



Afghanistan

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Afghanistan* continued to experience civil war and political instability for the 21st consecutive year. There was no functioning central government. The Pashtun-dominated ultra-conservative Islamic movement known as the Taliban controlled approximately 90 percent of the country, including the capital of Kabul, and all of the largest urban areas, except Faizabad. A Taliban edict in 1997 renamed the country the Islamic Emirate of Afghanistan, with Taliban leader Mullah Omar as Head of State and Commander of the Faithful. There is a six-member ruling council in Kabul, but ultimate authority for Taliban rule rested in Mullah Omar, head of the inner Shura (Council), located in the southern city of Kandahar. Former President Burhanuddin Rabbani claimed to be the head of the Government, controlled most of the country's embassies abroad, and retained Afghanistan's United Nations seat after the U.N. General Assembly again deferred a decision on Afghanistan's credentials during the September General Assembly session. Rabbani and his military commander, Ahmed Shah Masood, both Tajiks, also maintained control of some largely ethnic Tajik territory in the country's northeast. Masood's forces were within rocket range of Taliban-held Kabul until late July 1999, but since then the Taliban has pushed them back, capturing large areas. In 1999 the Taliban summer offensive pushed Masood's forces out of the Shomali plain, north of Kabul. Towards the middle of June, the Taliban resumed its offensive, and captured the northeastern city of Taloqan. Commander Masood and commanders under the United Front for Afghanistan (UFA), also known as the Northern Alliance, continue to hold the Panjshir valley and Faizabad. The U.N. Secretary General's Personal Representative to Afghanistan Fransesc Vendrell engaged in extensive discussions with various Afghan parties and interested nations throughout the year, but there has been little visible progress in ending the conflict. A group of representatives from the six nations bordering Afghanistan plus the United States and Russia met several times during the year to explore ways to end the conflict. During the year, a process to convene a Loya Jirga, or Grand Assembly of traditional leaders, which was focused around former King Zahir Shah and based in Rome, slowly began to gather support. Other initiatives, such as the Bonn process and the Cyprus process, began to cooperate with the Rome-based initiative. A number of provincial administrations maintained limited functions, but civil institutions were rudimentary. There is no countrywide recognized constitution, rule of law, or independent judiciary. In 1999 the Taliban claimed that it was drafting a new constitution based on Islamic law, but during the year there were no further announcements regarding a constitution.

The Taliban remained the country's primary military force. Taliban and members of other warring Afghan factions committed numerous serious human rights abuses in areas they occupied.

Agriculture, including high levels of opium poppy cultivation, was the mainstay of the economy. For the second year in a row, the country was the largest opium producer in the world. The agriculture sector suffered a major setback due to the country's worst drought in 30 years. Experts estimate that the drought may affect more than half of the population, with 3-4 million severely affected. The drought has affected all areas of the country, causing an increase in internal displacement, loss of livestock, and loss of livelihood. The crop loss in some areas was estimated to be 50 percent. Approximately 80 percent of the livestock of the Kuchi nomads reportedly has perished, and the Argun reservoir which supplied water to 500,000 farmers and to Kandahar has run dry, as have 8 rivers in the region. In addition to the drought, the agricultural sector continues to languish because of a lack of resources and the prolonged civil war, which have impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards in some areas. The presence of millions of landmines and unexploded ordnance throughout the country has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. Trade was mainly in opium, fruits, minerals, and gems, as well as goods smuggled to Pakistan. There were rival currencies, both very inflated. Formal economic activity remained minimal in most of the country, especially rural areas, and was inhibited by recurrent fighting and by local commanders' roadblocks in non-Taliban controlled areas. The country also is dependent on international assistance. Per capita income, based on World Bank figures, is about \$280 per year. Reconstruction was continuing in Herat, Kandahar, and Ghazni, areas that are under firm Taliban

control. Areas outside of Taliban control suffered from brigandage.

The overall human rights situation remained extremely poor, and the Taliban continued to commit numerous serious and systemic abuses. Citizens were unable to change their government or choose their leaders peacefully. The Taliban carried out summary justice in the areas they controlled, and reportedly were responsible for political and other extrajudicial killings, including targeted killings, summary executions, and deaths in custody. There were allegations that Taliban forces were responsible for disappearances. The Taliban imposed strict and oppressive order by means of stiff punishments for crimes in the areas that they controlled. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV), enforced their ultra-conservative interpretation of Islamic law. The PVSV has carried out punishments such as stoning to death, flogging, public executions for adultery, murder, and homosexual activity, and amputations of limbs for theft. For lesser infractions, Taliban militiamen often judged accused offenders and meted out punishments, such as beatings, on the spot. Prison conditions were poor. The Taliban arbitrarily arrested and detained persons and infringed on citizens' privacy rights. The Taliban's military offensive and capture of Taloqan forced tens of thousands of civilians to flee their homes. Taliban forces were responsible for indiscriminate bombardment of civilian areas. Civil war conditions and the unfettered actions of competing factions effectively limited the freedoms of speech, press, assembly, and association. Freedom of religion is restricted severely and Taliban members vigorously enforced their interpretation of Islamic law. Freedom of movement is also limited. Years of conflict have left approximately 258,600 citizens internally displaced, while more than 2.8 million of the country's population of approximately 25.8 million live outside the country as refugees. Although the continued fighting has discouraged many refugees from returning to their country, 133,600 refugees voluntarily returned from Iran during the year under a U.N. High Commissioner for Refugees-Iran agreement on voluntary repatriation. An additional 50,000 are estimated to have returned outside the framework of this agreement. All factions have harassed domestic and international NGO's.

The human rights situation for women was extremely poor. Violence against women remained a problem throughout the country. Women and girls were subjected to rape, kidnaping, and forced marriage. Taliban restrictions against women and girls remained widespread, institutionally sanctioned, and systematic. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field and in some humanitarian assistance projects. Despite these formal restrictions, the treatment of women and girls in Taliban-controlled areas improved slightly for the second year in a row, mainly due to lack of enforcement. Although girls were prohibited formally from attending school, several organizations were able to run elementary schools and home schools with girls in attendance despite the formal prohibition. Nonetheless, there was widespread and widely accepted societal discrimination against women and girls throughout the country. The Taliban detained persons because of their ethnic origins. Worker rights were not defined. Child labor persists.

The human rights situation in areas outside of Taliban control also remained extremely poor, and Masood's forces and the Northern Alliance members committed numerous, serious abuses. Masood's forces continued sporadic rocket attacks against Kabul. Anti-Taliban forces bombarded civilians indiscriminately. Various factions infringed on citizens' privacy rights. Armed units of the Northern Alliance, local commanders, and rogue individuals were responsible for political killings, abductions, kidnappings for ransom, torture, rape, arbitrary detention, and looting.

During the year, a degree of "enforcement fatigue" seems to have led to an informal easing of various restrictions. Reports suggest that activities such as nonformal education for girls and women working in self-employed sectors increasingly are tolerated if engaged in quietly. Many households in urban areas own television sets. Significantly, the Taliban forces did not engage in the scorched earth policy of previous campaigns when they burned homes, killed livestock, uprooted orchards, and destroyed irrigation systems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

The Taliban forces committed a large number of political and other extrajudicial killings, both within the country and in the refugee community in Pakistan during the year. In June Amnesty International (AI), reported that over the previous 2 years more than a dozen prominent citizens advocating an end to the war and establishment of a government representing all ethnic groups have been arrested and killed by the Taliban.

Much of the political and extrajudicial killing in Afghanistan during the year occurred during the renewed

conflict between the Taliban and the Northern Alliance during the summer, which was characterized by sporadic indiscriminate shelling and bombing. On February 14, indiscriminate bombing by the Taliban in the Panjshir valley killed eight civilians. In mid-June, the Taliban began offensives in the Shomali and Kunduz areas, using aircraft to support ground troops. On July 1, the Taliban launched large-scale attacks near the towns of Baghram and Charikar, approximately 30 miles north of Kabul. Civilians continued to be the primary victims of the fighting. On July 1-2, the Taliban carried out air raids on the towns of Charikar and Jabal-as Saraf, reportedly claiming civilian lives. In mid-July, there were reports--denied by the Taliban--of summary executions of prisoners by the Taliban forces in the conflict areas. On July 23, Taliban aircraft bombed several towns and villages in northern Afghanistan, reportedly killing three and wounding seven civilians. On July 30, the Taliban used heavy artillery and aircraft to bomb the town of Nahreen before capturing it.

