



## 2008 Human Rights Report: Afghanistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 Country Reports on Human Rights Practices**

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Afghanistan is an Islamic republic with a population of approximately 32 million. Under its new constitution, citizens elected Hamid Karzai president in 2004 and the following year selected a new parliament; although the elections did not fully meet international standards for free and fair elections, citizens perceived the outcomes as acceptable, and the elections established the basis for democratic development at the federal and regional levels. A continuing insurgency hindered the government's capacity to govern effectively in several areas of the country. Although civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The country's human rights record remained poor. Human rights problems included extrajudicial killings; torture; poor prison conditions; official impunity; prolonged pretrial detention; restrictions on freedom of the press; restrictions on freedom of religion; violence and societal discrimination against women; restrictions on religious conversions; abuses against minorities; sexual abuse of children; trafficking in persons; abuse of worker rights; and child labor.

Although the government deepened its authority in provincial centers, Taliban or factions operating outside government control exercised authority in some areas. During the year more than 6,340 persons died as a result of the insurgency, including deaths by suicide attacks and roadside bombs, in contrast to 2007, when more than 6,500 persons died. The majority of the casualties were insurgent fighters killed in combat. Taliban and anti-government elements continued to threaten, rob, attack, and kill villagers, government officials, foreigners, and nongovernmental organization (NGO) workers. UN Assistance Mission to Afghanistan (UNAMA) reported 2,118 civilian casualties during the year, an increase of 39 percent compared to 2007, when there were 1,523 reported civilian conflict-related deaths.

The government enacted a law criminalizing trafficking in persons.

### RESPECT FOR HUMAN RIGHTS

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

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In addition, there were killings of civilians during conflict, high-profile killings by unknown actors, and politically motivated killings by insurgent groups during the year in connection with the ongoing insurgency (see section 1.g.).

In May the UN Special Rapporteur on extrajudicial, summary, and arbitrary executions visited the country and reported on many cases in which police killed civilians with impunity. He focused on the need to reform the Afghan National Police and judicial system, curbing Taliban and other anti-government elements' abuses, and addressing

the often overlooked extrajudicial killing of women. His preliminary report dated May 29 stated that although there were no reliable figures on the numbers of such killings, the numbers of alleged killings were high enough to give Afghans, particularly in the south, some reason to support the Taliban. On May 10 in Nangarhar, police fired on protesters, killing two civilians, media outlets reported. In November the government executed 16 prisoners. At year's end, approximately 85 additional cases of prisoners sentenced to death were pending President Karzai's review. The EU, UN, and numerous human rights NGOs have condemned executions, noting the lack of due process in the judicial system did not guarantee a fair trial.

There were no developments in the investigation of a May 2007 killing of 10 persons by police in Jowzjan Province or the October 2007 case of 15 prisoners executed at Pol-e-Charkhi prison under executive order amid allegations of lack of due process.

On August 3, an unidentified gunman shot and killed a senior finance ministry official in Kabul. On September 4, an unknown gunman shot and killed the chief of the Central Narcotics Tribunal Appeals Court outside his house in Kabul. Authorities charged one suspect with solicitation to commit murder. On September 12, according to police reports, a remote control bomb killed the governor of Logar Province and three bodyguards. Taliban claimed responsibility for the killings. Taliban also claimed responsibility for the September 27 shooting that killed Lieutenant Colonel Malalai Kaker, a senior female police officer in Kandahar. Unknown actors killed many other high-profile government officials; the vast majority of these acts were associated with the ongoing insurgency (see section 1.g).

On April 10, authorities in Balkh Province unearthed a mass grave in the Dihdadi district containing remains of at least 10 individuals. Construction workers in Mazar-e-Sharif, Balkh Province, unearthed another mass grave on June 12 containing at least 10 remains. Local authorities in both cases told media the remains date from the Taliban period. Media outlets reported two additional mass graves near Kabul discovered on approximately June 29, one containing 16 bodies and the other 12. Authorities identified one of the bodies as former President Daud who was killed in the presidential palace in 1978. There were no new developments in the April 2007 discovery of a mass grave in Badakhshan.

#### b. Disappearance

There were reports of insurgent groups and criminals perpetrating disappearances and abductions during the year, in connection with the ongoing insurgency (see section 1.g.).

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

The constitution prohibits such practices; however, there were reports of abuses by government officials, local prison authorities, police chiefs, and tribal leaders. NGOs reported security forces continued to use excessive force, including beating and torturing civilians.

Human rights organizations reported local authorities tortured and abused detainees. Torture and abuse included pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy. A February 21 UN Secretary-General report noted detainees continued to complain of torture by law enforcement officials.

In November 2007 Amnesty International (AI) reported prisoners consistently were subject to torture once transferred to local authorities. The report documented specific cases of torture and noted AI received repeated reports from both individuals and international organizations of torture and ill-treatment by the National Directorate of Security (NDS). The government rejected the report's assertions.

The Ministry of Women's Affairs (MOWA) and NGOs reported police frequently raped female detainees and

prisoners. There were reports of abuses by Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. The Taliban claimed responsibility in such cases by contacting newspapers and television stations.

According to a June 25 Afghan Independent Human Rights Commission (AIHRC) report, approximately half of the children in detention centers and orphanages were exposed to physical abuse. One 13-year-old boy told AIHRC police beat him with the barrel of a gun until he confessed. According to a UN Security Council report, cases of authorities threatening and mistreating juvenile detainees occurred throughout the year.

#### Prison and Detention Center Conditions

Prison conditions remained poor. Most were decrepit, severely overcrowded, unsanitary, and fell well short of international standards. The AIHRC continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common conditions in the country's prisons. Infirmaries, where they existed, were underequipped. Contagious and mentally ill prisoners were rarely separated from other prisoners.

The government reported 34 provincial prisons and 203 district detention centers. The government also reported 30 active rehabilitation centers for juveniles. Twenty-two provincial prisons and four district detention centers reported housing female inmates at year's end.

Children whose mothers had been convicted of a crime often lived in prison with their mothers, particularly if they had no other family. Prisons did not separate prisoners and lacked adequate separate housing for women, accompanying children, and juveniles. Women were never imprisoned with men. Authorities generally did not separate prisoners awaiting trial from the rest of the inmate population.

On September 23, a court sentenced an ANA soldier who had raped an 11-year-old girl in Jowzjan Province to 15 years' imprisonment.

The government permitted the International Committee of the Red Cross (ICRC) to visit all prisons operated by the NDS and Ministry of Justice (MOJ). The ICRC regularly visited more than 80 detention sites. Security constraints occasionally prevented ICRC delegates from visiting some places of detention, and the ICRC was not notified of all places of detention and detainees. The AIHRC also monitored prison conditions regularly. The AIHRC reported that in a few cases prison authorities did not grant representatives full access.

According to a February 21 UN Report, in some cases tribal leaders held persons accused of crimes in private detention. The report noted local officials often do not intervene when they become aware of these private facilities.

NGOs reported powerful local leaders and insurgents, including Taliban, continued to operate private prisons. The ICRC and the AIHRC did not have access to prisoners and hostages held in private prisons.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The Afghan National Police (ANP), under the Ministry of Interior (MOI), has primary responsibility for internal order.

The NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. In some areas powerful individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the government's failure to assert control. The North Atlantic Treaty Organization remained in control of the UN-sanctioned International Security Assistance Force (ISAF), which worked closely with the national security forces.

Official impunity remained pervasive. Illegal border checkpoints, some reportedly manned by tribal leaders and low-level members of insurgent groups, extorted bribes. Human rights groups and detainees reported local police extorted bribes from civilians in exchange for release from prison or to avoid arrest.

The MOI Human Rights Unit receives and responds to complaints of police abuse and has trained at least two ANP officers in each province and one at each checkpoint in Kabul to recognize and report human rights violations. Communication and coordination of reports between the provinces and MOI headquarters in Kabul remained a concern.

Rank and pay reform procedures put in place in 2006 were largely complete. The force rank structure was revised to align the size of the force with the mission requirements and to align ANP salaries with their ANA counterparts. The reform resulted in the retirement or demotion of more than 7,300 officers in the past two years. International support for recruiting and training of new ANP personnel was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force. The international community worked with the government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. Over the last 18 months, more than 25,000 ANP members received training in the constitution, police values and ethics, professional development, preventing domestic violence, and fundamental standards of human rights in addition to core policing skills. Under the Focused District Development (FDD) program, ANP were trained in policing skills including human rights at the central training center and regional training centers for eight-week periods. Nevertheless, human rights problems persisted.

