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Afghanistan

Country Reports on Human Rights Practices - [2005](#)

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Afghanistan is an Islamic republic with a population of approximately 30 million. In October 2004 Hamid Karzai was elected president in the country's first presidential election under its new constitution, ratified in January 2004. On September 18, the country held its first parliamentary elections in over two decades. While neither the presidential nor the parliamentary elections fully met international standards for free and fair elections, citizens found the parliamentary elections to be credible, and the presidential elections acceptable. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority.

Afghanistan's human rights record remained poor due to weak central institutions, a deadly insurgency, and the country's ongoing recovery from two decades of war. While the government struggled to expand its authority over provincial centers, a few areas remained under the control of regional commanders. There continued to be instances in which security and factional forces committed extrajudicial killings and torture. Extensive reporting of human rights abuses led to increased action against abusers. The following human rights problems were reported:

- extrajudicial killings
- torture
- poor prison conditions
- official impunity
- prolonged pretrial detention
- abuse of authority by regional commanders
- restrictions on freedoms of press, religion, movement, and association
- violence and societal discrimination against women and minorities
- trafficking in persons
- abuse of worker rights
- child labor

Terrorist attacks, armed insurgency, and violence continued during the year. Taliban and other antigovernment forces threatened, robbed, attacked, and occasionally killed local villagers, political opponents, and nongovernmental organization (NGO) workers. Increased Taliban, al-Qa'ida, and other antigovernment activity, particularly in the south and southeast, compounded security challenges faced by the government. UN agencies and NGOs temporarily cancelled or curtailed their activities at various times during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports of politically motivated or extrajudicial killings by the government or its agents. For example, in the spring, Kabul's police chief allegedly tortured and killed a civilian, but it was unknown whether there was an investigation. In December police beat and killed a detainee at the Kabul police station. The lack of an effective police force, poor infrastructure and communications, instability, and insecurity hampered investigations of unlawful killings, bombings, or civilian deaths, and there were no reliable estimates of the numbers involved.

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

The United Nations Mine Action Center for Afghanistan (UNMACA) reported that landmines killed 132 and wounded 647 persons in the first 11 months of the year (see section 1.g.).

Terrorists and insurgents, including Taliban, al-Qa'ida, and Hizb-e-Islami Gulbuddin, killed numerous civilians during their attacks. There were reports that the Taliban and its allies summarily executed NGO workers and other persons. Attacks on international organizations,

international aid workers and their local counterparts, and foreign interests and nationals increased significantly during the year and prompted some organizations to leave (see sections 1.g. and 4).

Antigovernment forces attempted to disrupt the election process across the country, targeting candidates, election workers, and voters. In September, in Balkh, unknown assailants shot and killed Mohammad Ramazan, a candidate for parliament who was leading in the preliminary vote count, and a bodyguard. Also in September unknown assailants abducted candidate Abdul Hadi from his home in Helmand Province and killed him. The Taliban claimed responsibility for both incidents (see section 3). Religious figures also faced threats and violence. In October and November five progovernment mullahs were killed for speaking publicly against the Taliban and al-Qa'ida (see section 2.c.).

In September unknown assailants shot and killed a popular Afghan singer along with six other musicians in Jowzjan. The incident was believed to be an attack against the performance of music, as no money, equipment, or cell phones were taken.

On April 29, residents of a village in Badakhshan Province killed Amena, a 29-year-old woman, for allegedly committing adultery. She was stoned to death without having been detained. Authorities subsequently charged and imprisoned Amena's mother, brother, and 13 other villagers on murder charges for taking part in the stoning after the sentence had been decreed by the village religious leader and local commander, who were also taken into custody but later released.

b. Disappearance

Abductions and disappearances occurred during the year. There continued to be reports of abduction by Taliban, allied militias, and unknown assailants. In April members of the Taliban abducted and killed a British contractor. In May alleged members of a criminal gang abducted Italian aid worker Clementina Cantoni and released her 24 days later. Authorities sentenced 1 of the kidnappers to 20 years imprisonment for Cantoni's kidnapping and sentenced 2 others to death for the kidnapping and an unrelated killing (see section 1.g.).

There were no updates in the January 2004 abduction of an NGO driver, the 2003 abduction of a commander in Herat, or the abduction of many women and girls taken by the Taliban from 1998 to 2001.

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

The law prohibits such practices; however, there were reports of abuses. For example, credible observers reported that local authorities in Herat, Helmand, and other locations routinely tortured and abused detainees. Torture and abuse consisted of pulling out fingernails and toenails, burning with hot oil, sexual humiliation and sodomy.

In Kabul, prisoner Abdul Rahman alleged that local authorities beat him with rubber hoses and wood batons during his four-month-detention.

According to the UN, police in the northern district of Faryab reported that a commander and former district governor severely beat a group of teachers and detained them in his private jail during the year.

