



Afghanistan

Country Reports on Human Rights Practices - [2006](#)

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Afghanistan is an Islamic republic with a population of approximately 30 million. In October 2004 Hamid Karzai was elected president in the country's first presidential election under its January 2004 constitution. In September 2005 the country held its first parliamentary elections in over two decades. While neither the presidential nor the parliamentary elections fully met international standards for free and fair elections, citizens found the parliamentary elections to be credible and the presidential elections acceptable.

Afghanistan's human rights record remained poor due to a deadly insurgency, weak central institutions, and the country's ongoing recovery from two-and-a-half decades of war. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The Taliban and antigovernment elements continued to be responsible for threatening, robbing, attacking, and killing villagers, government officials, foreigners, and nongovernmental organization (NGO) workers. While the government expanded its authority over provincial centers, a few areas remained under the control of regional commanders or the Taliban following insurgent offensives. During the year, over 1,400 civilians died as a result of terrorist activities, including suicide attacks, roadside bombs, and gun assassinations. There continued to be instances in which security and factional forces committed extrajudicial killings and torture. Human rights problems included: extrajudicial killings; torture; poor prison conditions; official impunity; prolonged pretrial detention; abuse of authority by regional commanders; restrictions on freedoms of press, religion, movement, and association; violence and societal discrimination against women, religious converts, and minorities; trafficking in persons; abuse of worker rights; and child labor.

The government continued to develop and professionalize its army and police force. Increased monitoring of police by internal and external monitors helped to prevent abuses. Human rights training became a normal aspect of training and education for most police. Extensive reporting of human rights abuses led to increased arrests and prosecutions of abusers. The government continued to make strides towards upholding human rights standards and took action to remove corrupt officials. In some areas of concern, even where there was commitment from the government, resources restricted the ability to uphold those standards.

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 reports of politically motivated or extrajudicial killings by the government or its agents.

In February inmates at Pol-e-Charkhi prison rioted for five days resulting in the death of six inmates and injuries to 44, according to the Afghanistan Independent Human Rights Commission (AIHRC); many reported that these were the result of excessive force on the part of Afghan Security Forces. There was no official investigation into the riot.

In September there was a death in custody in Ghazni province; an investigation was ongoing at year's end.

In November 2005 Kabul's Police Chief General Abdul Jamil Junbesh, allegedly tortured and killed a civilian named Hussain. In December 2005 police beat and killed a detainee at the Kabul police station. In both cases human rights activists characterized official investigations as ineffective and no formal charges were made. However, in June, the president removed Junbesh from office.

The shortage of effective and trained police, poor infrastructure and communications, instability, and insecurity hampered investigations of unlawful killings, bombings, and civilian deaths. There were no reliable estimates of the numbers involved.

Complaints of serious human rights violations committed by representatives of national security institutions, including arbitrary arrest, unconfirmed reports of torture, and illegal detention were numerous.

There were allegations that local commanders operated private prisons where they abused individuals in detention, in some cases resulting in their death (see section 1.c.).

There were no updates to the 2004 hanging of four alleged bandits in Farah, the 2004 killings of four detainees in Herat, or the 2004 investigation of the 17 bodies found at the Shindand market place.

In February police killed four protesters in Kabul and one in Maymana when demonstrations turned violent over satirical cartoons of the Prophet Mohammad.

Increased violence involving terrorists and insurgents, including Taliban, al-Qa'ida, and Hizb-e-Islami Gulbuddin, killed more civilians than in the previous year. Violence included an increasing number of terrorist attacks including suicide bombs, which killed civilians (see section 1.g.). Attacks on government security forces, international organizations, international aid workers and their local counterparts, and foreign interests and nationals increased during the year and prompted some organizations to leave areas of the country.

For most of the year insurgents appeared to be targeting Provincial Reconstruction Teams (PRTs) and construction crews, rather than NGOs, as a means to hamper reconstruction efforts and drive the international assistance community out of the country. Toward the end of the year, however, there was more evidence of direct threats and attacks on NGOs by insurgents.

Over a dozen Afghans and foreigners were beheaded by the Taliban for alleged "crimes" ranging from espionage to supporting the Karzai government (see section 1.g.). The Taliban also began to hold "court" in some areas and hand down its own sentences. In August the Taliban publicly executed a man for his alleged involvement in a murder case in Helmand province (see sections 1.g. and 4).

Government officials remained under attack by insurgents during the year with over a dozen losing their lives in numerous incidents (see section 1.g.).

The Ministry of Education (MOE) reported that a total of 54 teachers, students, or other school employees were killed during the year (see sections 1.g and 5, Children).

Religious figures also faced ongoing threats and violence. During the year the Taliban killed over 20 clerics, including over a dozen clerics in Kandahar alone. Suicide bombings around mosques occurred; for example, in September a suicide bomber detonated himself outside a mosque in Kandahar. In October and November 2005 five progovernment mullahs were killed for speaking publicly against the Taliban and al-Qa'ida (see section 2.c.).

Societal violence continued to be a problem with over 50 documented cases of "honor killings" during the year (see section 5). In December media outlets reported that villagers in Kunar province killed a boy and girl for having illicit sexual relations.

b. Disappearance

Abductions and disappearances continued during the year. The Taliban, allied militias, and other unknown assailants continued to kidnap NGO and other development workers for political and criminal gain (see section 1.g.).

Italian journalist Gabriele Torsello was kidnapped on October 12 and released on November 3. It was not known if he was targeted due to being a journalist. According to the Committee to Protect Journalists (CPJ), his kidnappers originally demanded the return of Abdul Rahman from Italy in exchange for his release.

According to a UN High Commissioner for Refugees (UNHCR) Report, there were also a few documented cases of abduction of young boys for sexual exploitation by men.

In April 2005 members of the Taliban abducted and killed a British contractor.

There were no updates and none were expected in the 2004 abduction of an NGO driver or the abduction of many women and girls taken by the Taliban from 1998 to 2001.

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

The law prohibits such practices; however, there were reports of abuses. For example, human rights organizations reported that local authorities in Herat, Helmand, Badakhshan, and other locations continued to routinely torture and abuse detainees. Torture and abuse consisted of pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy.

Violence and instability due to the insurgency hampered relief and reconstruction efforts in different parts of the country and led to numerous human rights abuses. NGOs reported that security forces continued to use excessive force during their fight against Taliban and al-Qa'ida remnants, including looting, beating, and torturing civilians.

Reports of abuse by local commanders continued in Faryab. Villagers in Kata Kala reported local commanders imprisoned and tortured them for 15 days to extort money. Some were beaten and others were locked in dark rooms for hours. Victims were also repeatedly threatened with death if they did not cooperate.

In Balkh province, residents alleged that local commanders were running private prisons to extort money. Abuse generally consisted of

beatings, resulting in some cases in death.

In June in Balkh province, unknown assailants beat Member of Parliament Faizullah Zaki. There were many allegations that this attack was politically motivated; however, by the end of the year, there was no investigation into the attack.

In the fall, residents of the village of Galouch claimed that Afghan National Police (ANP) and Afghan National Army (ANA) soldiers seeking a local commander entered villagers' homes, were verbally abusive, and stole personal items from the residents (see section 1.f.).

There was no official investigation following the September 2005 Human Rights Watch (HRW) report that security forces arbitrarily detained civilians and committed cruel, inhumane, and degrading acts, a claim based on reports from family members of detained civilians and released detainees themselves.

There were no further developments in the 2005 alleged torture of Abdul Rahman by local authorities during his four-month detention (see section 2.c.). There were no developments in the 2005 UN report that a commander and former district governor severely beat a group of teachers and detained them in his private jail.

In August the government announced it was considering the establishment of a Department for the Prevention of Vice and Promotion of Virtue within the Ministry of Religious Affairs (MRA). Under the Taliban an entity with the same name was a much feared organization known for its extremely harsh treatment of women. The proposal to establish a Vice and Virtue Department would require a presidential decree, and at year's end, it rested in the president's office.

A local vice and virtue commission was established in Khost Province during Ramadan (see section 1.d.).

There were continued allegations of rape and sexual abuse in government detention although investigations did not result in charges. The AIHRC reported that in 2005 one woman was granted medical treatment after she was sexually exploited by police who provided the woman to men. In a separate incident, a young male prisoner was raped by other prisoners and two police officers.

According to UN reports, in some cases where there were no local detention facilities, women accused of crimes were reportedly placed in 'private detention,' sometimes in the house of the head of the village, where they were treated as prisoners and forced to work for the family. These women were sometimes forced into slave-like conditions outside the reach of the law and were reportedly subject to sexual and physical abuse (see section 5, Trafficking).

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

Several well-known commanders were rumored to be involved in the exploitation of young men; however, given cultural sensitivities these rumors were impossible to confirm. Several media outlets reported on the Taliban Rule Book this year. Rule 19 states, "Mujahideen 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 common practice among Taliban commanders.

As in other parts of the country, insurgents issued "night letters" issuing threats to foreigners, women employed by PRTs and other foreign organizations, as well as ANA and ANP officers around Ghazni City. There were also night letters issuing threats against the provincial director of education in Ghazni. Additionally, threats were issued against the directors of the provincial Departments of Women's Affairs in the provinces of Paktika, Kandahar, Helmand, Khost, Laghman, Kapisa, Wardak, and Nuristan. Other government employees also received threats in Sari-Pul, Farah, and Uruzgan.

On September 26, a suicide bomber detonated himself at the guard gate leading to the governor's compound in Lashkar Gah. Nineteen persons died in the incident, including three ANP officers, four ANA soldiers, and 12 civilians.

On October 19, militants robbed and murdered eight employees of the Korengal Outpost while they were on their way home for the Eid holiday.

Prison and Detention Center Conditions

Prison conditions remained poor; prisons were decrepit, severely overcrowded, and unsanitary. Prisoners shared collective cells and were not sheltered adequately from severe winter conditions. Living conditions did not meet international standards. Some prisons held more than twice their capacity. In district prisons, shipping containers were frequently used when other structures were unavailable. Prisoners were reportedly beaten, tortured, and denied adequate food. Prison guards routinely denied visitors, food, and outside exercise as a means of discipline and to ensure good behavior. The AIHRC continued to report that inadequate food, 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.