From August 9 through September 5, when the Taliban captured it, there was intense fighting around and in the town of Taloqan. During the offensive to capture Taloqan, Taliban aircraft bombed the city many times. No statistics are available on civilian casualties in Taloqan, but 60,000 to 75,000 persons left their homes in Taloqan and other areas in the northern part of the country to flee the fighting. AI reported in July that during the fighting in Taloqan the Taliban bombarded a village, burned all of the houses there, and killed some of the villagers. It was also reported that the Taliban cut the throat of one man in front of his relatives.

In previous years, the Taliban used swift summary trials and implemented strict punishments in accordance with Islamic law. Public executions, which sometimes took place before crowds of up to 30,000 persons at Kabul Stadium, are not known to have occurred during the year. Similarly, death by stoning for adultery, and by toppling walls on offenders for homosexual transgressions are not known to have occurred.

Political killings and harassment of moderate Afghan leaders and Afghan intellectuals residing in Pakistan continued during the year; many believed that these killings and harassment occurred at the direction of the Taliban. AI notes that over the last 2 years dozens of Afghans living in Pakistan have received death threats, and several of them have been killed. In 1999 a number of moderate activists relocated out of Pakistan to other countries, in part as a reaction to killings in Pakistan in 1998 and 1999. On June 1, a hooded gunman shot and wounded Mohammad Enam Wak, an Afghan author, at his home in Peshawar. By year's end, no action had been taken in the case. The shooting may have been in response to a book Wak just had published examining the idea of an Afghan federation on the basis of ethnic groups.

Many Taliban soldiers reportedly were killed and injured by landmines laid by the Northern Alliance as they advanced in the Shomali plains.

Opposition forces fired rockets into Kabul on a number of occasions. In many of these attacks, civilians were killed or injured.

In other areas, combatants sought to kill rival commanders and their sympathizers. The perpetrators of these killings and their motives often were difficult to identify, as political motives often are entwined with family and tribal feuds, battles over the drug trade, and personal vendettas. A long-running feud among Northern Alliance members led to a number of killings of prominent commanders, including Bahadur in November 1999 and Abdul Chesik in December 1999. On December 4, United Front Commander Abdullah Jan Wahidi reportedly was killed in an ambush.

On August 5, seven deminers working for the U.N.-funded Organization for Mine Clearance and Rehabilitation were ambushed, killed, and burned in Badghis Province; one of the deminers may have been alive at the time he was burned. It is not clear who was responsible, but the group that waylaid the deminers was reportedly large, well-organized, and well-armed.

When the Taliban recaptured Bamiyan in 1999, there were reports that Taliban forces carried out summary executions upon entering the city. AI reported that hundreds of men, and in a few instances women and children, were separated from their families, taken away, and killed (see Sections 1.b. and 1.g.). There has been no investigation by the Taliban of these widely publicized allegations.

The Taliban also has taken no action and conducted no investigation into allegations by AI that dozens of noncombatants were systematically killed by Taliban forces when they captured most of the Shomali valley in late July 1999.

The Taliban has used excessive force against demonstrators. In December 1998, two students at Nangarhar medical college reportedly were killed by members of the Taliban when they fired upon a crowd of students who were protesting their dean's misappropriation of hostel funds. Taliban leader Mullah Omar ordered an investigation of the incident, but it is not known whether an investigation took place or what the results of any investigation may have been.

In 1998 the Taliban reportedly executed as many as 189 prisoners it captured during fighting near Mazar-i-Sharif in order to avoid exchanging them with the Northern Alliance. The Taliban denied these allegations; by year's end, there had been no investigation into these alleged killings.

In 1998 the U.N. found several mass graves connected with the massacre of Taliban soldiers near Mazar-i-Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these mass and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. The Taliban leadership has indicated in several of these cases that investigations were under way or that investigations would be permitted. However, according to neutral observers, no real progress was made by the Taliban in facilitating investigations; mass and other killings from 1997 and 1998 have not been investigated fully.

There has been no investigation into the 1998 killing of Lieutenant Colonel Carmine Calo, an Italian serving with the U.N. Special Mission.

b. Disappearance

The strict security enforced by the Taliban in areas under its control has resulted in a decrease in abductions, kidnappings, and hostages taken for ransom. However, there have been allegations that the Taliban maintains private prisons to settle personal vendettas and that the Taliban was responsible for disappearances in areas under its control. AI reported that hundreds of persons were separated from their families in the Taloqan area during the Taliban summer offensive, and that these persons were taken away and believed to have been killed (see Section 1.a.). There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Taloqan area during fighting from June through October. There also were reports of the abduction of women by the Taliban in August 1999 when the Taliban retook the Shomali plains; women reportedly were taken in trucks from the area of fighting and were trafficked to Pakistan and to the Arab Gulf states. In 1998 there were credible reports that the Taliban detained hundreds of persons, mostly ethnic Hazaras, after the takeover of Mazar-i-Sharif; the whereabouts of many such persons remained unknown at year's end. There were unconfirmed reports that some Taliban soldiers abducted girls and women from Hazara neighborhoods in Mazar-i-Sharif in 1998; the whereabouts of some of these women also were unknown at year's end (see Section 5). Since 1998 persons who have disappeared include: General Abdul Rahman; General Farooq; Moulvi Shabuddin; Waliullah Dagarwal; General Syed Agha Rayees; Engineer Nabi Shah; and Wolaswal Ismail.

There have been credible reports of some instances where Taliban soldiers have arrested Hazara men to extract ransoms. Abductions, kidnappings, and hostage taking for ransom or for political reasons also occurred in non-Taliban areas, but specific information was lacking. In northern areas, women were at risk of being raped and kidnaped, according to the U.N. There have been unconfirmed reports that local commanders were kidnaping young women. Some of the women reportedly then were forced to marry their kidnapers. Others simply remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran (see Section 5).

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POW's). Most were thought to be dead or to have assimilated voluntarily into Afghan society, though some are alleged to be held against their will. A number of persons from the former Soviet Union missing since the period of the Soviet occupation are presumed dead.

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

The Taliban is believed to have used torture against opponents and POW's. Torture does not appear to be a routine practice in all cases. The Taliban reportedly beats some persons detained for political reasons. The U.N. Special Rapporteur on Human Rights in Afghanistan met in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three stated that they were detained in a Kandahar prison on political grounds for 3 years prior to their escape on March 26. They were kept in windowless cells, shackled the entire time (see Section 1.d.). The General's colleagues reported that they were tortured by the prison authorities, and all three reported the torture of other prisoners; including being hung upside down by the legs while being beaten with cables.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems, based on its understanding of Islamic justice. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials. Murderers were subjected to public executions, a punishment that at times was inflicted by the victims' families. Thieves were subjected to public amputations of either one hand, one foot, or both. Adulterers were stoned to death or publicly given 100 lashes. On September 26, a man convicted of adultery was publicly stoned in Maymana in Fariab province. The woman

with whom he was convicted of engaging in adultery was sentenced to 100 lashes, but the sentence was postponed because she was pregnant. A second woman, who was convicted of arranging this adultery, was sentenced to 39 lashes. The punishment for those found guilty of homosexual acts is to have walls toppled over them. Although there were no known instances of such punishment during the year, this punishment was carried out on at least one occasion in 1999, and seven times in 1998 (resulting in five deaths).

In the past, there have been credible reports that Taliban forces threatened and beat women for what they considered immodest dress. They threatened and beat men for immodest dress and for incorrect beard length. There were no such credible reports this year.

During the year, there were credible reports that the Taliban detained and tortured persons who they believed were being helpful to Western journalists. In July a Western journalist observed his Afghan associate being severely beaten. The associate was subsequently detained and beaten routinely until he was able to escape from prison (see Section 2.a.).

All Afghan factions are believed to have used torture against opponents and POW's, though specific information generally is lacking. Torture does not appear to be a routine practice in all cases. Some of Masood's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents. At least one of the alleged killers of Commander Abdullah Jan Wahidi (see Section 1.a.) reportedly was tortured prior to being executed.