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

On September 23, Human Rights Watch (HRW) reported that security forces arbitrarily detained civilians and committed cruel, inhumane, and degrading acts. This claim was based on reports HRW received from family members of detained civilians and interviews conducted with released detainees.

In March *Harper's Magazine* reported that in May 2004 a 21-year-old citizen was taken to jail in Gardez, masked with a bag, and had his hands tied. Authorities poured cold water over him and punched and beat him with sticks. The man claimed that he was threatened with an attack by dogs, subsequently bitten and scratched by dogs, and denied food. The man alleged that he was held for seven or eight nights in Gardez before being taken to another facility and tortured nightly for at least eight days, before being transferred to another facility.

Prison and Detention Center Conditions

Prison conditions remained poor, and prisons were severely overcrowded and unsanitary. Prisoners shared collective cells and were not sheltered adequately from severe winter conditions. Living conditions did not meet international standards, and conditions in women's facilities were worse than in men's facilities. Some prisons held more than twice their capacity. In district prisons, shipping containers were frequently used when other structures were unavailable. Prisoners were reportedly beaten, tortured, and denied adequate food. On October 10, the Afghanistan Independent Human Rights Commission (AIHRC) reported that inadequate food, poor sanitation facilities, insufficient blankets, and infectious diseases were common in the country's prisons.

There were continued reports of private and illegal prisons. The AIHRC claimed that the country's intelligence agency ran at least two such prisons, and there were allegations that private detention facilities existed around Kabul and in northern regions of the country. The AIHRC claimed it closed 36 such detention centers over the past 3½ years. During the year AIHRC allegedly discovered private prisons in Faryab and Mazar-e-Sharif. HRW and other organizations reported the presence of secret or unofficial prisons in 2004.

According to the AIHRC, six prisoners died from natural causes while incarcerated during the year.

More than 6 thousand convicts, including approximately 219 women, were held in 34 government-run prisons in 8 provinces across the country. The government reported 31 active rehabilitation centers for juveniles. Approximately 14 detention centers housed female prisoners. Children under 12 years of age were incarcerated with their mothers. Not all juveniles (under 18 years) were detained in juvenile correctional facilities. For example, in Pul-e-Charkhi Prison, many juveniles were detained with adult prisoners. In general, juveniles charged with murder were detained in adult facilities; however, if space permitted, they were assigned to a separate area within the facility. Prisoners waiting for trial generally were separated from the rest of the inmate population.

The International Committee for the Red Cross (ICRC) had permission to visit all prisons under government control, and the ICRC conducted such visits during the year; however, the ICRC lacked full access to some prisoners. The AIHRC monitored prison conditions regularly during the year, independent of the Ministry of Justice; however, the AIHRC reported that in some areas, their representatives were not granted full access or were required to provide additional proof of authorization. The ICRC did not have access to secret or unofficial prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention; however, both remained serious problems. Justice was administered on an intermittent basis according to a mixture of codified law, Shari'a (Islamic law), and local custom.

Role of the Police and Security Apparatus

The Afghan National Police (ANP), under the Ministry of Interior, has primary responsibility for internal order; however, some local and regional commanders maintained considerable power since the government did not control security nationwide. The UN extended the North Atlantic Treaty Organization's (NATO) mandate through October 13, and NATO retained command of the International Security Assistance Force (ISAF) in Kabul. NATO reviewed and renewed its mandate annually. Human rights groups and detainees reported that local police extorted bribes from civilians in exchange for their release from prison or to avoid arrest.

Corruption and official impunity remained pervasive problems. The international community worked with the government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. In November the government created a Professional Standards Unit (or Internal Affairs Unit) to help investigate offenses. The government, with foreign assistance, was developing a model police station in Kabul to exemplify best practices and train police. The AIHRC provided human rights training to members of the ANP.

Arrest and Detention

Judicial and police procedures and practices for taking persons into custody and bringing them to justice followed no established code and varied depending on the area and local authorities. Some areas had a more formal judicial structure than others. The authorities did not respect limits on lengths of pretrial detention. The law provides for access to legal counsel, the use of warrants, and bail; however, all three were inconsistently applied. There were no confirmed reports of political detainees.

Arbitrarily lengthy pretrial detention remained a problem. The United Nations Human Rights Commission (UNHRC) reported that arbitrary and prolonged detentions were a frequent occurrence throughout the country. The AIHRC received several hundred reports of lengthy pretrial detention during the year. According to the law, police can detain suspects for up to 72 hours; primary and secondary courts can detain for up to 2 months; and the final court can detain for up to 5 months. The country's law limited pretrial detention to 9 months; however, there were documented cases where suspects were held for longer periods. For example NGOs reported that prison authorities detained individuals for over a year without charging them. There were credible reports that police continued to detain prisoners in Kabul and Ghazni after they were found innocent.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice the judiciary was inefficient and subject to influence and corruption. The government, in accordance with Islamic principle and international standards and with assistance from the international community, continued to work on reestablishing a functioning nationwide judicial system. The courts, however, were hindered by a lack of qualified judicial personnel, and judges often based their judgments on their personal understanding of Islamic law and tribal codes of honor. Pressure from public officials and the families of accused persons also threatened judicial impartiality. Trials were usually public, and while juries were not used, decisions made through the shura system were made collectively by groups of local elders. Defendants have the right to be present and to consult with an attorney when resources allow. Defendants have the right of appeal.