The government made efforts to combat corruption in the security apparatus. The government electronically direct deposited police and military salaries during the year, making pay a more transparent and accountable process and less subject to corruption. In July a commission under Chief Justice Abdul Salam Azimi released a report on corruption. To implement the findings of this report, President Karzai established through presidential decree an anticorruption oversight commission, charged with overseeing all governmental anticorruption efforts, including thorough investigation and prosecution. In August the parliament passed the Law on Monitoring the Implementation of the Anti-Administrative Corruption Strategy, which sought to increase ministerial transparency and accountability, tighten contracting laws, and increase legal access to information on high-ranking individuals' assets. President Karzai appointed the chief of the commission in September. During December the commission opened a central office in Kabul and hired a small staff. The government also established an anticorruption unit within the Attorney General's Office. Efforts to staff the unit with prosecutors were ongoing at year's end.

NGOs and human rights activists noted societal violence, especially against women, was widespread; in many cases security forces did not prevent or respond to the violence.

#### Arrest and Detention

Arbitrary arrest and detention remained problems.

The law provides for access to legal counsel, the use of warrants and bail, and provides limits on how long detainees may be held without charges. Detainees often were not informed of charges against them. Police have

the right to detain a suspect up to 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the prosecutor's office, which must see the suspect within 48 hours. The investigating prosecutor could continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. The prosecutor must file an indictment or drop the case within 30 days of arrest. In practice many detainees did not benefit from any or all of these provisions. NGOs continued to report that prison authorities detained individuals for several months without charging them.

The press and human rights organizations reported arbitrary arrest in most provinces. There was little consistency in the length of time detainees were held before trial or arraignment. In a March 2007 report the UN Secretary General stated in many cases there was prolonged pretrial detention and suspects had not been given access to lawyers.

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

Authorities did not respect limits on length of pretrial detention, and lengthy pretrial detention remained a problem in part because the legal system was unable to guarantee a speedy trial. In other cases, the justice system operated quickly, with the judicial system deciding cases appealed to the Supreme Court within 10 months. There was no system of bond, and defendants released pending appeal often disappeared.

Authorities frequently did not re-arrest defendants even when an appellate court convicted them in absentia. The UN Human Rights Commission, ICRC, and AIHRC reported arbitrary and prolonged detentions frequently occurred throughout the country. The Interim Criminal Procedure Code sets limits on pretrial detention. In many cases courts did not meet these deadlines. NGOs continued to report that prison authorities detained individuals for several months without charging them. There were credible reports during the year that police in Kabul continued to detain prisoners after they were found innocent.

Lengthy trial procedures in some cases stemmed in part from the severe inadequacy of the judicial system. At year's end 680 defense attorneys were registered with the MOJ. The Supreme Court reported there were 1,652 judges, including 189 women. International NGOs estimated there were 2,000 to 2,500 prosecutors practicing; many of them lacked any formal legal training. On July 30, the country's first bar association was established. By year's end more than 300 lawyers had enrolled in the independent organization. During the year international groups worked with the MOJ to provide constitutionally mandated legal aid, with more than 850 prosecutors, attorneys, and justice professionals receiving training. The Attorney General's Office recruited more than 200 trained lawyers to replace prosecutors who lacked legal training.

According to the MOJ, 12,495 persons were detained in correctional facilities nationwide, of whom 7,855 had been tried and convicted; the remaining 4,640 were awaiting trial. There were also widespread shortages of judges. Bamyan Province, for instance, reported during 2007 no judges were present in three districts and three others were understaffed. Another significant barrier to justice was detainees' lack of awareness of their rights under the 2004 Interim Criminal Code for Courts. The Criminal Code, which human rights and legal experts widely reported was inadequate, continued to be rewritten and improved during the year.

#### Amnesty

In February 2007 both houses of parliament drafted versions of a bill that, if passed, would grant amnesty from

prosecution to all persons engaged in conflict for the past 25 years, as well as those who were fighting during the year. Both versions of the bill allow for individuals to bring cases against perpetrators. NGOs, the AIHRC, and many citizens criticized the draft bills, noting they would grant amnesty to gross violators of human rights, including many parliamentarians. The drafts of the amnesty bill had a few minor differences. Under the constitution, the parliament must convene a joint committee to resolve these differences. At year's end this committee had not been convened.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice the judiciary was often underfunded, understaffed, and subject to political influence and pervasive corruption. Pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency, as well as bribery and corruption, threatened judicial impartiality. The Counternarcotics Tribunal in Kabul was an exception and international organizations reported no evidence of corruption or political influence by its officials. Other courts administered justice unevenly according to a mixture of codified law, Shari'a (Islamic law), and local custom.

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

The judicial branch consists of the Supreme Court, high courts (appeals courts), and primary courts. 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 on its procedures were limited.

In 2005, President Karzai passed a counternarcotics law by decree that serves as law pending parliamentary review. The law created a separate central court with national jurisdiction for narcotics prosecutions above a threshold level and an accompanying investigatory unit. During the year, it consisted of 30 prosecutors, 35 investigators, seven primary court judges, and seven appellate court judges. The court handled all cases beyond a threshold of two kilograms of heroin, 10 kilograms of opium, and 50 kilograms of hashish or precursor chemicals.

In some remote areas not under government control, Taliban enforced a parallel judicial system. Punishments handed out by Taliban judicial structures included beheadings, hangings, and beatings, according to human rights activists.

Courts primarily decided criminal cases in major cities, although civil cases were often resolved in the informal system. Due to the undeveloped formal legal system, in rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also allegedly levied unsanctioned punishments. Some estimates suggested 80 percent of all cases went through shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities. An NGO in Herat, however, reported shuras often treated women fairly in resolving civil matters such as divorce and custody cases.

Trial Procedures

Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. Under the law all citizens are entitled to a presumption of innocence. In practice the courts reportedly convicted defendants after sessions that lasted only a few minutes. Defendants have the right to be present and to appeal; however, these rights were not always applied. Trials were usually public, and juries were not used. Defendants also have the right to consult with an advocate or counsel at public expense when resources allowed. This right was inconsistently applied. Defendants frequently were not allowed to confront or question witnesses. Citizens were often unaware of their constitutional rights. Defendants and attorneys were entitled to examine the documents related to their case and the physical evidence before trial; however, NGOs noted that in practice court documents often were not available for review before cases went to trial.

The court has two months to start hearing a case. An appeal must be filed within 20 days, and the appellate court has two months to review the case. Any second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which could take up to five months to conclude the trial. In many cases, courts did not meet these deadlines.

Under Shari'a, relatives of victims can pursue a case against a suspected offender and a judge can offer restitution or even, in the case of murder, execution, which the family could choose to carry out only if a member of the victim's family consents. In addition, under Shari'a law, if the family of the victim pardons the perpetrator, the judge must issue a pardon as well.

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 customary law; this practice often resulted in outcomes that discriminated against women. This included the practice of ordering the defendant to provide compensation in the form of a young girl to be married to a man whose family the defendant had wronged.

#### Political Prisoners and Detainees

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

#### Civil Judicial Procedures and Remedies

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

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

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

Government officials forcibly entered homes and businesses of civilians without judicial authorization. There were reports of theft by national security forces while they conducted raids and searched homes. Specifically, in April coalition military commanders in Kandahar stated that when local forces were put in charge of house searches, looting sometimes occurred. UNAMA reported community members alleged theft of possessions during home searches the military conducted. UNAMA also reported searches by members of the military or security officials involved conduct toward women that contravened local customs and angered local communities.

The law provided for wiretapping in certain cases.

The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A woman of any other faith had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. The court could not register marriages for citizens who stated they were not Muslim, even if they were born into other faiths. During the year these situations rarely occurred, as more than 99 percent of the population was Muslim.

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

In the south and east, Taliban and other anti-government elements frequently forced locals to provide food and shelter to their fighters. Taliban also continued to loot schools, radio stations, and government offices.

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

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

#### Killings

In late October in Paktya province AIHRC reported Afghan police were escorting a convoy when a roadside bomb exploded. Two ANP allegedly exited their vehicles and started shooting indiscriminately, killing an elderly male bystander.

Persistent Taliban and al-Qa'ida activity, inter-factional fighting between regional warlords, and criminal activity resulted in unlawful killings and numerous civilian casualties.