Prison conditions are poor. Prisoners held by some factions are not given food, as normally this is the responsibility of prisoners' relatives, who are allowed to visit to provide them with food once or twice a week. Those who have no relatives have to petition the local council or rely on other inmates. Prisoners live in overcrowded, unsanitary conditions in collective cells.

In the past, there have been credible reports that torture occurred in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintain prisons in territories under their control and reportedly established torture cells in some of them. The Taliban operates prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini, and Maimana. The Northern Alliance maintains prisons in Panjshir and Faizabad. According to one credible report, prison authorities routinely used rubber and plastic bound cables in beatings in Badakhshan province. According to AI, there have been reports that the Taliban forced prisoners to work on the construction of a new story on the Kandahar prison and that some Taliban prisoners held by Masood were forced to labor in life-threatening conditions, such as digging trenches in mined areas.

There were reports that an Afghan human rights organization visited a Taliban prison in Mazar-i-Sharif in February 1999. Intensified fighting and poor security for foreign personnel limited the International Committee of the Red Cross' (ICRC) ability to monitor prison conditions, especially in and around Mazar-i-Sharif after that city fell to the Taliban. However, the ICRC's access improved toward the end of 1999. The ICRC visited 5,621 detainees, including 49 women and 414 minors in 51 different places of detention during the year.

d. Arbitrary Arrest, Detention, or Exile

In the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes, and persons were subject to arbitrary detention. There are credible reports that both Taliban and Northern Alliance militia extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, the practices varied depending on the locality, the local commanders, and other authorities. Some areas have a more formal judicial structure than others.

On July 9, the Taliban's PVSJ jailed for several days a foreign aid worker, who had lived and worked in Afghanistan for over 30 years, and a number of her Afghan associates. The aid worker and her associates promoted home-based work for women and home schools for girls. She was expelled from the country shortly after her release on July 12. She returned to Kabul in late September after receiving a visa in Pakistan but within days was ordered to leave the country; she departed on October 6. No reason was given by the Taliban for her arrest and deportation.

On July 23, in Kabul, the Taliban arrested 40 members of a local group advocating a peaceful settlement of the conflict on charges of trying to destabilize the country. There were reports that another member of this group was arrested by Pakistani authorities in Peshawar, Pakistan.

AI reported that the Taliban has taken children hostage in an effort to compel their fathers to surrender; the fathers of such children generally are reported to be political opponents of the Taliban. The families of these children have been told that the children would be released when their fathers surrender to the Taliban.

A respected physician, Dr. Ayub, who headed the Shuhada Hospital in Jaghoray, was taken into custody during the Bamiyan military action in 1999 and remains in Taliban custody without charges.

The U.N. Special Rapporteur on Human Rights in Afghanistan met in July in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three said that they were detained in a Kandahar prison on political grounds for three years prior to their escape on March 26. They were kept in windowless cells and shackled for the entire time. The General's colleagues reported their own torture by the prison authorities, and all three reported the torture of other prisoners, including being hung upside down by the legs while being beaten with cables (see Section 1.c.).

A number of persons arrested by the Taliban in 1998 for political reasons were believed still to be in detention at year's end.

All factions probably hold political detainees, but no firm numbers are available. Both the Taliban and Masood hold thousands of POW's. Masood reportedly holds a number of Pakistanis, along with several hundred Taliban soldiers, as POW's. In June the Taliban and the Northern Alliance sent delegations to inspect each other's prisoners in advance of an exchange of prisoners. Lists were reportedly prepared amid allegations that the Taliban had executed as many as 189 prisoners captured in 1998 during the fighting around Mazar-I-Sharif in order to avoid exchanging them (see Section 1.a.). The Taliban has denied this, and there has been no investigation. The prisoner exchange initiative ended as fighting resumed in June.

There was no information available on forced exile.

e. Denial of Fair Public Trial

With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. There is no independent judiciary.

The Taliban has Islamic courts in areas under their control to judge criminal cases and resolve disputes. According to the U.N., the Taliban asserts that there is a lower court and a higher court in every province, and a Supreme Court in Kabul. In 1999 Mullah Omar promulgated a decree ordering the Supreme Court and military courts not to interfere with one another, according to press reports. The courts meted out punishments including execution and amputation and reportedly heard cases in sessions that lasted only a few minutes. The courts reportedly dealt with all complaints relying on the Taliban's extreme interpretation of Islamic law and punishments, as well as on traditional tribal customs (see Section 1.c.). In cases involving murder and rape, convicted prisoners generally were ordered executed, although relatives of the victim could instead choose to accept other restitution. Decisions of the courts were reportedly final. According to AI, some judges in these courts were untrained in law and at times based their judgments on a mixture of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas.

Defendants do not have the right to an attorney.

Little is known about the administration of justice in the areas controlled by the Northern Alliance. The administration and implementation of justice varied from area to area and depended on the whims of local commanders or other authorities, who summarily execute, torture, and mete out punishments without reference to any other authority.

All factions probably hold political prisoners, but no reliable estimates of numbers are available.

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

Interfactional fighting often resulted in the homes and businesses of civilians being invaded and looted by the opposing forces--whether victor or loser. Some armed gunmen reportedly acted with impunity given the absence of any legal protection or a responsive police force. It was unclear what authority controlled the actions of the Taliban militiamen who patrolled the streets of cities and towns. A number of incidents were reported in which Taliban soldiers, persons masquerading as Taliban, or foreign sympathizers fighting alongside the Taliban, entered private homes without prior notification or informed consent. In Kabul the soldiers allegedly searched homes for evidence of cooperation with the former authorities or for violations of

Taliban religion-based decrees, including the ban on the possession of depictions of living things (including photographs, stuffed animals, dolls, etc.). At various times, the Taliban also has banned certain traditional recreational activities, such as kite flying and playing chess (see Section 2.c.). Members of the PVSV, the Taliban's religious police, beat individuals on the streets for infractions of Taliban rules concerning dress, hair length, and facial hair, as well as for the violation of the prohibition on women being in the company of men who were unrelated to them. The Taliban required women to wear a burqa, a tent-like outer garment that covers a woman from head to toe, when in public (see Section 5). Men are required to have beards of a certain length or longer, not to trim their beards, and to wear head coverings. Men whose beards did not conform to the guidelines on beard length set out by the Taliban were subject to imprisonment for 10 days and mandatory Islamic instruction. According to AI, the Taliban have taken children hostage in an effort to compel their fathers to surrender (see Section 1.d.). The Taliban reportedly also has required parents to give their children "Islamic" names.

In 1998 the Taliban prohibited television sets, satellite dishes, videocassette recorders, videocassettes, and audio cassettes as part of an effort to ban music, television, and movies (see Section 2.a.). The ban continues, although televisions reportedly are widely sold, and their use generally is ignored unless reported by a neighbor (see Section 2.a.).

During the late summer offensive to retake Taloqan, the Taliban reportedly burned a village and killed several villagers (see Section 1.a.). On October 19, the Northern Alliance alleged that the Taliban forced the residents of Humber Koh and Hazrab villages near Taloqan to leave their homes before burning the dwellings. There were reports during 1999 and during the year that the Taliban forcibly expelled ethnic Hazara and Tajiks from areas controlled by the Taliban, and that the Taliban harassed these minorities (see Sections 2.c. and 5).

There were reports that some prisoners of the Taliban, including the sons of families that had opposed Taliban social restrictions, had been drafted forcibly and sent to the front. There were also reports that the Taliban forcibly conscripted or attempted to forcibly conscript persons in 1997 and 1998; some of these reports were unconfirmed.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The Taliban continued to pose serious obstacles to the efforts of international aid organizations to deliver food aid and other humanitarian assistance. U.N.-led negotiations to obtain Taliban permission for delivery of food and nonfood aid across the front lines into the Panjshir Valley and the Dara-i-Suf area remained at an impasse at year's end. The Taliban permitted limited deliveries to Panjshir in December 1999 to reach the large community of displaced persons, which had fled the Shomali plains during the summer 1999 offensive. Limited supplies have reached Dara-i-Suf (where the U.N. has received reports of starvation), but only at great expense aboard donkey caravans. The French NGO Solidarite has sent similar donkey caravans into nearby Balkhab District.