Many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice.

In cities, courts decided criminal and civil cases. The Supreme Court was located in Kabul. A National Security Court tried terrorist and other cases, although it was unclear how it functioned. In December the president passed by decree an antinarcotics law that formally created a separate central court for narcotics prosecutions.

In rural areas local elders and shuras (community councils) were the primary means of settling criminal matters and civil disputes; they sometimes allegedly also levied unsanctioned punishments.

The Ministry of Justice focused on judicial reform, but numerous problems remained. The judicial system lacked the capacity to handle the

large volume of new and amended legislation.

Trial Procedures

Court procedures did not meet internationally accepted standards for fair trials. The administration and implementation of justice varied in different areas of the country. Defendants have the right to an attorney under the law, but this right was inconsistently applied. Citizens' lack of awareness of their constitutional rights was a problem, and there was no functioning public defender system. Juries were not used, and defendants were not allowed to confront or question witnesses. Court decisions could be appealed. The courts reportedly heard cases in sessions that lasted only a few minutes. In cases involving murder and rape, judges generally sentenced convicted prisoners to execution, although relatives of the victim could instead choose to accept other restitution or could enforce the verdict themselves. Under the new constitution, capital punishment is conditional upon approval of the president. Local elders and shuras sentenced persons to unsanctioned punishment including flogging or death by stoning, as well as ordering, in murder cases, the defendant to provide young girls in marriage to the victims' family. In such proceedings, the accused typically had no right to legal representation, bail, or appeal. The government enforced Shari'a, which discriminated against women (see section 5, Women). Approximately 80 percent of all disputes went to shuras for decisions.

Political Prisoners

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

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

The law prohibits such interference; however, there were no legal protections for victims, and police officials forcibly invaded and looted the homes and businesses of civilians with impunity. In April local police invaded the homes of several NGO personnel and international businessmen, harassed and threatened them, and stole their valuables. In April 2004 troops from the Junbesh and Jamiat parties' military wings looted houses during fighting east of Mazar-e-Sharif.

Forced resettlement for safety reasons occurred during the year.

The law provided for wiretapping.

Police often detained women at the request of family members for defying the family's wishes on the choice of a spouse, or for other "moral" offenses. An unknown number of women were imprisoned for these reasons. Some women were in detention centers because they were runaways (see section 5, Women).

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

During the year continued internal conflict and the use of excessive force caused the deaths of civilians, property damage, and the displacement of residents.

Interfactional fighting between regional commanders, persistent Taliban and al-Qa'ida activity, and criminal activity resulted in unlawful killings. Militants targeted and killed foreigners and local NGO employees.

In November in Nimroz Province, militants abducted and killed Ramankutty Maniappan (see section 1.b.).

On August 14, in Kandahar, a woman was killed in an explosion at a women's market.

The Taliban beheaded several individuals throughout the year in Helmand and Ghazni provinces for allegedly spying for a foreign country. In November the Taliban kidnapped and killed a road worker in Nimroz Province in an apparent attempt to pressure aid groups to leave. After initially accepting responsibility, the Taliban later denied involvement.

On September 28, citizens from Sharan district in Paktika Province found bodies of 500 hundred police and soldiers in a mass grave. Members of the Taliban and al-Qa'ida allegedly killed the soldiers and police in 1998.

During the year antigovernment elements attacked progovernment religious leaders (see section 2.c).

On May 16, unknown assailants kidnapped and held captive a foreign aid worker for 24 days. On June 28, she was released unharmed in Kabul. The case was under investigation and remained open at year's end.

In December 2004 unknown assailants kidnapped three Turkish construction workers. The kidnappers killed one worker and released two others. The case remained open at year's end.

In July 2004 in Uruzgan province, alleged members of the Taliban beheaded 15 men, 13 of whom belonged to the Hazara tribe, a historical enemy of the Taliban.

During the year battles between rival tribes and local commanders resulted in numerous civilian casualties. In May, fighting between supporters of two rival warlords killed one citizen and wounded five others.

Militants also targeted civilians and election officials in a campaign to derail national elections (see section 3).

Violence and instability hampered relief and reconstruction efforts in different parts of the country. There were reports by NGOs that some local commanders charged them for the relief supplies they were bringing into the country. The delivery of assistance was also limited by the difficulties in moving relief goods overland to remote areas.