The AIHRC believed over 40 private and illegal detention centers had been closed between 2001 and year's end. During the year the AIHRC allegedly discovered private prisons in Kabul, Jalalabad, Kandahar, Herat, Kapisa, Badakhshan, and Baghlan provinces and reported in a December meeting that it believed all of these secret prisons had been closed. Credible sources noted that at least one other private prison may exist in or around Kabul. HRW and other organizations reported the presence of secret or unofficial prisons through 2005. International media reports assert that detainees and prisoners in Musa Qala were held in a Taliban jail, because there were no other facilities available. A

riot at Pol-e-Charkhi prison resulted in six deaths and many injuries (see section 1.a.).

The government reported 31 active rehabilitation centers for juveniles. Approximately 14 detention centers housed female prisoners. Children under 12 years of age were incarcerated with their mothers. However, adequate separate housing for women, accompanying children, and juveniles remained an issue as prisons did not have the capacity to separate prisoners. In Pol-e-Charkhi prison many juveniles were detained with adult prisoners. According to authorities, juveniles at a Kabul jail were kept locked in a separate cell to protect them from the rest of the prison population. In general, juveniles charged with murder were detained in adult facilities; however, if space permitted, they were assigned to a separate area within the facility. Prisoners waiting for trial generally should be separated from the rest of the inmate population but often were not.

According to an AIHRC report, children were normally kept in detention centers which lacked appropriate facilities and they were exposed to physical and sexual exploitation. There were about 134 juvenile offenders in correction facilities, but in 12 provinces of the country specialized correction centers were non-existent and the offending children were kept in detention with adults. A number of children who had not committed any offences were detained in jail with their mothers because there was no one to care for them at home. In November Pol-e-Charkhi prison held approximately 65 women inmates, 55 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 children; however there was not enough space in the classrooms to accommodate all of the children. According to prison staff, the official policy was that children could only stay with their mothers until the age of two and were then transferred to a rehabilitation center; however, space constraints at the rehabilitation center sometimes prevented the transfer, thus prolonging children's' time in Pol-e-Charkhi with their mothers. According to a Report of the UN-appointed independent expert of the Commission on Human Rights, individuals being held in pretrial detention were often held in detention with hardened criminals. In addition, children and juveniles were commonly held in the same cells as violent adult criminals.

According to the UN Commission independent expert on Human Rights, many districts didn't have detention facilities for women, and women found to be guilty of acts that may not constitute legal offences were confined to the personal custody of tribal leaders and others. The report states: "Because of the absence of detention facilities for women in the districts, women found to be guilty of acts that may not constitute legal offences were confined to the personal custody of tribal leaders and others. These women are sometimes forced into slave-like conditions outside the reach of the law and are reportedly subject to sexual and physical abuse. The charges brought against them are reported to arise in large part out of allegations of 'immoral conduct,' which did not, however, constitute a legal violation." In addition, some cases allegedly involved crimes committed by spouses and fathers for which the women were forced to accept responsibility. Women were sometimes detained in private homes as the result of decisions taken by customary law actors or forced to marry as compensation for killings, creating highly abusive situations.

The International Committee of the Red Cross (ICRC) had permission to visit all prisons operated by the National Directorate of Security (NDS), Ministry of Interior (MOI), and Ministry of Justice (MOJ), and the ICRC conducted such visits during the year. The AIHRC monitored prison conditions regularly during the year independent of the MOJ; however, the AIHRC reported that in some areas representatives were not granted full access or were required to provide additional proof of authorization.

In the provincial prison in Bamyán, sentenced inmates were held together with those awaiting trial and appeal. The women who had been arrested for "illegal sexual relations," activities not actually prohibited by law but often punished under local custom or Shari'a law, lived in an adjoining building and were supervised by a female caretaker. The captain in charge was aware that minors and adults should be kept in separate facilities, as should serious offenders be detained separately; however, he reported that the prison did not have adequate space to meet these rules.

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; however, some local and regional commanders maintained considerable power since the government did not control security nationwide. During the year the government attempted to expand its reach through the use of auxiliary police in some areas. The North Atlantic Treaty Organization (NATO) remained in control of the UN sanctioned International Security Assistance Force (ISAF). In October ISAF took over control of Regional Command East from the Coalition Command, the last of the four regional commands to be handed over.

The ANP, administered under the MOI, was the predominant government institution responsible for security in the country. Its performance engendered mistrust among the local population, and reports of corruption and mistreatment of citizens in custody were widespread. In response, this year the MOI assigned General Atmar as the new head of its Human Rights Unit in an effort to re-energize efforts to ensure the ANP was compliant with human rights standards. Atmar began his tenure with plans to place in each province at least two ANP officers trained to recognize and report human rights violations, and one in each checkpoint in Kabul. At year's end, these persons were in place in several provinces. Communication and coordination of reports between the provinces and MOI headquarters in Kabul remained a concern. Additionally, during the year the MOI initiated rank and pay reform in order to remove officers involved in human rights violations and high level corruption. The reform resulted in the removal of more than 70 senior level officers. International support for recruiting and training of new ANP was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force.

Fueled in part by inadequate and irregular payment of salaries, corruption and official impunity remained pervasive problems. Illegal border checkpoints to extort bribes 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. There was a unit within the MOI set up to review these claims.

The international community worked with the government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. In July Kabul officials arrested five traffic officers on charges of corruption and forging vehicle documents. In September President Karzai appointed a new Attorney General, Dr. Abdul Jabar Sabit. In October, under Sabit's leadership, eight government officials were arrested in Herat for corruption and embezzlement. Also in Herat, a senior police officer was arrested for taking bribes. During a November visit to Asadabad, Sabit arrested eight low-level timber smugglers. He also ordered the arrests of a former mayor for skimming city revenues during his tenure, a local director of Hajj and mosques, and two provincial prosecutors. In December, Sabit arrested several government officials in Nangarhar, including a former head of the Health Department on charges of misappropriation of \$400 USD (20,000 Afghani), and a candidate who had been designated to serve as Nangarhar's next Afghan border police chief. In December Sabit also arrested the mayor of Herat for his alleged involvement in an embezzling ring involving two major projects, the construction of a five-star hotel and expansion of the national garden. Sabit accused the mayor of skimming several thousand dollars from the contracts issued, as well as altering records for fuel consumed by city vehicles during the national garden project.

In November 2005 the government created a Professional Standards Unit (or Internal Affairs Unit) to help investigate offenses. The government, with foreign assistance continued to develop a model police station in Kabul to exemplify best practices and train police. During the year the AIHRC provided human rights training to members of the ANP, ANA, and the NDS.

Arrest and Detention

Judicial and police procedures and practices for taking persons into custody and bringing them to justice were unregulated and varied depending on the area and local authorities. Some areas, such as the major regional centers, had a more formal judicial structure than others.

The law provides for access to legal counsel, the use of warrants, and bail; however, all three were inconsistently applied. There were 213 licensed defense attorneys nationwide, and only 100 to 150 of them practiced law.

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.

Arbitrary arrest and detention remained problems. For example, Mohammed Ibrahim Sahdat, a lawyer from the Human Rights Commission for Afghanistan, said that the biggest problem in Helmand was false arrests. He cited the case of Jalaludin, whose home was near the scene of an explosion and who was accused of having ordered it. Sahdat stated that Jalaludin was landless and poor, which was why he was arrested. Jalaludin was hung by his feet for 10 hours, beaten, and subjected to electric shocks. He was later released.

Police often detained women at the request of family members for crimes of running away, or "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. There were also reports that women were detained when they reported crimes perpetrated against them and as substitutes for their husbands or male relatives who were convicted of crimes. An unknown number of women were imprisoned for these reasons. Some were placed in custody to prevent violent retaliation by family members (see section 5, Women).

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." Minister Shahrani stated that this local "vice and virtue department" was not connected to the ministry in Kabul. Khost Governor Jamal stated that the squad was temporary, with a limited mandate during Ramadan to enforce existing laws.

Detainees were often able to bribe their way out of custody before their case was prosecuted. Others were released due to lack of sufficient evidence.

The authorities did not respect limits on lengths of pretrial detention. Arbitrarily lengthy pretrial detention remained a problem in part because of the inadequacy of the legal system, which was unable to guarantee a speedy trial. The UN Human Rights Commission, ICRC, and AIHRC all reported that arbitrary and prolonged detentions were a frequent occurrence throughout the country. According to the Interim Criminal Procedure Code, police have the right to detain a suspect for a maximum of 72 hours to complete a preliminary investigation. If they decided to pursue a case, the file was transferred to the prosecutor's office, which had to 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 the arrest while continuing the investigation. Prosecutors had to file an indictment or drop the case within 30 days of arrest. The court then had two months to hear the case. An appeal had to be filed within 20 days, and the appellate court had two months to review the case. A second appeal had to be filed within 30 days, after which the case went before the Supreme Court, which could take up to five months to conclude the trial. In many cases, however, courts did not follow these deadlines. NGOs continued to report that prison authorities detained individuals for several months to over a year without charging them. There were credible reports in 2005 that police continued to detain prisoners in Kabul and Ghazni after they were found innocent.

While accurate statistics did not exist, lengthy trial procedures stemmed in large part from gross inadequacy of the judicial system. Varied reports from international NGOs estimated that no more than 150 defense lawyers were practicing in the entire country, compared to 1400 judges and between 2000 to 2500 prosecutors nationwide, most of whom lacked any formal legal training. According to the MOJ, there were a total of 9,604 people detained in correctional facilities nationwide, of which 5,342 had been tried and convicted; the remaining 4,262 were still awaiting trial. There were also widespread shortages of judges. Bamyan province, for example, reported no judges in four of its districts and that seven districts were 75 percent understaffed. In May, there were 1412 judges appointed who served throughout the country. Because of the corruption he encountered among provincial judges, Attorney General Sabit lobbied the Supreme Court to move to Kabul several of the trials for arrests of government officials made in Herat, Nangarhar, and Konar. At year's end, this decision was pending in the

Supreme Court. Another significant barrier was detainees' own lack of awareness of their own rights under the 2004 Interim Criminal Procedure Code.