The continuing internal conflict resulted in many instances of the use of excessive force. When fighting resumed in June, the Taliban bombed cities held by the Northern Alliance, such as Taloqan, Charikar, Nahreen, and Jabal-as Saraf. The Taliban's aerial bombing of civilian areas has resulted in the deaths of civilians, property damage, and the displacement of residents.

The conflict leading up to the fall of Taloqan in September displaced 60,000 to 75,000 people. Taloqan itself was evacuated, but families quickly returned once it became clear that the Taliban was not following the scorched earth policy it had pursued in previous years.

In May 1999, the Taliban recaptured Bamiyan. There were reports of systematic killings and summary executions by Taliban forces, as well as reports of hundreds of persons being taken away in Taliban trucks. Taliban forces reportedly also took hundreds of persons after the capture of Yakaolang the same month. In the late summer of 1999, refugees from the Taliban offensive in the Shomali plain reported summary executions of noncombatants. The number of those killed or detained in fighting by the Taliban in 1999 is unknown. In August 1998, the Taliban captured Mazar-i-Sharif. There were reports that as many as 5,000 persons, mostly ethnic Hazara civilians, were massacred by the Taliban after the takeover of Mazar-i-Sharif. In September 1998, the Taliban captured Bamiyan; during the fighting an estimated 200 civilians were killed. There were also credible reports of a massacre of 45 civilians in a village near Bamiyan by Taliban commanders in September 1998. AI reported that the Taliban massacred 70 Hazara civilians, including children, in Qezelabad, near Mazar-i-Sharif in 1997. There were also reports that Taliban forces in Faryab province killed some 600 civilians in late 1997.

In general independent investigations of alleged killings were hindered by continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question (see Section 1.a.). The

Taliban denied charges that its forces massacred or committed atrocities against civilians and claimed that civilian deaths, if any, resulted from combat.

Prior to its summer offensive, the Taliban claimed that the Northern Alliance bombed Shekhar Darra and Gol Darra, killing an unspecified number of civilians.

The discovery of mass graves near Shibarghan in the northern part of the country in 1997 was widely reported. The graves allegedly contained 2,000 corpses, reportedly those of Taliban forces captured near Mazar-i-Sharif in mid-1997 and executed by Northern Alliance forces (see Section 1.a.).

There were reports in 1999 that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Section 4). There were no reports of such behavior during the year, and, on the contrary, the Masood forces appeared welcoming to NGO's.

Continued warfare also resulted in massive forced displacement of civilians. Over the course of the year, it is estimated that up to 75,000 persons may have fled the fighting, although a majority of them reportedly have returned to their homes. An estimated 500,000-750,000 Afghans remain internally displaced following years of conflict. More than 2.4 million Afghans are living as refugees in Pakistan and Iran. A much larger number over the past 21 years has sought refuge abroad. Women and children constituted the majority of those in need of humanitarian assistance.

Afghanistan is the most heavily mined country in the world, according to U.N. mine-clearing experts. The U.N. estimates that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordnance throughout the country, sown mainly during the Soviet occupation. However, some NGO's estimate that there may be less than 1 million mines. There have been claims that 162 of 356 districts are mine-affected. The most heavily mined areas are the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance cause deaths and injuries, restrict areas available for cultivation, and slow the return of refugees. At the end of 1999, according to the NGO Halo Trust, mines covered more than an estimated 420 square miles, including over 285 square miles of grazing land; over 100 square miles of agricultural land; almost 25 square miles of roads; 7.5 square miles of residential area; and over 2 square miles of irrigation systems and canals. From 1995-97, new mines are believed to have been laid over 90 square miles of land, reportedly mainly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly mined areas were reported but not confirmed during the year in the conflict areas north of Kabul. The Northern Alliance reportedly laid these in response to the Taliban's summer offensive. Taliban leader Mullah Omar reportedly banned the use, production, trade, and stockpiling of mines in 1998. Despite the general prohibition on the depiction of living things, the Taliban allowed the visual depiction of persons in demining educational materials.

An estimated 400,000 Afghans have been killed or wounded by landmines. Currently casualties caused by landmines and unexploded ordnance are estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households are affected by the presence of landmines. An estimated 96 percent of civilian mine and unexploded ordnance casualties are male. Approximately 53 percent of mine and unexploded ordnance casualties occur in the 18 to 40 age group, while 34 percent of the casualties involve children, according to the U.N. Mine Action Center. Landmines and unexploded ordnance resulted in death in approximately 30 percent of cases and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the U.N. has organized and trained mine detection and clearance teams, which operate throughout the country. Nearly all areas that have been cleared are in productive use, and approximately 1.5 million refugees and internally displaced persons have returned to areas cleared of mines and unexploded ordnance. Nevertheless the mines are expected to pose a threat for many years. In 1997 the 4,000 mine clearers suffered from an accident rate of 1 per week. However, clearance rates and safety have increased for clearance teams assisted by dogs. U.N. agencies and NGO's have instituted a number of mine awareness campaigns and educational programs for women and children in various parts of the country, but many were curtailed as a result of Taliban restrictions on women and girls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no laws that effectively provide for freedom of speech and of the press, and senior officials of various warring factions allegedly attempted to intimidate journalists and influence their reporting. There are fewer than 10 regular publications in the country. All other newspapers are published only sporadically. Newspapers for the most part are affiliated with different factions. Various factions maintain their own communications facilities. The Taliban selectively bans the entry of foreign newspapers into their territory.

Many foreign books are prohibited. The Taliban radio station, the Voice of Shariat, broadcasts religious programming and Taliban pronouncements.

The Taliban has arrested more than 25 journalists since it took control of Kabul in September 1996. In July a Western journalist, while being detained, observed his Afghan associate being severely beaten. The journalist subsequently was expelled from the country, and his associate was detained and beaten routinely, until he escaped from prison (see Section 1.c.). On August 11, three foreign journalists were arrested by the PVSF and accused of taking pictures of a soccer match in Kabul. The journalists were interrogated for 2 hours, after which their film was confiscated. The PVSF officials confirmed that it is forbidden to take pictures of living things.

All factions have attempted to pressure foreign journalists who report on the conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul but later imposed restrictions upon them. Foreign journalists were forbidden to film or photograph persons or animals, were not allowed to interview women, and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. In 1998 foreign journalists were not permitted into Mazar-i-Sharif after the Taliban took the city and reportedly massacred as many as 5,000 persons (see Section 1.g.).

In August the Taliban introduced strict regulations governing the work of foreign journalists in the country. A list of 21 points "to be respected" is given to foreign journalists upon arrival. The list includes an item asking journalists "not to offend the people's feelings." Journalists are required to tell the Taliban authorities when they travel outside of Kabul and to stay out of prohibited areas outside of Kabul. Journalists may work only with approved interpreters and local assistants, must renew their work permits every year, and must register all of their professional equipment. The Taliban also require most journalists to stay at the Intercontinental Hotel in Kabul, allegedly for security and economic reasons.

In August 1998, Iranian journalist Mahmoud Saremi was killed after being abducted by Taliban soldiers in Mazar-i-Sharif, along with eight Iranian diplomats. Saremi was the Afghanistan bureau chief for the official Iranian news agency, IRNA. Taliban officials stated that those responsible for Saremi's killing were not acting under official orders and would be punished; however, no action was known to have been taken regarding the case by year's end.

There have been numerous threats to Afghan journalists working in exile in Pakistan; the UNHCR has assisted approximately 10 Afghan journalists in relocating to Western countries from Pakistan. Many believe these threats are directed by the Taliban authorities in response to unfavorable columns by the journalists. On July 4, Inayat-ul-Haq Yasinin, a journalist in Peshawar, received death threats for publishing the results of an opinion poll on Afghan refugees living in Peshawar. In 1998 in Peshawar, two men fired at Abdul Hafiz Hamis Afizi, an ethnic Tajik Afghan journalist writing for two Peshawar Afghan daily newspapers. Also in 1998, Mohammad Hashim Paktianai, a journalist related to former president Najibullah was killed at his home in Hayatabad.

The Taliban continue to prohibit music, movies, and television on religious grounds. In August 1998, television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, televisions reportedly are sold widely, and their use generally is ignored unless reported by a neighbor.