Estimates of the remaining number of landmines planted during and after the Soviet occupation ranged from 450 thousand, according to the Halo Trust, to 7 million, according to the UN. The most heavily mined areas were the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. During the year the UNMACA recorded 779 people killed or injured by mines.

With funding from international donors, the UN organized and trained mine detection and clearance teams, which operated throughout the country. More than 1.5 million refugees and internally displaced persons (IDPs) returned to areas cleared of mines and unexploded ordnance. UN agencies and NGOs conducted many educational programs and mine awareness campaigns for women and children in various parts of the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, there were instances of governmental intimidation of journalists to influence their reporting. The law prohibits information that "could mean insult to the sacred religion of Islam and other religions." The ambiguity over what was considered offensive material offered the potential for restricted press freedom.

The independent media were active and publicly reflected differing political views, although the extent varied from region to region. The government owned at least 35 publications and most of the electronic news media. Many other newspapers were published only sporadically, and many were affiliated with different provincial authorities. Factional authorities tightly controlled media in some parts of the country, and the degree of freedom of expression varied significantly between regions. The foreign media were covered under the freedom of speech law; however, they were prohibited from commenting negatively on Islam and from publishing materials that were considered a threat to the president.

During the year, members of the intelligence service intimidated and threatened journalists. Threatening calls and messages against media organizations also were common. For example in mid-January, an Iranian radio station reported that the Herat government banned a weekly newspaper, *Payam-e-Hambastagi*, allegedly for supporting Ismail Khan, the former governor of Herat. Radio Bamyān, an independent radio station, received occasional threats because the station provided programming deemed un-Islamic.

While some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. According to the NGO Reporters Without Borders, many persons listened to the dozen international stations that broadcast in Dari or Pashto. The BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan were available throughout the country. There were approximately 300 print publications, 40 radio stations, and several television stations in the country. In September 2004 business leaders inaugurated the first independent radio station established entirely by private sector funds in Ghazni province. At least 32 other community-based independent radio stations had been created.

Authorities subjected journalists to harassment, intimidation, and violence during the year. In June the Media Commission prosecuted Massood Qiam, a Tolo TV journalist, for defaming the country's chief justice. The charges were later dropped at the request of the minister of information and culture. In September authorities beat two *Sada-e-Afghan* reporters and detained them for eight hours for allegedly taking illegal pictures and not having an invitation to the event they were attending. No actions were taken against the members of the president's security force. On December 21, authorities released journalist Ali Mohaqiq Nasab from jail with a suspended six-month sentence. On October 1, police arrested Nasab and on October 22, convicted him for publishing un-Islamic materials, specifically for describing the harsh punishments imposed on individuals accused of adultery and theft, as well as the right of Muslims to convert to other religions (see section 2.c.). In June 2004 authorities in Herat interfered in the functioning of an independent women's community radio station, Radio Sahar. Authorities resolved the situation through negotiation and dialogue, according to *Internews*. In August 2004 the Ministry of Information and Culture announced the creation of a commission of religious clergy to monitor the media, but the commission's authority to censor content was not clear.

Other nongovernmental actors also interfered in the operation of journalists. In September unknown assailants kidnapped two reporters accompanying a female candidate for the parliament in Nuristan province, but they managed to escape after a six-day detention.

Authorities restricted academic freedom. In May Herat University expelled two students and had them arrested following a classroom discussion in which they debated the role of Christianity in Muslim society. The students were detained for more than three months until the AIHRC intervened and had both released and reinstated at the university. However, police did not drop charges against both students, and at year's end the case remained ongoing.

Unlike in previous years there were no reports that government forces prohibited music, movies, and television on religious grounds. Journalistic self-censorship was common in many areas because of fear of retaliation. Cable operators provided a wide variety of channels,

including Western movie and music channels. The government did not restrict the ownership of satellite dishes by private citizens.

There were no government restrictions on the Internet.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association; however, this right was restricted in practice.

Freedom of Assembly

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

In May, according to HRW, security forces killed 16 protesters while trying to disband violent demonstrations in several cities in response to a *Newsweek* magazine article discussing Koran desecration.

Freedom of Association

The Political Parties Law obliges parties to register with the Ministry of Justice and requires political parties to pursue objectives that are consistent with the principles of Islam. Political parties based on ethnicity, language, Islamic school of thought, and region were not allowed; however, political parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where antigovernment violence affected overall security (see section 3). At year's end there were 91 registered political parties.

In 2004 in Herat Province, party activists could not conduct political activities openly because of then governor Ismail Khan's intolerance of political activities. Khan later became minister of water and energy, but it was unclear if conditions in Herat had changed.

c. Freedom of Religion

The law proclaims that Islam is the "religion of the state," but provides non-Muslim citizens the freedom to perform their rituals within the limits determined by laws for public decency and peace, although there was harassment of foreign missionaries and others. The law also declares that no law can be contrary to the beliefs and provisions of Islam. The government required all citizens to profess a religious affiliation.