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, local commanders, and the families of accused persons, as well as bribery and corruption, threatened judicial impartiality. Justice was administered on an intermittent basis according to a mixture of codified law, Shari'a (Islamic law), and local custom.

According to the United States Institute of Peace, the formal justice system was relatively weak in the urban centers where the central government was strongest and in the rural areas that house approximately 75 percent of the population. Functioning courts, police and prisons were an exception. The judicial system lacked the capacity to handle the large volume of new and amended legislation. The courts were hindered by a lack of qualified judicial personnel. Judges had minimal training and often based their judgments on their personal understanding of Islamic law and tribal codes of honor.

In October 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 he was in detention, pending further investigation of bribery allegations. The Attorney General also suspended and detained Judge Mohammed Dawood, a member of the District 11 Court on charges of bribery. At year's end the case was still under investigation. 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 authorities 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 December 2005 the president passed by decree an antinarcotics law that formally created a separate central court for narcotics prosecutions.

In some remote areas not under government control, the Taliban enforced its own judicial system by means of unsanctioned "shuras" (community councils). These included districts at the Pakistani border in Helmand province.

Many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. In major cities, courts primarily decided criminal cases, although civil cases were often resolved in the informal system. In rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also sometimes allegedly levied unsanctioned punishments. Some estimates suggested that 80 percent of all cases went through the shuras, leaving many vulnerable to violation of their legal rights, as customary shuras or "jirgas" did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities. The informal justice system played a vital role in society. Due to the undeveloped formal legal system, the informal justice system was often used to resolve disputes.

Trial Procedures

Court procedures generally did not meet internationally accepted standards for fair trials. The administration and implementation of justice varied in different areas of the country. Trials were usually public, and while juries were not used, decisions made through the shura system were made collectively by groups of local elders. Defendants have the right to be present and to appeal; however these rights were inconsistently applied. Defendants also have the right to consult with an attorney at public expense when resources allowed. This right was inconsistently applied mainly due to a lack of trained personnel. Defendants were not allowed to confront or question witnesses. Citizens' lack of awareness of their constitutional rights was a problem, 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. Defendants were presumed innocent until evidence proved otherwise. The courts reportedly heard cases in sessions that lasted only a few minutes. In cases involving murder and rape, judges generally sentenced convicted prisoners to execution, although relatives of the victim could instead choose to accept other restitution or could choose to enforce the verdict themselves; however, under the new constitution, capital punishment is conditional upon approval of the president. Local elders and shuras sentenced persons to unsanctioned punishment. In contrast to previous years there were no confirmed reports of flogging or death by stoning. The practice of ordering the defendant to provide compensation in the form of young girls in marriage to a victims' family continued. 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 law; this practice often resulted in outcomes that discriminated against women (see section 5, Women).

HRW reported that the February 26 trial of Asadullah Sarwari, the communist-era intelligence chief and a notorious human rights abuser, was seriously flawed. Sarwari was sentenced to death in a summary one day trial in which he did not have legal representation. Sarwari had been detained since 1992; he was held without charges until December 26, 2005. This sentence was the first attempt to hold a senior government official accountable for past crimes in the country.

In December 2005 the government developed the country's National Action Plan for Truth, Justice and Reconciliation, in coordination with the AIHRC and the United Nations Assistance Mission to Afghanistan (UNAMA). The plan was designed to promote transitional justice in the country. The plan's five points 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. At year's end, following very little progress in implementing the plan, President Karzai declared December 10 as a national day of remembrance for the victims of past human rights atrocities, and worked with the AIHRC to re-energize efforts to implement the plan.

In March Abdul Rahman was put on trial for the crime of apostasy-conversion from Islam to Christianity-which is punishable by death, according to Shari'a law. The charges were eventually dropped after a finding that Rahman was unfit to stand trial (see section 2.c.).

Political Prisoners and Detainees

There were reports that a number of regional commanders affiliated with the government held political prisoners and detainees. There were no reliable estimates of the numbers involved. Political prisoners were reportedly not given the same protection as other detainees.

Civil Judicial Procedures and Remedies

Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often trumped human or constitutional rights. In civil matters the judiciary remained ineffective due to a lack of capacity and severe corruption.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law prohibits such interference; however, there were no legal protections for victims. Antigovernment elements, police officials, and local commanders forcibly invaded and looted the homes and businesses of civilians with impunity. In Farah and Balkh provinces local commanders repeatedly interfered with civilians. In Badakhshan a local commander pressured a family to marry off its 13-year-old daughter to the son of a prominent politician. The girl refused, and local villagers threatened to stone her. The case eventually went to the Supreme Court, where several residents from Badakhshan traveled in order to pressure authorities to weigh in against the girl. Following discreet negotiations, including some action by the central government to advocate for the girl's wishes, the case was dropped. 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 throughout the country. The law provided for wiretapping.

In 2005 forced resettlement from areas of conflict occurred for safety reasons.

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

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

There were scattered reports of theft by national security forces while conducting raids and searching homes. In August 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 headquarter's evidence locker, only small amounts of the contraband were present.

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

During the year ongoing internal conflict and the continued use of excessive force caused civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents. At year's end the MOI's Human Rights Office reported its continuing investigation of a case of excessive force in Ghazni province. According to HRW the majority of citizens cited the numerous regional warlords as the greatest source of insecurity.

Killings

Interfactional fighting between regional commanders, persistent Taliban and al-Qa'ida activity, and criminal activity resulted in unlawful killings and numerous civilian casualties. Terrorist attacks were responsible for the deaths of over 1,400 civilians. Militants targeted and killed foreigners and local NGO employees. There was a significant increase in militant suicide attacks this year, 140 compared to only 15 in 2005 and four in 2004. Insurgents targeted provincial governors, women's affairs officials, and ministry officials during the year. Overall attacks against non-combatants (government officials, civilians, religious figures, teachers, and students) increased slightly from 635 in 2005 to 664 during the year.

Over 12 government officials were targeted and killed, in addition to at least one foreign diplomat. Government officials killed include Governor Taniwal of Paktia province, Director of Women's Affairs in Kandahar Safia Ama Jan, as well as a district police chief, an intelligence officer, and an administrator in the eastern province of Nangarhar. They died when a roadside bomb exploded near their vehicle while they were en route to check on a school that had been torched. Coalition and ISAF forces faced frequent attacks on their convoys. The Taliban also beheaded over a dozen Afghans for allegedly acting as coalition spies. On January 15, antigovernment forces targeted a coalition convoy killing Canadian diplomat Glynn Berry. Later in the month Taliban forces beheaded the headmaster of a coed high school in

Zabul Province (see section 5, Children).

In February fighting between two commanders left one man dead and two wounded in Kapisa. August fighting between rival warlords in the north killed at least four and displaced hundreds. The fighting lasted a few weeks and allegedly involved former commanders Abdul Rashid Dostum and Abdul Malik. In March Commander Abdul Razaq of Kandahar province was removed from his post for allegedly attacking 16 rivals under the pretext that they were Taliban militants. The 16 men were Pakistani citizens who had traveled to Afghanistan for Afghan New Year celebrations. They belonged to a clan in Pakistan that Razaq blamed for the death of his brother two years earlier.

In February a local official was shot dead by unknown gunmen in Helmand province. Later in the month two intelligence officials were found beheaded in the desert near the Iranian border. On February 7, a Turkish engineer, an Indian, and their driver were killed when a roadside bomb hit their vehicle in Farah province.

In March the head of the senate was targeted in a suicide attack; Speaker Mojadeddi escaped unharmed but four others died in the attack. Also in March unknown assailants shot and killed a local administrator in Paktia province and an ex-police chief in Zabul. On March 11, the Taliban abducted two policemen from their homes and later beheaded and left them in the desert. On March 19, 15 people were killed in separate attacks on Ghazni's former and then-current governor. Taliban shot and killed former Governor Taj Mohammad, but did not succeed in killing then-Governor Sher Alam Ibrahim. Nine police officers and four companions of Taj Mohammad were also killed. Taliban insurgents abducted three Albanians and one German national. All four were later found dead. Five policemen also died while trying to return the bodies to Kabul when a roadside bomb hit their convoy.

On the evening of March 31, unidentified gunmen shot and killed the provincial council speaker of Takhar province, Sayed Sadiq Agha. In two separate incidents the same week Taliban fighters shot and killed two intelligence officials. On April 3, Taliban militants pulled a Turkish engineer from his car, shot and killed him, and then set the body on fire. On April 10, militants killed five health workers when they attacked a clinic in Badghis province. On April 30, the body of a kidnapped Indian engineer was found beheaded. The Taliban claimed he was killed while trying to escape.

In May antigovernment elements shot and killed a senior judge in Farah province. On May 9, the Taliban targeted the director of the Department of Women's Affairs in Helmand province. She escaped unhurt but the male business manager for the office died from the attack. In May antigovernment elements attacked the vehicle of Ghazni's deputy governor, injuring one policeman. They also attacked a convoy carrying Helmand's deputy governor a few days later. This was allegedly the tenth attack on police and government officials in Ghazni over a 20 day period. On May 14, the Taliban targeted another intelligence official in Kandahar province killing him and wounding one teacher. The same day gunmen killed a religious leader in Paktia province. UNICEF also reported that in May one of their Afghan drivers and a doctor were killed in a rocket attack. On May 28, Taliban forces kidnapped and killed three policemen in Ghazni province.

On June 9, a roadside bomb hit the convoy of a top intelligence official killing three bystanders.

On July 3, a suicide bomber hit a checkpoint in Kandahar killing a policeman and injuring six. On July 4, militants ambushed and killed five laborers and wounded another as they were on their way to deliver lumber to a coalition military base. On July 17, a suicide bomber attacked and killed two justice officials and a third employee in Helmand province. In Khost province, a grenade was thrown into a wedding party killing one man and wounding 16. Also in July a time bomb killed one female student and injured six others at Herat University. On July 22, Aryana television cameraman Abdul Qodus died along with several other civilians in a double suicide bombing in Kandahar.

