachers. The MOE reported that, on average, girls in cities stopped attending school after completing high school and, in the villages, girls stopped attending school at the age of 12 or 13 in part because there was a lack of female teachers and families did not allow their teenage girls to be taught by adult men.

Violence continued to impede access to education in some parts of the country where Taliban and other extremists threatened or physically attacked schools, officials, teachers, and students, especially in girls' schools. Where schools did remain open, parents were often afraid to send their children to school, particularly girls. The majority of school-related violence occurred in 11 provinces in the southern and border regions. The MOE reported that more than 300 schools were attacked during the year and a total of nearly 200 schools had been closed due to attacks, preventing almost 220,000 students from receiving an education. For example, in Helmand Province 30,000 fewer students attended schools and more than 100 schools remain closed due to insecurity.

In January unknown gunmen killed a headmaster in Helmand District. In April a landmine, apparently planted deliberately in a playing field, killed four young boys. In June two gunmen on motorbikes opened fire on a girls' school in Kabul, killing a teacher, a young student, and wounding two others. On June 12, unidentified gunmen attacked a school in Logar, killing two young girls and wounding three other children. In early October four schools were attacked in Shindad Province.

According to an HRW report on school attacks, there were entire districts where attacks by Taliban and other insurgents led to the closing of all schools. Education officials stated that attacks averaged one school per day. Even more common were threatening "night letters," distributed alone or preceding actual attacks, in mosques, around schools, and on routes taken by students and teachers, warning them against attending school and making credible threats of violence. Physical attacks or threats against schools and their staff caused schools to close, either because the building was destroyed or because the teachers and students were too afraid to attend. Schools in the surrounding area frequently shut down as well. In areas where students did attend school, the quality of education was extremely low.

Children did not have adequate access to health care; only one children's hospital existed in the country, and it was not readily accessible to those outside Kabul. However, infant mortality statistics improved during the year. According to a John Hopkins University and the Ministry of Public Health (MOPH) survey, infant and under five-year-old child mortality decreased from a 2006 figure of 165 out of 1,000 live births to 129 this year. A MOPH survey revealed that 54 percent of children under age five were chronically malnourished.

Child abuse was endemic throughout the country, ranging from general neglect, physical abuse, abandonment, and confinement to work in order to pay off family debts. Although against the law, corporal punishment at schools was common.

On September 30, according to AI, Taliban members kidnapped a 15-year-old boy named Zainullah from a bazaar and hanged him from a utility pole after accusing him of spying.

The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated that 60 percent of girls were married before 16.

There is no clear provision in the Criminal Procedure Law to penalize those who arrange forced or underage marriages. Article 99 of the Law on Marriage states that marriage of a minor may be conducted by a guardian. However, in March, the Supreme Court approved a new marriage contract stipulating that the man needs to verify his bride is 16 years of age, and that marriage certificates would not be issued for underage brides. In June 2006 the government set up a working group on early and forced marriages under the MOWSAMD; however, this group appears to have informally dispersed. The AIHRC estimates that up to 70 percent of reported cases of domestic violence have roots in child marriage.

Sexual abuse of children remained pervasive. During the year an AIHRC study found that most child victims were abused by extended family members. A UNHCR report noted that boys were also abused by tribal leaders. There were reports of

sexual abuse that occurred in government-run orphanages around the country. During the year the MOI recorded 80 cases of rape of young boys, following approximately 130 documented cases in 2006. A 2006 AIHRC study found that 60 percent of child sexual abuse victims were girls; whereas 35 percent were boys (the remainder of victims surveyed did not record their gender). Eighteen percent of respondents knew of other children who had suffered sexual abuse. Only 29 percent of victims had approached relevant authorities for help after the abuse, citing a lack of trust in the judicial system, fear of consequences, and lack of family permission as the main reasons. Only 35 percent of victims who did file complaints were satisfied with the outcome. Article 427 of the penal code reads that "any person who conducts adultery or sodomy with a female or sodomy with a male shall be sentenced to lengthened imprisonment in accordance with the circumstances." Article 247 authorizes lengthened punishment (not to exceed 10 years), "if the victim has not attained the age of 18." Article 430 more explicitly criminalizes sexual exploitation of children: "Any person who incites a male or female, who has not completed the age of 18, to engaging in debauchery as a profession or facilitates such an engagement, shall be sentenced to intermediate imprisonment, no less than three years."