Militants targeted and killed foreigners and local NGO employees. UNAMA reported during the year anti-government forces killed 1,160 civilians, pro-government forces killed 828 civilians, and unknown actors killed 130 civilians, for a total of 2,118 civilian casualties. Militant suicide attacks decreased slightly, with 138 suicide attacks during the year, compared to 143 suicide attacks in 2007. According to UNAMA, suicide attacks and improvised explosive devices, which the armed opposition used extensively, were the cause of 725 civilian deaths, or 34 percent of the overall total number of civilians killed during the year. UNAMA recorded 271 summary executions carried out by the Taliban and their allies during the year.

Insurgents targeted national and government officials, as well as women working in the government and other high profile positions, but the majority of victims were civilians. Attacks against noncombatants (government officials, civilians, religious figures, teachers, and students) remained a threat, with 664 in 2006, 671 in 2007, and 910 during the year. ISAF reported 76 percent of all suicide bombings during the year targeted international and local security forces, but the overwhelming majority of victims were civilians.

Insurgents targeted and killed approximately 15 government officials during the year, including the governors of Logar and Zabul Provinces, the top judge in the counternarcotics court, and a Kandahar Provincial Council member. MOI reported 883 Afghan National police were killed during the year.

On January 14, a suicide bombing and armed attack on the Serena Hotel in Kabul killed six civilians. Taliban claimed responsibility in what the press characterized as an extremely well-executed attack and an example of the insurgency's increased tendency to target civilians.

On February 17, a bomb killed more than 100 persons, including local police chief Abdul Hakim, gathered to watch a dog fight outside of Kandahar.

On July 14, Taliban shot and killed seven civilians for working with the government and other organizations in Zabul Province, according to police reports.

On October 16, Taliban insurgents killed 30 persons travelling by bus through Kandahar province. According to local authorities the Taliban claimed the victims were soldiers. However, the authorities denied any soldiers were on the bus.

On October 20, two men on motorcycles shot and killed a British aid worker as she walked to work in western Kabul. According to media reports, the Taliban claimed responsibility for her killing.

During the year, anti-government elements continued to attack pro-government religious leaders. The Taliban killed at least 10 clerics and committed a number of acts of violence inside mosques and other religious facilities. On January 31, a suicide bomber blew himself up inside a mosque in Helmand, killing the province's deputy governor and five other persons, media outlets reported. On November 14, Taliban killed a religious leader in Farah Province days after he led prayers condemning suicide attacks.

The Ministry of Education (MOE) reported terrorist and insurgent attacks killed 149 teachers, other school employees, and students during the year. On May 14, according to media reports, unidentified gunmen shot and killed a teacher in Kunduz Province who had publicly condemned suicide bombings. On June 9, unidentified gunmen shot and killed a teacher and wounded his daughter in Nangarhar Province. Investigations occurred in some cases, but the outcomes were unclear at year's end.

#### Abductions

UNAMA reported 260 abductions during the year, at least 40 of which resulted in the death of the hostage; however, the unreported number was believed to be much higher. The Afghanistan International Chamber of Commerce reported insurgents and others kidnapped 173 businesspersons during the past three years. UNAMA reported insurgents and others kidnapped 141 aid workers during the year, including 134 Afghans and seven international staff. UNAMA also reported insurgents and criminal gangs killed 38 aid workers and looted 70 aid convoys during the year. Taliban, militants, tribal leaders, and insurgents abducted security forces, civilians, and journalists for political and financial gain. Many abductees were killed but some were allowed to live if they vowed to resign, join anti-government elements, or, in the case of journalists, stop reporting on issues objectionable to the kidnappers.

On August 18, Ariana TV reported nine armed gunmen kidnapped and raped a 13-year-old girl in Takhar Province. Media reports alleged four of the men were police officers. Takhar police officials confirmed the incident occurred and arrested six persons.

On August 25, unknown actors kidnapped Saleh Mohammad Kohsar, the head of a pro-government local radio station in Paktika province. An investigation was ongoing at year's end.

On August 26, unknown assailants abducted and killed a Japanese aid worker in Nangarhar province.

On October 20, gang members kidnapped Humayun Shah Asifi, a relative of the late King Zahir Shah, and imprisoned him for more than a week. The kidnappers demanded \$5 million ransom and threatened to cut off Asifi's fingers. Security officials arrested six suspects, and the investigation was ongoing at year's end.

#### Physical Abuse, Punishment, and Torture

Landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. The most heavily mined areas were the provinces bordering Iran and Pakistan. The UN Mine Action Center for Afghanistan (UNMACA) reported landmines and unexploded ordnance killed or injured an average of 57 persons each month. Mine explosions during 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 that operated throughout the country. UN agencies and NGOs conducted educational programs and mine awareness campaigns for women and children in various parts of the country. HALO Trust, an anti-mine NGO, cleared 1.14 billion square feet of land. There were almost 83.74 billion square feet of uncleared land remaining at year's end, according to UNMACA.

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

#### Child Soldiers

The legal recruitment age for members of the armed forces was 18. There were unconfirmed reports of children younger than 18 falsifying their identification records to join the national security forces, which offered a large-scale source of new employment opportunities. There were no reports of forced child conscription by the government; however, Integrated Regional Information Networks (IRIN), the AIHRC, and the UN reported children younger than 18 were being recruited and in some cases sexually abused by the ANP and government-supported local militias. A November 10 UN Security Council report detailed a case where two soldiers sexually abused a 16-year-old who had falsified an identity document and had been recruited by the ANA.

There were reports of Taliban forces using children younger than 18 in some cases as suicide bombers. Although most of the children were between 15 and 16 years old, children as young as 12 were used. UNAMA reported Taliban tricked, promised money, or forced the children to become suicide bombers.

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

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. Since 2004, more than 15,000 children affected by war have been supported through UNICEF's reintegration project in 28 provinces.

#### Other Conflict-related Abuses

As in the previous year, suspected Taliban members fired on NGO vehicles and attacked NGO offices. Violence and instability hampered relief and reconstruction efforts. In a study of 25 provinces, the NGO Safety Office reported 117 security incidents involving NGOs and aid workers between January 1 and August 31. International Rescue Committee, an international NGO that assists refugees, suspended operations for six weeks after armed men killed

four of its staff in Logar Province on August 13. NGOs reported insurgents, locally powerful individuals, and militia leaders demanded bribes to allow them to bring relief supplies into the country. Assistance efforts were limited by the difficulties in moving relief goods overland due to insurgent threat. On September 14, a suicide bomber killed three UN workers who were part of a medical convoy in Kandahar. There were reports in Kandahar that anti-government forces attacked those who accepted foreign assistance, causing villagers to refuse aid. Due to the increasing violence, the UN considered more than one-third of the country inaccessible.

As in recent years, Taliban distributed threatening letters at night in villages and sent threatening text messages to intimidate and attempt to curtail development activities.

On July 26, Taliban allegedly destroyed a major bridge on the Kabul-Kandahar highway, media outlets reported. On July 29, the Ministry of Defense reported Taliban had tried to destroy a major hydroelectric power plant east of Kabul but national forces stopped them.

Militants used women and children as human shields either by forcing them into the line of fire or by basing operations in civilian settings. A September 8 report by Human Rights Watch documented how insurgent forces have contributed to the civilian toll from airstrikes by deploying their forces in populated villages, at times with the specific intent to shield their forces from counterattack.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Some media observers contended individuals could not criticize the government publicly or privately without fear of reprisal.

In 2007 the parliament voted to suspend MP Malalai Joya for the remainder of her term for comments she had made criticizing her fellow MPs during a televised interview. She remained suspended at year's end. Other members of parliament expressed criticism of government policies without incident.

The independent media were active and reflected differing political views. Approximately 650 print publications, 55 private radio stations, 15 television networks, and 10 news agencies operated during the year. There were 150 private printing houses and 145 media and film production companies across the country. The two largest TV stations are Tolo TV, part of the Moby Media conglomerate, which has a 60 percent market share and Ariana TV, which has a 35 percent market share. The government owns at least 35 publications and about the same number of radio stations. Under a new media law parliament passed in September, the government gave some independence to Radio Television Afghanistan (RTA), the government-run media outlet.

Although some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. The freedom of speech law covered foreign media; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president.

During the year, various insurgents, government officials, and Taliban subjected members of the press to harassment, intimidation, and violence. According to independent media and observers, government repression and armed groups prevented the media from operating freely. Threatening calls and messages against media

organizations also remained common and some resulted in violence. In late summer, several Kabul-based staff members of Radio Azadi, the local Radio Free Europe/ Radio Liberty affiliate, received a series of threatening phone calls from callers who claimed to be connected to Taliban. In August in Kandahar, a female news anchor for a local television station left the province after she received threatening letters about her work. NDS agents detained numerous journalists for expressing views critical of government officials. According to Nai Media, the government was responsible for at least 23 of the 45 reported incidents of intimidation, violence, or arrest of journalists between May 2007 and May 2008.