On August 8, anti-government elements shot and killed a teacher in Ghazni province (see section 5.).

In September a suicide attacker assassinated the Governor of Paktia Province, Hakim Taniwal, along with two others, the first assassination of a governor during the year despite several attempts on others. In another suicide attack over a dozen Hajj pilgrims were killed outside the governor's compound in Helmand province. On September 7, a suicide bomber killed a teacher and policemen when he jumped on the hood of a taxi and self-detonated. On September 9, two foreign soldiers, and 16 others were killed in a suicide attack outside a foreign embassy compound in Kabul. On September 21, the body of a kidnapped Turkish worker was found in Kandahar. On September 22, militants attacked a bus killing 19 construction workers in Kandahar. The Taliban executed a man for his alleged involvement in a murder case in Helmand province. On September 25, two unknown gunmen shot and killed Safia Amajan, director of the Kandahar Department of Women's Affairs. According to The Independent, Taliban Commander Mullah Hayat Kahn called her death "an execution."

On October 7, 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 wasn't clear, and they were conducting an investigation.

On December 9, two female teachers were gunned down in their home in Kunar (see section 5, Children).

There were other documented incidents during the year of officials being targeted for killings, in which they survived the attacks, including the governor of Faryab on March 23 and a district police chief of Faryab on April 29. In a separate apparent assassination attempt, a vehicle exploded outside the Nangarhar governor's office but failed to kill any one in the vicinity.

On October 14, a failed assassination attempt against Laghman Governor Gulab Mangal resulted in the death of another provincial government official, Engineer Rohullah, who was shot in the forehead while standing between the governor and his deputy.

On October 22, an RPG attack was carried out on a convoy of two vehicles carrying regional Pashtun warlord Amunallah Khan, his son, and other escorts. This attack was followed by small arms fire close to Gardana and Larga villages in Herat province.

The Taliban continued to behead individuals throughout the year for allegedly spying.

During the year antigovernment elements continued to attack pro-government religious leaders (see section 2.c.).

The investigation into the 2004 kidnapping of three Turkish construction workers by unknown assailants remained open at year's end. The kidnappers killed one worker and released two others.

Abductions

One hundred ninety abductions were reported in the last six months of the year, at least 12 of which resulted in the death of the hostage. However, most abductions were not reported. The Taliban and commanders abducted security forces, civilians and at least one journalist for both political and financial gain. Many were killed but some were allowed to live if they vowed to resign and join antigovernment elements. In January the Taliban abducted five civilians but later abandoned them after coming under attack from the police. In February two Nepalese security workers were abducted in Kabul. Their employer negotiated the release of one, but the other died of a heart attack while in custody. In July Taliban forces abducted and severely beat six men for teaching girls. They were later released but some remained handicapped as a result of the beatings.

The case of the May 2005 kidnapping of a foreign aid worker remained under investigation at year's end. In June 2005, she was released unharmed in Kabul.

Mines

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 ordinances 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 has cleared 554 million square meters, or 5.96 billion square feet of land. There were almost 723 million square meters, or 7.78 billion square feet of uncleared land remaining at year's end, according to UNMACA.

Treatment of Victims and Prisoners

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

Other Abuses

During the year suspected Taliban members fired on NGO vehicles, attacked NGO offices, and killed at least 31 aid workers (see sections 1.a. and 1.g.). International NGO and UN workers and recipients of NGO assistance were attacked on 57 occasions. NGO personnel were not necessarily the intended targets of insurgent violence but often victims of misidentification. Insurgents largely used attacks on PRT sites and construction crews, rather than NGOs, to hamper reconstruction efforts and drive away the international assistance community.

In March armed men set fire to UN food trucks in Uruzgan province. On March 5, six armed men dragged a UN engineer from his car and killed him in Farah. In April Taliban forces beat an NGO worker and burned his office in Paktika. On July 23, armed men looted a Danish Committee for Aid to Afghan Refugees office in Wardak Province. In August the Taliban kidnapped 15 health workers in Kandahar, but they were later freed. Numerous others working on the road system were killed around the country. There were reports in Kandahar that antigovernment forces increasingly attacked those accepting foreign assistance, causing villagers to begin refusing aid.

Militants used women and children as human shields by forcing them into the line of fire. Violence and instability hampered relief and reconstruction efforts in different parts of the country. NGOs reported that some local commanders charged them for the relief supplies they were bringing into the country. Assistance efforts were also limited by the difficulties in moving relief goods overland to remote areas.

The World Health Organization and the UN Children's Fund (UNICEF) reported concerns that the security situation in the south presented a high risk to health workers seeking to gain access to the southern provinces in order to vaccinate children. In July, President Karzai initiated a Policy Action Group (PAG), charged with assessing and coordinating a local and international response to security concerns in the South.

There were unconfirmed reports of teenagers under 18 falsifying their identification records to join the ANA, which had a legal age limit of 18; however, there have been no reports of forced child conscription since the 2003 presidential decree prohibiting it (see section 5, Children).

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 governmental and local commander intimidation of journalists to influence their reporting. According to independent media and observers, government repression and armed groups prevent the media from operating freely by demanding that news be broadcast a certain way. The Afghan Independent Journalists Association and Center for International Journalism reported fifty registered cases of intimidation and undue influence by commanders 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 material offered the potential for abuse of press freedom. Under the 2004 media law, new newspapers and printers had to get a license from the information ministry and foreign investment in the media was strictly limited.

There was concern within the media community that a draft media law under consideration in parliament at year's end would place greater restrictions on media content and create an overall climate of potential government intimidation and media self-censorship. Elements of the latest draft included: language that seeks to keep Radio-Television Afghanistan under the rubric of the government, rather than converting it to independent Public Service Broadcasting; the elimination of three committees that protected journalists from politically-motivated reprisals; and the designation of certain categories of content as "prohibited." Under the previous law, a complaints commission existed which examined complaints against journalists and decided whether the dispute could be resolved or should be forwarded to the courts for prosecution. This committee provided an extra layer of protection for journalists from those influential politicians who might otherwise use their influence to enact reprisals against journalists for publishing unfavorable stories.

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.

The independent media were active and reflected differing political views, although the extent varied from region to region. Factional authorities tightly controlled media in some parts of the country, and the degree of freedom of expression varied significantly among regions. The Ministry of Information and Culture and some provincial governors exercised control to varying degrees around the country. Observers noted tighter controls especially in the larger provinces of Mazar-e-Sharif, Kandahar, Herat, and Nangarhar. The government owned at least 35 publications and most of the electronic news media. Many other newspapers were published only sporadically, and many were affiliated with different provincial authorities. During the year there were approximately 400 publications, 50 private radio stations, five news agencies, and eight television networks, though not all were independently owned and operated. 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 that were considered a threat to the president. Approximately a dozen international stations broadcast in Dari or Pashto, including the BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan, which were available throughout the country. In 2004 business leaders inaugurated the first independent radio station established entirely by private sector funds in Ghazni province. At least 32 other community-based independent radio stations have been created.

During the year various government officials, foreign governments, regional commanders, and the Taliban subjected members of the press to harassment, intimidation, and violence. Threatening calls and messages against media organizations also remained common, some resulting in actual violence. In February police beat two journalists in Herat while they were covering sectarian violence. In May a member of parliament from Ghazni beat up reporter Noorullah Rahmani and cameraman Omed Yakmanish who were trying to cover a debate on atrocities allegedly committed by parliamentarians. In July armed men, allegedly working for a member of parliament, beat three members of a television crew for covering a land grab story outside Kabul.

Nongovernmental actors also interfered in the operations of journalists. In February militants blew up a television transmitter and generator in Nangarhar province. There were also allegations that Iran bribed and threatened reporters in the western provinces to increase the number of antigovernment stories and decrease the number of anti-Iranian stories. On October 7, two German journalists were shot dead by unknown attackers in the north. BBC reported that they were believed to be the first foreign reporters to be killed in the country since 2001 (see section 1.g.). Italian journalist Gabriele Torsello was kidnapped on October 12 and released on November 3 (see section 1.b.).

In September 2005 members of the president's security forces allegedly beat two Sada-e-Afghan reporters and detained them for eight hours for taking illegal pictures and not having an invitation to the event they were attending. No actions were taken against the authorities.

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 describing the harsh punishments imposed on individuals accused of adultery and theft, as well as the right of Muslims to convert to other religions (see section 2.c.). In December 2005 authorities released Nasab from jail with a suspended six-month sentence, under the condition that he repent and not do it again. Nasab has since moved to Iran.

In 2005, Radio Bamyán, an independent radio station, received occasional threats because the station provided programming deemed un-Islamic. Also, in July 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 the Koran for one hour in the morning and one hour in the evening.

In January Afghan TV was fined \$1,000 (49,000 Afghanis) by the media monitoring commission for broadcasting un-Islamic material. According to an Institute for War and Peace Reporting (IWPR) report the government cracked down on the 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 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.

On June 12, the National Security Department summoned several journalists to a meeting. Journalists were presented with a list of recommendations for press conduct including restrictions on some material, such as reporting on the country's deteriorating security situation; negative propaganda, interviews, or reports against the international coalition forces and ISAF; and materials which deteriorate the

morale of the public, cause security problems, or were against the national interest. These proposed new government regulations also included restrictions on interviews with the Taliban and other anti-government elements for reasons of public security. The NDS later distributed a copy to journalists that was accompanied by a demand that it not be copied or distributed. On June 19, 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.

Proposed changes to the 2005 Media Law included the designation of five additional categories of "prohibited broadcasts" (the December 2005 draft had four), including material that "jeopardizes stability, national security or territorial integrity, provides false information that might disrupt public opinion, publicizes or promotes any religion other than Islam, damages the physical, psychological, or moral well-being of the people, especially children and youth, or was deemed slanderous and insulting to people." These categories were added to those in the 2005 draft, which prohibited material that was "contrary to Islam, offensive to other religions and sects, disclosed the identity of victims of violence and rape, or constituted false accusations or defamation."

Members of the media reported that they did not interview Taliban commanders or leaders due to government restriction. Observers also report self-censorship by obscuring parts of female images when broadcasting certain pieces, such as music videos. For example, Tolo TV opted to stop broadcasting performances by Latin music star Shakira amid complaints that her performances were too provocative.