The Taliban severely restricts academic freedom, particularly education for girls (see Section 5).

b. Freedom of Peaceful Assembly and Association

Civil war, tenuous security, and likely opposition from local authorities seriously inhibited freedom of assembly and association.

It is unknown whether laws exist that govern the formation of associations. Many domestic NGO's continue to operate in the country, and many international NGO's also continue to operate (see Section 4). There were reports that the Taliban required NGO's to go through burdensome registration procedures in order to be allowed to operate and attempted to exert control over NGO staffing and office locations, especially in Kabul. All factions continue to harass and interfere with the operations of domestic and international NGO's, including aid organizations (see Section 4).

c. Freedom of Religion

Freedom of religion is restricted severely. Due to the absence of a constitution and the ongoing civil war,

religious freedom is determined primarily by the unofficial, unwritten, and evolving policies of the warring factions. In most parts of the country, the Pashtun-dominated, ultraconservative Islamic movement known as the Taliban vigorously enforced its extreme interpretation of Islamic law. The Taliban claimed in mid-1999 that it was drafting a new constitution, based upon the sources of Islamic religious law (Shari'a): the Koran, the Sunna, and Hanafi jurisprudence. A Taliban spokesman stated that the new constitution would ensure the rights of all Muslims and of religious minorities. However, custom and law require affiliation with some religion, and atheism is considered apostasy and is punishable by death. The small number of non-Muslim residents who remain in the country may practice their faith but may not proselytize.

The country's official name, according to the Taliban, is the Islamic Emirate of Afghanistan; according to the umbrella organization of various smaller, anti-Taliban groups, the Northern Alliance, it is the Islamic State of Afghanistan. These names reflect the desire of both factions to promote Islam as the state religion. Taliban leader Mullah Omar carries the title of Commander of the Faithful. Traditionally Sunni Islam of the Hanafi school of jurisprudence has been the dominant religion. The Taliban also adheres to the Hanafi school of Sunni Islam, making it the current dominant religion in the country.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems. The Taliban established Islamic courts in areas under its control to judge criminal cases and resolve disputes. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials (see Section 1.e.).

The Taliban seeks to impose its extreme interpretation of Islamic observance in areas that it controlled and has declared that all Muslims in areas under Taliban control must abide by the Taliban's interpretation of Islamic law. The Taliban announces its proclamations and edicts through broadcasts on the Taliban's "Radio Shariat" and relies on a religious police force under the control of the PVSV to enforce rules regarding appearance, dress, employment, access to medical care, behavior, religious practice, and freedom of expression. Members of the PVSV, which was raised to the status of a Ministry in May 1998, regularly check persons on the street in order to ascertain that individuals are conforming to such Taliban edicts. Persons found to be in violation of the edicts are subject to punishment meted out on the spot, which may include beatings and detention. In practice the rigid policies adopted both by the Taliban and by certain opposition groups have a chilling effect on adherents of other forms of Islam and on those who practice other faiths. Enforcement of Taliban social strictures is much stricter in the cities, especially in Kabul, and looser in rural areas, where more is left to local custom.

Reliable data on the country's population is not available. However, informed sources estimate that 85 percent of the population are Sunni Muslim; most of the remaining 15 percent are Shi'a. The Hazara ethnic group is predominantly Shi'a; Shi'a are among the most economically disadvantaged persons in the country. The Shi'a minority want a national government that would give them equal rights as citizens. There are also small numbers of Ismailis living in the central and northern parts of the country. Ismailis are Shi'a but consider the Aga Khan their spiritual leader. In the past, small communities of Hindus, Sikhs, Jews, and Christians lived in the country, but most members of these communities have left. Almost all members of the country's small

Hindu and Sikh population, which once numbered about 50,000 persons, have emigrated or taken refuge abroad.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country.

According to Human Rights Watch, in September 1999, the Taliban issued decrees that forbade non-Muslims from building places of worship but allowed them to worship at existing holy sites, forbade non-Muslims from criticizing Muslims, ordered non-Muslims to identify their houses by placing a yellow cloth on their rooftops, forbade non-Muslims from living in the same residence as Muslims, and required that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance. These decrees followed earlier reports that Hindus were required to wear a piece of yellow cloth attached to their clothing to identify their religious identity and that Sikhs were required to wear some form of identification as well. This system of identification allegedly was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from harassment by agents of the PVSV, but the identification system reportedly no longer is enforced.

There also are unconfirmed reports that the Taliban has occupied and "cleaned" Shi'a mosques for the use of Sunnis, including a Shi'a mosque in Mazar-i-Sharif in 1998. The sections of the country's educational system that have survived over 20 years of war put considerable emphasis on religion.

In Taliban controlled areas, the Taliban has decreed that all Muslims must take part in five daily prayers.

Those who are observed not praying at appointed times or who are late attending prayer are subject to punishment, including severe beatings. There were reports in 1998 that PVSV members in Kabul stopped persons on the street and quizzed them to determine if they knew how to recite various Koranic prayers.

Publishing and distribution of literature of any kind, including religious material, is rare.

Proselytizing by non-Muslims is prohibited. A small number of foreign Christian groups are present in the country, but they focus on relief work since they are forbidden to proselytize. Conversion from Islam is considered apostasy and is punishable by death. There was no information available about converts or about restrictions on the training of clergy.

Since taking control of Kabul in 1996, the Taliban reportedly has committed numerous human rights violations, particularly against the Hazaras. In September 1997, the Taliban reportedly massacred 70 ethnic Hazara civilians in Qezelabad. There were reports of mass arrests by the Taliban in Hazara neighborhoods of Kabul in January 1998. There also were credible reports of the massacre of thousands of civilians and prisoners by the Taliban during and after the capture of Mazar-i-Sharif in August 1998; this massacre reportedly was aimed at ethnic Hazaras. In September 1998, approximately 500 persons were killed as the Taliban gained control of the city of Bamiyan. The Hazaras regained control of Bamiyan in April 1999 following prolonged guerrilla-style warfare; however, the Taliban recaptured Bamiyan in May 1999 and reportedly killed a number of Shi'a residents. There were reports during 1999 and 2000 that there were forced expulsions of ethnic Hazaras and Tajiks from areas controlled or conquered by the Taliban, as well as harassment of these minorities throughout Taliban controlled areas.

The Ismaili community fought for the Northern Alliance against the Taliban and suffered when the Taliban occupied territories once held by Ismaili forces. There were reports of mistreatment of Ismailis at the hands of the Taliban.

The Taliban, following its extreme interpretation of Shari'a (Islamic law), required women to don a head-to-toe garment known as the burqa, which has only a mesh screen for vision, when in public. While in some rural areas this was the normal garment for women, the requirement to wear the burqa represented a significant change in practice when imposed in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely, along with their family elders. In Kabul and elsewhere, women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, were beaten by Taliban militiamen. According to Taliban regulations, men's beards must protrude farther than would a fist clamped at the base of the chin. Men also must wear head coverings and must not have long hair. A man who has shaved or cut his beard may be imprisoned for 10 days and be required to undergo Islamic instruction. Several civil service employees reportedly were fired in 1997 for cutting their beards. All students at Kabul University reportedly are required to have beards in order to study there (no female students are allowed). There also are credible reports that Taliban members gave forced haircuts to males in Kabul. At various times, the Taliban has banned certain traditional recreational activities, such as kite flying and playing chess. Dolls, stuffed animals, and photographs are prohibited under the Taliban's interpretation of religious injunctions against representations of living beings; in search of these objects, Taliban soldiers or persons masquerading as Taliban members reportedly have entered private homes without prior notification or informed consent. The Taliban reportedly has required parents to give their children Islamic names (see Section 1.f.).

The Taliban continues to prohibit music, movies, and television on religious grounds in Taliban-controlled areas. In 1998 television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, subsequent reports indicate that many persons in urban areas around the country own such electronic devices despite the ban (see Section 1.f. and 2.a.).