Historically, the majority Sunni population discriminated against the minority Shi'a community. There were no laws forbidding proselytizing, although authorities viewed proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death.

Public school curricula included religious subjects, and religious leaders conducted detailed religious study. Non-Muslims were not required to study Islam, and there was no restriction on parental religious teaching.

The Shi'a religious affiliation of the Hazaras historically was a significant factor contributing to their repression, and there was continued social discrimination against Hazaras (see section 5).

There were no known foreign missionaries or other non-Islamic religiously oriented organizations in the country. Conversion from Islam is punishable by death.

During the year antigovernment elements increased attacks against progovernment religious leaders. For example, on July 3, in Kandahar city, armed men killed Mawlawi Mohammad Nabi Misbah, an affiliate of the Kandahar cleric council and a member of the provincial election commission. On July 13, in Lashkargah city, assailants killed Mawlawi Saleh Mohammad, head of a religious shura in Helmand Province and a well-known supporter of the electoral process. On August 3, in Helmand Province, antigovernment forces killed Mullah Zarif, who had signed a fatwa against former Taliban leader Mullah Omar.

Societal Abuses and Discrimination

Sikhs and Hindus returning to the country faced difficulties in obtaining housing and land in Kabul and other provinces, and the communities reportedly continued to face acts of discrimination during the year. In the second half of the year, the government provided Sikhs and Hindus land on which to cremate their dead.

Non-Muslims faced discrimination in schools. The AIHRC received numerous reports that students belonging to the Sikh and Hindu faiths stopped attending schools due to harassment from both teachers and students, and the government had not implemented measures to protect these children.

There were no known incidents of anti-Semitism.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights; however, certain laws limited citizens' movement. The passport law requires a woman to obtain permission from a male family member before having a passport application processed. In some areas of the country, women were forbidden by local custom or tradition to leave the home except in the company of a male relative. The law also prohibits women from traveling alone outside the country without a male relative, and male relatives must accompany women participating in the hajj. Additionally, sporadic fighting, banditry, and landmines hampered travel within the country.

Taxi, truck, and bus drivers complained that security forces and armed militants operated illegal checkpoints and extorted money and goods. While the number of such checkpoints decreased during daylight hours, their numbers increased at night, especially in the border provinces. In April local militants shot and injured two men at illegal checkpoints in Kunduz province.

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

Internally Displaced Persons (IDPs)

Approximately 150 thousand persons were internally displaced. During the year the UN High Commissioner for Refugees assisted the return of over 519 thousand refugees to the country; an additional 237 thousand returned spontaneously without assistance. A modest number of IDPs were also resettled.

Protection of Refugees

The government has not established a system for providing protection for refugees or those seeking asylum.

Since 2002 over 4.4 million citizens have returned to the country. Women and children constituted 75 percent of the refugee population. In August, September, and October, refugees returned in large numbers to the country, as 95 percent of the refugee camps in Pakistan closed. A fifth of these people were living without shelter at year's end. Sporadic fighting and related security concerns, as well as drought, discouraged some refugees from returning to the country.

Ethnic Hazaras prevented some Kuchi nomads from returning to traditional grazing lands in the central highlands, in part because of allegations that the Kuchis were pro-Taliban and thus complicit in the massacres perpetrated against Hazaras in the 1990s. Hazaras also found difficulty in returning to the country. In December 2004 a local leader from Karukh district in Herat blocked the return of approximately 200 Hazara refugees from Iran.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice for the first time in over 20 years on September 18, when they participated in parliamentary elections.

Elections and Political Parties

In October 2004 citizens chose Hamid Karzai to be the first democratically elected president in an election that was acceptable to the majority of the country's citizens. On September 18, citizens elected 249 members of the Wolesi Jirga, the lower house of the National Assembly, in an election deemed credible by the majority of citizens. Members of the Meshrano Jirga, the upper house, were selected through presidential and provincial council nomination. There were 249 men and 68 women in the Wolesi Jirga and 102 men and 22 women in the Meshrano Jirga. Since the parliament was inaugurated on December 19, members of parliament worked together cooperatively. There is no established tradition of political parties, but political groups were being formed in the National Assembly.

AIHRC and the UN Assistance Mission in Afghanistan (UNAMA) reported that local officials tried to influence the outcome of elections. From April 19 through September 13, citizens reported more than 390 such attempts to the AIHRC/UNAMA joint verification team. For example, the Herat Provincial administration dismissed Mohammad Ibrahim Kushki, a candidate for parliament from Herat, for using his position as head of the Islamic labor union to promote his campaign and apply pressure on the local community to vote for him. Wolesi Jirga candidate Fatima Kazimiyani used her position as former head of the Bamyán Department of Women's Affairs to influence voters in her favor, but she was disqualified as candidate by the Joint Election Management Body. The Electoral Complaints Commission received 5,397 complaints during the parliamentary election season and disqualified 37 candidates (of over 6,000) from the campaign, including 3 for committing election offenses.