Members of the media noted their concern that current laws 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.

In June 2005 the Media High Council prosecuted Massood Qiam, a Tolo TV journalist, for defaming the country's former chief justice. The charges were later dropped at the request of the Minister of Information, Culture, and Tourism. The stated purpose of the Media High Council was to plan and approve media policy. The Minister of Information, Culture, and Tourism 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 private and personal media and dealing with complaints against such media.

In 2004 the Ministry of Information and Culture announced the creation of a Commission of Religious Clergy to monitor the media, but the commission's authority to censor content remains unclear.

The government pressured media outlets not to broadcast material that could be deemed as Taliban propaganda, and there were reports of journalists being detained and questioned for having contacted Taliban officials.

Cumbersome licensing procedures restricted operations of publishing houses.

Internet Freedom

There were no government restrictions on the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was unavailable to most citizens, and computer literacy and ownership rates were miniscule, although Internet cafes were increasingly popular. Years of fighting and extreme poverty limited the infrastructure available to support the provision of Internet service.

Academic Freedom and Cultural Events

Through its appointment of university officials, the government was able to informally restrict academic freedom, by censoring or restricting course content that it deemed un-Islamic. During the year police dropped all charges in the case of two students expelled from Herat University and arrested following a classroom discussion in which they debated the role of Christianity in Muslim society.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

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

In February protests took place around the country in response to Danish cartoons depicting the Prophet Mohammad. Police killed four protesters around the country while attempting to protect foreigners from violent protesters. In March the demonstrations continued in Pul-e Khumri, the capital of Baghlan province, as well as other parts of the country.

In May riots broke out in Kabul after a traffic accident involving a Coalition military convoy. The riots killed 17 people and injured over 200. There was no official investigation into the May 2005 riots, a separate incident, in which security forces killed 16 protesters.

Freedom of Association

The political parties law obliges parties to register with the MOJ and required political parties to pursue objectives that were consistent with the principles of Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where antigovernment violence affected overall security (see section 3). However, the International Crisis Group reported some instances of obstruction of registration. For example, the registration of the United National Party led by Noorul Haq Olomi, a former Parchami general, was delayed by almost a year and a half. At year's end there were 91 registered political parties.

In August Interior Minister Zarar called for two parties run by rival warlords to be disbanded after allegations surfaced connecting them to violence in the northern provinces. Members of the 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, protested, and the parties never 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. For example there were no overt foreign missionaries or other non-Islamic religiously oriented organizations in the country. These groups opted to operate discreetly for fear of societal persecution. The law also declares that no law can be contrary to the beliefs and provisions of Islam. The government requires all citizens to profess a religious affiliation and assumes all Afghans to be Muslim. According to Islamic law, conversion from Islam is punishable by death. In recent years this sentence was not carried out in practice.

As Afghan Christians were forced to remain underground, they did not openly practice their religion or reveal their identity. During the year there were sporadic reports of harassment and threats against Christians.

Members of the government called for the execution of Christian converts. In February Abdul Rahman was arrested for converting to Christianity and faced the death sentence. The court determined that Rahman was unfit to stand trial, and he was given asylum in Italy. During his detention, Rahman accused authorities of beating him with hoses and their bare hands. In conjunction with this case, there was some publicly displayed anger, in particular a protest in Mazar-e-Sharif attended by hundreds of people.

There were no laws forbidding proselytizing, although authorities viewed proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death.

The government did not require women to wear burqas. Although some women continued out of personal choice to wear the burqa, 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 religious subjects. Non-Muslims were not required to study Islam, and there were no restrictions on parental religious teaching. Members of some minority groups, such as the Sikhs, operated private schools to avoid harassment and to provide religious and cultural education to members of their community.

During the year antigovernment elements continued to attack progovernment religious leaders. Antigovernment elements killed over a dozen clerics in Kandahar and over 20 nationwide. These attacks also injured 40 other religious officials.

Societal Abuses, Discrimination, and Anti-Semitism

Non-Muslims faced discrimination in schools. The Shi'a religious affiliation of the Hazaras historically was a significant factor contributing to their repression, and there was continued social discrimination against Hazaras (see section 5). The AIHRC continued to receive numerous reports that students belonging to the Sikh and Hindu faiths stopped attending schools due to harassment from both teachers and students, and the government did not implement measures to protect these children. Sikhs and Hindus returning to the country faced difficulties in obtaining housing and land in Kabul and other provinces, and these communities reportedly continued to face acts of discrimination. However, during the year, the government provided Sikhs and Hindus free electricity for their places of worship. Historically the majority Sunni population discriminated against the minority Shi'a community. According to a UNHCR report the Sikh and Hindu communities complain of experiencing harassment. They face intimidation and verbal as well as, at times, physical abuse in public places. In terms of property, many homes and businesses were lost or occupied during the fighting. Commanders still occupied the properties of some Sikhs and Hindus in Kabul. In both Jalalabad and Kabul, the community representatives have expressed concerns that they will not be able to accommodate returning families. While Hindus and Sikhs did have recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the community feels unprotected. Hindus and Sikhs generally chose not to pursue matters through the courts for fear of retaliation, particularly where commanders occupied their property. Hindus and Sikhs have generally chosen not to pursue matters through the courts for fear of retaliation. Hindus also complained of not having a place to cremate the remains of their dead, a Hindu religious custom, and being prevented from enrolling in some educational institutions. While Hindus reported being harassed by neighbors in their communities, there were no known reports of discrimination against Hindus by the government.

On February 9, sectarian violence erupted in Herat during a gathering for the Shi'a holiday of Ashura, which resulted in six deaths and more than 150 persons injured, according to Radio Free Europe/Radio Liberty. Local officials believe the violence was preplanned to instigate the Sunni community against Shi'as and propel the situation beyond the governor's control. According to the MOI, a former commander of General Ismail Khan, a former Director of Education, a former Director of Public Works, and the son of General Ismail Khan planned the riots. The MOI reported that only four were killed and 147 injured. Police in Herat arrested 11 individuals and handed them to the NDS's custody.

In July several hundred Korean evangelical 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 ISAF and the international community to develop a comprehensive security contingency plan to prevent violent clashes between the demonstrators and Afghanistan's Muslim communities. The MOI deployed several hundred additional police officers in the cities of Kabul, Mazar-e-Sharif, and Herat where the Koreans had assembled to maintain peace. The government housed the Christians in clusters around each city but took measures to prevent them from assembling in large groups. After talks with several foreign embassies, the Christian group decided against holding the rally in favor of their security.

There were no reports of anti-Semitic acts. There was only one known Jewish resident who lived in Kabul where he was caretaker of a local synagogue. He maintained that the synagogue's Torah was confiscated by Taliban officials several years ago, and he has received no response to his efforts to retrieve it.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, certain laws limited citizens' movement and the government limited citizens' movement when justified by security interests.

The passport law requires a woman to obtain permission from a male family member before having a passport application processed. In some areas of the country women were forbidden by local custom or tradition to leave the home except in the company of a male relative.

The greatest restriction to movement in the country was the lack of security. Insurgent violence, banditry, and landmines hampered travel within the country. In many areas antigovernment forces made travel difficult and extremely dangerous, and the population did not travel at night due to fear.

Taxi, truck, and bus drivers complained that 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 control of the many illegal crossings, and states the corruption of border police permits 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. Ethnic Hazaras have reported being asked to pay additional bribes at Afghan border crossings where Pashtuns were allowed to pass freely.

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

According to the AIHRC female deportees from Iran must remain in custody until their citizenship can be verified or guaranteed by family.

Internally Displaced Persons (IDPs)

Approximately 40,000 to 50,000 persons were estimated to be internally displaced. Year-end figures for residual battle-affected IDP caseloads ranged from 132,000 - 135,000. According to the UN 80 to 90,000 people fled their homes due to fighting in Helmand, Kandahar, and Uruzgan provinces during the year.

The main causes of internal displacement were the ongoing drought, which left 1.9 million people in 22 provinces facing chronic water and food insecurity; the urbanization of the country's returning refugee population, which lived in urban centers and acquired new skills while living in exile and subsequently preferred to live in cities; and fighting in the south between Taliban insurgents and ISAF. Local government provided assistance to conflict-affected IDPs through the Ministry of Rural Rehabilitation and Development, in coordination with the UNHCR, Institute of 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. During the year the highest numbers of IDP assisted returns occurred in the provinces of Jawzjan, Faryab, Herat, Zabul, and Kandahar.

Protection of Refugees

The 1951 Convention on the Status of Refugees was ratified in 2005; however, there are no local laws providing for the granting of asylum or refugee status. In practice the country was in the process of trying to repatriate and provide services for its own returning refugees. There were no known cases of other nationals seeking official government assistance in obtaining protection or refugee status.

The government had not established a system for providing protection for refugees or those seeking asylum. The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government did not provide protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. Over the past five years 4.7 million refugees were repatriated to the country. During the year over 224,000 refugees returned, and UNHCR assisted over 139,000. The UNHCR estimated that approximately 3.4 million refugees were still living in Iran and Pakistan. Women and children constituted 75 percent of the refugee population. During the year the number of UNHCR assisted returns decreased significantly, while spontaneous returns decreased only slightly. In August, September, and October 2005 refugees returned in large numbers to the country, as all refugee camps in the Federally Administered Tribal Areas of Pakistan were closed. A fifth of these people

were living without shelter at the end of 2005. Other Afghan refugee camps within Pakistan remained open. Sporadic fighting and related security concerns, as well as drought, discouraged some refugees from returning to the country. In Pakistan the four Afghan refugee camps scheduled for closure during the year remained open.

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 perpetrated against Hazaras in the 1990s.

During the year returning refugees from Pakistan settled in Tangi, Nangarhar. Governor Sherzai of Nangarhar made a verbal commitment to give the land to the returned refugees, who were originally from Kunar, a province just to the north of Nangarhar; however, ethnic Kuchis protested, claiming that the land was theirs. At year's end the dispute remained unresolved.