According to many media sources, private Iranians actively influenced Afghan media, dictating what to write and what not to write. Some media sources reported Iran had influence over 60 to 70 percent of the Afghan media in the country, and at least two private television stations based in Kabul were allegedly bankrolled by private Iranians. Some reporters said Iranian Embassy staff in Kabul called them to prevent the publication of articles criticizing Iran. There were also rumors that Iran paid secret salaries to a number of Afghan journalists, in Kabul as well as in the western provinces, and allegations that Iran intimidated reporters in the western provinces to increase the number of anti-government reports and decrease the number of anti-Iranian articles. Media sources and analysts contended many of the other private television stations and newspapers were bankrolled by, and produced content loyal to, various political factions, leaders, and warlords.

On July 28, the NDS arrested Muhammed Naseer Fayezi, news anchor and host of the political program "Haqeeqat" (The Truth) broadcast on Ariana Television. Immediately after the NDS detained Fayezi, the parliament issued a public statement condemning his detention and demanding his release. He was released after several days of questioning and stated the NDS told him to stop working in the media. Although the program remained on the air, Fayezi has not returned to the show and media sources report he was seeking asylum outside the country.

In 2006 authorities for the Office of the Attorney General detained satirist Dr. Khalil Narmgoi after he authored an article titled, "Who is the President—Hamid Karzai or Farooq Wardak?" criticizing the influence of President Karzai's then-Minister of Parliamentary Affairs. Narmgoi issued a public apology several days later, and authorities released him after 10 days. On June 20, NDS authorities rearrested Narmgoi in relation to the same incident. After a closed-door hearing in Kabul, authorities released Narmgoi on July 10.

In October 2007, police arrested Sayed Perwez Kambakhsh, a student at Balkh University and a journalist for Jahan-e Naw (New World) daily, after he downloaded and distributed information from the Internet regarding the role of women in Islamic societies. On January 22, Balkh primary court sentenced Kambakhsh to death for "insolence to the Holy Prophet." Kambakhsh appealed, and the Supreme Court transferred the case to a Kabul appeals court. On October 21, the appeals court commuted Kambakhsh's death sentence to 20 years in prison. Kambakhsh appealed to the Supreme Court, and he remained incarcerated at year's end.

The parliament passed a media law in September that contained a number of content restrictions. Under Article 45 of the law, the following are prohibited: works and materials that are contrary to the principles of Islam; works and materials offensive to other religions and sects; works and materials humiliating and offensive to real or legal persons; works and materials considered libelous to real and legal persons and that may cause damage to their personality and credibility, works and materials affecting the stability, national security, and territorial integrity of the country; false literary works, materials and reports disrupting the public's mind; propagation of religions other than Islam; disclosure of identity and pictures of victims of violence and rape in a manner that damages their social prestige, and articles and topics that harm the physical, spiritual, and moral well-being of people, especially children and adolescents.

Also under the new media law, new newspapers, printers, and electronic media must be licensed by and registered with the Ministry of Information and Culture. There was concern within the media community that the new law

would place greater restrictions on media content and create an overall climate of government intimidation and self-censorship. The government strictly regulated and limited foreign investment in the media.

The Ministry of Information and Culture and some provincial governors exercised control over news content to varying degrees during the year. Factional authorities tightly controlled media in some parts of the country. Observers noted tighter controls, especially in the larger provinces of Balkh, Kandahar, Herat, and Nangarhar. Male journalists were not allowed to interview women for their reports. Journalists reported many reporters exercised self-censorship by not asking substantive questions of government officials. Members of the media reported they did not interview Taliban commanders or leaders due to government pressure. Observers also reported media self-censorship when broadcasting certain pieces, such as music videos, by obscuring parts of female images.

The Ministry of Information and Culture ordered four private television stations to stop broadcasting Indian soap operas by April 15. Several initially complied with the ban, but at the end of the year three of the four were again broadcasting the shows. In the case of one station, Tolo TV, the outlet reached a separate arrangement with the Ulema Council, the country's highest quasi-governmental religious authority, which allowed Tolo to broadcast Indian soap operas provided Tolo also dedicated a specific amount of airtime to religious programming.

Cumbersome licensing procedures restricted operations of publishing houses.

Nongovernmental actors also interfered in the operations of journalists. There were allegations private Iranians bribed and threatened reporters in the western provinces to increase the number of anti-government reports and decrease the number of anti-Iranian articles.

At least two journalists were killed during the year. On June 8, BBC journalist Abdul Samad Rohani was found dead in Helmand province several days after insurgents had kidnapped him. Although government officials alleged Taliban killed him, Taliban spokesman Qari Yusuf Ahmad denied any involvement in his death. A Norwegian journalist was among the eight victims of the January 15 Serena Hotel suicide attack. In April 2007 Taliban beheaded journalist Ajmal Naqshbandi in Helmand Province. He had been abducted the previous month, with Italian journalist Daniele Mastrogiacomo and their driver, Sayed Agha. After a personal appeal by the Italian prime minister to President Karzai, Mastrogiacomo was released on March 19 in exchange for Taliban prisoners. In June 2007 Shakiba Sanga Amaj, a female reporter for Shamshad Television, was killed. Authorities arrested two men, Arash Khairzad and Amaj's father. A court sentenced Khairzad to six months' imprisonment, and he has been released. The court acquitted Amaj's father, and he has left the country. Also in June Zakia Zaki, head of the local Radio Peace station, was killed in Parwan Province. Zaki had been critical of local warlords and had received threats. Authorities arrested six persons, but subsequently released them after a preliminary investigation. There were no new developments at year's end.

Many journalists reported receiving threats of harm from the Taliban if they did not publish stories released on Taliban Web sites or if they published stories favorable to the government.

The president of the Afghan Independent Journalists Union reported several times a week throughout the year members of Islamic fundamentalist political parties sent him threatening text messages telling him to stop supporting media freedom.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail messages. However, Sayed Perwiz Kambakhsh's case involved government sanction against

distributing information he downloaded from the Internet. Internet access was unavailable to most citizens, and computer literacy and ownership rates were minuscule.

#### Academic Freedom and Cultural Events

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

The Ministry of Information and Culture banned the showing of certain films including "The Kite Runner," media outlets reported.

Ten MPs drafted and attempted to introduce a bill that would ban obscene movies, female dancers, high-volume music at parties, and the wearing of shorts. The proposed bill also sought to ban training for certain women artists such as dancers. By year's end the parliament had not taken any further action on the bill.

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

The constitution provides for freedom of assembly and association; however, security conditions and, in some cases, local officials restricted this right in practice. Increased Taliban and other anti-government activity, particularly in the south and east, forced UN agencies and NGOs to cancel or curtail some public activities.

##### Freedom of Assembly

A lack of physical security as well as interference from local authorities and security forces inhibited freedom of assembly in areas of the country where security was poor. In other areas protests occurred without government interference. On March 2, approximately 1,000 individuals in Mazar-e-Sharif protested a controversial Danish cartoon of the Prophet Mohammed and plans by a right-wing Dutch politician to release a film about Islam. On March 9, thousands in Herat protested the Danish cartoon. Media reports indicated the protesters had the support of local authorities. Police provided security but did not interfere with the protest. On May 23, ANP killed two civilians and injured seven during a protest in Ghor Province.

There were no developments in the May 2007 killing of 10 protestors by police in Jowzjan Province.

##### Freedom of Association

The law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. At year's end there were approximately 100 registered political parties. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where anti-government violence affected overall security.

#### c. Freedom of Religion

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

Licensing and registration of religious groups is not required; the government assumes all native-born citizens to be Muslim. In practice non-Muslims faced harassment and social persecution and opted to practice their faith discreetly. According to Islamic law, conversion from Islam is punishable by death. In recent years this sentence was not carried out in practice. In May 2007 the General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha'i faith, declaring it a form of blasphemy. The ruling also declared all Muslims who convert to Baha'i to be apostates and all followers of the Baha'i faith to be infidels.

In November 2007, the National Council of Religious Scholars issued a declaration calling for moderation in freedom of expression and press freedom by urging individuals to avoid conduct that may be perceived as insulting to local traditions and religious values.