According to the AIHRC, only 24 percent of child sexual abusers are actually incarcerated.

While there were no documented cases of child trafficking during the year, most experts believed the practice was widespread and continued to be a problem.

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. Since 2004 more than 15,000 war-affected children in 28 provinces have been supported through UNICEF's reintegration project. UNICEF supported educational and skills training for more than 2,691 demobilized child soldiers and other war-affected children (approximately 800 of whom were girls) in six provinces.

Living conditions for children in orphanages were unsatisfactory. Children reported mental, physical, and sexual abuse, were sometimes trafficked out of state-run orphanages, and did not always have access to health services, recreational facilities, or education. MOWSAMD operated 52 orphanages across the country. UNICEF estimates that some 80 percent of the 8,000 children currently living in orphanages had at least one living parent. NSFCAR strongly advocated taking most children out of these orphanages and promoting community-based care options; however, the existing capacity of social workers and child welfare services was extremely weak.

Displacement due to the conflict also affected children. NGOs estimated that up to a third of all refugees were children, and street children remained a problem in urban areas, although no reliable estimates were available. Street children had little to no access to government services, although several NGOs provided access to basic needs such as shelter and food.

#### Trafficking in Persons

The law does not prohibit trafficking in persons; however, traffickers could be prosecuted under other laws, including statutes against kidnapping.

The country is a source, transit point, and destination country for human trafficking. It is a source for women and children trafficked internally and to Iran, Pakistan, and Saudi Arabia for forced labor and commercial sexual exploitation. Children are trafficked internally for forced labor as beggars or for debt bondage in the brick kiln and carpetmaking industries. Local women and girls are kidnapped, lured by fraudulent marriage or job proposals, or sold into marriage or commercial sexual exploitation within the country and elsewhere. The AIHRC reported 150 cases of child trafficking in 2006, although many believe this was a low estimate.

During the year the MOI reported 40 to 70 arrests of child traffickers. Four prosecutions resulted in 15 convictions, with six traffickers sentenced to jail terms ranging from eight months to 20 years and seven traffickers sentenced to death. However, the government did not report any significant measures taken to investigate, prosecute, or otherwise curb government corruption, particularly among border guards who were widely believed to facilitate trafficking.

The government did not fully comply with the minimum standards for the elimination of trafficking. There was an interagency working group on trafficking, but little discernible action was taken.

The government made modest improvements in its protection efforts. The government cooperated with Saudi Arabia to repatriate children trafficked for forced begging. In 2005 authorities repatriated 317 children from Saudi Arabia, Pakistan, Zambia, UAE, and Oman. The MOWSAMD, with the assistance of UNICEF, set up a transit center to assist with these returns, and other agencies such as the AIHRC helped with the children's reunification and reintegration. The transit center remained in operation and also served to reintegrate children affected by the conflict.

While the government did not operate any shelters for trafficking victims that provided medical, psychological, or legal aid to trafficking victims, NGOs operated such shelters. Adult victims were sometimes jailed. The government did not encourage victims to participate in the trials of their traffickers.

The government's national antitrafficking task force was not active; however, it disseminated information about missing children through the media and mosques and conducted limited police training to raise awareness of trafficking. Government officials failed to screen emigrants and immigrants adequately at the border to identify trafficking victims or to undertake a broad public awareness campaign.

#### Persons with Disabilities

The law requires the state to assist persons with disabilities and protect their rights, including healthcare and financial protection. The government took no measures to mandate accessibility to buildings for persons with disabilities.