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 practice for the first time in over 30 years in the September 2005 parliamentary elections.

Elections and Political Parties

In September 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. Members of the Meshrano Jirga, the upper house, were selected through presidential and provincial council nomination. Since the parliament was inaugurated in December 2005, members generally worked together cooperatively. In 2004 citizens chose Hamid Karzai to be the first democratically elected president in an election that was acceptable to the majority of the country's citizens, though observers did note irregularities, including pervasive intimidation of voters and candidates, in particular women.

The AIHRC and the 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 over 6,000) from the campaign, including three for committing election offenses. Militants targeted civilians and election officials in a campaign to derail national elections. According to HRW, in the south and southeast, anti-government forces opposed to the elections managed to drive down participation to nearly a third of registered voters. A Taliban spokesman declared that all parliamentary candidates were high priority targets, and in 2005 antigovernment forces killed seven parliamentary candidates, two parliamentarians-elect, and at least four election workers. There were no developments in the investigations of the June 2005 killing of a provincial council candidate from Uruzgan province by unknown assailants, the August 2005 attempt on the life of a female parliamentary candidate from Kandahar, or the August 2005 shooting and injuring of Hawa Alam Nuristani, a female candidate in Nuristan. While some alleged that the governor of Balkh province was involved in the assassination, three other suspects were detained for the attack. According to the MOI, three men were arrested in connection with the September 2005 killing of parliamentary candidate Mohammad Ashraf Ramazan. The MOI subsequently released one suspect; the other two remain in the custody of the NDS at year's end.

There was no established tradition of political parties, but political groups continued to develop in the National Assembly. Many former warlords and commanders were active members of the parliament. There were reports that some used fear and intimidation to influence other members to vote according to their preferences.

Unlike in previous years, the government did not ban any political parties, other than the Taliban. Over 90 accredited political parties were registered with the MOJ.

Political parties generally were able to conduct activities throughout the country, except in regions where antigovernment violence affected overall security. AIHRC and UNAMA reported that officials sometimes interfered with political parties, mainly because of a lack of awareness of citizens' political rights. Political parties also exercised significant self-censorship. Political activities were visibly discouraged or curtailed in some parts of the country. Throughout the year, conditions for political parties continued to improve.

Of the 249 seats in the Wolesi Jirga, the law requires that 68 seats be allocated to women. Approximately 25 percent of the total seats were also reserved for women on each provincial council. Five provincial seats reserved for women remained vacant due to the lack of women candidates in three provinces. In the Meshrano Jirga, 17 of the 34 seats appointed by the president were reserved for women. There was one woman in President Karzai's cabinet at the end of the year. There were no female members appointed to the supreme court, but during the year the attorney general appointed the first female chief prosecutor to Herat. There were 249 total members, including 68 women in the Wolesi Jirga and 102 members, including 22 women in the Meshrano Jirga. There was one female governor in Bamyan province.

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 from the Taliban. In February a female member of parliament was attacked in Parwan province but escaped unharmed. Others were forced to move around constantly to avoid assassination attempts, violence, and death threats. In September Safia Ama Jan, the director of the Kandahar Department for Women's Affairs, was assassinated on her way to work. In November there was an unsuccessful attempt to kill a female provincial councilmember in Kandahar. Threats have been made against five heads of the Department of Women's Affairs across the southern and eastern parts of the country. The female director of education in Ghazni also received several death threats. In 2005 antigovernment forces targeted women associated with the electoral process for violent attacks and threats. Of the 633 female candidates, 51 withdrew their candidacy.

Of the 249 seats in the Wolesi Jirga, the law requires that 10 seats be allocated to Kuchis. 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. For example Pashtuns, who constitute a majority along several provinces in the South, alleged that they

were not given equal opportunities to work for local government in the provinces of Herat and Kapisa, where they were not in the majority. By contrast, other provinces, such as Ghazni prided themselves on the representation of several ethnic groups within local government.

Government Corruption and Transparency

There was widespread public perception of government corruption, including ministerial level involvement in the illegal narcotics trade. The president replaced several governors, police chiefs and other officials, reportedly because of their corrupt practices. Border Police Commander Haji Zahir was asked to leave during the summer, due to allegations of corruption but refused to do so. The MOI stopped salary payment to the officers operating under Zahir; however, Zahir continued to pay their salaries and funded over 1000 additional officers, essentially forming a private militia, reportedly from his own funds. The newly-appointed attorney general arrested several government officials on charges of corruption.

Government corruption was exacerbated by a lack of political accountability and capacity to monitor government spending, coupled by low salaries and substantial influx of international funding which ministries were not prepared to audit. During the year the parliament reviewed proposals to dismiss or consolidate certain ministries and raise the overall salaries of civil service employees. Observers alleged that governors with involvement in the drug trade or past records of human rights violations served in various presidential appointments with relative impunity. On December 12, HRW released a press statement naming several prominent government officials as gross human rights violators during the mujaheddin period and called for a special court to try them. President Karzai defended these officials, stating his belief that the officials in question had played a positive role in ensuring peace in the country. The allegations and response marked a resurgence in the country's debate over transitional justice. At year's end, the MOI was reviewing 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. There were cases in which government officials were 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.

NGO and international assistance workers or recipients were attacked on 57 occasions. 31 NGO staff members were killed, down from 33 in 2005 but up from 23 in 2004. For most of the year NGOs were not the direct target of insurgents. Towards the end of the year, however, there was more evidence of direct threats and attacks against NGO workers by insurgents (see sections 1.a. and 1.g.).

In June 2005 the government passed a new NGO law in an effort 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 taking advantage of the system to pose as NGOs. In February the government stripped the licenses of more than 1,600 NGOs accused of economic fraud and corruption. Local employees ran several international NGOs, including HRW, which monitored the human rights situation inside the country. The government did cooperate with international governmental organizations and permitted them to visit the country.

The constitutionally mandated AIHRC continued its role in addressing human rights problems within the country. The nine-member appointed commission 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 10 offices outside Kabul. The AIHRC remained a reasonably influential organization, effective in its ability to document cases, raise public awareness, and influence national policy regarding human rights. This was evidenced by the December 10 launching of the National Action Plan for Truth, Justice and Reconciliation, a plan for transitional justice that was partly drafted by (in conjunction with the UN) and heavily promoted by the AIHRC. Dr. Sima Samar, Chairwoman of the AIHRC, unofficially holds status equivalent to a government minister and routinely met with President Karzai. During the year the AIHRC began development of a comprehensive database that will allow them to produce reliable statistics on various types of abuses as of early 2007. The AIHRC did not have adequate resources to focus on advocacy of human rights or intervention in individual cases reported to it.

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 also conducted confirmation hearings on several presidential appointees.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution states that any kind of discrimination between citizens is prohibited. The law 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, gender, disability, language, or social status was not explicitly mentioned in the law. There were reports of discrimination based on race and gender. The severity of discrimination varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women and on local customs. The minority Shi'a faced discrimination from the majority Sunni population. Ethnic Hazaras faced discrimination at border checkpoints. Women entrepreneurs reported discrimination when seeking to purchase raw materials at local bazaars where they were quoted higher prices.

Women

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 Taliban years, as well as limited employment possibilities, continued to impede the ability of many women to improve their situation. The government and NGOs continued to promote women's rights and freedoms whenever possible; however, the number of female cabinet members was reduced from three (Minister of Women's Affairs, Minister of Martyrs and Disabled, and Minister of Youth) to one (Minister of Women's Affairs). According to the Ministry of Women's Affairs (MOWA), women made up less than 25 percent of government employees nationwide. There were no women serving in the Supreme Court. A woman held the position of Second Deputy Speaker of the Wolesi Jirga in the Parliament. Women, particularly in villages and rural areas, nevertheless still faced pervasive human rights violations and remained uninformed of their rights under the law and constitution.

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 runs a shelter for victims of domestic violence, noted that it occurs in most homes but goes largely unreported due to societal acceptance of the practice. Domestic violence usually occurs in the form of beating of women and children and, less often, in 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. The government, with the help of the United Nations Population Fund, also established its first special police unit to address the needs of women and children. The unit, which was created in January, was designed to provide assistance to victims of violence against women and children. Policewomen staffed the unit and kept complaints confidential.

According to Integrated Regional Information Networks (IRIN), four shelters in Kabul were home to more than 100 women and girls. The centers were supported by the MOWA and other agencies and 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. But space at the specialized shelters was limited. Many of the women who could not find a place in the four secure hostels in Kabul end up in prison. One shelter in Kabul reported that while it only had capacity for 20 women, it held 26 women and 8 children during the year. Approximately 120 women and girls have passed through the shelter seeking refuge since its opening in 2003.

Some women's advocacy groups reported informal intervention from the central government in the form of letters to their local courts explaining domestic and Shari'a law in favor of several women facing trial for domestic violence cases or forced marriages.

The law criminalizes rape, which is punishable by death, although this punishment did not extend to spousal rape. According to the MOI 260 cases of rape were reported during the year. Of those, 146 cases were of rape against females and 114 cases were of rape against males. The MOI reported 409 arrests in connection with rape cases; however, statistics on convictions were not available. Rapes were difficult to document in view of the associated social stigma against the victims of rape; however, rape against women and boys and domestic violence against women remained serious problems. The majority of rape cases were never reported because victims face stringent societal reprisal, often being deemed unfit for marriage or even punished as a result of having been raped.

In northern areas, commanders targeted women, especially from Pashtun families, for sexual violence. In 2005 there were at least four credible reports of soldiers and commanders loyal to local warlords raping girls, boys, and women in provinces in the eastern, northern, and central part of the country. In one of these cases police arrested two perpetrators, but the case remained open at year's end. A total of 21 such cases were reported to the AIHRC during 2005. During the year an additional 12 were reported. The MOI recorded 134 cases of rape against women and 103 cases of rape against boys.