On September 11, a Kabul court sentenced former journalist Ahmed Ghous Zalmai and Mullah Qari Mushtaq to 20 years in prison for publishing a Dari translation of the Koran that allegedly contained errors and did not have an Arabic version published alongside the Dari for comparison. Zalmai and Mushtaq appealed their sentences to the Kabul Public Security Court. Proceedings were ongoing at year's end. Demonstrations calling for Zalmai's punishment were held in various towns, including a gathering in November 2007 in Jalalabad of reportedly more than 1,000 university students who demanded the death penalty for Zalmai.

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

Public school curricula continued to include Islamic content but no content from other religious groups. Non-Muslims were not required to study Islam, and there were no restrictions on parental religious teaching. Members of some indigenous minority groups, such as Sikhs, operated private schools to avoid harassment and to provide religious and cultural education to their community. In July 2007 the MOE opened a school for local Sikh and Hindu children in Ghazni Province.

There are no laws forbidding proselytizing, although authorities viewed proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death under Shari'a. Foreigners caught proselytizing were arrested and sometimes deported.

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

During the year anti-government elements continued to attack pro-government religious leaders for supporting the government or for stating activities conducted by terrorist organizations were against the tenets of Islam. According to media reports, on March 12, armed Taliban killed a religious scholar and teacher of religious studies of a religious school, Mowlawi Abdollah, in Nimroz Province. Anti-government elements killed two clerics; 11 clerics had been killed in 2007. These attacks also injured more than 20 other religious officials, compared with more than 30 in 2007.

#### Societal Abuses and Discrimination

Since Shi'a representation has increased in government, there has been a decrease in hostility from Sunnis. However, social discrimination against Shi'a Hazaras continued.

There were approximately 500 Sikhs and Hindus in the country. Although those communities were allowed to practice their faith publicly, they reportedly continued to face discrimination, including intimidation; discrimination when seeking government jobs; and verbal and physical abuse in public places. Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful local leaders occupied their property. The government allocated a plot of land in Kabul for Sikhs to hold funerals.

Non-Muslims faced discrimination in schools. The AIHRC continued to receive reports students belonging to the Sikh and Hindu faiths were prevented from enrolling in some schools and others stopped attending due to harassment from both teachers and students. Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, but in practice the community felt unprotected. Although Hindus reported being harassed by neighbors in their communities, there were no known reports of discrimination against Hindus by the government.

There were no reports of anti-Semitic acts. There was only one known Jewish resident; he was the caretaker of a Kabul synagogue.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, certain laws limited citizens' movement, and the government limited citizens' movement due to security interests. The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, and landmines made travel extremely dangerous, especially at night. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. In 2007, the parliament amended the passport law to give women the right to apply for a passport without permission from a male relative. In some areas of the country, however, local custom or tradition forbids women from leaving the home except in the company of a male relative.

Taxi, truck, and bus drivers reported 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. Residents reported having to pay bribes to ANP and border police officials at checkpoints and the Khyber pass border crossing between Jalalabad and Pakistan. Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

In July 2007, the MOI issued an order requesting it be informed of foreign aid and assistance workers' movements outside Kabul. The MOI maintained that this policy helped the government protect and locate foreigners in cases of emergency. The policy remained in place at year's end.

In September, members of parliament accused the ministries of defense and finance of corruption in connection with passport processing. At year's end there was no result of the investigation. Ethnic Hazaras reported occasionally being asked to pay additional bribes at 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 residents deported from Iran remain in government custody until their family can

verify or guarantee their citizenship.

#### Internally Displaced Persons (IDPs)

Authorities estimated there were more than 200,000 IDPs in the country at year's end. Many of these were members of the residual caseload of more than one million IDPs who left their places of origin because of drought in 1995, insecurity and drought in 2002, and human rights violations and ethnic-based conflict linked to land and property matters between 2003 and 2004. These individuals resided in camp-like circumstances. Most are in the south, but officially organized as well as spontaneous settlements have sprung up on the outskirts of major cities, including Kabul, Herat, and Jalalabad.

Authorities estimated approximately 44,600 individuals were newly displaced within the country during the year, including some 10,000 individuals due to insecurity and violence linked to armed conflict in their region of origin, approximately 6,600 persons newly affected by drought, and more than 28,000 returnees from Pakistan who have been unable to return to their places of origin and have settled temporarily in camp-like situations in the Eastern region. Most of these individuals originated from provinces in the south (Kandahar, Helmand, Uruzgan, and Zabul) and west (Herat and Badghis). Local governments provided housing assistance and, in some cases, food aid to conflict-affected IDPs through provincial emergency commissions consisting of the Ministry of Rural Rehabilitation and Development, Afghan Red Crescent Society, UNHCR, the International Organization for Migration, UNAMA, and UNICEF. UNAMA reported restricted access due to insecurity limited efforts to assess the numbers of displaced persons and made it difficult to provide assistance.

In April, the government launched a campaign to encourage approximately 200,000 IDPs to return to their place of origin from the three largest IDP camps in Kandahar, Helmand, and Herat. The Ministry of Refugees and Repatriation (MoRR) offered food and transport assistance to families that agreed to return within the first two months of the campaign. UNHCR provided transport assistance, tents, and food aid. Few IDPs accepted this offer, however, citing security and economic concerns as reasons not to return. A Ministry of Public Health (MoPH) official stated MoPH would not send health workers to the camp, citing continuing security concerns. In one instance in 2007, emergency assistance delivered by a PRT to a group of IDPs in Kandahar Province to which aid agencies had little or no access was seized by anti-government elements immediately after the PRT left the area. The UN reported underage recruitment of IDPs into the armed services in Helmand and Kandahar occurred during the year.

Since 2002, the Provincial Departments of Refugees and Repatriation and UNHCR have assisted approximately 489,000 individuals to return to their places of origin, mostly in the north. Approximately 450,000 IDPs returned spontaneously.

In June, approximately 7,000 families fled their homes in the Arghandab district of Kandahar due to military operations in the area. Also in June fighting in Bamyan between Kuchis and Hazaras displaced 7,000 families, some to Kabul and some to other central highland areas. By year's end, most of these families had returned to their villages. In July approximately 150 families fled their homes in Qaisar district of Faryab province due to a conflict between anti-government elements and other residents.

#### Protection of Refugees

The constitution states all matters related to asylum would be regulated by law, and the government ratified the 1951 Convention on the Status of Refugees and its 1967 protocol. There are, however, no laws providing for granting asylum or refugee status in accordance with the constitution or the 1951 Convention and its 1967 protocol. The government has not established a system for providing protection to refugees.

Although the government did not officially grant refugee status or asylum, in practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government accepted the UNHCR's presence in the country and recognized the UNHCR's mandate to deal with both refugees and asylum. The UNHCR issued letters to individuals confirming their refugee or asylum status and the Supreme Court similarly recognized refugees under the Shari'a, such as converts to Islam. Through these means, the UNHCR and the government provided legal and material assistance to asylum seekers and refugees from Iran, Iraq, and other countries.

From August to October, approximately 4,000 families fled from Bajaur tribal agency in Pakistan to Kunar Province, Afghanistan. Some fled to escape Pakistani military operations against insurgents and some in response to an October order by the Political Agent in Bajaur Agency ordering all Afghans to leave. The Kunar Provincial Government estimated one-third of those who crossed the border were Afghans, and two-thirds were Pakistani. Most sought shelter in the homes of relatives in Kunar.

The country continued to focus on providing services for its own returning refugees. Since 2002, approximately five million refugees have voluntarily returned to the country, more than 4.3 million with UNHCR assistance.

During the year, the UNHCR assisted more than 277,801 returning refugees, including 274,172 from Pakistan. A total of 3,188 documented Afghan refugees voluntarily returned from Iran with assistance from UNHCR, as of mid-November. The return numbers significantly decreased from the previous year's 365,000, largely due to the UNHCR's decision to offer unregistered Afghans living in Pakistan a one-time opportunity to repatriate with UNHCR assistance in 2007. During 2007 approximately 206,000 unregistered individuals took advantage of this opportunity. Although fewer refugees returned to the country during the year than in 2007, almost twice as many returned as in 2006.

The continuing insurgency and related security concerns, as well as economic difficulties, discouraged numerous refugees from returning to the country. In Pakistan, three of the four Afghan refugee camps scheduled for closure during the year remained open. Minister of Refugees and Returnees Shir Mohammad Etibari publicly rejected UNHCR's calls to boost the repatriation of Afghan refugees, citing lack of capacity and resources to absorb more needy citizens. During the August 30 Tripartite Meeting among Afghanistan, Pakistan, and UNHCR, Pakistan abandoned its unilateral December 31, 2009, deadline to repatriate all Afghan refugees.