Militants targeted civilians and election officials in a campaign to derail national elections. A Taliban spokesman declared that all parliamentary candidates were high priority targets, and during the year antigovernment forces killed seven parliamentary candidates, two parliamentarians-elect, and at least four election workers. On June 22, unknown assailants killed a provincial council candidate from Uruzgan province. At year's end the case remained open. On August 3, unknown men opened fire on a female parliamentary candidate from Kandahar as she sat in a parked vehicle. The woman was unharmed, and no one was charged. Also in early August unknown assailants shot and injured Hawa Alam Nuristani, a female candidate, in Nuristan. She had received many death threats prior to the incident. In September the Taliban killed parliamentary candidate Mohammad Ashraf Ramazan, sparking mass demonstrations throughout Mazar-e-Sharif. While some alleged that the governor of Balkh province was involved in the assassination, three other suspects were detained for the attack. The case remained unresolved at year's end.

Unlike in previous years, the government did not ban any political parties, other than the Taliban. After some delays in registering parties whose leaders were former communists, over 70 accredited political parties registered with the Ministry of Justice and participated in

parliamentary elections.

Political parties generally were able to conduct activities throughout the country, except in regions where antigovernment violence affected overall security. AIHRC and UNAMA reports revealed that officials sometimes interfered with political parties, mainly because of a lack of awareness of citizens' political rights. Political parties also exercised significant self-censorship. Political activities were visibly discouraged or curtailed in some parts of the country. However, UNAMA and AIHRC's conclusions were that political freedom improved substantially and steadily during the year.

Of the 249 seats in the Wolesi Jirga, the law requires that 10 seats be allocated to Kuchis and 68 seats to women. Approximately 25 percent of the total seats were also reserved for women on each provincial council. In the Meshrano Jirga, 17 of the 34 seats appointed by the president were reserved for women, and 2 were reserved for persons with disabilities. Five women were elected to the Meshrano Jirga from the provincial councils, although there were no quotas for the number of women to be elected to the Meshrano Jirga from the provincial councils. There were two women in President Karzai's cabinet, one female governor, two women on the six-member electoral commission, and a female chair of the AIHRC.

While women's political participation gained a degree of acceptance, there were elements that resisted this trend. Antigovernment forces in the eastern, southeastern, and southern regions of the country targeted women associated with the electoral process for violent attacks and threats. Of the 633 female candidates, 51 withdrew their candidacy, citing economic constraints as the cause for withdrawal. Despite these difficulties, citizens elected 17 women who would have won seats in the Wolesi Jirga even without the constitutional quota. A woman from Herat received the largest number of votes of any candidate in the province.

Government Corruption and Transparency

There was widespread public perception of government corruption, including ministerial level involvement in the illegal narcotics trade. The government took few visible actions to combat corruption beyond public statements and the formation of an anticorruption office in the presidency. The president replaced several governors, reportedly because of their corrupt practices.

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

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Some of these human rights groups were based in Pakistan, with branches inside the country. The lack of security and instability in parts of the country severely reduced NGO activities in these areas. During the year suspected Taliban members fired on NGO vehicles, attacked NGO offices, and killed at least 30 aid workers (see sections 1.a. and 1.g.). In May authorities in Baghlan Province discovered the bodies of three women. Authorities suspected that at least one of the women was killed because she worked for an NGO. In October a Taliban ambush killed five Afghan aid workers from Afghan Help Development Services.

In June the government passed a new NGO law in an effort to reduce the number of for-profit companies operating as NGOs. Many NGOs supported this action as a way to differentiate themselves from those organizations taking advantage of the system to pose as NGOs.

Intimidation or violence directed at NGO workers increased during the year. There were reports in Kandahar that antigovernment forces increasingly attacked those accepting foreign assistance, causing villagers to begin refusing aid. On May 11, hundreds in Jalalabad rioted after reports of Koran desecration became public, resulting in 17 deaths and the burning of an AIHRC regional office. On October 12, unknown assailants killed five aid workers in Kandahar province. On October 16, Taliban members killed three men employed by international organizations for allegedly spying for foreign troops.

Local employees ran several international NGOs, including Global Rights (formerly International Human Rights Law Group) and HRW, which monitored the human rights situation inside the country.

The constitutionally mandated AIHRC continued its role in addressing human rights problems within the country. The nine-member appointed commission generally acted independently of the government, often voicing strong criticism of government institutions and actions, and accepting and investigating complaints of human rights abuses. The AIHRC established 10 offices outside Kabul.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for the equal rights of men and women; however, some local customs and practices that discriminated against women prevailed in much of the country. The severity of discrimination varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women, and on local customs. Historically, the minority Shi'a faced discrimination from the majority Sunni population.