According to the MOWSAMD, sample surveys estimated a total disabled population of two million persons, 25 percent of whom had disabilities caused by the country's two-and-a-half decades of conflict. IRIN reported that more than 50 percent of persons with disabilities are less than 19 years old. Domestic NGOs offered privately funded trade classes to persons with disabilities. However, according to the National Disability Survey, more than 72 percent of all persons with disabilities over age six have not received any education, and fewer than 30 percent of persons with disabilities have jobs. Although community-based health and rehabilitation committees continued to provide services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts. As a result, they were able to assist only a small number of those in need. The MOWSAMD worked within the framework of the UN Development Program's National Program for Action and Disability (NPAD) to coordinate and develop policy strategies that create employment opportunities, access to education, health care, and greater mobility for disabled citizens; however, during the year, the MOWSAMD reported that the scope of NPAD was greatly reduced due to a lack of funds. Ministry services currently extend to only 16 of the 34 provinces. Disabled groups repeatedly protested the inaction of the MOWSAMD.

The Afghanistan Landmine Monitor Report stated that the rehabilitation and reintegration needs of mine survivors and other persons with disabilities were not being met. For every one person with a disability who received assistance, 100 more reportedly did not receive assistance. Disability services existed in only 20 of the 34 provinces.

In the Meshrano Jirga two of the 34 seats appointed by the president were reserved for persons with disabilities.

#### National/Racial/Ethnic Minorities

Ethnic Hazaras continued to prevent some Kuchi nomads from returning to traditional grazing lands in the central highlands, in part because of allegations that the Kuchis were pro-Taliban and thus complicit in the massacres of Hazaras in the 1990s. During the year there were clashes between Hazaras and Kuchis in Wardak Province.

Claims of social discrimination against Hazaras and other Shi'as continued. The Hazaras accused President Karzai, a Pashtun, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras. During 2006 nomadic Kuchis expressed concern that the voter registration process underrepresented their population. The government and the Joint Electoral Management Body worked to address their concerns.

A recent UNHCR paper reported that while attempts were made to address the problems faced by ethnic minorities and there were improvements in some areas, there was still a well-founded fear of persecution. Confiscation and illegal occupation of land by insurgents and tribal leaders caused displacement in isolated situations. Other forms of discrimination concerned access to education, political representation, and civil service employment. A 2006 UNHCR paper reported that while the government attempted to address the problems faced by ethnic minorities and some areas improved, there was still a well-founded fear of persecution by tribal and insurgent leaders. Confiscation and illegal occupation of land by powerful individuals, in some cases tied to the insurgency, caused displacement in isolated situations. Discrimination, at times amounting to persecution, continued in some areas, in the form of extortion of money through illegal taxation, forced recruitment and force labor, physical abuses and detention.

According to a 2006 UNHCR report, while Ismailis (a minority Shi'a Muslim group who follow the Aga Khan) were not generally targeted or seriously discriminated against, they continued to be exposed to risks. In Baghlan Province, tribal leaders occupied or confiscated and then sold Ismaili land, and Ismailis were unable to reclaim their property. The Baghlan provincial court and other provincial authorities refused to dispense justice for Ismailis in land-related cases. Ismailis faced illegal taxation and extortion by tribal leaders. In Tala-wa-Barfak District, cases of rape of Ismaili women were reported, with perpetrators acting with impunity.

#### Other Societal Abuses and Discrimination

The law criminalizes homosexual activity; however, the authorities only sporadically enforced the prohibition. A recent UNHCR report noted that most homosexual persons hid their sexual orientation. Many observers believed that societal disapproval of homosexuality was partly the cause for the prevalence of rape of young boys. During 2006 the Taliban published a new set of rules that explicitly forbade the recruitment of young boys for sexual pleasure.