The UNHCR estimated approximately 2.6 million refugees were living in Iran and Pakistan. Iran continued to deport economic migrants. During the year, Iran deported more than 403,450 Afghans who were illegally in Iran. The vast majority were single men seeking work. Some were vulnerable individuals who needed humanitarian assistance upon arrival in Afghanistan. Common types of extreme vulnerability, as defined by the UNHCR, were minors unaccompanied by adult family members, drug addiction, mental illness, and severe physical illness. Furthermore, a small number of registered refugees were swept up in the deportations and have had difficulty returning to Iran. The Afghan government and the UNHCR protested these expulsions.

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

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

#### Elections and Political Parties

In 2004, citizens chose Hamid Karzai to be the first democratically elected president in an election that was perceived as acceptable to the majority of the country's citizens. Observers stated it did not meet international

standards and noted irregularities, including pervasive intimidation of voters and candidates, especially women.

In 2005 citizens elected 249 members of the Wolesi Jirga, the lower house of the National Assembly, in an election the majority of citizens viewed as credible. The AIHRC and UNAMA reported local officials tried to influence the outcome of the 2004 and 2005 elections. In 2005, anti-government forces killed seven parliamentary candidates, two parliamentarians-elect, and at least four election workers. Militants targeted civilians and election officials in a campaign to derail national elections. According to Human Rights Watch, in the south and southwest anti-government forces drove down participation to nearly one-third of registered voters.

On October 6, voter registration for the 2009 presidential and provincial council elections and the 2010 parliamentary elections started under the direction of the Independent Election Commission.

The president and provincial councils selected members of the Meshrano Jirga, the upper house of the National Assembly.

There was no established tradition of political parties; however, they slowly grew in importance in the National Assembly. The MOJ recognized more than 100 accredited political parties. Political parties generally were able to conduct activities throughout the country, except in regions where anti-government violence affected overall security. Many tribal leaders, former mujaheddin leaders, and insurgents were active MPs. There were reports that some used fear and intimidation to influence the votes of other members. AIHRC and UNAMA reported officials sometimes interfered with political parties. The parties also exercised significant self-censorship. Political parties were visibly suppressed or curtailed in some parts of the country.

Although women's political participation gained a degree of acceptance, there were elements that continued to resist this trend. Women active in public life faced disproportionate levels of threats and violence. As required by law, there were 68 women in the 249-seat Wolesi Jirga. President Karzai appointed 17 women to serve in the 102-seat Meshrano Jirga, and an additional six female MPs were elected to that house, bringing the total to 23 women in the Meshrano Jirga. There was one woman in the cabinet. There were no women on the Supreme Court.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained of not having equal access to local government jobs in provinces where they were in the minority. The law requires 10 seats of the Wolesi Jirga be allocated to Kuchis. Some members of parliament disagreed with this allotment arguing that under the constitution all groups were to be treated equally.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. In March, the UN Office on Drugs and Crime released a statement urging the government to crack down on major smugglers--some linked to government officials—and stated drug lords and corrupt government officials operated with impunity. The government took some steps to address corruption including becoming a state party to the UN Convention against Corruption, adopting new anticorruption legislation, and establishing a new anticorruption body. However, not all of these actions had been implemented by year's end. The government hired two anticorruption unit employees in September and initiated training for the employees in November. The president replaced a cabinet minister, several governors, police chiefs, and other officials because of their corrupt practices.

A lack of political accountability and technical capacity to monitor government spending exacerbated government corruption, as did low salaries. Observers alleged governors with reported involvement in the drug trade or past records of human rights violations nevertheless received executive appointments and served with relative impunity.

The constitution provides citizens the right to access government information, except when access 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. Hundreds of local human rights NGOs operated independently and included groups focusing on women's rights, media freedom, and rights of disabled persons. Government officials were generally cooperative and responsive to the organizations' views. The lack of security and instability in parts of the country severely reduced NGO activities in these areas.

Militant groups and Taliban directly targeted NGOs during the year. The government cooperated with international governmental organizations and permitted them to visit the country.

UN Rapporteur on Extrajudicial, Summary, and Arbitrary Execution Philip Alston visited the country in May and held extensive talks with commanders of international forces, government officials, tribal elders and other actors. He reported that insurgents had killed at least 300 civilians and international forces had killed approximately 200 others as of his visit. The main themes of Alston's preliminary report included increasing the transparency of international military forces' investigations of collateral casualty incidents; increasing accountability of "campaign forces" responsible to intelligence agencies; reforming police and the judicial system; curbing Taliban and other anti-government elements' abuses; and addressing the often overlooked extrajudicial killing of women.

Special Representative of the UN Secretary General for Children and Armed Conflict Radhika Coomaraswamy visited in June and July. She reported the number of children anti-government forces exploited for military purposes had increased during the previous few months; Taliban used children as "suicide attackers," and the ANP and pro-government militias recruited children, who then were vulnerable to sexual abuse.

The constitutionally mandated AIHRC continued to address human rights problems. The president appointed the nine-member commission, which generally acted independently of the government, often voicing strong criticism of government institutions and actions, and accepting and investigating general complaints of human rights abuses. The AIHRC operated 12 offices outside Kabul. The AIHRC was reasonably influential in its ability to raise public awareness and shape national policy on human rights. In 2007 some MPs sought to review the law that defines the mandate of the AIHRC and proposed the AIHRC include religious scholars educated in Shari'a. No action was taken on the mandate of the AIHRC by year's end. In 2007 however, President Karzai appointed a religious scholar as a commissioner who continued in this role throughout the year. The government did not fund the AIHRC, which continued to rely on international donors.

In 2005 the government developed the Action Plan for Peace, Justice, and Reconciliation (APPRJ), in coordination with the AIHRC and UNAMA. The plan included symbolic measures, such as the creation of national memorial sites and a national museum; institutional reform by vetting civil service employees for involvement in past atrocities, and reform of the judiciary; truth-seeking documentation of past atrocities; promotion of national reconciliation and unity through public debate and awareness; and establishment of accountability mechanisms to bring to justice those responsible for grave human rights abuses. A November 3 report by the International Center for Transitional Justice noted the Afghan government had shown little political will to promote transitional justice efforts. During the year, a committee on senior appointments reviewed nominees for certain senior-level positions, checking the candidates' backgrounds with several sources including the Disbandment of Illegal Armed Groups (DIAG)

organization and the AIHRC before clearing the candidate for appointment. In 2007, both houses of the parliament, which included many human rights abusers, passed versions of an amnesty law that granted immunity to any citizens involved in the country's two and a half decades of conflict, provided those persons recognized the central government and the constitution. At year's end, President Karzai had not signed the law. The government did not take any affirmative action in support of transitional justice.

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 concerns. During the year, these committees vetted several draft laws that went before the parliament and conducted confirmation hearings on several presidential appointees.

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

The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. Equal rights based on race, disability, language, or social status are not explicitly mentioned in the law. There were reports of discrimination based on race, ethnicity, religion, and gender.

##### Women

The law criminalizes rape, which is punishable by death, but under Shari'a, which the country's laws draw from and cannot conflict, the criminalization did not extend to spousal rape. Under Shari'a, a rape case requires a woman to produce multiple witnesses to the incident, while the man need simply claim it was consensual sex, often leading to an adultery conviction of the victim. Adultery is defined in the Penal Code and designated a crime; premarital sex is not designated a crime, but local officials often considered it a "moral" offense. While the MOI reported 226 cases of rape during the year; however, the actual number of cases generally was believed to be much higher. Of the reported cases, 28 were charges of rape against females and 198 were of rape against males. The MOI reported 172 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document due to social stigma. Female victims faced stringent societal reprisal from being deemed unfit for marriage to being imprisoned. According to NGOs jail authorities frequently raped women imprisoned overnight in jail.

The Afghan penal code criminalizes assault, and courts entered judgments against domestic abusers under this provision. 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. Many elements of society tolerated and practiced violence against women. A Kabul women's shelter reported receiving 50 new cases of domestic violence victims a month from MOWA referrals. According to the shelter's report the weak economy and poor security contributed to the incidence of domestic violence. Authorities rarely prosecuted abusers and only occasionally investigated complaints of violent attacks, rape, or killings, or suicides of women. If cases came to court, the accused were often exonerated or punished lightly. The director of a women's shelter in Kabul noted domestic violence occurred in most homes but went largely unreported due to societal acceptance of the practice. Domestic violence usually consisted of beating women and children and, less often, burning women. During the year, the AIHRC initiated additional efforts to collect statistics on violence against women.