In November 1998, Taliban officials accepted responsibility for the defacing of one of two historic statues of Buddha near Bamiyan during their takeover of that city earlier in the year. The Taliban claimed that the vandalism was the result of an unauthorized act by one of their soldiers and that the statues were being protected by the Taliban from further harm. While some Taliban leaders have claimed tolerance of religious minorities, there reportedly have been restrictions imposed upon Shi'a Muslims in Taliban-controlled territory, although not necessarily on a uniform basis. However, the Taliban allegedly has ordered Shi'a to confine their Ashura commemorations during the month of Muharram to their mosques and to avoid the public processions that are an integral part of Ashura in other countries with Shi'a populations.

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

Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country was hampered by warfare, brigandage, landmines, a road network in a state of

disrepair, and limited domestic air service, complicated by factional threats to air traffic. Some Afghans reported difficulty in receiving necessary permits to leave the country for tourism or business purposes, while others reported no such difficulty. The Taliban's restrictions on women further curtail freedom of movement (see Sections 2.c. and 5). Despite these obstacles, many persons continued to travel relatively freely, with buses plying routes in most parts of the country. However, due to intermittent fighting in various areas, international aid agencies often found that their ability to travel, work, and distribute assistance was hampered severely. International travel continued to be difficult as both the Taliban and Masood threatened to shoot down any planes that flew without their permission over areas of the country that they controlled.

Commercial trade was impeded in certain non-Taliban areas, as local commanders and criminals continued to demonstrate their control over the roads by demanding road tolls and sometimes closing roads. There were reports in 1998 that some Taliban commanders, who previously gained popularity by sweeping away the checkpoints that local warlords used to shake down travelers, were setting up checkpoints themselves and demanding tolls for passage, but there were no such reports during the year.

There also have been instances in the past of the forcible expulsion of individuals on ethnic grounds, but there were no known instances of this during the year.

Afghans continued to form one of the world's largest refugee populations. According to the U.N. High Commissioner for Refugees, approximately 2.8 million Afghans remain outside the country as registered refugees: 1.4 million in Iran, 1.4 million in Pakistan, and some in Russia, India, and the central Asian republics. Women and children constitute 75 percent of the refugee population. In addition there are 500,000 to 750,000 Afghans who are internally displaced following years of fighting. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to the country in the peak year of 1992. During the year, 133,600 refugees were voluntarily repatriated from Iran under an UNHCR-Iran program, and another 50,00 are estimated to have returned outside the program. Refugees in Pakistan are known to cross the border back and forth routinely.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

On June 21, Pakistan deported Professor Mohammad Rahim Elham, a prominent Afghan scholar, back to Afghanistan. Professor Rahim had called for a stop to Pakistani interference in the internal affairs of Afghanistan. There is concern that he may face detention, torture, or extrajudicial execution in Afghanistan. According to an AI report, Professor Rahim was granted asylum in another country late in the year.
Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There was no functioning central government in the country. The continuing struggle for political power among the major armed groups prevented citizens from changing their government or choosing their leaders peacefully. Most political changes came about through shifting military fortunes. No faction held elections or respected citizens' right to change their government peacefully.

The Taliban movement's authority emanates from its leader, Mullah Omar, who carries the title Commander of the Faithful, and from the Taliban's military occupation of most of the country. Governmental functions are exercised through the key Taliban governing body, the Inner Shura (Council) based in Kandahar, and by ministries based in Kabul.

The Northern Alliance, headed by nominal President Rabbani, holds power with de facto Defense Minister Masood as Rabbani's primary military backer. Rabbani received nominal support from General Dostam and a faction of the Shi'a Hazara Hezb-i-Wahdat. Another faction of the Hezb-i-Wahdat nominally allied with the Taliban early in 1999. Rabbani and Masood control the northeastern, largely Tajik, portion of the country, including the strategic Panjshir valley north of Kabul.

Discontent with the Taliban's strictures and rural village values was strong in large, non-Pashtun cities such as Herat, Kabul, and other northern cities. The Taliban's military successes did not encourage the group's leaders to engage in meaningful political dialog with opponents. Efforts in 1998 to convene a national body of Muslim scholars (ulema) to discuss the future of the country broke down when both the Taliban and the Northern Alliance disagreed over the possible membership and sequence of the talks. Peace talks convened in April 1998 in Ashgabat, Turkmenistan, but broke down quickly. Moderate and neutral Afghans, mostly living outside of the country, continue their efforts to organize a traditional Grand National Assembly (Loya Jirga) and held meetings in Rome in July and November 1999. The former King supports this process. Other moderate groups exist in Bonn, Cyprus, and Teheran.

The U.N. and the international community continued their efforts to help Afghans reach a political settlement. The U.N. Secretary General's Personal Representative for Afghanistan Fransesc Vendrell has continued to explore ideas for a peace process with the warring factions. A group of six nations bordering the country, the U.S., and Russia met several times during the year to explore ways to resolve the conflict peacefully.

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

There are many NGO's, both domestic and international, in the country. Some are based in neighboring countries, mostly Pakistan, with branches inside the country; others are based in Afghan cities and rural areas. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education, and agriculture.

The Afghan League of Human Rights operates both in Afghanistan and Pakistan; it produces an annual report. The Cooperation Center for Afghanistan (CCA) is an Afghan NGO that operates in both Pakistan and Afghanistan. The CCA maintains an office in Peshawar, where it produces a monthly newsletter on the Afghan human rights situation. It also monitors and documents the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. The National Commission on Human Rights in Afghanistan began operations during 1998 in Pakistan, conducting seminars on human rights issues, issuing press statements criticizing specific instances of human rights abuses, and placing articles in Pashtu and Dari newspapers. The Afghanistan Commission for Human Rights, founded in 1997 after discussions with Taliban authorities on Islamic aspects of human rights, also started activities in Pakistan in 1998, focused on the plight of Afghan prisoners in Pakistani prisons and on children's rights. However, the civil war and lack of security continued to make it difficult for human rights organizations to monitor adequately the situation inside the country.

On July 6, the Taliban issued an edict banning women's employment (except in the health care sector) by U.N. agencies and NGO's. Implementation remains erratic, but the U.N. and NGO's kept their female staff at home to avoid open confrontation with the Taliban. On August 16, the Taliban issued an order closing down the World Food Program's (WFP) 25 widows' bakeries, which provide food to the neediest citizens, including many war widows and other female-headed households. On August 17, the Taliban reversed the previous day's decision to close the widows' bakeries, apparently accepting the WFP's explanation that the female staff of the bakeries were not direct hire WFP employees and therefore not subject to the July 6 edict. The arrest in July of a foreign aid worker long resident in the country (see Section 1.d.) and the sudden closure of the widows' bakeries, served as reminders to the international relief community that their programs are at constant risk of closure by the Taliban.

In September the Taliban refused a visa to the U.N. Special Rapporteur on Human Rights in Afghanistan.

During the year, the Taliban continued to pose serious obstacles to the international aid community's efforts to deliver food aid and other humanitarian assistance to citizens (see Section 1.g.).

The Taliban continued to harass domestic and international NGO's. The Taliban has interfered consistently with the operation of the U.N. and NGO's. Tactics used have included threatening to impound the vehicles of NGO's that do not work on projects preferred by the Taliban, threatening to close projects that do not include Taliban supervisors or workers, and, in the case of one local NGO, the detention of its director and the impounding of all of its equipment in an effort to increase Taliban control of the organization. The Taliban announced in March 1998 that foreign Muslim women, including U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a move that continued to hamper NGO and relief operations. The U.N. withdrew its personnel from southern Afghanistan in late March 1998 to protest the assault on a U.N. worker by the Taliban governor of Kandahar Province and the interference with its work by the Taliban. After reaching agreements with local officials, the U.N. returned to Kandahar in May 1999. In April 1998, Taliban authorities rejected the participation of a U.N. official on the U.N. team selected to negotiate with the Taliban on the travel restrictions for foreign Muslim women and other issues, because he was perceived to be "anti-Taliban." In June 1998, the Taliban required all NGO's in Kabul to relocate to a single location in a bomb-damaged former school; those who refused were threatened with expulsion from the country. However, the order was not enforced. In November 1998, the U.N. World Food Program accused the Taliban of looting 1,364 tons of food, stealing trucks from the WFP's compound in Bamiyan, and occupying WFP offices in Bamiyan and Yakaolang.

On June 15, 1999, staff members of an international NGO were detained and beaten by members of the Taliban in Bamiyan Province. After the June 1999 incident, Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. However, in November 1999 U.N. properties were targeted in organized demonstrations in several cities when U.N.

sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs, remain largely unresolved.