Women

Women in urban areas regained some measure of access to public life, education, health care, and employment; however, the denial of

educational opportunities during the Taliban years, as well as limited employment possibilities, continued to impede the ability of many women to improve their situation.

In February 2004 the government established the first unit of female police, and small numbers of women began to join the police force during the year; however, there were reports that female police officers found it difficult to be accepted as equals among their colleagues. For example, six female police officers in Kunduz faced discrimination and hostility, and spent the first four months on the job cleaning the police station. They were paid \$60 (3,000 AFNs), \$10 dollars (495 AFNs) less than their official salary, and they were forced to wear burkas over their uniforms under threats of violence. The Ministry of Interior reported that female recruitment was difficult because of cultural differences.

Violence against women persisted, including beatings, rapes, forced marriages, kidnappings, and honor killings. Such incidents generally went unreported, and most information on the abuse was anecdotal. On November 6, Farid Majid Naia beat and killed his wife, Nadia Anjuman, a poet, in Herat. While Naia admitted beating Anjuman, he claimed he stopped before she died. Naia claimed Anjuman ingested poison, but he did not allow an autopsy. Police detained Naia, and an investigation was ongoing at year's end.

The Ministry of Women's Affairs estimated that more than 50 percent of marriages involved women under 16, the legal minimum age of marriage for women.

It was difficult to document rapes in view of the associated social stigma; however, rape and domestic violence against women remained serious problems. Authorities considered rape to be a serious crime in the country, punishable by death, although this punishment did not extend to spousal rape.

Exchanging women or girls remained a customary method of resolving disputes or satisfying debts. For example, a six-year-old girl's parents traded her to work as a housemaid to another family after the girl's brother backed out of an engagement with the family's daughter.

Honor killings continued to be a problem. For example on December 30, in Watapour District of Konar Province, a married woman and her lover were killed along with the lover's mother. The provincial police chief alleged that the honor killing was committed by the family of the woman's husband, and he registered a case against the attackers.

There were over 219 detained women, many of whom were imprisoned at the request of a family member. Many of the incarcerated opposed the wishes of the family in the choice of a marriage partner, contended with adultery charges, or faced bigamy charges from husbands who originally granted a divorce but changed their minds when the divorced wife remarried. Women also faced bigamy charges from husbands who had deserted their wives and then reappeared after the wives had remarried. Some women resided in detention facilities because they had run away from home because of domestic violence or the prospect of forced marriage; there were no shelters for women in these situations. In Pul-I-Charkhi Prison, there were several girls between the ages of 17 and 21 years of age who were detained because they were captured after fleeing abusive forced marriages.

There were approximately seven detention centers for women. In locations where detention facilities were not available, women were held separately from men or given to members of the community to be watched over in their homes.

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

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

There were growing concerns about women committing self-immolation, most often to escape from oppressive family circumstances such as forced marriage. Although comprehensive and accurate statistics were unavailable, doctors reported that self-immolations were increasingly common among young women in the western part of the country. Incidents of self-immolation also were reported to be particularly high in Herat and Farah Provinces. In September a physician from the Herat hospital's burn unit reported that it was not uncommon to have as many as 10 cases of self-immolation per day. The AIHRC reported 101 cases of self-immolation during the year, although they claimed the number could be several times higher than reported. Upon investigation, the AIHRC found most self-immolations occurred to escape abusive marriages and to avoid marrying husbands that the victims did not want to marry. The AIHRC investigated 280 cases at year's end.

Prostitution was illegal but occurred regularly.

There was no law specifically prohibiting sexual harassment. Discrimination against women in some areas was particularly harsh. Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture; in some areas, women were forbidden to leave the home except in the company of a male relative (see section 2.d.). According to the Institute for Media, Policy and Civil Society (IMPACS), women in Logar were prohibited from traveling to the area of town where a community radio station was based, and male journalists often were not allowed to interview women for their reports. In Paktika Province, female parliamentary candidates reported that women were not allowed to leave their homes, were forbidden from attending schools, and needed the permission of their male elders to conduct activities outside the home. UNAMA reported that male relatives had forbidden some female students in Kabul from attending universities outside the country.

While some women continued out of personal choice to wear the burqa, many other women felt compelled to wear one out of fear of harassment or violence. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam and local custom have diminished. Unlike in previous years, government-owned media allowed female singers on television over the objections of religious conservatives, effectively ending a ban dating to 1992 (see section 2.a.).

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

Children

The law makes education up to the intermediate level mandatory, and provides for free education up to the college, or bachelor's degree level. Local authorities made some progress in school attendance. A back-to-school campaign launched by the Ministry of Education increased school enrollment from 4.2 million children in 2003 to over 5.2 million during the year.

Since 2002 the number of girls attending school increased by over 30 percent; however, an estimated 1.5 million school-age girls were not enrolled in classes. Some provinces had no schools for girls to attend, and in Kabul, some male family members did not allow girls to attend school. UNICEF reported that 34 percent of children enrolled in school were girls, although this figure hid large disparities from province to province, with enrollment as low as 15 percent in some areas.