There were at least 19 women's shelters across the country. The five shelters in Kabul were home to more than 100 women and girls. The Ministry of Women's Affairs (MOWA) and other agencies referred women to the centers, which were designed to give protection, accommodation, food, training, and healthcare to women escaping violence

in the home or seeking legal support due to family feuds. According to the MOWA, as many as 20 women and girls were referred to the MOWA's legal department every day; however, space at the specialized shelters was limited. Women in need of shelter who could not find a place in the Kabul shelters often ended up in prison.

The concept of women's shelters was not widely accepted in society, as many persons treated them with distrust and did not understand their utility. The director of one shelter stated she always referred to the location as a mediation center, as "shelter" was considered a negative word. Policewomen trained to help victims of domestic violence complained they were instructed not to do outreach to victims but simply to wait for victims to show up at police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted. UNAMA reported police leadership often did not provide female officers with equipment or vehicles necessary to do outside investigations. A Herat-based NGO, however, reported recently graduated women police officers there were active in crime investigation including investigating cases of domestic violence. During the year, a local NGO conducted four domestic violence trainings for 240 ANP officers in Kabul, including those working in ANP Family Response Units. The Family Response Units are staffed primarily by female police officers and address violence and crimes against women, children, and families. They offer mediation and resources to prevent future instances of domestic violence.

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

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

In May, a man shot and killed his wife and another man with whom she had been seen in Pul-e-Khumri. On June 4, a man in Baghlan Province beheaded his bride three days after their wedding. According to the AIHRC, there were 2,558 cases of violence against women during the year. Although police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages, increasing numbers of female attorneys successfully represented female clients in these types of cases in both formal courts and in traditional shura proceedings.

The AIHRC estimated approximately 40 percent of marriages were forced, and distinguished this category from 20 percent of marriages that were "arranged," the latter allowing the woman the choice to decline marriage but not to choose her spouse. During the year the AIHRC recorded 30 cases of women given to another family to settle disputes, although the practice is outlawed by presidential decree. The unreported number was believed to be much higher.

On June 8, a 20-year-old woman committed suicide in Kunduz Province because of a forced marriage to an old man, media outlets reported. According to a security commander, an investigation was under way at year's end.

According to a report released during the year by Womankind, 87 percent of women complained they were victims of violence, half of it sexual. According to the report, more than 60 percent of marriages were forced and, despite laws banning the practice, 57 percent of brides were under the legal marriage age of 16. The report stated many of these girls were offered as restitution for a crime or as debt settlement.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of

a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman had remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. 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 remained detained in Pol-e-Charkhi prison having been captured after fleeing abusive forced marriages.

The AIHRC documented a total of 76 honor killings throughout the year; however, the unreported number was believed to be much higher. In September, according to a local NGO, an 18 year-old woman in Kapisa Province was killed by her brother because she had run away from a forced marriage. Reportedly, after the woman ran away to a Kabul women's shelter the Governor of Kapisa intervened in the case, sheltered her, and forced the woman's mother to return her to Kapisa, resulting in her death.

Women occasionally resorted to self-immolation when they felt there was no escape from their situations. During the year the AIHRC documented 72 cases of self-immolation, in contrast to 110 cases in 2007. Other organizations reported an overall increase during the past two years. According to the AIHRC, almost all the women had doused themselves with gasoline and set themselves alight. In Herat Province, during the first six months of the year, the Herat city hospital alone recorded 47 cases of self-immolation, of whom 40 died. There have also been reports of relatives setting women on fire to create the appearance of self-immolation.

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

Many female MPs reported death threats. Women were also the targets of Taliban and insurgent attacks.

As in the past, insurgents issued night letters threatening women working for the government, local NGOs, and foreign organizations. Women who received threats were often forced to move constantly to evade those harassing them.

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

There is no law specifically prohibiting sexual harassment.

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

The government and NGOs continued to promote women's rights and freedoms, but according to MOWA, women made up less than 25 percent of government employees. There were efforts to integrate gender units into several ministries. The foreign minister hired a woman as his chief of staff.

The MOWA, the primary government agency responsible for addressing the needs of women, had provincial offices,

but the organization suffered from a lack of capacity and resources. However, the provincial offices assisted hundreds of women by providing legal and family counseling and referring women they could not directly assist to relevant organizations.

Informal social and familial pressure led the majority of women in rural areas to wear burqas, and most women, even in Kabul, wore head covering. In rural areas and villages made more accessible by new roads, formerly unveiled women donned burqas when they worked in the fields to avoid being seen by strangers.

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

#### Children

The government demonstrated a continuing commitment to address the concerns of vulnerable children and their families. In 2006 the government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Work, Social Affairs, Martyred, and Disabled (MOWSAMD) to improve care for vulnerable children and families. In 2007, the Ministry of Public Health (MOPH) trained 500 health workers on prevention of child abuse and violence against children.

The law makes education mandatory up to the secondary level and provides for free education up to the college level.

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

Due to insecurity, inadequate facilities, severe shortage of female teachers, and lack of motivation to send girls to school, the status of girls and women in education remained a matter of concern. In some villages girls stopped attending school at the age of 12 or 13 because parents would not permit their teenage girls to be taught by adult men. The general lack of protection of schools from attacks and inadequate and distant facilities, resulted in lower enrollment and higher dropout rates among girls, as did early and forced marriages.

Violence continued to impede access to education in some parts of the country where Taliban and other extremists threatened or attacked schools, officials, teachers, and students, especially in girls' schools. Where schools did remain open, parents were often afraid to send their children to school, particularly girls. The majority of school-related violence occurred in 11 provinces in the southern and border regions. The MOE reported more than 120 schools were attacked during the year and approximately 651 schools had been closed due to insecurity, preventing approximately 173,443 students from receiving an education than in the previous year. For example, in Helmand Province 71,203 fewer students attended schools and more than 190 schools remain closed due to insecurity. UNICEF reported from January 2007 to June 2008 there were 311 confirmed attacks on schools, resulting in 84 deaths and 115 injuries to schoolchildren, teachers and other school employees. On November 12, in Kandahar, men threw acid in the face of female students outside a school. The government promptly condemned this action and arrested 10 suspects in the case. Hundreds of schools in insecure areas have had to close, UNICEF reported.

NGOs and aid agencies reported during the year insecurity, conservative attitudes, and poverty denied education to more than two million school-age children, mainly in the south and southeastern provinces.

Child abuse was endemic throughout the country, ranging from general neglect, physical abuse, abandonment, and confinement to working to pay off family debts. The Ministry of Work and Social Affairs stated that child labor and police beatings frequently occurred and more than five million children lived in desperate need of humanitarian assistance. During the year drought and food shortages across the country forced many families to send their children onto the streets to beg for food and money. According to an AIHRC report during the year, police regularly beat children they took off the streets and incarcerated them. Detention centers for "young offenders" deprived children of the right to an education, the report stated. In a statement commenting on the AIHRC report, UNICEF reported a punitive and retributive approach to juvenile justice predominated throughout the country. Although it is against the law, corporal punishment in schools remained common.

The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated 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 marriage of a minor may be conducted by a guardian. In March 2007, the Supreme Court approved a new marriage contract stipulating the man needs to verify his bride is 16 years of age, and marriage certificates would not be issued for underage brides. According to local NGOs, legal proceedings based on this contract proceeded in Kabul. The proceedings often took longer than a week, and a local shelter housed numerous women during the course of these proceedings. The AIHRC estimated as many as 70 percent of reported cases of domestic violence have roots in child marriage.

Sexual abuse of children remained pervasive. During the year an AIHRC study found most child victims were abused by extended family members. A UNHCR report noted boys were also abused by tribal leaders. In 2008, the MOI recorded 36 cases of rape of young boys, following approximately 80 documented cases in 2007; the unreported number is believed to be much higher. According to the AIHRC, only 24 percent of child sexual abusers are incarcerated.

According to MOI the number of reported sexual assaults on children in the north significantly increased during the year. UNAMA reported 80 cases of rape of girls between ages 8 and 14 in Takhar province during the year. The AIHRC attributed the relatively high number of reported cases of rape in the north to greater insecurity inhibiting reporting in the south. Due to ongoing violence in many areas of the south, aid organizations and government agencies could not assist victims or investigate crimes to the same degree as in more secure northern provinces.