Societal violence against women persisted, including beatings, rapes, forced marriages, kidnappings, and honor killings. Such incidents generally went unreported, and most information on the abuse was anecdotal. For example in November 2005 Farid Majid Naia beat and killed his wife Nadia Anjuman, a poet, in Herat. While Naia admitted beating Anjuman, he claimed he stopped before she died. Naia claimed Anjuman ingested poison, but he did not allow an autopsy. There was no available information about the ongoing investigation against Naia at year's end. Forced marriages were often intertwined in a cycle of violence and family problems for continuing generations. For example the AIHRC reported the case of a Kabul family in which the husband repeatedly beat his wife over a period of 25 years. The couple's four-year-old daughter was diagnosed with psychological problems as a result of witnessing the violence, and the 20-year-old son eventually ran away from home.

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. Violence against women was widely tolerated by the community and is widely practiced. Abusers were rarely prosecuted and investigations were rarely carried out for complaints of violent attacks, rape, murders, or suicides of women. If the case did come to court, the accused were often exonerated or punished lightly. Women who reported rape face being locked up and accused of having committed crimes of zina.

Forced marriages continued to be a widespread problem. Previous AIHRC reporting estimated that 60 to 80 percent of all marriages were forced. The AIHRC estimated that approximately 40 percent of marriages were forced, and distinguished this category from another 20 percent of marriages that were "arranged," in which the woman was not allowed to choose her own spouse but may opt not to marry the man chosen for her by her family. During the year the AIHRC recorded 213 cases of forced marriages. There were 106 reported cases of self-immolation, several of which were women protesting a forced marriage.

Exchanging or selling women or girls remained a customary method of resolving disputes or satisfying debts, even though it was outlawed by presidential decree. For example, according to the UN Development Fund for Women (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 41 cases of women being given to another family to settle disputes; however, the AIHRC believes the number of actual cases to be much higher. In the early part of the year, there was a very high-profile case involving a 13-year-old who was engaged to the son of an influential politician in Badakhshan province. She refused to marry the man and was threatened with stoning by residents of her village. The case eventually went to the Supreme Court; however, quiet negotiations involving local and central government led the case to be dropped and mediated informally. The girl did not have to marry the politician's son.

Honor killings also continued to be a problem. The AIHRC documented a total of 50 cases throughout the year. During the year 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 set the girl on fire. She died three days later. At year's end authorities had not investigated this case. There were no further developments in the December 2005 case of an honor killing in the Watapour District of Konar Province.

According to MOI statistics at year's end there were 234 women detained around the country, of which 172 had been convicted and sentenced to jail time, while the remaining 62 had not yet had trials. Many women were imprisoned at the request of a family member, including those incarcerated for opposing the wishes of the family in the choice of a marriage partner, on adultery charges, or bigamy charges from husbands who originally granted a divorce but changed their minds when the divorced wife remarried. Women also faced bigamy charges from husbands who had deserted their wives and then reappeared after the wives had remarried. Many imprisoned women were also accused of murdering their husbands.

In 2005 police in Ghazni Province discovered Agela, a 13-year-old girl who was sentenced to five years in prison after her much-older, former husband had the girl and her new husband arrested. At five years of age, Agela's family had married her to a 55-year-old man. When Agela was eight, the man changed his mind about the marriage and arranged for Agela to marry a younger man. She obtained a divorce and remarried. However, after returning from two years in Pakistan, the older man changed his mind and had her and her new husband arrested.

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 concept of women's shelters was still not widely accepted in society, as many people 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 to do no 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 largely not socially accepted. On January 24 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 in communities.

There were growing concerns about women committing self-immolation, most often to escape from oppressive family circumstances such as forced marriage. Although comprehensive statistics remained unavailable, the AIHRC documented at least 106 cases of self-immolation nationwide this year, and other organizations have reported an overall increase over the past two years. According to the AIHRC, Herat demonstrated the highest number of documented cases; however, AIHRC officers believed that incidence was actually higher in Kandahar province, although fewer cases were reported because it was less acceptable in more conservative areas like Kandahar to draw public attention to family disputes. In Herat the average number of cases was 18 to 20 per month but not all were formally reported. The AIHRC found most self-immolations occurred to escape abusive marriages and to avoid marrying husbands that the victims did not want to marry. UNIFEM reported that over 65 percent of the 50,000 widows in Kabul view suicide as their only option to staying in abusive or forced marriages.

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

Trafficking in persons remained a growing problem. The Ministry of Foreign Affairs (MOFA) and International Organization for Migration (IOM) reported that there was an increase in the trafficking in women for commercial sexual exploitation during the year (see section 5, Trafficking).

There was no law specifically prohibiting sexual harassment. Sexual harassment of Muslim women was not generally viewed as socially acceptable. There were reports of harassment of foreign women.

The MOWA is the primary government agency responsible for assessing and combating the needs of women and had provincial offices open in most provinces; however, the organization suffered from a severe lack of capacity and clear definition of how it could best meet the needs of women. Several international organizations and foreign embassies were working to address its funding and capacity needs. The (MOFA) also had a unit that deals with women's issues.

While local family and property law is not explicitly discriminatory towards women, in most parts of the country where knowledge of the actual law was minimal, elders relied on Shari'a law and tribal custom, which often was discriminatory towards women. For example rape cases require that a woman produce multiple witnesses to the incident while the man can simply claim that it was consensual sex often convicting the woman of adultery without any witnesses. On the whole, women reported having little to no access to justice at all in tribal shuras, where all presiding elders were men, and women in some villages were not allowed to approach them for dispute resolution. Discrimination against women in some areas was particularly harsh. Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture; in some areas, women were forbidden to leave the home except in the company of a male relative (see section 2.d.). In 2005 according to the Institute for Media, Policy and Civil Society, women in Logar were prohibited from traveling to the

area of town where a community radio station was based, and male journalists often were not allowed to interview women for their reports. Also in 2005 in Paktika Province, female parliamentary candidates reported that women were not allowed to leave their homes, were forbidden from attending schools, and needed the permission of their male elders to conduct activities outside the home. UNAMA reported that male relatives had forbidden some female students in Kabul from attending universities outside the country. During the year fewer girls were permitted to attend school in the southern provinces than in other parts of the country.

In 2004 the government established the first unit of female police, and small numbers of women began to join the police force during the year. However, there were reports that female police officers found it difficult to be accepted as equals among their colleagues. For example in 2005, six female police officers in Kunduz faced discrimination and hostility, and spent the first four months on the job cleaning the police station. They were paid \$60 (3,000 AFNs), \$10 dollars (495 AFNs) less than their official salary, and they were forced to wear burqas over their uniforms under threats of violence. The MOI reported that female recruitment was difficult because of cultural differences. Female officers often complained of disparate treatment by superiors and a lack of respect from their colleagues. There was one female Brigadier General among the ranks of the ANP.

While some women continued out of personal choice to wear the burqa, many other women felt compelled to wear one out of fear of harassment, violence, or bringing shame to their families. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam and local custom continued to diminish.

The Department of Commerce had a Department of Women's Entrepreneurship. Several women served on the board of the Chamber of Commerce.

Children

The government demonstrated an increasing commitment and willingness to address the concerns of vulnerable children and their families; however, a report released early this year by the AIHRC asserted that the country's civil code did not adequately address the rights of the child independent of family or property management issues. On May 16, the government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Martyrs, Disabled and Social Affairs, with support from UNICEF and other partners, in order to improve care for vulnerable children and families.

The law makes education up to the secondary level mandatory, and provides for free education up to the college, or bachelor's degree level. According to the MOE there were 9033 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 over 5.2 million during the year. This year UNICEF estimates that two million children (54 percent) were out of school, including 1.3 million girls. According to figures from the MOE, 40 percent of teachers were professionally accredited.

The MOE estimated female attendance at 40 percent this year. UNICEF estimates break this down further to show that 40 percent of girls attended primary school, while only 5 percent went on to attend secondary school. The World Bank and many NGOs estimated female attendance at 32 to 35 percent. Estimates of female literacy varied from 5 to 13 percent.

In most of the country girls' enrollment may have increased as a result of international donor efforts in school rehabilitation, teacher training, and increased education provision using NGOs. Current accurate nationwide enrollment information was not available at the end of the year. Nearly a third of districts and some provinces had no schools for girls to attend, and even in secure areas such as Kabul, some male family members did not allow girls to attend school. Even though the number of girls attending school increased, large disparities in access still remained from province to province, with enrollment as low as 15 percent in some areas.

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 drop-out 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 and 13.

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. The majority of school-related violence occurred in 11 provinces in the south (Helmand, Farah, Zabul, Kandahar, Uruzgan, Ghazni) and the border region (Paktia, Paktika, Khost, Kunar, Logar). The MOE reported that 198 schools were attacked during the year and a total of 370 schools had been closed during the year due to attacks, preventing almost 220,000 students from receiving an education.

On January 3, militants beheaded Malim Abdul Habib, the headmaster of a coed high school in Zabul province. Prior to his murder, Habib had also been warned to stop teaching girls at the school. In July militants abducted six teachers and blindfolded and beat them. Also in July a time bomb killed a female student at Herat University. On August 8, unknown attackers kidnapped the district-level director of education from the district of Qarabagh in Ghazni province. He was found dead two days later, having been beaten and shot. His assailants had apparently warned him to stop educating girls prior to killing him, but he had refused. "Night letters," a common form of intimidation by posting anonymous letters issuing threats around a town during the late hours, have also surfaced threatening the female provincial Director of Education for Ghazni, Fatima Mushtaq. On December 9, two female teachers were killed in Kunar province. According to press reports the two women had received death threats warning them to stop educating girls but had refused to obey. Gunmen reportedly entered their home and killed the two teachers, along with three other family members. At year's end the government was still investigating this case.

According to a HRW report on attacks on schools, there were entire districts where attacks by Taliban and other insurgents led to the closing of all schools. In others female pupils were being withdrawn because of a lack of security. Even more common were threatening "night

letters," alone or preceding actual attacks, distributed 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. Afghan education officials have stated that attacks averaged one school a day. In areas where students did attend school, the quality of education was extremely low. Where schools did remain open, parents were often afraid to send their children--in particular, girls--to school.