Violence impeded access to education in some parts of the country where Taliban and other extremists threatened or physically attacked teachers and students, especially in girls' schools. In December a bomb explosion injured four girls and one boy in Kandahar Province outside their school. Extremists dragged and shot a teacher in the same region for teaching girls. In April 2004 suspected Taliban burned and destroyed two primary schools in Kandahar Province. In August suspected Taliban loyalists burned down a girls' school in Logar Province.

Child abuse was endemic throughout the country, ranging from general neglect, physical abuse, abandonment, and confinement to work in order to pay off family debts. There were no child labor laws or other legislation to protect child abuse victims (see section 6.d.).

Children did not have adequate access to health care; only one children's hospital existed in the country, and it was not readily accessible to those outside Kabul.

Child trafficking was widespread and continued to be a problem during the year (see section 5, Trafficking).

There were no new reports of the recruitment of child soldiers since President Karzai's 2003 decree prohibiting the recruitment of children and young persons under the age of 22 into the army. In 2004 UNICEF initiated a program that demobilized and reintegrated approximately four thousand of an estimated eight thousand former child soldiers. The remaining four thousand soldiers were transitioned out of the military during the year.

c. Trafficking in Persons

The law does not prohibit trafficking in persons; however, traffickers could be prosecuted under other laws. The country was a source and transit point for trafficked persons. A 2003 IOM report noted qualitative and anecdotal evidence of increased trafficking in girls and children to Pakistan, Iran, and the Gulf states; however, the lack of systematic monitoring prevented a quantitative assessment of the scale of the problem. What little data were available suggested that trafficking in children, mainly boys, was the predominant form of trafficking, at least across borders. An IOM report released during the year confirmed that the buying and selling of women and girls continued.

The AIHRC tracked and investigated cases of child abduction and worked to assist in international investigations of trafficking.

There were continued reports of poor families promising young girls in marriage to satisfy family debts. There were a number of reports that children, particularly from the south and southeast, were trafficked to Pakistan to work in factories, or internally to work in brothels. UNICEF cited unconfirmed reports of the abduction of women and children in the southern part of the country.

Although prosecutions of traffickers increased, and the government devoted greater attention to trafficking in persons during the year, prosecution of perpetrators continued to be inconsistent. Between March and December, the AIHRC and UNICEF received more than 150 reports of child trafficking, and reported approximately 50 arrests of child traffickers. Information on convictions was not available. President Karzai issued a decree mandating the death penalty for child traffickers convicted of murder, and lengthened prison terms. Trafficking victims, especially those trafficked for sexual exploitation, faced societal discrimination, particularly in their home villages, and the risk of contracting sexually transmitted diseases.

At year's end according to the AIHRC, authorities repatriated 317 children from Saudi Arabia, Pakistan, Zambia, and Oman. The Ministry of Labor and Social Affairs, with the assistance of UNICEF, set up a transit center to assist with these returns, and other agencies such as the AIHRC helped with the children's reunification and reintegration.

Persons with Disabilities

The law requires the state to assist persons with disabilities and protect their rights; however, the government took no measures to mandate

accessibility to buildings for persons with disabilities.

An estimated 750 thousand persons suffered from disabilities requiring at least some form of assistance. Although community-based health and rehabilitation committees provided services to approximately 100 thousand persons, their activities were restricted to 60 out of 330 districts, and they were able to assist only a small number of those in need.

National/Racial/Ethnic Minorities

During the year claims of social discrimination against Hazaras and other Shi'as continued. The Hazaras accused President Karzai, a Pashtun, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras. In 2004 Pashtuns in Herat Province accused then governor Ismail Khan, a Tajik, of discrimination and abuses against their ethnic group. The nomadic Kuchis expressed concern that the voter registration process under-represented their population; however, the government and the Joint Electoral Management Body (JEMB) worked to address their concerns.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The law provides broad provisions for protection of workers; however, little was known about their enforcement. Labor rights were not understood outside of the Ministry of Labor, and workers were not aware of their rights. There was no effective central authority to enforce them. The only significant employers in Kabul were the minimally functioning ministries and local and international NGOs.

b. The Right to Organize and Bargain Collectively

The law does not provide for the right to strike; however, the country lacks a tradition of genuine labor-management bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the government.

There were no reports of labor rallies or strikes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, little information was available.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 15 from working more than 30 hours per week; however, there was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. UNICEF reported an estimated one million child laborers under the age of 14 in the country. UNICEF also estimated that over 24 percent of children between the ages of 7 and 14 were working. Children from the age of six often worked to help support their families by herding animals, collecting paper, scrap metal and firewood, shining shoes, and begging. Some of these practices exposed children to the danger of landmines.

e. Acceptable Conditions of Work

No information existed regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many employers allotted workers time off for prayers and observance of religious holidays.

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