On May 3, media outlets reported in Takhar Province a cousin and two of his friends suffocated and gang-raped an eight-year-old girl. MOI began a series of crackdowns including arresting a man in Mazar-e-Sharif in August for sexually abusing a young boy in a videogame arcade. In August the AIHRC reported a group of men gang raped a three-year-old girl in northern Jowzjan province. On September 25, Kabul police arrested seven persons for gang-raping a 12-year-old girl, media outlets reported. Legal proceedings in these cases were unresolved or ongoing at year's end.

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

Living conditions for children in orphanages were unsatisfactory. Children reported mental, physical, and sexual abuse, were sometimes trafficked out of state-run orphanages, and did not always have access to running water, health services, recreational facilities, or education. In Badghis, Province an orphanage administrator raped and impregnated a 15-year-old girl, UNODC reported. Local authorities arrested the administrator, and the investigation continued at year's end.

## Trafficking in Persons

A new law enacted on July 14 prohibits trafficking in persons. The law defines trafficking in persons as the transfer, transit, employing, keeping, and or giving a person in one's control for the purpose of exploitation or taking advantage of weak financial status or helplessness by spending or taking money or interest or other means of deception to gain the consent of the victim or the guardian of the victim. A trafficker is defined as someone who takes part in human trafficking in person or persuades, encourages, or provides facilities to others to commit human trafficking. The law also contains extensive provisions to protect victims of trafficking and to coordinate among government agencies involved in prosecution and protection efforts.

The country is a source, transit point, and destination country for human trafficking. It is a source for women and children trafficked internally and to Iran, Pakistan, and Saudi Arabia for forced labor and commercial sexual exploitation. Children are trafficked internally for forced labor as beggars or for debt bondage in the brick kiln and carpet industries. Local women and girls are kidnapped, lured by fraudulent marriage or job proposals, or sold into marriage or commercial sexual exploitation within the country and elsewhere. IOM reported 14 cases of child trafficking during the year, although many believe this was a low estimate.

By year's end, MOI had trained and deployed more than 10,000 Afghan Border Police to every border, including Kabul International Airport and land border crossing points, for immigration control. In March IOM and the ANP conducted training on investigation and prosecution of trafficking cases for all criminal investigations department (CID) heads. Immediately after the training, ANP created a counter-trafficking unit (CTU) and staffed it with six IOM-trained officers dedicated to the investigation of trafficking cases. From March 2007 to March 2008, MOI handled 88 trafficking cases, made 134 arrests, and rescued 15 victims.

The MOI, MOJ, and Supreme Court requested from IOM and scheduled training on the implementation of the law. The MOWA cooperated closely with NGOs that provide counseling and shelter to victims of domestic violence.

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

Selling of children increased in the north due to poverty. In January six children were sold in Balkh, Baghlan, Kunduz, and Takhar provinces, according to media reports.

MOJ ran an Italian-supported juvenile rehabilitation center where minor victims of trafficking in need of shelter assistance were accommodated. NGOs operated shelters that provided medical, psychological, and legal counseling. Adult victims were sometimes jailed.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

## Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and protect their rights, including health care and financial protection. The constitution also requires the state to adopt necessary measures to reintegrate and ensure the active participation of persons with disabilities in society. The government did not effectively enforce these protections. The Ministry of Urban Development and Housing built access ramps for persons with disabilities around the Kabul Municipality building and in all Kabul

public bathrooms. In April, the Ministry of Work, Social Affairs, Martyrs, and Disabled (MOWSAMD) released the Afghanistan National Disability Plan 2008-2011 (ANDP), which aims to address the rights and needs of all persons with disabilities.

According to the 2006 National Disability Survey, the country's population included 747,500 to 867,100 persons with severe disabilities, including 17 percent who had disabilities as a result of war and approximately seven percent as a result of landmines. More than 72 percent of all persons with disabilities have not received any education, and fewer than 30 percent of persons with disabilities have jobs. Although community-based health and rehabilitation committees continued to provide services to approximately 100,000 persons, their activities were restricted to 60 of 330 districts. The MOWSAMD worked to coordinate and develop policy strategies that create employment opportunities, access to education, health care, and greater mobility for citizens with disabilities. During the year ministry services extended to only 16 of the 34 provinces. Groups advocating the rights of persons with disabilities repeatedly protested the inaction of the MOWSAMD.

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

#### National/Racial/Ethnic Minorities

On June 15, a violent clash between Hazaras and Kuchis in the Behsud District of Wardak province continued for several weeks. Kuchi representatives claimed Hazaras killed 30 Kuchis in the clash, but the AIHRC did not find evidence to support these claims. In an August 18 report, the AIHRC noted fighters killed 24 Hazara residents of the area during the conflict. The AIHRC also reported that as a result of the conflict, villagers evacuated 400 villages, and fighters burned 79 houses, 10 shops, and three mosques. According to the AIHRC, the ANA response to the conflict was ineffective and failed to prevent an escalation of violence. The AIHRC reported ANP units were successful in preventing some violence and allowing some villagers to return to agricultural activities.

In early September repatriated Pashtuns and other residents of Khowja Bahawodeen district of Takhar province clashed regarding the resettlement of the Pashtuns in the area. President Karzai sent a delegation to mediate. Some Pashtun members of parliament strongly criticized the behavior of the Takhar people and threatened that if the conflict continued, Pashtuns would attack minority ethnic groups living in Pashtun majority areas. The president dispatched ANA units to the area and their efforts combined with those of the government mediators resulted in rapid cessation of violence.

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.

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

According to the UNHCR report, although Ismailis (a minority Shi'a Muslim group who follow the Aga Khan) were not generally targeted or seriously discriminated against, they continued to be exposed to risks.

## Other Societal Abuses and Discrimination

The law criminalizes homosexual activity; however, the authorities only sporadically enforced the prohibition.

## Section 6 Worker Rights

### a. The Right of Association

The law provides broad provisions for protection of workers, and in January 2007 the parliament passed a new labor law that allows workers to join and form unions. Implementation remained a problem due to lack of funding, personnel, political will, and a central enforcement authority. Labor rights were not understood outside the Ministry of Labor and Social Affairs, and workers were not aware of their rights.

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

The government allowed several unions, including Central Council National Union Afghanistan Employees (CCNUAE), the largest, and several smaller unions to operate without interference. However, the Ministry of Labor reported only the CCNUAE was legally registered and thus officially recognized by the government. The 2007 law does not provide for the right to strike and does not protect collective bargaining. Unions were not involved in drafting the law. The country lacked a tradition of genuine labor-management bargaining. There were no known labor courts or other mechanisms for resolving labor disputes.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. There were reports of women and girls given away as laborers to another family to settle disputes and debts. Many employers subjected child laborers to sexual exploitation and forced labor.

### 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 work only 35 hours per week. Under the law, children under 13 may not work under any circumstances. There was no evidence that authorities in any part of the country enforced child labor laws. Child labor remained a pervasive problem. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work and there were more than one million child laborers under age 14. Most child laborers worked as street vendors or shopkeepers. Others in northern provinces worked in the carpet weaving industry. Some sectors in which child labor was concentrated exposed children to the dangers of landmines. AIHRC reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. According to Save the Children, there were as many as 5,000 child laborers in brick factories in Nangarhar. Children faced numerous health and safety risks at work and some of them sustained serious injuries such as broken bones.

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

e. Acceptable Conditions of Work

MOL reported the minimum wage was 2,000 Afghanis per month (\$40) for government workers and applied to the private sector as well. The parliament passed a law to increase the minimum wage to 4,000 Afghanis (\$80), but President Karzai had not signed the law at year's end. The minimum wage did not provide a decent standard of living for a worker and family and was not observed in practice. Wages were determined by market forces, or, in the case of government workers, dictated by the government. During the year, World Monitors Inc. visited several power company worksites and reported wages were often paid based on family affinity rather than on a set rate.

The law defines the standard workweek as 40 hours per week, eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, and miners and other occupations that present health risks. Many employers allotted workers time off for prayers and observance of religious holidays. The law provides workers the right to receive wages, annual vacation time in addition to national holidays, 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. These standards were not effectively enforced, and citizens were not generally aware of the full extent of their labor rights under the law.

There were no occupational health and safety standards and no enforcement mechanism. Employment was at will, and although there was a Ministry of Labor and Social Affairs, there were few if any protections for workers under either the 1987 or the 2007 law. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment, as all employment could be terminated without cause.