## Section 6 Worker Rights

### a. The Right of Association

The law provides broad provisions for protection of workers; however, little was known about their enforcement. In January the parliament passed a new labor law. Implementation remained a problem due to lack of funding, personnel, and political will. Labor rights were not understood outside of the Ministry of Labor, and workers were not aware of their rights. There was no effective central authority to enforce them. The largest employers in Kabul were the ministries and local and international NGOs. The labor law does allow unionization and the formation of associations.

### b. The Right to Organize and Bargain Collectively

As a consequence of 25 years of war, occupation, and civil strife, the country's elementary industrial base had been erased by the time the Taliban fell in 2001. Unions were ruined along with the economy. There was only one semiactive union, the Central Council National Union Afghanistan Employees (CCNUAE). This union was a Soviet-era organization, which formally separated from the government after the fall of the Taliban. In 2006, CCNUAE reported a membership of 200,000 government workers and employees of state-owned enterprises, but membership was more theoretical than real. Most government workers did not consider themselves members of CCNUAE, and according to CCNUAE, fewer than 40 percent paid dues. The union operated mostly on proceeds from real estate properties and other investments. The government allowed CCNUAE to operate without interference. The new law does not provide for the right to strike, and the country lacked a tradition of genuine labor-management bargaining. The law did not protect collective bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the government.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. As in past years, there were reports of women being given away as laborers to another family in order to settle disputes and debts.

### d. Prohibition of Child Labor and Minimum Age for Employment

Children under 13 may not work under any circumstances. The law recognizes the standard legal age for work as 15, but there are provisions for 13- and 14-year-olds to work as apprentices, provided they only work 35 hours per week. There was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Child labor remained a pervasive problem. According to UNICEF estimates, at least 20 percent of primary school age children undertook some form of work and there were more than one million child laborers under age 14. An AIHRC report released in 2006 estimated that most child laborers worked as street vendors (13 percent) or shop keepers (21 percent). Other common forms of labor were workshop labor, blacksmiths, farming, auto repair, and tailoring. In cities, a larger proportion of child laborers were involved in collecting paper, scrap metal, and firewood; shining shoes; and begging. Some of these practices exposed children to the danger of landmines. Boys comprised 86 percent of child laborers.

AIHRC reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Many employers subjected them to sexual exploitation and forced labor. UNHCR noted that Jalalabad and Mazar-e-Sharif also had large numbers of child laborers. According to Save the Children, there were up to 5,000 child laborers working in brick factories in Nangarhar. Children faced numerous health and safety risks at work and some of them sustained serious injuries such as broken bones.

MOWSAMD reported that the government was working on the problem of child labor. The NSFCAR addressed child labor and demanded the creation of diversified services for vulnerable families to prevent family separation and exploitation of children. MOE efforts in promoting universal basic education, such as workshops in schools and outreach to employers also contributed to the prevention of exploitative child labor.

### e. Acceptable Conditions of Work

No reliable information existed regarding a statutory minimum wage or maximum workweek or the enforcement of safe labor practices. The national minimum wage of approximately \$1,000 (5,000 AFD) per month did not provide a decent standard of living for a worker and family and was not observed in practice. Many employers allotted workers time off for prayers and observance of religious holidays. The law provides workers the right to receive wages, annual vacation time in addition to national holidays, health compensation for injuries suffered in the line of work, overtime pay, health insurance for the employee and immediate family members, per diem for official trips, daily transportation, food allowances, night shift differentials, retirement rights, and compensation for funeral expenses in case of death while performing official

duties. Article 30 of the Labor Rights Law defines the standard workweek as 40 hours per week, eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, and miners and other occupations that present health risks to laborers. These standards were not effectively enforced, and citizens were not generally aware of the full extent of their labor rights under the law. For example, in October IRIN reported that in the preceding 12 months, seven female employees at wool and fur factories in Herat had died due to respiratory diseases and chest infections. The factories do not provide protective gloves or masks and do not offer medical insurance or any financial assistance for health problems. There were no occupational health and safety standards and no enforcement mechanism. Employment was at-will, and while there was a Ministry of Work and Social Affairs, there were few if any protections for workers under either the 1987 or the new laws.



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