There were reports in 1999 that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid. There were no such reports during the year (see Section 1.g.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

There is no functioning constitution, and therefore there are no constitutional provisions that prohibit or protect against discrimination based on race, sex, religion, disability, language, or social status. It is not known whether specific laws prohibit discrimination; local custom and practices generally prevail. Discrimination against women is prevalent throughout the country. Its severity varies from area to area, depending on the local leadership's attitude towards education for girls and employment for women and on local attitudes. Historically the minority Shi'a faced discrimination from the majority Sunni population. There has been greater acceptance of the disabled as the number of persons maimed by landmines increased, and the presence of the disabled became more widespread. In 1998 and 1999, the Taliban on several occasions sought to execute homosexuals by toppling walls on them (see Sections 1.a. and 1.c.); however, this is not known to have occurred during the year.

Women

As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnappings, and killings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds the problem. Although the stability brought by the Taliban to most of the country acted in general to reduce violence against women, particularly rapes and kidnappings, Taliban members continued to threaten or beat women to enforce the Taliban's dress code for women. There were unconfirmed reports that the Taliban or foreign "volunteers" fighting alongside the Taliban abducted women during the military offensive on Taloqan. There were also unconfirmed reports that Taliban soldiers or foreign volunteers abducted women in the offensive in the Shomali plains in 1999 and that they raped and abducted women from Hazara neighborhoods in Mazar-i-Sharif in August 1998. The whereabouts of some of these women were unknown at year's end. The enforced seclusion of women within the home greatly limited the information available on domestic violence and marital rape. In a climate of secrecy and impunity, it is likely that domestic violence against women remained a serious problem.

Women accused of adultery also are subjected to violence. Adultery is punishable by death through stoning. At least one accused adulteress was sentenced to 100 lashes during the year; a female accomplice was sentenced to 30 lashes.

Overall, the situation of women and girls remained mostly unchanged, as the Taliban generally continued the application of its ultra-conservative interpretation of Islamic law.

In 1992 a new government was installed and the previous trend towards increasing numbers of women working outside of the home was reversed. Since the advent of the Taliban in 1994, the trend towards excluding women from employment has intensified.

The treatment of women under Taliban rule has been particularly harsh, although there was marginal improvement in some areas during the year. In the areas where it took control, the Taliban initially excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative. In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all women to quit their jobs as professionals and clerical workers, including teachers, doctors, nurses, bank tellers, and aid workers. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. The prohibition on women working outside of the home has been especially difficult for the large numbers of widows left by 20 years of civil war; there are an estimated 30,000 widows in Kabul alone. In August the Taliban issued an order closing down the World Food Program's 25 widows' bakeries but reversed the decision on the following day (see Section 4). Many women reportedly have been reduced to selling all of their possessions and to begging to feed their families.

However, during 1999, restrictions on women's employment reportedly eased somewhat. The Taliban allowed women to work in the medical sector as doctors and nurses, treating only other women. Medics Sans

Frontieres and other international NGO's reported that they were able to recruit both male and female health care staff without administrative obstacles and that the main difficulty faced in recruitment of medical staff was the lack of qualified female personnel. In 1999 there were reports that the Taliban reopened schools for doctors and nurses and that women were allowed to attend women-only institutions. A limited number of women were allowed to work for international agencies and NGO's, but they were not allowed to work in the offices of their employers; they were required to go directly from their homes to the project sites on which they worked. A Taliban edict issued in 1999 allowed needy widows with no other means of support to seek employment; but many widows reportedly were unaware of the change, and there was little work available. Women reportedly were allowed to claim international assistance directly rather than through their close male relatives, as a 1997 edict stipulated. However, male relatives still were required to obtain the permission of the PVSV for female home-based employment.

Girls formally were prohibited from attending school. Formal restrictions against the education of girls remain, apart from instruction provided in mosques, which is mainly religious in content. However, there are a growing number of girls educated by international NGO's in formal schools, community-based schools, and home schools.

Most citizens lack any access to adequate medical facilities, and the provision of health care under Taliban rule remains poor. Life expectancy rates are estimated at 44 years for women and 43 years for men. In most regions, there is less than 1 physician per 10,000 persons. Health services reach only 29 percent of the population and only 17 percent of the rural population. Clean water reaches only about 12 percent of the population. Health care for both men and women was hampered by the Taliban's ban on images of humans, which caused the destruction of public education posters and made the provision and dissemination of health information in a society with high levels of illiteracy more difficult. Tuberculosis rates for women and maternal mortality rates are extremely high. The Taliban significantly reduced women's access to health care, although it has since loosened restrictions somewhat. In 1997 the Taliban announced a policy of segregating men and women in hospitals; this policy reportedly continued at year's end. In 1997 in an attempt to centralize medical care for women, the Taliban also directed most hospitals in Kabul to cease services to women and to discharge female staff. Services for women were to be provided by a single hospital still partially under construction, which resulted in a drastic reduction in access to, and the quality of, health care for women. Later, women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics; since June 1998 they have been permitted to seek treatment from male doctors only if accompanied by a male relative. In practice women were excluded from treatment by male physicians in most hospitals. These rules, while not enforced universally, made obtaining treatment extremely difficult for most women, and especially for Kabul's widows, many of whom have lost all such male family members. Further, even when a woman was allowed to be treated by a male doctor, he was prohibited from examining her except if she were fully clothed in Taliban-approved garb and from touching her, thus limiting the possibility of any meaningful treatment. The participants in a 1998 survey of 160 Afghan women reported little or no access to health care in Kabul. Most of the participants also reported a decline in their mental health. However, there were credible reports that the restrictions on women's health care were not applied in practice and that there were some improvements in access to health care for women during the last 2 years. By the end of 1999, all Kabul hospitals apart from the military hospital reportedly treated women. Rabia Balkhi Women's Hospital in Kabul provided a full range of health services to women, but there was only one maternity hospital in the country.

The Taliban decreed what women could wear in public. Women in public spaces were required to wear a burqa, a loose, head-to-toe garment that has a small cloth screen for vision. While in many, particularly rural, areas of the country, the burqa was the customary women's outer garment, the requirement for all women to wear the burqa represented a significant change in practice for many women, particularly in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, reportedly have been beaten by Taliban militiamen. Some women cannot afford the cost of a burqa, and thus are forced to remain at home or risk beatings if they go out without one.

During 1999 there were reports of differences in the enforcement of the requirement for women to wear the burqa. Enforcement reportedly was relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas cover their heads with large scarves that leave the face uncovered and have not faced reprisals. The Taliban's dress code for women apparently is not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless must cover their hair, arms, and legs. Women in their homes must not be visible from the street; the Taliban require that homes with female occupants have their windows painted over.

Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in

public without a male relative ran the risk of beatings by the Taliban. Some observers reported seeing fewer and fewer women on the streets in Taliban-controlled areas. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. On October 19, taxi drivers were warned by the PVSV not to pick up unaccompanied female passengers or risk a ban on their driving privileges. Women only may ride on buses designated as women's buses; there are reportedly not enough such buses to meet the demand, and the wait for women's buses can be long. In December 1998, the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains and put up a curtain so that the female passengers cannot see or be seen by the driver. Bus drivers also were told that they must employ boys under the age of 15 to collect fares from female passengers and that neither the drivers nor the fare collectors were to mingle with the passengers.

AI has reported that the Taliban have ordered the closure of women's public baths.

Women are also forbidden to enter mosques or other places of worship unless the mosque has separate sections for men and women. Most women pray at home alone or with other family members. Women also reportedly have been prohibited from appearing on the streets for certain periods during the month of Ramadan.

The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the PVSV. The U.N. and numerous other interlocutors noted that the edicts are enforced with varying degrees of rigor throughout the country. The restrictions were enforced most strictly in urban areas, where women had enjoyed wider access to educational and employment opportunities before the Taliban gained control.