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. Infant mortality statistics remained bleak. UNICEF estimated that one child out of four did not survive to his or her fifth birthday. A Ministry of Health 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. For example, in 2005 a six-year-old girl's parents traded her to another family to work as a housemaid after the girl's brother backed out of an engagement with that family's daughter. Although against the law, corporal punishment at schools was not uncommon. Some children reportedly had their hands struck while others were tied and had the soles of their feet beaten. According to July news reports, a nine-year-old girl in Herat was beaten so many times in school she was scared to go back. According to a recent UNHCR report, the practice of using young boys as objects of pleasure by commanders, tribal leaders, and others was more than a rare occurrence. Such relations were often coercive and opportunistic in that more influential, older men were taking advantage of the poor economic situation of some families and young males, leaving them with little choice. There were also a few documented cases of abduction of young boys for sexual exploitation by commanders. The MOI recorded at least 130 cases of rape of young boys during the year. There were no child labor laws or other legislation to protect child abuse victims (see section 6.d.).

Prevention of child abuse was addressed in the NSFCAR. The Ministry of Public Health trained over 1,600 health workers on prevention of child abuse and violence against children. UNICEF and Save the Children supported the MOE's efforts to prevent violence in schools by doing workshops on alternatives to corporal punishment and degrading children to encourage good behavior. The government also participated in the South Asia Regional Consultation on Violence Against Children in both 2005 and this year.

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. Measures were taken to standardize the legal age for marriage for both boys and girls. At year's end, the AIHRC and women and child advocacy groups had negotiated a draft law that would change the legal age of marriage for both girls and boys to 18. At year's end, the draft legislation had not yet been passed. Previous draft legislation set the legal age at 18 for boys but 17 for girls. According to 2005 UN and government figures, most marriages continued to involve girls below the age of 16, many of them forced. Surveys conducted by the AIHRC found that many girls aged six to seven were forced to marry men several decades older. In June the government set up a working group on "early and forced marriages" under the Ministry of Labor and Social Affairs (MOLSA) and the Ministry of Martyrs and Disabled (MOMD). Additionally President Karzai made several public statements that it was an unjust practice that was contrary to Islam.

The AIHRC conducted a study on child sexual abuse this year revealed that girls were more vulnerable than boys. Sixty 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. Five percent of victims said a female cousin had been sexually abused, and 2.7 percent of victims said a male cousin had also been sexually abused. When asked where the abuse took place, 45.5 percent of child victims had been sexually abused at home. Abuse in alleys or villages (27 percent), by shopkeepers in stores (10.8 percent), mountainous areas (8.3 percent), and hotels (2.7 percent) was also common. 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 ten 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."

While there were no documented cases of child trafficking during the year, most experts believe the practice was widespread and continued to be a problem during the year (see section 5, Trafficking).

A 2003 presidential decree prohibited the recruitment of children and young persons under the age of 22 into the army; in the middle of the year the legal recruitment age was changed 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 during the year. There were no reports of forced child conscription. UNICEF maintained that efforts to assist the government in creating a national birth registry and ID system would greatly mitigate this problem.

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. This year UNICEF supported educational and skills training for over 3,750 demobilized child soldiers and other war-affected children (1,162 of which were girls) in eight provinces. Since 2004 over 12,090 children affected by war have been supported through UNICEF's reintegration project in 28 provinces.

Child labor remained a problem (see section 6.d.). According to UNICEF estimates, at least 20 percent of primary school age children undertake some form of work.

Living conditions for children in orphanages were not satisfactory, and they did not have access to health services, recreational facilities, or stimulation. According to a study conducted by UNICEF and MOLSA in 2003, 8,000 children were living in residential care facilities. The MOLSA operated 52 orphanages across the country. UNICEF estimates that some 80 percent of the 8,000 children currently living in orphanages have at least one living parent. Thus, the NSFCAR strongly advocates for 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.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, traffickers could be prosecuted under other laws, including statutes against kidnapping. In late 2005 the AIHRC worked with the government to draft a National Plan of Action that included benchmarks and objectives for each governmental organization to work towards. One of those objectives included having the country removed from the UN blacklist. The country was a source and transit point for trafficked persons. Trafficked children were believed to most frequently be sent to Pakistan, Iran, and the Gulf states for commercial sexual exploitation, forced begging, or camel jockeying. The lack of systematic monitoring prevented a quantitative assessment of the scale of the problem. What little data were available suggested that trafficking in children, mainly boys for labor, was the predominant form of trafficking across borders. Buying and selling of women and girls also continued. Internal trafficking of children for commercial sexual exploitation, forced begging, and bonded labor remained a problem. There were no official estimates of the number of children involved in the sale and trafficking of drugs, however children under 18 have been arrested for drug trafficking related charges (see section 6.d). The government did little to combat trafficking in persons, mainly as a result of a lack of capacity in the government, a corrupt, weak judicial system, and the poor security situation. The MOI reported 231 cases of trafficking during the year for which 340 people were arrested. There were no available statistics on convictions.

There were continued reports of poor families promising young girls in marriage to satisfy family debts. There were a number of reports that children, particularly from the south and southeast, were trafficked to Pakistan to work in factories, or internally for commercial sexual exploitation in brothels.

A 2005 presidential decree mandates the death penalty for child traffickers convicted of murder and provides for lengthened prison terms for child traffickers. Although prosecutions of traffickers reportedly continued to increase, and the government devoted greater attention to trafficking in persons during the year, prosecution of perpetrators also continued to be inconsistent. At year's end work on a new trafficking in persons law was pending completion. Between March and December 2005, the AIHRC and UNICEF received more than 150 reports of child trafficking, and reported approximately 50 arrests of child traffickers. The AIHRC tracked and investigated cases of child abduction and worked to assist in international investigations of trafficking. The MOI, MOLSA, and MOFA have units responsible for monitoring and combating trafficking issues. There is an inter-ministerial committee on trafficking comprised of these ministries as well as the MOJ, MOWA, MRA, Ministry of Refugees and Returnees, and Ministry of Finance.

Some government officials were believed to be involved in trafficking in persons, particularly border guards who took bribes to allow traffickers to cross into Iran and Pakistan with victims and officials who issued false marriage licenses to traffickers.

Trafficking victims, especially those trafficked for sexual exploitation, faced societal discrimination, particularly in their home villages. The country did not have a shelter dedicated for trafficking victims, and some adult victims were arrested and jailed for engaging in prostitution.

In 2005 authorities repatriated 317 children from Saudi Arabia, Pakistan, Zambia, UAE and Oman. The MOLSA, 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.

Persons with Disabilities

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

According to the MOMD sample surveys estimated a total disabled population of 2 million persons, 25 percent of whom had disabilities caused by the country's two-and-a-half decades of conflict. Domestic NGOs offered privately funded trade classes. 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 MOMD 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 MOMD 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 minister for the martyred and disabled.

The Afghanistan Landmine Monitor Report stated that the rehabilitation and reintegration needs of mine survivors and other persons with disabilities also 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

During the year 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. There were no further developments in the 2004 accusation by Pashtuns in Herat Province that then governor, ethnic Tajik Ismail Khan, discriminated against and abused their ethnic group. The nomadic Kuchis expressed concern that the voter registration process underrepresented their population; however, 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 commanders caused displacement in isolated situations. Discrimination, at times amounting to persecution, by local commanders and local power-holders continued in some areas, in the form of extortion of money through illegal taxation, forced recruitment and force labor, physical abuses and detention. Other forms of discrimination concerned access to education, political representation and civil service employment.

Also according to a recent UNHCR report, while Ismailis were not generally targeted or seriously discriminated against, they continued to be exposed to risks. In Baghlan Province, local commanders 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 local commanders. In Tala-wa-Barfak District, cases of rape of Ismaili women have been reported, with perpetrators acting with impunity.

Other Societal Abuses and Discrimination

The law criminalizes homosexual activity; however, the prohibition was only sporadically enforced. However, a recent UNHCR report noted that, homosexual persons commonly 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 the year 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. 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 minimally functioning ministries and local and international NGOs. Labor law does allow unionization and the formation of associations that pursue mutual vocational interests.

b. The Right to Organize and Bargain Collectively

As a consequence of 25 years of war, occupation, and civil strife, the industrial base was long since erased by the time the Taliban fell in 2001; the social role of unions was ruined along with the economy. There was only one semi-active 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. CCNUAE reported membership of 200,000 government workers and employees of state-owned enterprises. As a practical matter, this 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 survived mostly on proceeds from real properties and other investments. The government allowed CCNUAE to operate without interference. The country lacked a tradition of genuine labor-management bargaining, and the law does not provide for the right to strike. 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 were 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 (see section 5, Children). There were reports of women being given away as laborers to other family in order to settle disputes.

d. Prohibition of Child Labor and Minimum Age for Employment

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. Children under 13 may not work under any circumstances. There was, however, no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. In 2005 UNICEF reported there was an estimated one million child laborers under the age of 14 in the country. UNICEF estimate, at least 20 percent of primary school age children undertake some form of work. An AIHRC report released this year estimated that most child laborers worked as street vendors (13 percent) or shop keepers (21 percent). Other common forms of labor were workshop hands, 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. Eighty-six percent of child laborers were boys, and 14 percent were girls.

While no statistics exist, children under 18 have been arrested for drug trafficking related charges. AIHRC reported that in Kabul there were about 60,000 child laborers, the majority of whom migrated to the city from other provinces. Many of them worked under unscrupulous employers who subjected the children to sexual exploitation and forced labor. UNHCR reported that many children worked on the streets of

Kabul, Jalalabad, and Mazar-i-Sharif with numbers increasing. The child labor force was predominantly boys aged 8-14 with a smaller number of girls 8-10 years old.

According to a UNHCR report, the majority of child laborers were involved in domestic work. MOLSA officials reported that the government was working to tackle the problem of child labor. The NSFARC 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 also contributed to the prevention of exploitative child labor.

e. Acceptable Conditions of Work

No information existed regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many employers allotted workers time off for prayers and observance of religious holidays. Minimum wage was 5,000 Afghani per month (approximately USD \$100/month), including a stipend for lunch and transportation expenses. 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, 8 hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, breast feeding mothers, miners and other occupations that present health risks to laborers. Enforcement mechanisms for these laws remained weak and citizens were not generally aware of the full extent of their labor rights under the law.