After her 1999 visit, the U.N. Special Rapporteur on Violence Against Women noted some improvements in the status of women, including the existence of home schools as well as limited primary educational institutions for girls run by the Religious Ministry in Kabul; increased access of women to health care; and the permission for widows to work. The Special Rapporteur also noted continuing violations of the physical security of women and the practice of lashings and public beatings, violations of the rights to education, health, employment, freedom of movement, and freedom of association, and of family rights, including the existence of polygyny and forced marriage. She also noted that minority women sometimes were subject to forced displacement and that there were some cases of trafficking in women and children (see Section 6.f.).

Children

Local administrative bodies and international assistance organizations undertook to ensure children's welfare to the extent possible; however, the situation of children is very poor. Infant mortality is 250 out of 1,000 births; Medecins Sans Frontieres reports that 250,000 children per year die of malnutrition. One fourth of children die before the age of 5. Approximately 45 percent of the population is made up of children age 14 or under. The Taliban's restrictions on male-female medical treatment have had a detrimental effect on children. Physicians for Human Rights reported that children sometimes are denied medical care when the authorities do not let male doctors visit children's wards, which may be located within the women's ward of a hospital, or do not allow male doctors to see children accompanied only by their mothers. A UNICEF study also reported that the majority of children are highly traumatized and expect to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.

Taliban restrictions on the movement of women and girls in areas that they controlled hampered the ability of U.N. agencies and NGO's to implement effectively health and education programs targeted to both boys and girls.

The educational sector currently is characterized by limited human and financial resources; the absence of a national educational policy and curriculum; the unpreparedness of the authorities to rehabilitate destroyed facilities; and discriminatory policies banning the access of females to all levels of education, according to a report by the Gender Advisor to the U.N. System in Afghanistan. Female literacy is approximately 4 percent, compared with an overall literacy rate of 30 percent. There have been reports that the ban on women working outside of the home has hampered the education of boys, since a large percentage of the country's teachers were women prior the advent of Taliban rule.

The Taliban have eliminated most of the formal opportunities for girls' education that existed in areas that they have taken over; however, some girls' schools still operate in rural areas and some towns. Some girls also are receiving an education in informal home schools, which are tolerated to varying degrees by the Taliban around the country. During the year, there were reports that the number of children that these home schools reach was increasing and that there was an increase in the attendance of girls in various educational settings,

including formal schools. However, in June 1998, more than 100 NGO-funded girls' schools and home-based women's vocational projects were closed by the Taliban in Kabul. In 1998 the Taliban also stated that schools would not be allowed to teach girls over the age of 8, that schools teaching girls would be required to be licensed, and that such schools would be required to limit their curriculums to the Koran. However, the Taliban's implementation of educational policy is inconsistent and varies from region to region, as well as over time.

In September 1999, the U.N. Special Rapporteur on Violence Against Women noted the existence of home schools and also of limited primary educational institutions for girls run by the Religious Ministry in Kabul. The Taliban told the Special Rapporteur in 1999 that primary education is available to girls between the ages of 6 and 10 and that this was dispensed in mosque schools under the Ministry of Religious Affairs. About three-fourths of the curricula in the Ministry of Religious Affairs schools reportedly deals with religious and moral subjects. Taliban-sponsored public schools, at both the elementary and secondary levels, provide education only to boys and also emphasize religious studies. However, schools run by NGO's and international donors mostly are open to both boys and girls.

Despite the limitations on education and the Taliban's restrictions on female education, approximately 25 to 30 percent of boys were estimated to be enrolled in school and up to 10 percent of girls were estimated to attend school, whether NGO-run, mosque schools, or home schools, according to UNICEF. This represents a modest increase in both boys' and girls' school enrollment over the last 5 years. Prior to the Taliban takeover in 1996, more than 100,000 girls reportedly attended public school in Kabul in grades kindergarten to 12, according to a U.N. survey. During 1999 approximately 300,000 to 350,000 school-age children attended schools run or funded by various assistance agencies and NGO's. In 1999 the Swedish Committee for Afghanistan (SCA) reported that it served 175,000 students in 567 schools; most of these were formal schools, but 39 were home schools. In a few areas, over 50 percent of students reportedly were girls. The SCA reported that 20 percent of the students in its formal schools, mostly located in rural areas, were girls. Many boys also were being educated in home schools, because of administrative problems in the Taliban-run schools, including problems in the payment of teachers' salaries. A high proportion of the students in Northern Alliance-controlled territory reportedly were girls. In 1999 in areas newly captured by the Taliban, some communities successfully petitioned Taliban representatives to reopen the schools. In Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGO's. Nonetheless, approximately 5 percent of girls were enrolled in school in Kandahar; approximately 20 percent of girls were enrolled in Herat. Some families have sent girls abroad for education in order to evade the Taliban's prohibitions on females attending school.

There have been unconfirmed reports that the Taliban uses child soldiers. In the past, there have been some cases of trafficking in children (see Section 6.f.).

The Taliban have banned certain recreational activities, such as kite flying and playing chess. In October the Taliban banned youths from playing soccer in Kabul on Fridays. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings.

People with Disabilities

There are no measures to protect the rights of the mentally and physically disabled or to mandate accessibility for them. Victims of landmines continued to be a major focus of international humanitarian relief organizations, which devoted resources to providing prostheses, medical treatment, and rehabilitation therapy to amputees. It is believed that there was more public acceptance of the disabled because of the increasing prevalence of the disabled due to landmines or other war-related injuries. There are reports that disabled women, who need a prosthesis or other aid to walk, are virtually homebound because they cannot wear the burqa over the prosthesis or other aid.

National/Racial/Ethnic Minorities

During the year, there were reports of harassment, extortion, and forced expulsion from their homes of ethnic Hazaras and Tajiks by Taliban soldiers. The Taliban is Pashtun-dominated and has show little tolerance for accommodation with ethnic minorities.

It is estimated that the Taliban may have killed thousands of members of the ethnic Hazara minority in 1998 (see Section 1.a.).

In the past, there were reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. Ethnic Hazara, who are

overwhelmingly Shi'a, reportedly have been targeted for ethnically-motivated attacks, in particular by the overwhelmingly Sunni and ethnic Pashtun Taliban forces.

Section 6 Worker Rights

a. The Right of Association

Little is known about labor laws and practices. There were no reports of labor rallies or strikes. Labor rights are not defined, and in the context of the breakdown of governmental authority there is no effective central authority to enforce them. Many of Kabul's industrial workers are unemployed due to the destruction or abandonment of the city's minuscule manufacturing base. An insignificant fraction of the work force ever has labored in an industrial setting. The only large employers in Kabul are the governmental structure of minimally functioning ministries and local and international NGO's.

Workers in government ministries reportedly have been fired because they received part of their education abroad or because of contacts with the previous regimes, although certain officials in previous administrations still are employed under the Taliban. Others reportedly have been fired for violating Taliban regulations concerning beard length.

b. The Right to Organize and Bargain Collectively

The country lacks a tradition of genuine labor-management bargaining. There are no known labor courts or other mechanisms for resolving labor disputes. Wages are determined by market forces, or, in the case of government workers, dictate.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Little information is available on forced or compulsory labor, including child labor. There have been reports that the Taliban has forced prisoners to do construction work at Kandahar prison and that the Taliban used forced labor after its takeover of the Shomali plains area in the summer of 1999. There have been credible reports that Masood forced Taliban prisoners to work on road and airstrip construction projects under life-threatening conditions (such as requiring them to dig in mined areas). There were some cases of trafficking in women and children (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

There is no evidence that authorities in any part of the country enforce labor laws, if they exist, relating to the employment of children. Children from the age of 6 often work to help support their families by herding animals in rural areas and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices expose children to the danger of landmines.

e. Acceptable Conditions of Work

There is no available information regarding a statutory minimum wage or the enforcement of safe labor practices. Many workers apparently are allotted time off regularly for prayers and observance of religious holidays. Most work in the informal sector.

f. Trafficking in Persons

There is no available information regarding legislation prohibiting trafficking in persons. The U.N. Special Rapporteur on Violence against Women reported that there were some cases of trafficking in women and children (see Section 5). There were reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August 1999. Women taken in trucks from the area of fighting in the Shomali plains reportedly were trafficked to Pakistan and to the Arab Gulf states.

*The U.S. Embassy in Kabul has been closed for security reasons since January 1989. Information on the human rights situation is therefore limited. This report focuses on the over 90 percent of the country under Taliban control.

[End.]